



TEACHERS' UNION OF IRELAND / AONTAS MÚINTEOIRÍ ÉIREANN

# news

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## TUI's Annual Congress 2019

Killarney, 23rd - 25th April



FULL REPORT ON ANNUAL  
CONGRESS 2018 RESOLUTIONS INSIDE

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**INEC, Killarney, Co Kerry**  
 Tuesday, 23rd April - Thursday, 25th April

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# A Word from the President – Seamus Lahart



TUI PRESIDENT, SEAMUS LAHART

## Preparation for Congress 2019

Congress 2019 is almost upon us, and while the Standing Orders Committee has been working hard to finalise and issue the preliminary agenda, we also appreciate the work being done in branches across the country in formulating motions, submitting motions and amending motions where appropriate. Congress this year takes place in Killarney, and we would urge each branch to send the full cohort of delegates they are entitled to. Congress is a wonderful place not only to determine the policies of TUI for the following year but to meet like-minded teachers and lecturers and build networks both on a personal and professional level

We look forward to meeting you there and welcome your contributions.

## Pay Restoration

TUI has continued its campaign for pay restoration through every means available to it, both locally and nationally. We have actively pursued the reinstatement of the H. Dip. (PME) allowance through the mechanisms of the Teachers' Conciliation Council, and progress continues. As President, I have worked with my colleagues in the Principals' and Deputy Principals' Association (PDA) to highlight the recruitment and retention crisis. A survey carried out by the PDA garnered extensive media interest and, at every opportunity, we reiterated the stance that differential pay is causing a crisis in recruitment. The Minister himself responded to our comments. We will continue to portray the harsh realities faced by schools and centres every day.

TUI, ASTI and INTO met with the Oversight body where we raised the outstanding discriminatory pay issues. We continue to seek further engagement with our fellow teaching unions and remain resolute that the campaign for pay equality requires a unified single voice.

## Senior Cycle review

The NCCA is undertaking a review of senior cycle. The review is currently at the second stage where regional consultative workshops are on-going. The last significant change to senior cycle took place over twenty years ago and the NCCA is using the consultative forums to explore the learning experience of current students and generate and shape a curriculum for the future. To ensure the voice of the teacher is heard, TUI has published and sent to branches its fundamental and underlying principles which must guide any reform of senior cycle programmes. This statement of principles is designed to assist our members as they participate in the on-going consultation. The main areas covered are;

1. Continued state certification of examinations
2. No imposition of additional workload
3. Teachers' fundamental opposition to correcting their own students' work for the purposes of state certification
4. Adequate resourcing as a pre-requisite
5. A longitudinal survey of the effectiveness of the new junior cycle programmes must be carried out and information gained here must be available to the senior cycle review team to ensure both the integrity of the exam and functionality of the changes.

We urge all our members to participate either on-line at [www.ncca.ie](http://www.ncca.ie) or through their branches.

## Technological Universities

Significant progress has been achieved regarding technological universities. The move to technological university status was most rapid in Dublin where the Union's Third Level branches engaged rigorously, and the establishment in January 2019 of the Technological University of Dublin (TUD) was both a challenging and innovative process. The union at national level is making real and productive progress with management bodies to establish, develop and maintain a way forward. Munster Technological University (MTU) has lodged its application, and the Technological University of the South East (TUSE) is making progress. The excellent work of Branch Officers and Area Representatives on behalf of members has put in place significant agreements, protecting the terms and conditions of our members. The union will seek clarity on the plans for the remaining Institutes of Technology as a matter of urgency. We will continue to monitor progress and ensure members are heard and listened to.

## Review of our structures

TUI membership has grown significantly in recent years with notably increased numbers of new members coming to the C&C sector. However, the growth in numbers has not been evenly spread across the 19 electoral areas of the union, with some seeing an increase of membership of more than 150% and others considerably less. To preserve equilibrium in the democratic and representative process and the equalisation of workload for the Area Representatives, adjustments will be necessary. To explain the changing demographics adequately and to get consensus on any changes that may be necessary, it will be required that we visit all the areas and take your views, the views of the membership, on board. Meanwhile, it is essential that all members engage in the recruitment of new entrants as they come to our workplaces.

## Further Education

The expansion of pathways to apprenticeship and training has become a popular topic due to the shortage of skilled personnel in the economy. TUI members have both the capability and capacity in the second level, further education and third level sectors to provide the necessary additional training and education needed to provide the skills required by the apprentice model. TUI is currently engaging in discussion with relevant stakeholders to seek to identify the blockages, particularly at second level, that prevent the progression of students into apprenticeships and training.

## Special Education Needs

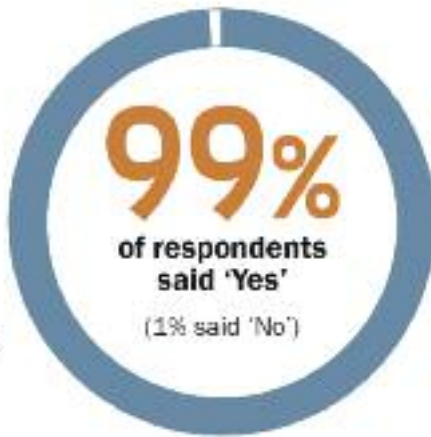
TUI has met recently with two advocacy groups for special needs education, Down Syndrome Ireland and AsIAm. We shared our continued support for the delivery of special education in our schools and the commitment and necessity to plan for differentiated learning. However, we did point out the failure of successive Governments to fulfil their obligations as set out in the EPSEN Act and suggested that we have a common cause in seeking the supports necessary for implementation of an appropriate model of SEN provision. We have committed to positive interaction with the advocacy groups, to develop and share good practice in this area.

A handwritten signature in blue ink that reads "Seamus Lahart". The signature is written in a cursive, flowing style.

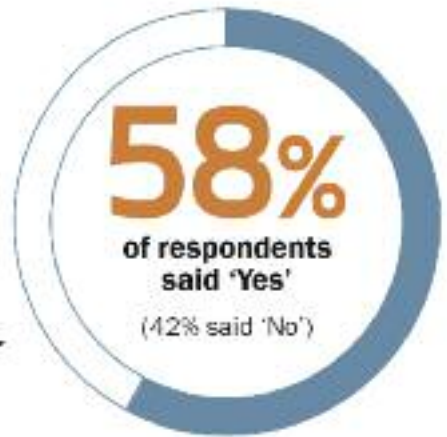
# TUI PDA's Teacher Recruitment and Retention survey

November/December 2018

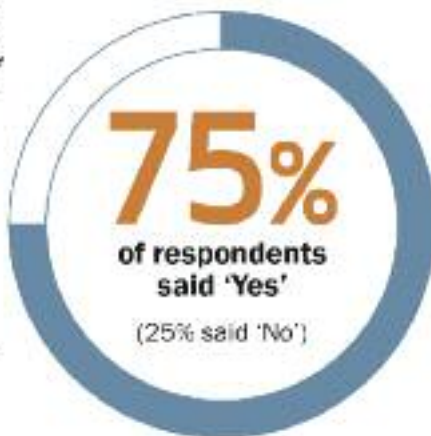
**Q** Has your school experienced teacher recruitment difficulties over the last twelve months?



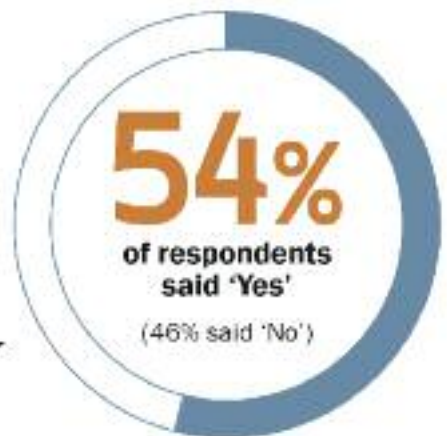
**Q** Has your school experienced teacher retention difficulties over the last twelve months?



**Q** In the past 12 months, has there been a situation where no teacher applied for an advertised post in your school?



**Q** Does your school currently have unfilled vacancies due to recruitment and retention difficulties?



**What do you think is the primary cause of teacher recruitment and retention difficulties?**

Top three responses



1

More attractive options for new graduates in other employments



2

Discriminatory pay rates affecting new and recent entrants to teaching



The online survey was completed in late November/early December 2018 by 150 second level Principals and Deputy Principals who are members of the Principals' and Deputy Principals' Association (PDA) of the TUI.

## Subject areas in which most severe recruitment/retention difficulties were experienced – ranked from 1 to 10



## Do you agree with the following statements?

“Teacher recruitment and retention difficulties have had a negative effect on the service offered to students in my school.”



“My school has been unable to offer some subjects as a result of teacher recruitment and retention issues.”



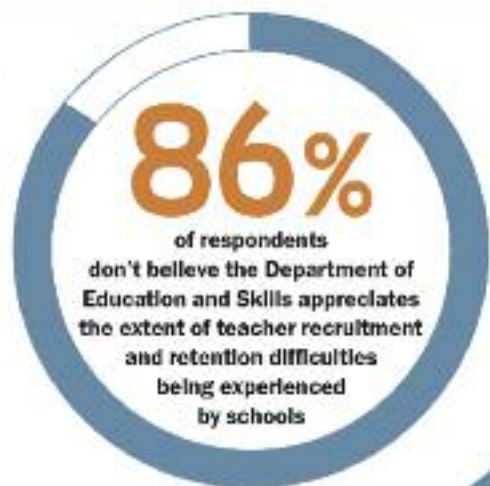
“Some subjects in my school are being taught by teachers not qualified in the subject as a result of teacher recruitment and retention difficulties.”



“As a result of teacher recruitment and retention issues, my school groups students from different year groups in the same class.”



The unavailability of contracts of full hours upon appointment



## Voluntary redeployment scheme 2019

The pilot voluntary redeployment scheme for September 2019 will operate in counties Galway, Roscommon, Carlow, Kilkenny, Wexford and Waterford.

The scheme allows permanent/CID teachers who are employed in schools in counties Galway, Roscommon, Carlow, Kilkenny, Wexford and Waterford to express an interest in being redeployed to another post primary school anywhere in the country.

Interested teachers should complete Form Pilot VOL RDI 19-20 (available on the Department's website) and have it certified by school management.

Completed forms should be returned to Post Primary Allocations Section, Department of Education and Skills, Athlone, Co. Westmeath, N37 X659 by **8 March 2019**.

Information about the redeployment schemes, including Frequently Asked Questions, is available on the Department's website: <https://www.education.ie/en/Schools-Colleges/Services/Teacher-Allocations/Teacher-Allocations-Post-Primary.htm>

## TUI will analyse Labour Court recommendation in context of campaign to end pay discrimination

The TUI is analysing February's Labour Court recommendation to the HSE and health unions in the context of the Union's ongoing campaign to end pay discrimination and the severe difficulties schools are experiencing in employing teachers.

In a number of media interviews, TUI representatives made clear the continuing effects of the recruitment and retention crisis in Irish schools.

Pay inequality has led to a crisis of teacher recruitment and retention in second level schools. The number applying for places on the Professional Master of Education (PME) through the Postgraduate Applications Centre (PAC) collapsed by over 50% between 2011 and 2018.

A TUI survey of principals and deputy principals in December 2018 found that 99% of schools had experienced problems recruiting teachers over the previous twelve months, while 58% had experienced problems retaining teachers. 75% said there had been a situation where there had been no applications for an advertised teaching post in the previous twelve months.

## Substitute teachers and tax credits

Representatives of TUI have met with Department of Education and Skills officials in relation to substitute teachers who have experienced tax credit issues in recent weeks.

The Department has said that it is devoting all available technical resources to resolve the problem as a matter of urgency for those who were impacted. The Department has worked with Revenue to develop and implement a solution for those affected. Refunds have been paid to some of the teachers affected and other teachers who have been affected will receive refunds later this month.

TUI has made clear that in many cases, those substitute teachers affected were already struggling to make ends meet on low income. The Union declared that it is completely unacceptable that they should suffer as a result of an avoidable administrative error and that it cannot be allowed to happen again.

Second level substitute teachers with queries on their salary payments can forward them to [PPP payroll@education.gov.ie](mailto:PPP payroll@education.gov.ie).

## TUI in the media



**TUI representatives have engaged in significant media activity in recent weeks. A sample of some of the issues addressed are set out below.**

### TUI/PDA recruitment and retention survey findings

Speaking on *RTE's Drivetime* programme on **23rd January**, TUI President **Seamus Lahart** described the survey findings as "a snapshot of the difficulties that all second level schools are experiencing". He said that the same problems were being encountered nationwide and that it was clear that pay discrimination was discouraging university graduates from entering the profession.

Quoted by the *Irish Times* on the same day, the **TUI President** said that there can be

no such thing as "partial equality". "With changing demographics requiring an additional 2,000 second level teachers in the system in the next six years, these problems will greatly worsen unless the right actions are taken."

Also quoted by the *Irish Times*, **Stephen Goulding**, president of the Union's Principals and Deputy Principals Association (PDA), said his association was unimpressed by the "sticking plaster" measures put forward as solutions. "A teacher trains for six years, incurring significant debt and

commencing employment at an average age of 26, only to be paid at a different rate for doing the same job as an existing colleague," he said.

*The Irish Examiner* highlighted that almost 100% of principals and deputy principals surveyed said their school has had problems recruiting teachers, while more than half said they have had difficulties retaining teachers in the past year.

The survey findings were also extensively covered on regional news bulletins.

## Changes to Special Education Teaching Allocation

Across Primary and Post Primary 1,000 additional special education teachers (SETs) have been provided for schools since 2017. The total number of SETs has increased by 37% since 2011, from 9,740 in 2011, to over 13,300 at present.

The main changes notified by the Department of Education and Skills with effect from September 2019 are:

- There will be no reduction to the overall number of special education teaching posts within the school system.
- Re-profiling in schools will take place. Therefore, some schools will gain additional allocations, where the profile indicator data indicates these schools have additional needs. Some schools will receive slightly reduced allocations, where the data indicates less need. Most schools (70%) will retain their existing allocations, with no change.
- The allocations are being done in line with the principles of equity and fairness which underpin the new model which is designed to be responsive to identified needs.
- Where adjustments occur, they will take place on a graduated basis. Schools with a reduced allocation will receive their full profiled allocation plus 80% of their retained element. The retained element is the portion of the allocation which is over and above what the profile indicates should be allocated for the school.
- To minimise disruption to schools' allocations, small gains and losses will not be applied.

Further information can be found in Circular Letter 08/2019 which issued in February 2019.

## Teacher Fee Refund Scheme

The Department of Education and Skills has issued Circular Letter 17/2019 titled 'Teacher Fee Refund Scheme 2018'.

The purpose of the *Teacher Fee Refund Scheme* is to provide funding towards the cost of course participation and examination fees on successful completion of professional development courses. The funding is available for courses that are directly relevant and of benefit to schools and that are subject to certification/award by an appropriate accreditation authority recognised by the Department of Education and Skills (DES).

Currently serving post-primary teachers who are registered with the Teaching Council, paid by the State and employed in a Department of Education and Skills recognised post primary school are eligible to apply for funding under the scheme. This includes permanent whole-time teachers, temporary whole-time teachers, part-time teachers, substitute teachers, teachers holding contracts of indefinite duration and teachers holding fixed-term contracts who are employed for the full school year and who provide teaching service during each school week.

Fully registered teachers on secondment within the education sector are eligible to apply under the scheme.

**Applications will only be accepted for courses/part of courses completed in the period 1 September 2017 to 31 August 2018.**

**The closing date for receipt of applications is 29th March 2019.**

**The TUI considers the Refund Scheme to be wholly inadequate and, jointly with our sister unions, is currently seeking improvements to the Scheme at the Teachers' Conciliation Council.**

## Discussion Group exploring the transition of Students from Senior Cycle to Apprenticeships and Training



KEITH KAVANAGH ESB, ALAN MCGRATH SOLAS, VALERIE LEWIS ETBI, LIZ FARRELL TUI, PAUL CREMMINS SUIR ENGINEERING AND CIF, SEAMUS LAHART TUI, ANNE GASKIN ROE ESB, AIDAN KENNY TUI, PADDY KAVANAGH CONNECT TRADE UNION, RUAIDHRI NEAVYN HEA

# THREE QUARTERS OF BORROWERS WILL CHOOSE A CREDIT UNION LOAN IN 2019



Paul Roche, CEO TUI Credit Union

A new national survey has revealed that the vast majority of people who plan on borrowing money in 2019 will go to a Credit Union. The study of borrowing habits among 1,000 adults in Ireland found that one in four plans on borrowing money this year, 74% of these will go to the Credit Union. Banks were in second place as the lender of choice, but came in far behind the credit union at just 17%. \*

Commenting on the results, Paul Roche, CEO TUI Credit Union said: "It's encouraging that people are taking a prudent approach to borrowing in the year ahead, despite the healthy recovery in the economy. Of those who do plan to borrow, we are of course delighted to see that a significant majority plan to go to their credit union. This does not come as a huge surprise to us, because at TUI Credit Union, like all credit unions, we are ethical lenders that offer fair and affordable loans to our members. We are always happy to work with each member individually to structure loan repayments in a way that works best for their individual circumstances."

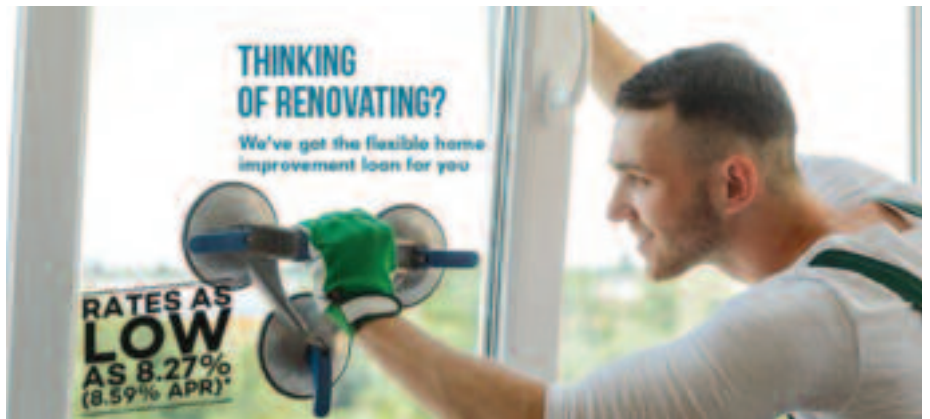
"For example at the moment we are offering our Home Improvement loan with a very affordable 8.59% APR\*\*. The loan is typically approved within 48 hours and, as with all of our loans, does not carry any hidden fees or additional administration charges. We are happy to offer this loan to existing members, those members we may not have seen for a while or who's membership might have lapsed, and of course to our new members."

Our advice to anyone planning to borrow in 2019 is to talk to us first at TUI Credit Union before making any decision. We are firm believers in financial education here and our friendly staff are always happy to take the time to provide a straightforward explanation of lending terms and conditions."

\* Survey findings from a national survey of 1,000 adults in Ireland commissioned by the Irish League of Credit Unions and carried out by independent market research company, iReach Insights, in December 2018.

\*\* For a €15,000 Home Improvement loan over 5 years at variable interest rate loan with 60 monthly repayments of €306.06, an interest Rate of 8.27% a representative APR of 8.59%, the total amount payable by the member is €18,356.26 Information correct as at 18/02/2019.

Warning: If you do not meet the repayments on your loan, your account will go into arrears. This may affect your credit rating, which may limit your ability to access credit in the future. The cost of your monthly repayments may increase. Loans are subject to approval. Terms and conditions apply. Teachers' Union of Ireland Credit Union is regulated by the Central Bank of Ireland.



Visit our Stand during Congress 2019 to enter competition for the chance to win an exciting prize.



If you are not an existing member you can join during Congress 2019, just remember to bring:

- Proof of ID (Driving Licence/ Passport)
- Proof of Address (Utility Bill dated within the last 3 months)
- Proof of PPSN (Payslip or Government document)

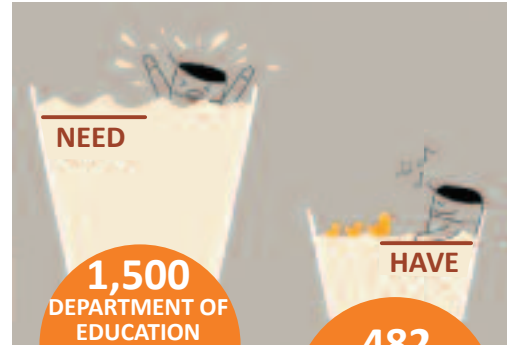
The TUI Membership Team are looking forward to meeting you all during Congress 2019.





In order to seek the reinstatement of Deduction of Source (DAS) from Department of Education, we are appealing to each current TUI Credit Union member within this sector to encourage another colleague to join. The credit union has achieved significant growth over the past few years and offers an excellent service to teachers and their families. We are committed to achieving even greater levels of participation among teaching staff and would very much appreciate your cooperation in achieving our goal.

Credit Union representatives are available to visit your school and give a brief presentation to your colleagues on the many benefits of Credit Union membership. We very much appreciate your assistance in this regard and look forward to hearing from you and your colleagues in the near future.



## Join a Family Member or Colleague & Win a €50 One4All Voucher



Download Membership from [www.tuicu.ie](http://www.tuicu.ie) or contact our Membership Officer on 01 4266060 or email [membership@tuicu.ie](mailto:membership@tuicu.ie)



The credit union movement is built upon the efforts of thousands of volunteers who give freely of their time and skills to their credit unions in the spirit of cooperation. Each credit Union has a team of volunteers with the skills and knowledge to lead and provide oversight of their credit unions.

Here in the TUI Credit Union we are privileged to have dedicated Volunteers to help with providing a first-class financial service to existing and new members.

Don't worry if you don't know much about Credit Unions, we provide full training and you will have the support of the team in the TUI Credit Union office.

If you would like to become a TUI Credit Union Volunteer please email [nominations@tuicu.ie](mailto:nominations@tuicu.ie) or contact our office on 01 4266060.

**EXPLORE YOUR FINANCIAL FUTURE WITH US**



[www.tuicu.ie](http://www.tuicu.ie)

No 8, The Exchange, Calmount Park, Ballymount, Dublin 12, D12 W354. Tel: 01 4266060 Website [www.tuicu.ie](http://www.tuicu.ie)  
Teachers' Union of Ireland Credit Union is regulated by the Central Bank of Ireland



## Health insurance comparison service for TUI members

The TUI is very pleased to announce that Cornmarket is offering a Health Insurance Comparison Service again this year to all our members. This service provided by Cornmarket Group Financial Services Ltd will save you time searching through hundreds of plans and will help you find the most suitable health insurance cover at a competitive price.

In 2018, TUI members saved an average of €351\* when they reviewed their health insurance with Cornmarket. With new plans introduced into the market each year, it is important to shop around to ensure that you are getting the best cover available to match your needs and budget. In one phone call to this service, a health insurance expert from Cornmarket will be able to advise you on the best plans to suit you and your family.

For 2019, a number of arrangements and discounts have been negotiated with the insurers. Some of these discounts will only be available by setting up your policy directly with Cornmarket. If you would like to avail of this Health Insurance Comparison Service call Cornmarket on (01) 408 6213 or go to <https://www.cornmarket.ie/health-insurance/>

*\* Average saving based on 147 TUI members who reviewed their cover with Cornmarket between 1st January and 31st October 2018. Source: Cornmarket, October 2018. Cornmarket Group Financial Services Ltd. is regulated by the Central Bank of Ireland. A member of the Irish Life Group Ltd. which is part of the Great-West Lifeco Group of companies. Telephone calls may be recorded for quality control and training purposes.*

## Ireland Skills Live – first national expo of apprenticeship, graduate skills and trades

This March 21-23, Ireland Skills Live [www.irelandskillslive.ie](http://www.irelandskillslive.ie) (the first national expo of apprenticeships, graduate skills and trades) will be on show to the public, linking together the worlds of higher education, further education and Irish industry.

Irelandskills Live will showcase the pathways and opportunities available to students and young people interested in trades or skills and graduate qualifications. Visitors to the event will be able to experience, first-hand, skills and trades in the 'Try a Skill' area. This will give students the opportunity to get involved and learn about these skills. The event will showcase a large number of graduate and

## Interested in volunteering abroad?

Ever felt like you wanted to go the extra mile and didn't know where to start? Interested in volunteering abroad for 2-3 months or longer? VIDES might be the answer for you.

VIDES Ireland is part of an International Volunteering Organisation of the Salesian Sisters which promotes voluntary service abroad, working with young people and women on Salesian Missions in Africa and other areas worldwide.

VIDES recognises the importance of encouraging young people in seeing the potential of each individual.

Volunteers' work will involve responding to what is needed at local level - assisting with classes, aiding literacy, youth engagement, managing clubs, refurbishment and building etc.

To promote responsible volunteering abroad, VIDES provides training prior to departure. This involves an individual meeting, at least two volunteer meetings and a training day.

Volunteers are required to cover only the cost of their travel and personal expenses. VIDES provides accommodation. Enquiries to [videsireland@gmail.com](mailto:videsireland@gmail.com)



apprenticeship skills including Construction, Creative Arts, Beauty, Hospitality, Transportation Aviation and Information Technology.

The event will run from Thursday 21st until Saturday 23rd March 2019 in Dublin's RDS Simmonscourt. Opening hours are from 10am to 5pm, with two sessions each day – a morning session from 10am to 12 noon and an afternoon session from 1pm – 3pm. Each session can host 5,000 visitors. Please register early to avoid disappointment. Entrance to the event is free but schools should register their attendance in advance. Please use the below link to register your students today <https://irelandskillslive.registrationdesk.ie/>

# REPORT ON RESOLUTIONS OF CONGRESS 2018 AND ACTIONS TAKEN

## MOTION UNDER RULE 22

### Motion for Union Conferences

Congress notes the report presented to the Oireachtas on 16th March, in accordance with Section 11 of the Public Service Pay and Pensions Act 2017.

Congress further notes that the Report

- restates the terms of the PSSA
- contains a global costing for the removal of the two additional points that were added to new entrant salary scales
- shows that this costing amounts to less than 2% of the public service pay bill for 2018
- neither constitutes a commitment by government to pay equality nor addresses the additional, disproportionate layers of pay cuts that were applied to new entrant teachers
- provides no guidance towards a fair and sustainable resolution of the injustice of pay inequality
- anticipates “further engagement over the coming months”

Accordingly, Congress demands that the proposed engagement must

- commence in April 2018 and conclude by early May 2018 and
- have the capacity to achieve a resolution of all aspects of pay inequality

Congress agrees that any proposals that may emerge in respect of a resolution of the issues relating to pay inequality will be put to members in a ballot at the earliest practicable time.

Congress requires that, in the event of continuing failure by government fully to engage to resolve the issues or in the event of failure to resolve the issues in the engagement, a campaign of industrial action, up to and including strike action, as mandated by members will be pursued, where possible in conjunction with the other teacher unions.

**TUI representatives and representatives of the other public sector unions met with officials from government departments, led by the Department of Public Expenditure and Reform (DPER), on 27th April 2018. At that meeting, TUI made it clear that full pay equality involves addressing the two issues relating to the effective length of scale and, for teachers, also involves reinstatement of the HDip/PME allowance (the qualification required for registration as a post-primary teacher). As an expression of frustration and serious concern at the slow pace of**

**progress in resolving the issue of pay equality for our members recruited since 2011, a nationwide lunchtime protest by TUI members was held on Thursday 24th May outside schools, FET centres and Institutes in which the TUI represents members.**

**On September 24th, 2018, following engagement with the public service unions, the Department of Public Expenditure and Reform, on behalf of the Government, published the outcome of the discussions regarding salary scale issues that had taken place (under Section 4 of the Public Service Stability Agreement 2018-2020). The outcome contained a proposed measure in relation to salary scales for new entrants to the public service (i.e. those who commenced service on or after 1st January 2011).**

**The measure provided that from 1st March 2019, two scale points (4 and 8) would be removed from the various post- 1st January 2011 ‘new entrant’ scales, meaning that new and recent entrants would progress up the scale more quickly. In a national ballot of members that concluded on 25th October, the proposal was accepted in the context of the Union’s ongoing campaign for pay equality.**

**In advising the public, the Teachers’ Conciliation Council and colleague unions of the ballot outcome, the TUI made clear its determination to achieve full pay equality and reiterated that, in respect of teachers, that required re-instatement of the H.Dip. (PME) allowance and incremental recognition for the period of unpaid, pre-service training.**

**The TUI has therefore pursued these outstanding matters at the TCC where a response to the claim for re-instatement of the allowance is awaited.**

**The Union has also sought at every opportunity to ensure that the teacher unions act in concert to the greatest extent possible.**

## FINAL AGENDA 2018

### A. CONDITIONS OF SERVICE - SECOND LEVEL

- 18 Co. Offaly/Co. Meath/ Co. Monaghan/Dublin City**  
Congress instructs the Executive to negotiate a national voluntary transfer scheme and panel for teachers. This will allow a teacher who wishes to move from one part of the country to another part of the country, or from one sector to another sector, to do so without a break in service, without any change to their permanent or CID contract and that these transfers should take place before any compulsory transfers.

**In October, under the auspices of the TCC, a meeting was held with the DES in relation to outstanding recommendations of the Ward report, including the recommendation “that the voluntary redeployment scheme which was initiated on a pilot basis in Connaught be extended”.**

**The DES advised that the voluntary redeployment scheme was established as an assistance to the compulsory redeployment scheme. The DES also advised that the voluntary redeployment scheme for 2019 would be available to counties in the south east (Wexford, Waterford, Carlow, Kilkenny) that had not previously been offered an opportunity to participate in the scheme. This means that every county except Dublin and the commuter counties now have had access to the voluntary scheme at least once.**

**The DES re-stated its view that a national voluntary redeployment scheme would be logistically very difficult to implement.**

- 20 Co. Monaghan/Co. Louth/ Executive Committee**  
Congress notes the inequality and practice that has developed in many schools and ETBs of membership subscriptions to some professional associations, such as the NAPD, being paid from school/ETB funds (public funds), while membership subscriptions to other professional associations are not paid from school/ETB funds. It appears that whoever holds the purse

determines how it is spent. Congress instructs the Executive to engage with the Department of Education and Skills to secure a fair and consistent approach to the payment, or non-payment, of such subscriptions to eliminate this inequality.

**Following discussion at the Joint Second Level Sub-Committee, it was concluded that it is not possible to instruct other bodies on how to spend their money. However at local level, every effort is to be made to highlight the importance of ETBs and Boards of Management providing appropriate support for engagement by staff in relevant professional organisations.**

**I Executive Committee**

Congress instructs the Executive Committee to demand of the Department of Education and Skills that any wilful departure from or breach of the provisions of Circular Letters 59/2016 or 49/2017 by an employer be treated as inappropriate use and misapplication of public funds and be reported to the Public Accounts Committee of the Oireachtas.

**In schools and ETBs where breaches occurred/were reported, the matter was dealt with locally by the Union (with assistance from Head Office, if needed). The Executive Committee has, through Area Representatives, sought to ensure that schools/centres and branches remain vigilant in order to ensure compliance by employers with the terms of the Circular.**

**At the TCC the union has raised any generic issues of concern – such as misinterpretation of the CL. In this context, the TUI brought the attention of the Official side to a misinterpretation by the Department of the provision in the Circular for initial appointment on a permanent basis. A meeting on this matter is to take place early in second term.**

**30 Tipperary SR (Amended by Co. Clare)**

Congress deplores the actions of some ETBs in seeking to impose a restrictive and punitive policy to limit and, in some cases, deny teachers’



participation in the work of agencies such as the State Examination Commission, the SESS, the PDST and the JCT during the school year. This policy denies teachers valuable experience, professional development and career progression. Congress instructs the Executive to engage with ETBI to resolve this matter in order to ensure fair and equal treatment of TUI members in line with teachers in other sectors. This is necessary in order to prevent the possible future outcome of hiring external agencies and non-qualified teachers which could have a potential downgrading in standards of certified examinations.

**The TUI has addressed this matter with the SEC and the Department in the context of the teacher supply crisis and the resultant unavailability of substitute teachers. Specifically in relation to the oral examinations in Gaelige and modern languages, the SEC has stated that, in line with existing practice, schools that refuse to release examiners will, if a shortage of examiners occurs, have the orals conducted outside the national time frame for oral examinations. TUI Branches are requested to seek arrangements for release with their local ETB/Boards of Management.**

**5 Dublin C&C**

Congress instructs the Executive to make known to the relevant Management Bodies and the DES its absolute rejection of the decision by some principals not to designate the use of the 33 hours in accordance with CL 45/2016. In some instances, principals have refused to recognise the legitimate work carried out in the

areas of planning and development work by teachers. These teachers have not been afforded the professional autonomy to decide how best to use their 10 hours designated under the Circular for work that is performed outside of whole school meetings. This must not be accepted by TUI and should be resisted in the strongest manner.

**Any issues that have arisen locally in regard to appropriate use or scheduling of the 33 hours have been addressed locally in the first instance. Where necessary the nationally agreed Grievance Procedures have been used.**

**If local resolution is not achieved, the Union brings any notified infractions of the May 2016 Agreement in relation to the 33 hours to the attention of the DES.**

**The issue is also covered in TUI training for Workplace Committee and Branch Officers, where the importance of agreeing local calendars and appropriate use of the hours is emphasised.**

**32 Co. Monaghan**

Congress calls on the Executive to seek to have Section 44(3) of the 2013 Education and Training Board Act which states “the Chief Executive or a member of staff of an Education and Training Board, other than a member of staff appointed as a member of the Board under Section 30(1)(b), shall not be a member of a committee of that board”, deleted or amended in order to allow ETB staff to partake on committees of their ETB. As this part of the 2013 ETB act currently stands,

no staff members of an ETB may serve on any of its boards with the exception of the two elected staff representatives.

*The Union has not been able to secure agreement to have the legislation amended.*

### 13 Dublin & Dún Laoghaire

Six years following cuts in allocation of Guidance and Counselling services, our schools are still awaiting restoration of this vital service. At a time when we have unprecedented numbers of students experiencing mental health and well-being challenges, demands with regard to the new educational and vocational initiatives, challenges in provision of lifelong Guidance, Circular 0010/2017 fails to provide the clarity required for full restoration of the Guidance and Counselling service. Now six years later, an enhanced service is the only necessary way of addressing the needs of 21st Century educational settings here in Ireland. Congress instructs the Executive to call for the full restoration of guidance provision.

*Of the 600 guidance counselling posts in second level schools that were cut in Budget 2012, 500 have been restored to date. Budget 2019 did not contain measures fully to restore guidance, despite TUI's insistence that this be done.*

*The damaging effects of the cuts in Guidance Counselling allocation have been prominently referred to in the TUI's public statements and press releases – for example, in our pre-Budget submission, the Union demanded a reversal of the cutback.*

### 41 Co. Meath/Co. Monaghan

Congress instructs the Executive to renegotiate a yearly circular to include a yearly opt-in and opt-out option for teachers and to remove the 15-year length of service clause in order to opt out as this is discriminatory to newly qualified teachers. This motion also instructs the Executive to negotiate the position that once you have 15 years S&S completed either as an unbroken period or broken period that you will receive a pension on the S&S.

*At the TCC, the unions have sought an annual opt-in/opt-out provision. At year's end, the Official side was considering its response.*

### 25 Co. Carlow

Congress demands the Executive to inform the DES of the necessity to supply onsite technical support to run and maintain IT. The absence of such provision is adding to teacher workload and stress.

*The TUI has sought additional resourcing for schools. While, of necessity, prioritising pay equality, the restoration of posts of responsibility and other related matters, the TUI has strongly argued that infrastructural deficits impede optimal service to students and that significantly increased investment in the Irish public education system is urgently needed.*

### 47 Dublin & Dún Laoghaire

Congress instructs the Executive to negotiate with the DES that teachers may take one day a week of parental leave like other public-sector workers.

*At the relevant industrial relations fora, the TUI and our colleague unions are seeking improved and family-friendly parental leave arrangements.*

### 8 Co. Monaghan (Amended by Executive Committee)

Congress calls on the Executive to negotiate to have the Croke Park hours abolished or payment for them secured with effect from the beginning of the 2019/20 school year.

*These hours continue under the terms of the PSSA which, at present, is due to run until the end of December 2020. The removal of these hours (which are reflected for other public servants - including for some of the grades represented by the TUI - by two hours of additional weekly work) is a matter that can be addressed only on a public service-wide basis in conjunction with the other public service unions.*

## B. CONDITIONS OF SERVICE - THIRD LEVEL

### 52 IT Tallaght/Athlone IT/Dublin Colleges/Dundalk IT/Executive Committee

Congress deplores the delays in the Review of Lecturer Workload agreed in May 2016. Congress instructs the Executive to ballot Third Level members only, on the outcome of the

review. Furthermore, the workload of lecturing staff in IoTs must be reduced and that any further failures to honour agreements with TUI be answered with appropriate action, including industrial action.

*As a result of the acceptance by TUI members of the TUI/Department of Education and Skills Agreement, May 2016, a review of matters relevant to lecturing in Institutes of Technology was agreed. The review was to involve the TUI, the Department of Education and Skills, the HEA, and institute management representatives. As a priority, it was to have regard to usage of the full 'flex' hours for duties other than teaching in accordance with institute needs.*

*An interim measure was introduced from January 2017 to re-designate half of the additional flex hours (i.e. one hour) required of each lecturer to wider duties other than teaching, in consultation with the lecturers and in accordance with Institute priorities and needs.*

*As the review was not completed by the specified date, TUI balloted members in March 2018 on a campaign of industrial action in relation to re-designation of the second 'flex' hour. Members voted overwhelmingly (96% to 4%) to engage in this campaign, the initial action of which would include delivery, at maximum, of the weekly norm of class contact hours for the relevant grade (16 hours for Lecturer, 18 hours for Assistant Lecturer) from the beginning of the 2018/19 academic year. However, following negotiation, the TUI secured an agreement that obviated the need to engage in this industrial action and that secured re-designation of the second 'flex' hour for the 2018/19 academic year.*

*At the Institutes of Technology Industrial Relations Forum the TUI has consistently sought progress on the other element of the review and late in the year secured a commitment by the Department and THEA that the review will commence shortly.*

**58 Cork Colleges/Dublin****Colleges/IT Tallaght/IT Tralee**

In the absence of a firm and credible undertaking by the official side by 13th April 2018 that the second flex hour will be re-designated or removed with effect from 1st September 2018, Congress instructs the Executive to immediately ballot for a boycott of all Technological University activities to secure the re-designation of the second flex hour.

**See Motion 52**

*The second flex hour has been re-designated.*

*Following discussions between the Department of Education and Skills, THEA and the TUI, agreement was reached in relation to the re-designation of the second 'flex' hour. The document entitled 'Agreement between the Department of Education & Skills and TUI to conclude the re-designation of the flex hours' was approved by the TUI Executive Committee on Friday 29th June 2018. At the commencement of the 2018/2019 academic year, members in the Institutes of Technology reverted to the flex hours system which existed prior to the Croke Park Agreement in 2011.*

*Specific arrangements were put in place for the 2018/2019 academic year - all staff were liable to flex up by one hour - to 19 for Assistant Lecturers and 17 for Lecturers - in the first semester/term and flex down in the second semester/term to 17 and 15 hours, respectively, (unless otherwise agreed locally). This requirement was in acknowledgement of the need for the Sector to operate within existing funding allocations for 2018. The Agreement completed the re-designation of the two 'flex' hours from teaching to other duties, in line with contract.*

**59 Galway-Mayo IT/Donegal Colleges**

In the current context and in the context of the creation of Technological Universities, Congress instructs the Executive to demand that the Minister for Education and Skills protect the regional provision and location of existing campuses and the diversity of programmes on these campuses.

*The TUI's campaign secured amendments to the TU Bill which ensured that the statute (the Technological Universities Act 2018) as enacted gives enhanced protection to the regional mission and regional provision of education of TUs. The DES confirmed, by letter to the TUI, that 'The Department fully agrees that technological universities also have a broader responsibility to their regions. We also recognise that higher education providers, particularly those outside the capital, play a vitally important role in their surrounding economies and have a key function to support and drive regional, social and community development. They provide the skills and talent required by a diverse range of employers in their regions and act as a hub for innovation and entrepreneurship. In that context, we see the development of Technological Universities has the potential to be a catalyst for creating new dynamic and vibrant regional development opportunities and for institutions to underpin a coordinated investment and development strategy to strengthen Ireland's 'next tier' cities and their associated regions'.*

*In addition, the TUI has highlighted the importance of the regional mission at the National Negotiation Forum (in respect of TUs) and the IoT IR forum (in respect of Institutes) and at meetings with the Minister for Education and Skills.*

**68 Executive Committee**

Congress instructs the Executive Committee to demand of the Department of Education and Skills that any wilful departure from or breach of the provisions of Circular Letter 41/2016 by an employer be treated as inappropriate use and misapplication of public funds and be reported to the Public Accounts Committee of the Oireachtas.

*The union has campaigned against casualisation of the academic work force. A major achievement in the campaign at third level was the Cush report. Implementation of the report's recommendations has reduced*

*the reference period for a contract of indefinite duration from 4 year to 2 years and also provides a process for the addition of new hours to the CID of lecturers with less than full hours. The union, at local and national levels, is monitoring implementation of this agreement. Where issues are identified they are dealt with in the first instance at local level. If a resolution is not found, they are reported to the IoT Industrial Relations Forum.*

**62 IT Sligo/Galway-Mayo IT**

Congress instructs the Executive to conduct an audit of the recruitment of Senior Lecturing Posts, including SLI, SLII and SLIII positions to ascertain if the ratio of academic posts has been maintained and to take appropriate action at national level to pressure IoT management into maintaining academic positions at a senior level. Congress then instructs the Executive to commence a campaign to ensure that these posts are filled.

*Branches were requested to submit information regarding this issue. Where possible, individual instances of concern were addressed and resolved locally (with use made of the grievance procedure if appropriate).*

*The union also raised the matter of appointment to senior academic posts at both the Institutes of Technology Industrial Relations Forum and the National Negotiation Forum. The union continues to seek the implementation of a fair and transparent recruitment and selection procedure for the sector (in line with standards used by the Public Appointments Service) and secure an equitable spread and range of academic promotional opportunities.*

**74 Dublin Colleges**

Congress instructs the Executive to seek the abolition of the Assistant Lecturer grade and the introduction of a single grade for Lecturers.

*This matter was raised at the IoT Industrial Relations Forum and the National Negotiation Forum. The union will also pursue the matter in the context of the review of matters relevant to lecturing.*

## 65 IT Tralee/Executive Committee

Congress instructs the Executive to negotiate for adequate and fair allocation of resources to meet the demands of current Third Level education provision.

Congress further demands that, in order to generate a sufficient level of public funds for this purpose, the government apply a 1% Higher Education Levy to the profits of corporations.

*The union has campaigned for increased funding for publicly funded higher education. We have worked with the ICTU to have an increase in the employer contribution to the National Training Fund with a specific percentage to go towards higher education. The Union also campaigns with other trade unions and students in the Campaign for Publicly Funded Higher Education.*

*Recognising that a significant increase in public investment in Higher Education is required, the TUI consistently advocated the application of a levy on corporation profits to generate a dedicated and substantial Higher Education Fund. The Union's position was advanced at the various relevant fora, in and through the media, at the ICTU Education sector committee and directly with the Minister for Education and Skills when he met with the Union's representatives.*

## 55 IT Blanchardstown/Cork Colleges

In the light of increasing demands and workloads on Course Coordinators, Year Tutors and Programme Chairs, Placement-related Coordinator, etc., Congress instructs the Executive Committee to negotiate an appropriate national timetable allowance for such roles.

*As there is varying current practice across the institutions in the sector in regard to these matters, the union is gathering data with a view to developing an agreed approach for a claim. The matter was also raised, both locally and nationally, in discussion related to the development of Technological Universities.*



ANNUAL CONGRESS 2018

## 96 Cork Colleges

Congress recalls Motion 38 from Congress 2016 which reads as follows. 'Congress instructs the Executive to negotiate similar contract provisions and pensions for researchers as those of academic staff.'

Congress notes with disappointment that no significant progress has been made since the adoption of Motion 38 of 2016. If by 31st August 2018 there is no nationally agreed contract for members who are contract researchers, and, in particular, if there is no provision for pensions for such members, Congress instructs the Executive to ballot for industrial action up to and including strike action to vindicate the rights of such members.

*The union is actively seeking to recruit researchers with a view to building solidarity and capacity, the better to take action on matters where this is required.*

*During the year the official side offered access to the Single Pension Scheme for the researcher grade. The union is looking for a full actuarial account of the financial implications for members.*

## 84 Donegal Colleges

Congress instructs the Executive to negotiate a national framework for the calculation of appropriate timetable allocation to reflect contemporary lecturing practices in online, blended and off-site delivery. In the event of no agreement by July 2018, the Executive will develop guidelines and supports for Lecturers in advance of the September 2018 semester.

*The TUI has raised this matter at*

*the Institutes of Technology Industrial Relations Forum. The union is gathering data from branches to support an agreed guideline and to inform the national claim.*

## 75 Dublin Colleges

Congress instructs the Executive to lodge a claim immediately on behalf of lecturers so that any lecturer on reaching 25 years total service is designated a Senior Lecturer and is transferred onto the appropriate point on the Senior Lecturer scale.

*While brought to the IoT IR Forum and the National Negotiation Forum, this matter will also be raised in the context of the Review of Lecturing.*

## 94 Cork Colleges

Congress recalls that following Congress motion 31 passed in 2015, and following a national ballot, Third Level members were directed on 2nd March 2016 '...not to deliver class periods outside of teaching periods of established academic calendars as identified by TUI.'

However, following a so-called 'clarification' issued by Head Office on 27th April 2016, the scope of the directive was restricted to 'the recess period, which runs from 21st June to 31st August, inclusive.' Congress hereby countermands this clarification, and instructs the Executive to reissue the original Directive of 2nd March 2016.

*This matter is being considered and has been discussed at both the Colleges Advisory Council and the Colleges Sub-Committee.*

*Particularly at issue is the balance of benefit, as between re-issue of the original directive on the one hand or reliance on the agreement reached between the union, DIT and IoTI in 2016 on the other. That agreement is more beneficial to members than the default position as detailed in MemoV7.*

### 53 Executive Committee

Noting the increasing level of bureaucratic and administrative work and its sharply adverse effect of deflecting teachers and lecturers from their core teaching function, Congress instructs the Executive Committee to insist that every initiative and/or pilot, whatever its source, should first be presented in draft format at the appropriate industrial relations forum and proofed in relation to its impact on workload and to oppose the imposition of additional workload.

*This matter will be considered in the review of matters relevant to lecturing, to commence this year. It will also be raised as necessary at the Institutes of Technology Industrial Relations Forum and the National Negotiation Forum.*

### 54 Executive Committee

Congress reiterates that it is TUI policy to negotiate the removal of all additional workload for lecturing staff arising from the austerity budgets and austerity national agreements. In addition, Congress notes that additional workload arises from initiatives at local level including decisions of academic forums such as Programme Boards and Academic Council, e.g. with regard to delivery models, the number of hours per week assigned to courses, new administrative work etc. Congress instructs the Executive that it is TUI policy that no decision creating additional workload for TUI members may be implemented without negotiation with the union and identification of the duties which will cease in order to make time for the new ones. Congress instructs the Executive to communicate this policy to all IoT managements and to support branches in protecting members from new workload impositions.

*This matter was discussed at the Colleges Advisory Council and the Colleges Sub-committee. Branches were requested to submit detailed examples. The matter was raised as a general issue at the Institutes of Technology Industrial Relations*

*Forum and the NNF and will be considered in the review of matters relevant to lecturing.*

### 56 Executive Committee

Congress instructs the Executive that the provision of apprentice education must remain central to the IoT sector and must not be undermined by the Technological Universities proposals. Congress further instructs the Executive to engage with relevant stakeholders including SOLAS, individual IoTs/TUs, the HEA and THEA to protect and enhance apprentice education in the sector.

*In the national agreement on technological universities, the union secured a commitment that apprenticeships will be protected and will form a core part of the offering of both Institutes and Technological Universities. The union has also engaged with relevant national and European stakeholders to promote apprenticeship as a quality, first-choice career pathway and has welcomed and supported the European Alliance for Apprenticeships (EAfA). The union, through the Apprenticeship Working Party, continues to work in collaboration with other trade unions involved with apprenticeship education and training.*

### 57 Athlone IT

Congress instructs the Executive to negotiate the removal of all "flex hours" duties in the next round of collective bargaining agreements.

*This is a matter that falls to be dealt with jointly by the public service unions as additional working hours were imposed on the members of all unions. It will therefore be on the agenda when the next national negotiations commence.*

### 60 Dublin Colleges

As a consequence of the plan to introduce Technological Universities into the Third Level sector of the educational system, Congress instructs the Executive to work towards ensuring that there will be no diminution of the conditions of services for members working in this sector.

*The union secured commitments in this regard in the TUI/DES/THEA Agreement, May*

*2017, which provided for protection of existing terms and conditions of employment and superannuation schemes. The Technological Universities Act 2018 reflected these commitments. The memoranda of understanding that have been developed in relation to movement towards TU designation also reference these commitments.*

*The union has two fora in which to pursue matters of concern, the Institutes of Technology Industrial Relations Forum and the National Negotiation Forum.*

### 61 IT Tallaght

Congress instructs the Executive to seek immediate clarification on the funding model for new Technological Universities.

*This matter is the subject of on-going discussion with the Department of Education and Skills, THEA and the Higher Education Authority. The union has raised concerns regarding under-funding of the sector generally (inclusive of IoTs and TUs) at the IoT IR Forum and the NNF.*

## C. CONDITIONS OF SERVICE - GENERAL

### 102 Dublin Colleges/Co. Monaghan Congress instructs the Executive to seek the restoration of sick pay to 2013 levels.

*This is an issue of interest to unions across the public service. A review of sick leave was ongoing in 2018 between the Department of Public Expenditure and Reform and the Public Services Committee of the ICTU. A particular focus of the review was Temporary Rehabilitation Pay and the Labour Court ruled in this regard – see LCR 21812.*

### 101 Donegal C&C

Congress instructs the Executive to demand that the DES does not count holiday leave as part of sick leave entitlement.

*This matter has been raised at the Teachers' Conciliation Council.*



**107 Co. Mayo**

Congress calls on the Executive to seek to end the discrimination of part time teachers with respect to the qualifying criteria for family income supplement and seek to apply the 19-hour threshold on a pro-rata basis to facilitate teachers who are not on full hours.

*At the TCC, the unions have sought the pro-rata application of thresholds for this and other social protection payments so as to take account of the working patterns in teaching. The DES is consulting with other relevant departments.*

**106 Cork Colleges**

Congress instructs the Executive to uphold the principle that no member or official of TUI should resolve or seek to resolve any issue surrounding a national agreement or Circular Letter in a way that would have the effect of undermining, amending or changing a national agreement or Circular Letter, or risk setting a potentially undesirable precedent.

*This principle applies in respect of every negotiation in which the Union is involved.*

**109 Co. Kildare (Amended by Co. Kildare/Executive Committee/IT Tallaght/Waterford City)**

Congress instructs the Executive to negotiate agreed procedures to protect members reporting wrongdoing by ensuring the availability of an external reporting body rather than reporting directly to their employer. This should provide the appointment of a confidential recipient and ensure transparency and accountability in the relevant organisation.

*There is legislative provision for making protected disclosures in the Protected Disclosures Act 2014.*

**108 Co. Mayo**

Congress calls on the Executive Committee for policies to be put in place to protect members who are lone workers in buildings. The policy should outline the duties members are responsible for over and above their normal teaching duties, if any.

*This issue has been brought to the attention of the ICTU Health & Safety Committee. Where members have concerns they*

*should first advise the Branch and the matter should, ideally, be resolved locally. However, if concerns persist or are not satisfactorily addressed, the matter should be referred to the Area Representative. If necessary, contact can be made with the Health & Safety Authority (HSA).*

**105 Co. Donegal**

Congress instructs the Executive to insist on the re-introduction of a paid substitution leave scheme for members, who are involved in the voluntary emergency services such as civil defence participation in search and rescue missions or work undertaken by the Irish Coastguard.

*Agreement has been secured by the Unions at the TCC and a circular is due to issue early in 2019.*

**D. ADULT EDUCATION****117 Co. Longford (Amended by Waterford City/Executive Committee)**

Congress instructs the Executive Committee that in its negotiations with the DES, concerning members working in the literacy service, to seek full teacher status for its members working in this sector who are qualified teachers registered with the Teaching Council of Ireland.

*This is the position advanced by the TUI at the Phase 2 (Chairman's Note) discussions in relation to the terms and conditions of service for adult education tutors (including those working in the literacy service).*

*At the time of writing, the DES had completed a costing exercise and further meetings are scheduled.*

**121 Cork City Schools/Co. Galway**

Congress instructs the Executive to lobby for the re-instatement of qualification allowance for newly appointed Adult Literacy Organisers/Back to Education Initiative Co-Ordinators and Community Education Facilitators who start at point one on the scale after years of service as resource worker with an allowance. This is completely unfair in light of the qualification allowance being reinstated for teachers teaching in Second Level.

*While the issue of restoration of qualification allowances is being dealt with in wider discussions relating to all relevant grades, the TUI has submitted a claim at the ETB IR Forum that persons appointed to ALO/BTEI Co-Ordinator/CEF positions who were previously on a higher gross salary in another FET/Teaching Grade would not be required to commence on point one of the scale.*

**114 Co. Donegal**

Congress welcomes the significant body of work already achieved in relation to the conversion process in BTEI. However, Congress expresses its deep concern at the delay in finalising this process and notes the impact on members working in this sector. Congress instructs the Executive to liaise with ETBI and with the Department of Education and Skills in order to insist that the conversion process is concluded without further delay. Failure to do so will be considered as a breach of the DES/TUI Agreement, May 2016.

*The conversion process is ongoing across ETBs and conversion has concluded in some ETBs. Bi-lateral engagement with individual ETBs has regrettably been necessary in a small number of cases because of concern about unacceptable delays in the process. TUI will continue to monitor progress in individual ETBs.*

**111 Co. Galway/Co. Cavan**

Congress instructs the Executive:

- To work towards a new Circular for staff working in the Adult Educational Guidance Initiative (AEGI) within Education and Training Boards (ETBs)
- To work to increase staffing levels in AEGI to meet increased service provision demands
- To secure appropriate pay and conditions for staff which reflect changes in work practices and responsibilities.

*Further to a claim at the ETB IR Forum, the TUI will be engaging with the DES and other relevant bodies to develop updated contracts for all grades encompassed by the Forum, including those staff working in the Adult Education Guidance Initiative. A review of pay and conditions is also committed to via the Organisation Design project.*

**123 Cork City Schools**

Congress notes the organisational changes planned for the Adult Education sector of ETBs. Within these changes, Congress instructs the Executive to seek that:

- The Organisational changes recognise the strategic importance of the Literacy Service. The reconfiguration of management structures must retain, as a priority, the confirmation and future development of a Quality Adult Literacy and Basic Education service.
- The ethos of the Adult Literacy and Basic Education Service is maintained and protected in future design outcomes.
- The design process does not cause a disruption to agreed and established line management structures.

*These are matters that are to be addressed in the Organisation Design project. The assistance of the WRC has been sought by the unions because of concern regarding the lack of progress in relation to the project.*

**E. EDUCATION****127 Galway City**

Congress instructs the Executive to call on the Implementation Committee to demand a restructuring of the new Irish Junior Cycle specification to include an independently assessed oral component.

*The TUI has raised this matter not only at the Junior Cycle Implementation Committee but also with the SEC and the NCCA. The Union has secured a commitment from the NCCA that addressing the oral component will be a priority in the review of the Irish specification when the first full cycle of the course is completed next year.*

**129 Co. Cavan**

Congress instructs the Executive to negotiate with the Department of Education physical resources, i.e. IT equipment and classroom furniture, that may be required by a teacher when carrying out group work with class groups under the New Junior Cycle Program. Every in-service advice is given on the use of IT in classrooms and the physical set up of classroom formations to facilitate group work activities. All teachers working within the New Junior Cycle Program should be allocated IT resources to use in their own classes. No teacher should be using their own IT resources for

student work, i.e. CBA recording of students' work. This ties in with the New Data Protection legislation coming in May 2018. A separate grant should be made available to individual teacher/schools to purchase IT resources (which can be upgraded as required) and for the purchases of physical tables/chairs/workstations if required in a school so that teachers can carry out their work within their classrooms without undue obstacle.

*The TUI has repeatedly emphasised to all relevant stakeholders that IT infrastructure is necessary for the successful roll-out of curricular change. The TUI has welcomed the €210 million in funding attached to the DES Digital Strategy. However, the TUI continues to insist that such funding is only the beginning of what is required to address the many IT deficits and needs in the system.*

**152 Executive Committee**

Congress instructs the Executive to negotiate with the DES to promote the LCA programme in schools by implementing the following:

- Maintaining the role of a full-time National Co-ordinator for LCA.
- Reinstating the teaching allocation to 1.4 whole-time equivalent for the first 20 pupils.
- Instigating a publicity campaign to promote the programme in schools, the media and to society.
- Insisting that those implementing the programme continue to be able to access DES provided CPD for the LCA programme.
- Demanding that all LCA subject specifications be updated to reflect the needs of the students, and that teacher input be taken into consideration.

*The TUI has met with the DES on this issue and has also addressed it with the PDST, the Leaving Certificate Applied National Association (LCANA), the NCCA and at the Joint Oireachtas Committee. The TUI has also highlighted the matter in the print and broadcast media. The TUI has been assured by the PDST that a national co-ordinator of LCA is now in place. The DES has re-iterated its support for the LCA programme and has recognised the difficulties encountered by the programme especially in terms of how it is sometimes perceived.*

*The NCCA is, at time of writing, finishing specifications in four LCA modules (ICT, Maths Applications, English and Communications). A Joint Oireachtas Committee report that issued in 2018 was very supportive of the LCA programme.*

*The importance of the programme and the damaging effects of cutbacks were given prominence by the Union in various public statements. For example, in its statement on the day of issue of the 2018 Leaving Certificate results, the Union expressed concern about the continuing fall in numbers participating in the programme.*

**150 Galway City**

Congress instructs the Executive to call on the Minister for Education and Skills to reassess the use of a common level non-core subjects. The new curriculum in science has made the subject inaccessible to many students especially those in DEIS schools.

*The TUI raised this matter in a number of fora in 2018. The pros and cons of common level exams and, indeed, the availability or otherwise of Foundation Level, are matters of intense debate in many subject areas. These issues are likely to be addressed in the longitudinal study of Junior Cycle roll-out. The issue of levels is also likely to feature prominently in the review of Senior Cycle that has commenced.*

**139 Dublin & Dún Laoghaire**

Congress calls on the Executive to negotiate with the DES Inspectorate to make sure that subject Department inspections and WSE/MLLs do not take place in the last term of the academic year.

*The TUI has met with the Inspectorate regarding this matter but the Inspectorate has not accepted that inspections should not take place in the final term. A working group of the Union is considering this and other issues related to inspections.*

**125 Co. Carlow**

Congress instructs the Executive to seek additional management hours for JC co-ordination. The role is difficult

currently but, as more specifications come on-line, the increasing workload will be unmanageable. The position should be that of a paid additional post to schools. The precedent of additional duties for no payment cannot continue. TUI must argue all additional duties come with payment, not timetable alleviation.

***This has been a matter of particular contention between the union and the Department. Circular 79/2018, which issued in November 2018, superseded Circular 15/2017 and reduced the quantum of management resource hours based on the spurious rationale that there has been a restoration of posts of responsibility.***

***The TUI objected trenchantly over several meetings of the Implementation Body but the cut was maintained. The Union will continue to demand restoration of the management resource hours to, at least, the original level.***

#### **140 Co. Monaghan**

Congress advocates the resistance to league tables for schools. Any attempts to formulate league tables within the Irish Education system should be rigorously resisted.

***The TUI has at all times resolutely opposed the assembly or publication of league tables. This position is promulgated at every opportunity in the media. Compelling international and domestic evidence clearly shows that league tables lead to 'gaming of the system' by schools, increased social and educational polarisation and adverse outcomes, especially for vulnerable students. The TUI has sought, and received, support from other stakeholders in asserting opposition to league tables. The Minister for Education and Skills re-affirmed at Congress 2018 that league tables will not be introduced and that the legislation prohibiting their use (Education Act 1998) will remain in place.***

***The Union's views on league tables received extensive media coverage on the day that the latest national newspaper supplements were published in 2018. In both the print media and on high-profile national***

***radio current affairs programmes, the TUI President and General Secretary outlined the flaws and the damaging effects of the tables.***

#### **130 Co. Carlow (Amended by Co. Clare)**

Congress instructs the Executive to work with the Department to ensure a higher quality in-service system for Junior Cycle reform than that we have seen to date. Changes to current practices in facilitating in-service should include: (a) a reduction in time spent on orientation exercises, (b) a reduction in time spent on explaining pupil centre methodologies and (c) an increase on time spent on subject specifications, guidelines on devising schemes and achieving learning outcomes.

***The TUI has met with both the DES and the JCT to demand that the quality of in-service reaches the levels which teachers expect and require. Members with concerns about in-service should address the matter with the relevant support service in the first instance and subsequently with their local branch.***

***The Union also regularly addresses concerns it has about the quality, quantity and scheduling of in-service at the Junior Cycle Implementation Committee.***

#### **153 Executive Committee**

The NCCA is responsible for developing the Second Level curriculum e.g. subject specifications for the new Junior Cycle. The TUI has increasing concerns about the extent to which the process of curricular development adequately reflects the voice of the profession. Congress instructs the Executive to raise our concerns directly with the Minister for Education and Skills, who is advised by the NCCA.

***The TUI has insisted that teachers comprise the major source of expertise in regard to curriculum and that their voice is crucial. The TUI works with other stakeholders, especially the other unions and the subject associations, to assert this position at every opportunity.***

#### **148 Dublin & Dún Laoghaire/ Executive Committee**

Congress instructs the Executive Committee to negotiate with the DES



for a Teachers' Charter in line with the Parent and Student Charter due for publication soon so as to protect the rights of teachers.

***The General Scheme of the Education (Parent and Student Charter) Bill was published in 2016. The Oireachtas Committee on Education and Skills discussed it and published a report in 2017. In 2018 the Minister secured approval for drafting of the bill and it is expected that the bill will be brought to the Oireachtas in 2019. The TUI made a submission to the Oireachtas Committee in 2017 and continues, in discussions with the DES and, especially, at the Teachers' Conciliation Council, to raise specific concerns about the proposed piece of legislation, not least the absence of a balance of rights and responsibilities. The Union will engage through the available processes as the proposed legislation takes shape.***

#### **142 Dublin C&C**

Congress instructs the Executive to demand that the NCCA and JCT provide all relevant materials, such as prescribed reading and specifications, pertaining to the new specifications for Junior Cycle subjects prior to students' completion of the cycle's first year. Congress is gravely concerned that any delay in this regard will impact negatively on teaching and learning and will hamper teachers' efforts to support students in their learning.

**Representation by the TUI have succeeded in ensuring that support materials for revised subject specifications are issued earlier than was previously the case. However, continued vigilance is required to ensure that material is supplied at the earliest possible opportunity to teachers.**

## F. EQUALITY

### 162 Co. Laois (Amended by Co. Clare)

Congress recognises the current situation whereby pregnancy-related sick leave is counted as part of a teacher's general sick leave is discriminatory. Congress instructs the Executive to immediately take steps to restore the distinction between pregnancy-related sick leave and general sick leave. Abolish pregnancy related sick leave days from any quota of sick leave days in the four-year rolling period.

**The review of Sick Leave in 2018 did not result in any change in relation to pregnancy-related sick leave. It should be noted that a teacher/lecturer on pregnancy related sick leave does not fall below half pay.**

### 160 Co. Donegal

From 1st October 2017, the period for which maternity benefit is paid has been extended in cases where a baby is born prematurely. The extended period of benefit will be equivalent to the duration between the actual date of birth of the premature baby and the date when maternity leave was expected to commence. Congress instructs the Executive to insist that this provision is made available to all members without delay.

**Extension of the benefit is agreed and pending issue of the required Circulars by the Department of Public Expenditure and Reform and the DES, cases are being dealt with on a case-by-case basis and all members affected are getting the additional maternity leave.**

## G. EXAMINATIONS

### 170 Co. Carlow (Amended by Co. Clare)

Congress instructs the Executive to negotiate better rates of pay with the SEC for examiners to prevent a further decline in the number of qualified

teachers opting to mark exams. This is necessary in order to prevent external contractors or unqualified teachers being hired and a subsequent drop in marking standards.

**A claim has been lodged by the TUI and ASTI with the SEC for a pay increase - a joint letter in April 2018 sought an increase of 30% in exam payments and a minimum payment of €150 for teachers who examine oral and practical work.**

**The unions have emphasised that the rate of pay for SEC contract staff is not sufficient to ensure an adequate supply of examiners/superintendents. Shortages of contract staff were the subject of substantial media commentary in 2018. Discussions with the SEC took place in late 2018 and another round of discussions is expected to take place in early 2019. It should be noted that, as resulting from discussions relating to the PSSA, and subsequent representations to the SEC and DPER, the Pension Related Deduction does not any longer apply to SEC contract work. This adjustment results in an increase in net pay of approximately 11-16%.**

### 169 Dublin C&C/Co. Louth

Congress instructs the Executive to demand that the SEC releases all relevant sample examination papers, pertaining to the new specifications for Junior Cycle subjects prior to students' completion of the cycle's first year. Congress is gravely concerned that any delay in this regard will impact negatively on teaching and learning and will hamper teachers' efforts to support students in their learning.

**The TUI has succeeded in ensuring that support materials for revised subject specifications are issued earlier than was previously the case. Vigilance is required to ensure that material is supplied at the earliest possible opportunity to teachers. The SEC has, to date, been of the view that sample exam papers cannot be released more than one year before an exam is scheduled to be held. However, following multiple representations by the unions the SEC has agreed to review the matter again, but without prejudice.**

### 167 Co. Mayo

Congress notes that there is no opportunity for Second Level students to repeat an exam(s) at Leaving Certificate level, without repeating the whole senior cycle course the following academic year. This is in stark contrast to all sectors of Third Level education, where repeat examinations are held in the autumn, thereby allowing students the opportunity to pursue their studies relatively uninterrupted. Congress also notes that, currently, there are contingency papers drafted for all subjects, which eliminates the need for separate papers to be drawn up.

Congress therefore instructs the Executive Committee to strongly negotiate with the Department of Education and Skills to seek to afford Second Level students this opportunity, in the case of exceptional circumstances – death of a close family member, serious illness etc. This would allow them to graduate on to Further/Third Level education in the same academic year at best, or allow them to defer a college place for one year without the undue stress and anxiety of repeating the whole programme at worst, at a time when they may be in a very vulnerable position and where their whole future hangs in the balance.

**The TUI addressed this issue with the SEC during 2018. Unfortunately, the SEC is opposed to the idea on the basis that having two different exam papers for the same subject could lead to legal challenges. However, the TUI will continue to seek an arrangement that better meets the needs of students. In this context, it is worthy of note that the current Minister has intimated that he is open to positive proposals to resolve this issue.**

### 166 Dublin & Dún Laoghaire

Congress demands that the Executive negotiate a fair and transparent recruitment process for the recruitment of Advising and Chief Advising Examiners within the State Examinations Commission.

**The TUI addressed this issue with the SEC during 2018. The SEC has stated that the process is transparent and that the best person for the job is chosen but that open recruitment may not be always possible due to the nature of the role and the need**

*for experienced examiners to fill the role, in order to maintain public confidence in the state examination system.*

#### **171 Dublin City**

Congress calls for the removal of the additional points currently allocated to Higher Level Maths in the Leaving Certificate.

*The TUI has been clear in stating its position that the ‘bonus point’ system does not achieve what it purports to achieve in relation to maths. The TUI has also stated its opposition to ‘bonus points’ being allocated to any other subjects. The TUI has raised the matter with the higher education institutions that have ultimate control over what points are awarded in college admission processes. The TUI has also raised the matter as part of the ongoing review of Senior Cycle.*

#### **165 Dublin C&C/Executive Committee**

Congress instructs the TUI Executive to seek the continuation of the State Certified examination in CSPE (Politics) as it is the only subject to lose state certification under the new Junior Cycle.

*As well as highlighting this matter in various fora during 2018, the TUI is also seeking to have the matter addressed through the longitudinal study of the roll-out of Junior Cycle that the DES is due to discuss with the unions in early 2019.*

### **H. FURTHER EDUCATION**

#### **183 Executive Committee (Amended by Waterford City)**

Congress is deeply concerned by the continuing outsourcing of courses and other services in the Further and Adult Education sector to private providers and the adverse effect this is having on the quality of provision. Congress therefore requires the Executive Committee to instigate a campaign against outsourcing, to highlight in the public and political domains the excellence of the service provided by suitably qualified teachers in the ETB sector and to protect the pay and conditions of members in the sector.

*The TUI has sought at every opportunity to promote the Further Education sector on the basis of the breadth and quality*

*of the programmes and courses it provides. The Union has strongly opposed the outsourcing of such provision and/or the facilitation by ETBs of private sector incursion into the sector. The Union has also pointed to the loss of educational value when courses are compacted for low cost delivery by private providers. In particular, the Union has engaged with SOLAS with a view to arresting any drift towards privatisation.*

#### **172 Limerick City Schools (Amended Co. Clare)**

Congress deplores the failure by SOLAS to properly implement the terms of Circular 27/2011 regarding the payment rates set out in the Circular for the locally devised assessments. This has resulted in major financial loss to some members. Congress instructs the Executive to insist that the DES and SOLAS correctly implement the Circular Letter. In addition, Congress instructs the Executive to liaise with SOLAS to clarify the payments and payment rates for all QQI Locally Devised Assessment payments in future.

*The substantive issue raised in this motion was resolved (i.e. the correct payment for LDAs was secured) and members were informed of the resolution in the October 2018 edition of TUI News. The review of Circular Letter 27/2011 is now required. However, in the interim, SOLAS has circulated updated lists of exam payments properly calculated on the basis of the relevant components.*

#### **174 Limerick City Schools**

Congress notes the greatly increased workload resulting from the implementation of QQI Quality Assurance processes and instructs the Executive Committee to negotiate a timetable alleviation for teachers in the FE sector.

*The Union has identified the core issue as the absence of agreed national Quality Assurance (QA) Procedures, as a result of which local procedures vary greatly in terms of the demands on members’ time. Therefore, the Union has engaged with the ETBI with a view to negotiating a national QA Policy that will address the time demands, appropriate resourcing and other related issues.*

#### **180 Co. Kilkenny**

Congress instructs the Executive to demand structures be put in place on behalf of some of the most vulnerable young people and adults in our society for the services and support that will go some way towards allowing students with disabilities to have a meaningful engagement with learning at Further Education level.

These measures to include:

- Access Officers and Disability Officers need to be put in place at college level.
- A policy around integration of students with disabilities and guidelines on how to manage and support their needs in Further Education needs to be drawn up at ETB level.
- Staff training should be provided concerning the various disabilities and how to meet their educational needs and this training should be adequately funded.

*The TUI is continuing to press its demand for representation on the PLC Programme Improvement Advisory Committee and will continue to seek appropriate resources and supports to facilitate full participation in further education by students with disabilities and/or special educational needs.*

*At the time of writing, the Union is awaiting publication of the Youthreach Review (to be followed by the report on the review of VTOS). The TUI’s insistence on appropriate resources and supports will also apply in respect of these programmes. The Union continues to engage with advocacy groups for marginalised and under-represented student cohorts in regard to how the needs of such students can best be met by the Further Education sector.*

*In its various submissions in relation to Guidance, the Union has consistently pointed to the need for enhanced guidance provision in Further Education.*

*The Union has also asked the National Council for Special Education (NCSE) to commence undertaking its responsibilities in relation to Further and Adult Education, as set out in the Council’s mission statement.*

**192 Co. Kerry**

Congress deplores the use by certain ETBs of the Youthreach Resource Worker contract to fill positions paid at less than half the teaching rate, outside of the Youthreach setting as was originally intended. Congress instructs the Executive to oppose any such use of the contract outside of the Youthreach setting.

*Where this egregious practice has occurred, the matter has been dealt with by way of direct representation to the employer in the first instance and this approach has generally resolved the matter. The TUI has also secured agreement at the ETB IR Forum that the Youthreach Resource Person contract and grade apply only to Youthreach settings and are not for use in other areas of the Further and Adult Education sector. The Union has intervened in any instance where the (Youthreach Resource Person) grade was advertised outside of a Youthreach setting and has ensured that such advertisements are withdrawn and that positions in grades appropriate and agreed for the particular setting are advertised instead.*

**175 Tipperary SR**

Congress instructs the Executive to recognise and investigate the overwhelming and unfair amount of administration e.g. FARR, PLSS, involved in facilitating QQI modules.

*This issue is addressed initially at local level. If a resolution is not secured, it can be progressed to national level, where (in the context of the TUI/DES Agreement, May 2016) the Union is entitled to structured engagement with SOLAS and ETBI, especially in relation to issues of concern, such as excessively bureaucratic Quality Assurance procedures. This issue has been addressed with SOLAS and ETBI. At the time of writing, meetings are also being arranged with QQI.*

**191 Co. Mayo**

Congress calls on the Executive to address the increase in administration, reports and meetings Co-Ordinators in the Further education sector are required to address, in addition to fulfilling their role as educators without any secretarial supports. Congress is of

the mindset that there is a real requirement to either reduce class contact hours or provide adequate and reliable secretarial supports.

*See Motion 175. The Union has identified the demands on the time of staff (including Co-ordinators) because of under-resourcing as a very significant matter that must be addressed by way of appropriate resourcing, including staffing, for all publicly funded Further and Adult education settings.*

**I. HEALTH AND SAFETY****196 Dublin City (Amended by Executive Committee)**

Congress instructs the Executive to carry out an investigation concerning matters of indiscipline, cyberbullying, breaches of health and safety and violence in all ETB schools and centres where there are TUI members. This Union will not allow its members to be subjected to work-related stress due to the blatant disregard of health and safety procedures in schools and centres.

*For a variety of logistical and legal reasons, the Union is not in a position to carry out an investigation as described by the motion. The union is however conducting an on-line survey that will seek to identify the extent of the problem.*

*The Union has intervened as and where necessary if the environment in a school/centre/institute constitutes an unacceptable risk to members.*

*It is important that inappropriate behaviours such as those listed in the motion are reported to local management in the first instance and that a record of the report is kept. Under Health and Safety legislation, the employer has responsibilities that must be discharged. Where the employer fails or refuses to deal with the matter appropriately, the Union will if necessary bring it to the relevant forum for address. There are of course instances where, in addition to reporting it to the employer, a matter should also be reported to An Garda Síochána.*

**J. MISCELLANEOUS****205 Executive Committee**

The United Nations Human Rights Council has referred to the situation in Burma/Myanmar as involving 'elements of genocide'. Congress calls on the Executive to show solidarity with the Rohingya, to condemn the Burmese government for its actions against the Rohingya and to advocate for the Rohingya with other trade unions, NGOs and agencies.

*The union has actively worked in solidarity with Rohingya Action Ireland against the human rights abuses perpetrated by the Burma/Myanmar regime. The union supported the production of a photographic exhibition which was displayed in the Mansion House, in Derry at the ICTU Global Solidarity Summer school and that continues to tour community centres and schools. The union participated in the August Rohingya campaign and raised the Rohingya flag outside head office. In addition, the union campaigned for Dublin Council to rescind the Freedom of the City awarded to Aung San Suu Kyi.*

*The Union also highlighted the plight of the Rohingya in the TUI News as well as on the Union website and social media channels.*

**209 Dublin City(X2)**

TUI campaigns for full employment for its members and they are registered with the Teaching Council. As an act of solidarity for workers employed with the Teaching Council, Congress instructs the Executive to call for the Teaching Council to employ its staff on proper employment contracts ensuring full hours with satisfactory terms and conditions.

*The Union and TUI members on the Council have consistently asked that the staff of the Teaching Council be employed under appropriate contracts.*

**203 IT Blanchardstown/Dublin City/Dublin Colleges/IADT Dun Laoghaire (Amended by Dublin City)**

Congress instructs the Executive Committee that it must undertake a campaign to actively advocate within the trade union movement for the ICTU to campaign actively on the issue of homelessness and the associated

housing crisis. Congress holds the view that current rents, in particular in urban areas, are causing undue hardship for teachers and lecturers. Congress instructs that this campaign must demand a declaration by Government of a housing emergency, and must demand:

- Emergency action for the building of social and affordable housing by local authorities through direct labour with trade union rates of pay and conditions.
  - The immediate introduction of rent controls with tenants able to exercise the right to downward rents.
  - Security of tenure for all tenants.
  - The right of all citizens to a home.
- Congress supports the National Day of Action on Saturday 7th of April organised by the Homeless and Housing Coalition and calls on members to participate on the National Demonstration in Dublin.

**The TUI has participated in and supported the ICTU's "Raise the Roof" campaign. TUI was represented at the National Demonstration in Dublin on 7th April and the "Raise the Roof" rally outside Dáil Éireann on Thursday, 3rd October to call on the Government to immediately declare a housing emergency. The Union gave prominence to the housing/homelessness crisis in its pre-Budget submission. Members of the TUI were among the respondents to the ICTU survey on the effects of the housing crisis.**

**In its public commentary about teacher supply, the union regularly drew attention to the damaging effects of spiralling rental/accommodation costs.**

## K. ORGANISATION

### 211 Executive Committee

It is noted that some Branches offer to pay the €1 on behalf of members, but that notification is not sent to TUI Head Office. This has resulted in many members showing as being €1 in arrears. If logistically possible and in order to standardise practices across Branches and to prevent arrears accumulating, Congress instructs that, where a member has availed of the €1 membership within the current academic year and where payment has not been received by TUI Head Office, the amount is to be deducted from the Branch's monthly remittance and that a letter will issue at the end of the first year of membership from TUI Head

Office stating that a Deduction at Source form must be completed or other payment facilities put in place to remain in membership.

**This arrangement is in place. Deductions in respect of outstanding €1 membership fees are made from a branch's monthly remittance. The Union will also issue a letter to members on the €1 subscription, well in advance of the expiry date of the first year of membership, advising the members that a completed DAS form must be returned to ensure seamless continuation of membership into the succeeding year.**

### 214 IT Carlow/IT Blanchardstown/Dublin City/Dublin Colleges (Amended by Executive Committee)

Congress notes the abysmal failure of the ICTU to condemn the draconian, anti-trade union Public Service Pay and Pension Act, 2017.

Congress notes that the ICTU did not object to a punitive three-year freeze on increments for all public servants who were members of unions who voted against the Public Service Stability Agreement.

Congress believes that this failure to defend the democratic right of unions to represent their members, this refusal to oppose government coercion and this abject betrayal of workers and lack of solidarity raises extremely serious questions about the nature of the ICTU and the continued membership of TUI within that body.

Congress believes that the ICTU must be reformed, must act in an accountable and principled way in defence of all affiliated unions, in defence of basic trade union principles and that its failure to do so will make continued TUI membership of ICTU untenable.

The TUI instructs the Executive Committee now to seek a commitment from ICTU to:

- Actively oppose all anti-trade union legislation such as the draconian measures contained in the Public Service Pay and Pensions Act, 2017;
- Defend unions whose members come under attack from such legislation and
- Encourage its affiliated unions to take solidarity action with unions who take industrial action in defiance of such legislation.

In the event of ICTU failing to give such commitments, the TUI will ballot its members on continued membership of ICTU.

**TUI has lobbied politicians in relation to this Act and has sought the withdrawal of the oppressive, punitive measure that can be imposed under the Act on non-covered public servants.**

**The TUI has offered support to our colleagues in the ASTI in relation to restoration of their incremental dates and has urged the ICTU to demand that the offending elements of the legislation be rescinded and the appropriate balance in industrial relation restored.**

### 210 Executive Committee

Congress is cognisant of the desirability of achieving an equitable, practical balance of geography and number of members for the union's electoral areas for the purpose of electing Area Representatives (Rule 43). Congress recognises that framing appropriate change to the Rule book to achieve this balance has proven problematic, given the constraints applied by Motion 155 of Annual Congress 2012 and, in particular, the constraint in relation to "maintaining the size of the Executive". Congress therefore agrees that the constraints should be relaxed to the minimum possible extent in order to enable the Executive Committee to consider a wider range of options in relation to the restructuring of electoral areas and instructs that the Executive Committee bring appropriate rule change/s to a Special Congress or to an Annual Congress.

**This matter is under consideration at the Organisation and Training Sub-Committee. A consultation process will be needed to canvass the opinions of branches and areas regarding the most meaningful and effective way to re-organise the electoral areas. This process will have regard to a range of factors, including the geography and structures of the ETB sector, the development of Technological Universities, the significant in union membership and the diversity of employers, settings and grades.**

### 213 IT Tralee/Cork Colleges/ Donegal Colleges (Amended by IT Tallaght/Executive Committee)

Congress instructs the Executive to negotiate a time allowance for Branch Officers to allow them to meet the demands of the office.

Viable means of making progress on this issue are being considered. The matter was raised at the Institute of Technology Industrial relations Forum. The union has negotiated a significant quantum of hours alleviation for the engagement by selected members in work related to the development of technological universities. For the purposes of facilitating an effective recruitment campaign, a dedicated fund has been approved.

The Union is committed to deploying appropriate resources to strengthen local representative structures, at workplace and Branch level.

### L. PAY/NATIONAL AGREEMENTS

There were no motions carried in this section.

### M. PENSIONS

#### 272 Executive Committee (Amended by Executive Committee)

Congress instructs the Executive Committee to seek to expedite the full restoration of the pensions of retired public servants and, in this context, to seek an increase in the PSPR threshold in 2019 from €39,000 to €55,000 and a total elimination of PSPR by 2020.

**As this issue affects retired public servants, including retired teachers and lecturers, it was raised by the TUI at the Public Services Committee of the ICTU and at meetings with the other Teacher unions.**

#### 276 IT Tralee

Congress abhors the dramatic increase in compulsory pension contributions imposed on members through the Public Service Pay and Pensions Act 2017 and demands that the Executive embarks on a campaign to have pensions returned to the rates which existed before the introduction of the pension levy.

**While this matter was discussed at various relevant fora, progress has not been made. This is an issue that has relevance across the entire public service and that**

**cannot be effectively addressed other than by the public service unions acting collectively.**

#### 275 Cork Colleges

Noting the government's commitment to raise the mandatory retirement age to 70, Congress instructs the Executive to pursue, in appropriate fora, that the maximum pension payments be based on 45/80 of final salary as opposed to the present ratio of 40/80 of final salary.

**Under the new legislation allowing a public servant to work until their 70th birthday, s/he can continue to accrue pensionable service (post-65 years of age) towards the maximum of 40 years (yielding a pension of 40/80).**

**There is no indication by government of any intention to allow the accrual of pensionable service beyond 40/80.**

### N. POSTS OF RESPONSIBILITY

#### 278 Co. Laois

Congress notes that, prior to the austerity cuts, about 50% of teachers held a post of responsibility. This has fallen to about 25%. The additional posts provided will not meaningfully address this deficit due to changed school demographics. Therefore, Congress affirms that the Minister for Education and Skills, by refusing to commence a "restoration" of posts of responsibility, is in breach of the terms of the DES/TUI Agreement, May 2016. Consequently, Congress directs the Executive to initiate a programme of industrial action to address this problem.

**The restoration of posts of responsibility to, at least, the pre-moratorium level, has been prioritised by the TUI in discussions with the DES across a range of issues that have resource and/or workload implications. The matter has been regularly addressed at the TCC and the Junior Cycle Implementation Committee and at meetings in relation to Special Education and the integration of marginalised and international student cohorts. While the DES takes the view that restoration of posts is under way (pointing in particular to the filling of AP2 (formerly Special Duties Teacher posts), the Union has insisted that what is provided for under**

**CL03/2018 is merely the nominal commencement of restoration and emphatically not substantive restoration. That being the case, the TUI re-issued the Union's directive on posts of responsibility with a view to ensuring that work that is associated with posts of responsibility is not undertaken by teachers who are not post-holders.**

#### 285 Co. Donegal

Congress instructs the Executive to enter negotiations with the relevant Second Level Management Bodies to insist that, when interviews take place for Assistant Principal 1 and Assistant Principal 2 posts, the Principal Teacher is not permitted to liaise with or be involved in the interview in any capacity (e.g. note-taker).

**Circular Letter 03/2018 is silent on the matter of a notetaker. However, the view of the union is that, where a note-taker is present, s/he should not be a member of staff of the school where the post arises.**

#### 284 Co. Cavan

Congress instructs the Executive to work with the Department of Education and Skills that all schools should be allocated an additional post for all the additional work and responsibilities carried out in the area of Special Educational Needs. This should be in addition to posts already allocated to the School.

**The Union is seeking the restoration of posts of responsibility to the level that applied before imposition of the moratorium and is also seeking the application of the schedule that then obtained in order to capture the increase in teacher numbers in the intervening period.**

#### 277 Co. Meath/Co. Louth/ Co. Monaghan/Executive Committee

Congress instructs the Executive to take immediate action to seek the restoration of posts of responsibility as negotiated by the TUI in the DES/TUI Agreement, May 2016 and that the TUI engage with its sister unions to conduct a campaign to achieve this end.

**See Motion 284. The TUI, jointly with our sister unions, has sought full restoration and has addressed the matter to the**



**Teachers' Conciliation Council. Full restoration would require revision of CL 03/2018 which, as stated in the Circular, represents merely the commencement of restoration.**

## O. RULES

### 288 Executive Committee (Amended by Dublin C&C)

Congress notes that the Department of Education and Skills proposes to standardise the operation of its payroll systems and has indicated its intention, from 1st January 2019, to change the system for dealing with union membership deductions from a fixed rate subscription based on working patterns to a standard percentage deduction from salary with a fixed maximum deduction to be determined by the relevant union. Congress notes that several meetings with the DES, ETBI, ETB Shared Services and the IoT payroll departments have been held in this regard and that a full and comprehensive analysis by the Union of the potential effects of such a proposal has been undertaken.

Congress instructs that Rule 89 be amended to read as follows: Each full member, associate member and retired member of the Union shall pay an annual subscription as decided by Congress. From 1st January 2019, this rate shall be 0.8% of gross annual salary inclusive of any and all allowances paid. The maximum annual subscription paid will be capped and shall not exceed 1% of the third point of the Common Basic Scale (pre-2011), rounded to the nearest euro. In the event of a change in the Common Basic Scale, the resultant change in the maximum annual subscription will apply from 1st January of the following calendar year. The only exception to this shall be new members in their first year of teaching who are on the revised Common Basic Scale for New Entrants, who shall pay a nominal fee of €1 for their first year's subscription.

**The change to a standard percentage deduction from salary with a fixed maximum deduction is scheduled to proceed, as outlined above, from 1st January 2019.**

### 289 Executive Committee

Congress instructs the Executive Committee to insert a new Rule as Rule 9 and renumber subsequent rules accordingly:

Rule 9  
Notwithstanding any other provision of these Rules, an applicant whose membership conflicts with a finding of the Disputes Committee of the Irish Congress of Trade Unions (in relation to a dispute arising between two or more unions on the organisation of membership) may be excluded from membership of the TUI.

**This Rule is in place as Rule 9.**

## P. TEACHING COUNCIL

### 306 Co. Carlow(X2)/Executive Committee

Congress acknowledges the ongoing efforts of teacher representatives on the Teaching Council to prevent the Fitness to Teach (Part 5) sections of the Teaching Council Acts, 2001-2015 from becoming a means for processing multiple low-level allegations against teachers as is currently the case. However, Congress notes the difficulties arising from Section (3) (b) of the Teaching Council Acts, 2001-2015 which is not providing a sufficient filter in this regard. In addition, effect has not been given to Section 28 of the Education Act, 1998. Therefore, Congress instructs the Executive to address these difficulties by insisting that the Minister for Education and Skills acts to ensure that low-level allegations are only dealt with by using local procedures. In order to advance this objective, the Executive should seek to work in co-operation with our sister teacher unions.

**At the Teachers' Conciliation Council the three teacher unions have insisted – to date without success – that national procedures be approved by the Minister for Education and Skills under Section 28 of the Education Act 1998 and have advised the Council that, in the on-going absence of such approved procedures, an unhelpful reliance on the procedures under Part 5 of the Teaching Council Act is emerging. This gives rise to the clear unfairness and disproportionality of complaints that should be processed locally defaulting instead to the Teaching Council. The Unions have consistently made the point that this serves nobody's best interests.**

**The TUI also expressed these concerns directly to the Minister for Education and Skills.**



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### 312 Co. Monaghan/Co. Meath

Congress calls on the Executive to allow TUI Officials to negotiate with the Teaching Council that a teacher should only have to register on a once-off basis with the Teaching Council. If a member of the TUI lets their membership lapse for the Teaching Council they may re-join the Teaching Council following Garda vetting only.

**This is not possible under the existing statute. Once a teacher is off the register for more than 30 days s/he is deemed a lapsed member and must apply de novo and under the new/current regulations that are in operation at that time. The Teaching Council does not have the power to negotiate an amendment to the statute.**

**In the absence of amendments to the legislation, the Union and TUI members who are on the Council have sought to have the application process for registration streamlined.**

### 308 Co. Carlow

Congress instructs the Executive to seek that teachers who are subjected to frivolous or vexatious complaints through the Teaching Council receive the right to reply with both their employer and the complainant should they so wish. The pressure and emotional toll of complaints leads to ill health and must be addressed.

**Members who have been the subject of complaints have access to advice and/or assistance from the Union. Members have been urged to**

*contact the Union as quickly as possible if they receive notification that a complaint has been made to the Council. To date, a number of members has availed of the Union's service in this regard. Those members have had their right to defend themselves and to be represented (as appropriate) vindicated.*

### **310 Co. Offaly/Dublin & Dún Laoghaire**

Congress instructs the Executive to demand that the DES take immediate action in relation to teacher supply. Their actions regarding pay for new entrants and increased workload on teachers has discouraged teachers from taking up teaching positions in this country. This has resulted in many schools throughout the country being unable to replace teachers going on maternity leave, out on sick leave, going on JCT training and doing other in-service as there are no substitutes there to replace them. This could result in many students not being taught their subjects and not being supervised. Immediate action is required on this issue.

*This has been a primary campaign focus of the TUI in 2018. The Union has demonstrated the causal linkage between discriminatory pay rates and precarious part-time work on the one hand and the crisis in teacher supply (i.e. in both recruitment and retention) on the other. The union also explained, through the media, the profoundly negative implications of the crisis for the public education system as a whole. The issue was given pre-eminence in submissions made to the (Joint) Oireachtas Committee on Education and Skills.*

*As a result primarily of the Union's campaign, the Department and the Minister have been compelled to recognise the gravity of the issue, notwithstanding euphemistic references to the existence of 'pinch points'. The Department established a Teacher Supply Steering Group that, rather oddly, does not include representatives of the teacher unions. The TUI objected to this omission and wrote to the Secretary General of the DES in July. In November 2018, the Minister launched a teacher supply action plan that*

*the TUI characterised as inadequate to address the crisis and lacking in understanding of the root causes. The TUI clearly stated that stop-gap measures would not solve the larger problem and that a fair and sustainable resolution of the issue of new entrant pay was critical in that regard. At the time of writing, the TUI is preparing to launch the results of a survey on teacher supply which was carried out amongst members of the Union's Principals' and Deputy Principals' Association (PDA) in late 2018. The results of that survey clearly show that the teacher supply crisis is extensive and acute.*

### **309 Dublin & Dún Laoghaire**

Congress instructs the Executive Committee to work with the Teaching Council to ensure that any CPD relating to Cosán will not incur any financial or time cost to any teacher.

The stakeholders, including the TUI, are involved in on-going consultation with the Teaching Council regarding COSÁN.

*The TUI, and TUI members on the Teaching Council, have insisted that any CPD relating to COSÁN must not involve cost to teachers. The Union, while advocating that teachers have access to appropriate CPD, is adamant that such CPD must not be mandatory.*

### **305 Co. Waterford**

Congress instructs the Executive to use all their powers to ensure that the Teaching Council does not become a vehicle for processing and investigating frivolous accusations against teachers in relation to permissible actions taken to ensure a positive learning environment for all pupils.

*See Motion 306.*

### **315 Executive Committee**

Congress instructs the Executive to demand that the Teaching Council withdraw the additional fees that are charged to teachers who are applying to have extra subjects added to their registration.

*The Union has made and continues to make representations to the Teaching Council regarding the fees charged by the Council in respect*

*of various aspects of the registration process.*

## **Q. YOUTHREACH**

### **323 Co. Galway/Co. Waterford/Co. Cork/Dublin & Dún Laoghaire (Amended by Co. Clare)**

Congress urges the Executive to immediately include Youthreach Resource & Co-ordinators in the conversion process. Since Tutors were given the option of conversion to Teachers or Resource Persons, there has been a direct discrimination in the conditions of these groups. As there is a shortage of Teachers nationally, it is hugely important that our colleagues are recognised for the work they do. In addition, all Youthreach resource staff and Community Education staff who are Teaching Council registered and who are delivering Level 3 QQI and upwards should get teaching recognition.

*A claim in this regard has been submitted to the ETB IR Forum and is currently being considered. The TUI also invited a number of members to attend a meeting with our legal advisors on the issue during the course of the year.*

### **324 Co. Offaly/Co. Kerry/Dublin & Dún Laoghaire**

Congress instructs the Executive of TUI to negotiate with the Department of Education and Skills for parity of conditions between Youthreach Resource Persons and Centre Co-ordinators with teachers in the Youthreach system. Working in Youthreach as Youthreach Resource Persons and Centre Co-ordinators for a period of time should not be an impediment to taking up a teaching post at a mainstream Second Level School as is the case presently. Furthermore, Congress demands that the TUI examine legally how to pursue this claim. Equality of opportunity can be established, so that, the principle of Equal Pay and Conditions for Equal Work can become a reality in all Youthreach Centres.

*See Motion 323. The legal advice requested was obtained.*

### **326 Co. Waterford/Co. Donegal**

Congress instructs the Executive to negotiate the duration of the Youthreach academic year to bring it in line with the post primary 167 days.

*The length of the Youthreach academic year (and, especially, the 209 days of student attendance) was raised through the review of Youthreach, conducted for SOLAS by the ESRI. The differential between the academic year for Youthreach Students and for Second Level students was highlighted as a disincentive for students who might otherwise wish to access Youthreach. By year's end the ESRI report has not yet been published.*

### 331 Co. Wexford

Congress instructs the Executive to seek parity of conditions for Youthreach Resource Persons with their teaching colleagues with regard to incremental credit for their teaching experience. As matters stand, Youthreach Resource Persons will be given a maximum of five incremental credits regardless of their length of service. This is unfair and unacceptable.

*The Incremental Credit Scheme for Youthreach Grades (DES Circular Letter 0019/2018 "Scheme for the Awarding of Incremental Credit in Recognition of Previous Equivalent or Relevant Experience for Youthreach Resource Persons and Youthreach Co-Ordinators") addresses the award of incremental credit to Youthreach Co-Ordinators and Resource Persons in respect of previous service as a teacher.*

*The award of incremental credit to teachers in respect of previous service in Youthreach Grades is among a range of issues raised with the DES in the context of a review of the incremental credit scheme for teachers (as set out in CL 29/2007).*

### 332 Co. Donegal

Congress expresses its concern at the delay in providing funds to enable all Youthreach centres to participate in the SENI. Congress instructs the Executive to negotiate with the Department of Education and Skills to seek the immediate allocation of SENI funding in these centres.

*The TUI raised this issue through the SOLAS/ESRI review of Youthreach. At the time of writing the report on the review has yet to be published.*

### 325 Limerick City Schools

The Final Draft of the Submission to SOLAS in respect of the review of the Youthreach Programme states that 'No qualifications are specified for employment as Co-Ordinator or Resource Person' (see section "Qualifications"). Congress condemns this, as young learners attending Youthreach should not be treated less favourably than their peers attending mainstream Second Level schools. Congress contends that all young learners should be taught by qualified professionals. The Youthreach Operator Guidelines should reflect this in order to produce the best possible outcomes for some of the most vulnerable and marginalised learners in our society.

Congress instructs the Executive to negotiate with the DES to seek that the statement saying that 'no qualifications are specified for staff' be withdrawn and replaced by 'staff must be qualified registered teachers'.

*It is currently the position that there is no requirement to be qualified and registered as a teacher in order to be employed in a Youthreach setting. Notwithstanding this, the TUI's strong advice is that all members who can register with the Teaching Council should do so and should maintain their registration.*

*However, requiring all staff in Youthreach to register with the Teaching Council would involve significant cost in terms of time and money for those TUI members who would have to secure additional qualifications to meet the registration requirements.*

### 334 Limerick City Schools

Teachers and Resource Persons who are qualified and registered as teachers, but who are working in education centres that are not recognised as post primary schools, are deemed ineligible for secondment to the Professional Development Service for Teachers (PDST) and the National Council for Special Education (NCSE).

Congress calls on the Executive to negotiate with the relevant organisations to seek an immediate end to this discriminatory practice.

*This issue was raised with the relevant sections of the DES and directly with the PDST and the NCSE. Individual cases in this*

*regard were resolved to the satisfaction of members.*

### 330 Co. Wexford

Congress instructs the Executive to seek parity for Youthreach Resource Persons who are fully secondary registered to be recognised as eligible for inclusion in the Redeployment of Teachers Scheme.

*The Redeployment of Teachers Scheme as introduced and continued under successive national agreements does not apply to Youthreach Resource Person or Co-ordinators. The Union's submission to the review of Youthreach sought parity for Youthreach grades.*

### 328 Dublin City

Congress demands that the National Executive request clarification on the following from the DES: When the DES is carrying out inspections of Youthreach Centres, how does, in the case of Resource Persons and Co-Ordinators, the DES define "class contact"? Is "class contact" defined as teaching or non-teaching by the DES?

*Class contact refers to time spent teaching. The maximum weekly class contact hours of Youthreach Resource Persons and Co-ordinators are set out in contract as, 20 hours and 15 hours, respectively, plus the additional teaching requirement under the national collective agreement (emanating from the Croke Park agreement).*

### 333 Co. Donegal

Congress condemns the practice of some ETBs in splitting Youthreach resource posts. Congress instructs the Executive to negotiate with relevant bodies to insist that resource post vacancies should only be advertised as full-time posts.

*The TUI has an agreement with the DES that Resource Person positions will be full-time other than in circumstances where there are surplus hours to be filled after all existing staff have full-time hours.*

### 336 Dublin City

Congress acknowledges that Youthreach Centres deliver a distinct form of alternative education. Congress demands that Youthreach can deliver pre-apprenticeship courses to students as well as pre-Post Leaving Cert (PLC)

courses to students. Real pathways need to be provided for Youthreach students so that they can believe they have a valuable future. Congress acknowledges that to fulfil the above, adequate resourcing needs to be provided by the DES/ETBI which will include aligning Co-Ordinators and Resource Persons contracts of employment in Youthreach with teachers' contracts with the clear intention of improving those grades, salaries and conditions.

**The issue of pre-apprenticeship courses is to be considered by the Directors of FET in ETBI in the first instance and the TUI has secured a commitment from the Directors' forum to engagement on this and a number of related issues.**

### 335 Co. Mayo

Congress notes that there are three distinct grades of employee currently employed in Youthreach Centres: Youthreach Co-Ordinators, Teachers and Resource Persons. Congress instructs the Executive to negotiate with the Department of Education and Skills to seek that the recruitment grade for those other than Youthreach Co-Ordinators in Youthreach Centres is that of a teacher in the future, not a resource worker.

**This is the position of the TUI and was set out in the Union's submission to the review of Youthreach.**

## R. NEW ENTRANTS/PAY EQUITY

### 338 Executive Committee/ Tipperary NR (Amended by Dublin City)

Noting:

- The crisis in attracting graduates into the teaching/lecturing profession;
- the severe difficulties that employers are experiencing in recruiting teachers/lecturers across a wide and increasing number of subjects;
- the emerging difficulty in retaining teachers/lecturers and the evidence that increasing numbers of teachers/lecturers are leaving the profession early and
- recognising that this unfolding crisis is directly related to the continuing inequity of the pay disparity between those appointed on or after 1st January 2011 and those appointed before that date

Congress demands that the TUI prosecute its continuing campaign for pay equality with determination and vigour. Congress directs the Executive

to build a united campaign with the other teacher unions for pay equality. Specifically Congress instructs the Executive to seek agreement from ASTI and INTO for a campaign of industrial action for pay equality and an end to the discrimination against members employed since 2011.

**The TUI has continued to prosecute its campaign. In a ballot in October, members accepted the proposed measure on New Entrant salary scale issues "in the context of the Union's ongoing campaign for pay equality". Members were specifically advised that, irrespective of the outcome of the ballot, "the campaign will continue until pay equality is delivered." Our sister unions voted not to accept the measure. However, as they had not yet balloted for industrial action, the TUI, at the time of writing, is the only teacher union with a mandate for industrial action on the issue of new entrant pay.**

**The three teacher unions have maintained very close contact with a view to maximising co-ordination of the campaign into 2019. In this respect, the unions are jointly pursuing restoration of the H.Dip/PME allowance through the Teachers' Conciliation Council. The unions have also acted collaboratively in highlighting in the public domain the extent of the crisis in teacher supply and the very damaging effects it is having on the quality of the educational experience for students. The TUI has secured and maintained a significant media profile in regard to this issue and has demonstrated the clear link between the pay discrimination against "new entrants" and the crisis. This builds upon the basic tenet of the joint submission (to which a PSPC response is awaited) by the three teacher unions to the Public Service Pay Commission.**

## EMERGENCY MOTIONS

### EMERGENCY MOTION NO. 4

**Co. Kerry/Cork City Schools/  
Co. Galway/Limerick City Schools/  
Co. Kilkenny/Co. Wexford/  
Co. Donegal/Co. Limerick/  
Co. Kildare/Dublin & Dún  
Laoghaire/Cork C&C/  
Co. Wicklow/Tipperary NR/  
Co. Cavan/ Co. Meath/Galway  
City/Birr-Gallen/Co. Clare/  
Co. Offaly/Co. Mayo**

Congress notes the recent issue of Circular Letter 13/2018 regarding religious instruction and worship in certain second level schools. Congress further notes that the schools encompassed by the Circular Letter are ETB Schools and Community Schools. Congress notes that the unilateral issue of this Circular Letter without consultation with stakeholders means that the resources required for implementation of this circular have not even been quantified, let alone supplied, to the schools and employers. Hence, Congress instructs the Executive Committee to assert that schools are not in a position to implement the Circular Letter. Congress further instructs the Executive Committee to advise the Department of Education and Skills that our members, including Principal Teacher members, will not comply with the Circular Letter until such time that the resources that the TUI consider sufficient are provided.

**The TUI pursued this matter vigorously with the Department with a view to securing either (a) clarification that the need for an opt-out did not arise (if a school was offering the NCCA RE programme, as opposed to religious instruction or religious formation) or (b) the necessary additional resources in the event that an opt-out had to be provided and alternative provision had to be made for students who availed of the opt-out. As it transpired, clarification was issued by the DES on 5th October by way of a circular letter (CL62/2018) which states that schools that offer the NCCA-developed Religious Education programme do not need to offer an opt-out provision as the NCCA programme does not provide for religious instruction (and that a constitutional right is not therefore being infringed). Where a school decides to offer religious instruction (in line with the requirements of any particular religious denomination) that instruction must not be associated with or integrated to any degree into the NCCA-developed Religious Education syllabus being provided in timetabled class periods.**

**EMERGENCY MOTION NO. 8**

**Co. Kildare/Limerick C&C/Limerick Colleges/Co. Wicklow/Dublin C&C/Shannon/Limerick City Schools/Co. Kilkenny/Cork Colleges/IADT Dun Laoghaire/Waterford City/Co. Carlow /Co. Meath/Co. Kerry/Co. Limerick/Co. Cork/Co. Leitrim/Co. Roscommon/Cork City Schools/Co. Cavan/Co. Laois/Co. Offaly/Co. Westmeath/Co. Galway/Galway City/Dublin City**

As a result of the disappointing report on Pay Equalisation issued on March 16th 2018 Congress instructs the Executive to organise lunchtime demonstrations on a regional rotational basis from now to the end of this academic year to highlight the campaign on equalisation of the pay scales and for these lunchtime demonstrations to re-commence in the academic year 2018-2019 until such time as an agreement is reached.

Congress further instructs the Executive to organise a Saturday demonstration in Dublin, Galway and Cork before the end of the current academic year to highlight this issue in the media.

*The TUI staged a national lunchtime protest outside members' workplaces on 24th May 2018.*

**EMERGENCY MOTION NO. 5**

**IT Blanchardstown/Cork Colleges/Dundalk IT/IT Sligo/Limerick Colleges/Athlone IT/Cork C&C/IADT Dun Laoghaire**

Congress notes:

1. The nationally-agreed systems for adjudication of appeals in relation to claims for CIDs – at Second Level: Circular Letters 24/2015, 59/2016 and 49/2017, and at Third Level: Circular Letters 0045/2006, 0093/2007 and “Cush” 41/2016; and
2. The recent decision of the Adjudicator, Peter Ward SC, to award full hours CIDs to two members in IT Blanchardstown (ITB).
3. The decision of ITB to accept the Adjudicator’s “decisions on a without prejudice basis” subsequent to it initially deciding “not to comply with the decisions of the Adjudicator”.

Congress expresses concern in relation to ITB’s à la carte approach to National Agreements. Lest this approach contaminates other Employers of TUI members, Congress resolves as follows: operating on the basis of an ‘injury to one is an injury to all’, Congress instructs the Executive Committee to ballot for Industrial Action, within two months of any Employer’s decision not to comply with an appeals decision of the

Adjudicator, Peter Ward SC; the ballot being confined to members in the relevant sector of the Employer (Second- or Third-Level).

*The matter was resolved on an industrial relations basis and the members referred to in these cases were offered CIDs.*

**EMERGENCY MOTION NO. 1**

**Birr-Gallen/Tipperary NR/Tipperary SR/Co. Wicklow/Shannon/Co. Monaghan/Co. Louth/Co. Offaly/Co. Galway/Co. Clare/Co. Carlow/Co. Meath/Co. Kerry**

Congress calls on the Executive to issue a directive withdrawing further engagement in the Droichead process. The reason for this is the constant and unilateral changing of criteria for this programme resulting in our members experiencing huge difficulties in their career entry year. It is also now obvious that the programme is under-resourced and is dependent on volunteerism in schools to be carried out.

*The TUI identified and brought to the attention of the Teaching Council anomalies that had the effect of preventing some newly qualified teachers (whose schools signed on as Droichead providers during the 2017/2018 academic year) from completing the induction programme and becoming eligible for full registration. The Union negotiated a resolution of the difficulty with the Teaching Council. As a result, the affected teachers are eligible for full registration and will not have to undertake the induction programme for a second time. As a result of the TUI’s intervention, all the teachers affected, rather than being denied registration, were either registered or registered with minor conditions (to be satisfied by October 2018).*

**EMERGENCY MOTION NO. 10**  
**Cork Colleges/IT Blanchardstown/Cork City Schools/St Angela’s, Sligo/Donegal Colleges/Athlone IT/Limerick Colleges/Cork C&C/Dundalk IT/IT Tralee/Co Kildare/IT Carlow/Co Galway/WIT/Co Cork**

Congress notes with alarm that on 16 March 2018, TUI Colleges’ Sub-Committee approved a proposal from the HPAL Conversion Process Sub-Group to create ‘one semester contracts’ with a view to offering these contracts to certain hourly-paid members seeking Contracts of Indefinite Duration under the process. Congress notes that this proposal has been

approved by CSC although it has not been put to a ballot of third level members, nor does there appear to be any intention to ballot members.

Congress notes further that such proposed contracts present significant threats to the conditions of service of TUI members by setting undesirable precedents. Congress reasserts that it is a core principle of this Union that contracts are nationally agreed. Any proposal to introduce a new contract or to create an altered version of an existing contract, such as a ‘one semester contract’, cannot, under any circumstances, be accepted by TUI unless and until it has been accepted by TUI members in a national ballot.

Congress therefore countermands the Colleges’ Sub-Committee approval of 16 March 2018 of ‘one semester contracts’ until accepted by members in such a ballot.

*This ballot will take place prior to Easter 2019.*

**RESOLUTIONS REFERRED****64 IT Tallaght**

Congress instructs the Executive to escalate industrial actions, up to and including strike action, to highlight the fact that the funding model for the IoT sector is not fit-for-purpose, with no changes envisaged for the next academic year.

*The Union continued to demand a funding model that is informed by the particular educational and regional mission of the Institutes/Technological Universities and that, in particular, takes fair account of apprenticeship education, the diversity of student need and the very significant structural developments in the IoT/TU sector. There was engagement with the HEA in this regard.*

**78 IT Sligo**

Congress notes that the development of online delivery and e-learning initiatives in the IoT Sector has resulted in the introduction of new roles such as Instructional Designer. These roles often include lecturing duties without the provision of reasonable terms and conditions of work. Congress instructs the Executive to negotiate nationally agreed contracts for these roles.

*This matter was referred to the Institutes of Technology Industrial Relations Forum as a claim.*

**104 Dublin Colleges**

Congress instructs the Executive to negotiate with the Dept. of Education and Skills to ensure that staff coming up to retirement can choose to reduce their hours of work, and accept a pro-rata reduction.

**The Union is seeking to formulate and bring claims for voluntary schemes of this nature to the relevant IR fora. At second level this has been the subject of consideration by the three teacher unions.**

**135 Co. Louth**

Congress instructs the Executive to facilitate the holding of a conference based on Junior Cycle to discuss issues important to teachers of Junior Cycle, to include among others:

- Calendar for CBAs and ATs
- Increased hours for Professional Time

- Exemplar material from the NCCA/SEC

This conference should be held before the June 2018 and will facilitate members being able to directly address the Executive and explain their concerns in relation to the Junior Cycle so that the Executive can then handle these issues in the appropriate fora such as the Junior Cycle Implementation Body.

The concerns of members and Branches regarding a wide range of issues have been brought to the Junior Cycle Implementation Committee, where both TUI and ASTI are represented. The format is such that matters of urgency or matters that arise unexpectedly can be addressed in a timely fashion. Branches and members are invited to make their concerns known to the Branch and/or Area Representative in the first instance.

**261 Dublin Colleges**

Congress demands that the Executive be guided by the following objectives in any future pay talks:

1. That members be paid equal pay for equal work;
2. That pay rates be restored to the level they were at prior to the imposition of pay cuts and the pension levy;
3. That pension payments be restored to the level they were at prior to the imposition of cuts;
4. That all additional hours imposed on members be removed.

Congress instructs the Executive to recommend rejection of any pay agreement that does not achieve these objectives and which does not lead to the repeal of FEMPI legislation which facilitated many of these cuts.

**Noted.**

## New model of inspection - Special Education Needs Evaluation (Post-Primary) [SEN-PP]

*This notice was provided by the Department of Education and Skills Inspectorate*

**Background**

This is a post-primary inspection model. It is being developed to ensure consistency and coherence between the evaluation of provision for students with additional and special educational needs and the new special education teaching allocation model for schools which was introduced in September 2017. In this context, particular attention is paid to the school's use of the *Continuum of Support* and its adherence to the principles and actions outlined in *Guidelines for Schools: Supporting Students with Special Educational Needs in Post-Primary Schools* (September 2017). The model also reflects *Looking at Our School 2016: A Quality Framework for Post Primary Schools*, which was published by the Department in September 2016.

The evaluation focus is on:

- The quality of students' **learning outcomes and**

**learning experiences**

- The school's **use of resources** it receives for students with additional and special educational
- The structures and systems that the school has in place in **fostering the inclusion, equality of opportunity and holistic development** of students with additional and special educational needs.

**Current position**

The model was trialled in nine post-primary schools in the period October to December 2018. A number of briefing sessions on the model (April 2018, September 2018) have been held with the education partners.

**Next steps**

Consultation with the education partners took place in December 2018 and, following Ministerial sign-off, the model is due to be formally

established from February 2019. In line with the usual procedures for implementing new inspection models, the SEN-PP model will be reviewed after one year of its implementation.

**Inspection data to support Department strategies**

Inspection criteria are being developed to focus in an in-depth way and to facilitate the gathering of additional evaluative information on the following:

- Digital learning (primary and post-primary schools and early-years settings)
- Modern Foreign Languages (primary and post-primary schools and early-years settings)
- STEM (primary and post-primary schools and early-years settings)
- Creative Ireland (primary and post-primary schools and early years settings)

**The TUI is deeply concerned about the increase in the number of forms of inspection now taking place in post-primary schools and will be monitoring the matter closely. The TUI has conveyed concerns about a tendency by inspectors to ascribe responsibility for the deployment of SEN resources by a school to the SEN Co-ordinator.**

## John McCarthy - An Appreciation

John McCarthy was born in London in 1957 to Irish parents. He was educated at Wimbledon College and was a promising footballer, who went on to play at a semi-professional level. While still at school, John had already become a trade union member while working at his local Co-op. John worked in construction and in many other roles before making the transition to teaching.

'It was from enrolling on a CE Scheme as a caretaker assistance in Arklow Community College, and while helping children of staff members with their mathematics, that the principal, Martin Philips, realised that John was gifted at Maths and encouraged him to go back to education. John began teaching at Arklow Community College, and he was excelling in Maths and physics at College. He graduated with a BSc from UCD. He was also a youth football coach at Arklow Town FC at the time and began to coach the school's soccer teams, something he replicated wherever he lived. John coached under-age teams at Newbridge Town FC and Lyre Rovers FC during his teaching career.

John taught Maths, Science and Physics at several schools in England, Dublin, Wicklow and Kildare and trained the football teams in most of these schools. John settled in West Cork where he taught at MICC Dunmanway, Rossa College Skibbereen and Skibbereen Community School and, managed very successful school football teams. John would bring large squads to matches ensuring all the students were involved and he brought the first soccer cup to the Dunmanway school winning the Munster U14 Cup with MICC in 2008. In Skibbereen Community School's first academic year, he led their first-year team to the Cork Cup Final.

For many years, John used to travel throughout West Cork, after school,



giving additional assistance to students of all abilities. He was also an examiner for the Leaving Certificate Honours Maths papers for many years and he used to invigilate for the state exams each year.

John McCarthy became Treasurer of County Cork Branch TUI in 2012 and was subsequently elected to the Security Fund of TUI in 2014. Throughout his teaching career, John regularly attended TUI Branch Meetings and conferences while employed by County Cork VEC, Cork ETB, and finally Skibbereen Community School. John always made valuable and insightful contributions at TUI events and never failed to frame unique, interesting and useful observations when the issues facing the teaching profession were being discussed. In doing this, John showed his love of debate, discussion and activism. He was staunchly against the mistreatment of younger teachers in terms of wage disparity. John was a loyal and committed trade unionist who always had the best interests of his students and his colleagues at heart in everything he did.

John himself was no stranger to difficult times in his career, and having benefited from his membership of TUI in the past, he was never found

wanting in repaying his debt of gratitude by serving the members at every opportunity. He was an avid recruiter and regularly assisted members in pursuit of contractual entitlements and the maintenance of proper terms and conditions.

John had a particular interest in the education and the progress of young people. He was much loved and respected by all his students, friends and colleagues in TUI, and never failed to speak up when he perceived an injustice. In fact, John was in possession of a keen sense of natural justice and would never fail to advocate for friends and colleagues in challenging circumstances. This was one of John's defining characteristics. Above all else, John was compassionate, considerate and kind in all his dealings with his students, friends and colleagues. He was always available to lend a listening ear.

John passed away in December 2018 after a long battle with cancer. John is survived by his wife Ruth, their three sons and a grandson.

# ASTI/TUI Dispute Update

## Background

Arising from acceptance of the TUI/DES Agreement, May 2016 in a ballot, TUI members were considered to be covered by the Lansdowne Road Agreement (LRA) whereas, arising from the directive issued by ASTI in July 2016 to withdraw from the Croke Park hours, ASTI members were considered to have repudiated the LRA, resulting in the application to them of the measures set out in the FEMPI legislation – oppressive legislation that we in TUI consistently opposed (just as we have opposed oppressive provisions of the more recent Public Service Pay and Pensions Act 2017).

Notwithstanding the different approaches of the unions, the TUI sought at every point over the following months to ensure that the TUI/ASTI relationship continued to be based on respect for the other's position and for the right of each union to decide that position through its own structures. This was the focus of regular consideration by the Executive Committee of the TUI.

In regard to membership issues, a number of public statements by ASTI spokespersons assured all concerned that there was no evidence of any significant transfer of members from ASTI to TUI and that there had in fact been transfers of members in the opposite direction.

However, it subsequently emerged that, during the period 1st January 2017 to 10th June 2017, inclusive, some members and ex-members of the ASTI were accepted into membership of TUI. A glitch/gap in TUI's membership application process at that time resulted in some applications for membership being transmitted to the Union's membership section without being transmitted to the relevant Branch. As a consequence, the Branch did not have the opportunity to consider such an application. In the absence of ratification or rejection of the membership application by the Branch, by operation of the Union's rule the applicant was deemed ratified and admitted to membership. As soon as the TUI became aware of this, we immediately put in place an administrative remedy pending a technical remedy. This was done before any issue was raised with ICTU by the ASTI.

In addition, in some instances, the application did not capture details of membership of other unions.

## Process under the auspices of the ICTU

The ASTI raised the issue with the ICTU at the end of June 2017. A conciliation meeting in August 2017 did not secure a resolution. A Disputes Committee was convened by the ICTU to consider the matter and both Unions co-operated fully with the process. The Committee's report was brought to the Executive Council of the ICTU in April 2018. Its finding was that the TUI had been in

breach of Paragraph 46 of the constitution of the ICTU. The TUI appealed the finding on the basis that the measures it recommended were disproportionate and did not take sufficient account of or failed to take cognisance of certain important facts. A Committee was convened to hear the appeal. Following a hearing in late July 2018, the Committee decided to uphold the original finding.

TUI accepted the finding but advised the ICTU that there were significant difficulties in relation to its implementation. However, wishing to have the matter resolved, the TUI engaged constructively with the other parties and, following a number of meetings, a means of progressing the matter was agreed on 14th February.

## Points of Note

- TUI did not approach, solicit or encourage or offer inducements to members of the ASTI to leave membership of that union and to join TUI.
- Such incentives as there were to be in membership of TUI arose from the fact that members of TUI – in common with members of all unions covered by the national agreement (the LRA) – could benefit from pay restoration and other measures under that agreement and were not subject to application of the punitive measures under the FEMPI legislation – legislation against which the TUI campaigned.
- TUI has consistently sought to have due regard for the concerns of our colleagues in the ASTI. It was in this context, in November 2016, that the Executive Committee of TUI sought clarification from the ICTU regarding apparent ambiguities in Paragraph 46 of the ICTU Constitution. Responding in March 2017, the ICTU stated that it was not possible to provide the clarification we had sought.
- Throughout the period in question, the Executive Committee of the TUI sought to maintain respectful relationships between the unions, recognising that we shared common objectives although adopting different strategies.

- During the relevant period, the TUI Executive Committee advised Branches to be vigilant in assessing membership applications.
- The TUI application form asked an applicant if s/he was, at the time of application, or had previously been a member of another union, whereas the ASTI application form asked only if the applicant was, at the time of application, a member of another union.
- Over several years, neither Union had been in full compliance with Paragraph 46 of the constitution of the ICTU, in that the practice of writing in the first instance to the (other) Union/s mentioned by an applicant had fallen into disuse and had not been followed by either TUI or ASTI. Transfer of membership had happened routinely without an exchange of correspondence between the unions. This matter has been addressed and remedied by both TUI and ASTI and, since 2017, the exchange of correspondence has resumed.
- TUI has had members in the Voluntary Secondary sector for many years just as the ASTI has had members in the ETB (formerly VEC) sector.

## Teacher Unity

Most importantly, throughout the process, TUI has expressed the clear, strong view to the ICTU and the ASTI that having two separate unions representing teachers is a fundamental weakness that reduces the effectiveness and efficiency of both unions in protecting and advancing the interests of members and of the education system as a public good.

TUI stated its conviction that, throughout the country, teachers, members of both unions, who work side by side in hundreds of schools, want to see decisive movement towards teacher unity.

TUI said that teacher unity would represent the real remedy and emphasised our commitment to working towards this goal.

If you were taken into membership of the TUI during the period 1 January 2017 to 10 June 2017 you may if you wish apply to re-join the ASTI.

**However, it is important to note that you are a member of good standing of the Teachers' Union of Ireland and that you are welcome to remain in the TUI. There is no obstacle to this.**

The finding of the ICTU Disputes Committee relates to an inadvertent breach by TUI of the ICTU rules; a breach that has since been remedied.

The finding does not call into question and has no implication for the personal or professional reputation of the members concerned.



**Teachers' Union of Ireland**    Aontas Múinteoirí Éireann

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22<sup>nd</sup> February 2019

Dear Member,

We wish to advise that following an ICTU Disputes Committee Investigation of an ASTI complaint concerning the period 1 January 2017 to 10 June 2017, the Disputes Committee found,

“that the TUI write to members and advise them that members have been admitted into the membership of the TUI in breach of the rules of the Irish Congress of Trade Unions and that they can apply to re-join the ASTI”.

Yours sincerely,

Seamus Lahart

President

John MacGabhann

General Secretary

**Template letter that issued from the DES to ETBs to confirm that a CID is a permanent contract. Any member who holds a CID from an ETB is entitled to request a copy of this letter from their ETB.**

**CONFIRMATION THAT A CONTRACT OF INDEFINITE DURATION IS A PERMANENT CONTRACT**

To whom it concerns,

I confirm that \_\_\_\_\_ [INSERT NAME OF TEACHER] is employed as a Teacher on a contract of indefinite duration by \_\_\_\_\_ Education and Training Board [INSERT NAME OF EDUCATION AND TRAINING BOARD].

I can confirm that a teacher employed on a contract of indefinite duration is employed on a permanent basis and holds the employment status of a permanent teacher.

Yours sincerely,

\_\_\_\_\_  
[INSERT NAME]  
HR Department

**Template letter that issued from the DES to Community & Comprehensive schools and Voluntary Secondary Schools to confirm that a CID is a permanent contract. Any member who holds a CID from a C&C/ Voluntary Secondary School is entitled to request a copy of this letter from their employer.**

**CONFIRMATION THAT A CONTRACT OF INDEFINITE DURATION IS A PERMANENT CONTRACT**

To whom it concerns,

I confirm that \_\_\_\_\_ [INSERT NAME OF TEACHER] is employed as a Teacher on a contract of indefinite duration by the Manager/Board of Management of \_\_\_\_\_ [INSERT NAME OF SCHOOL].

I can confirm that a teacher employed on a contract of indefinite duration is employed on a permanent basis and holds the employment status of a permanent teacher.

Yours sincerely,

\_\_\_\_\_  
[INSERT NAME]  
On behalf of the Manager/Board of Management

# RMA News

As I write this article in mid February I am looking forward to joining up with RMA colleagues and friends in the Hotel Westport, Westport Co. Mayo for our spring break on March 12th, 13th and 14th and I will give a full report on this break in our next issue.

Our Social and Cultural Officer, Richard, has informed me that our Autumn break will take place on October 15th, 16th and 17th in Treacy's Hotel, Waterford, costing €180 per person sharing with a single supplement of €10 per night for 3 nights dinner bed and breakfast. Booking form and more details will be up on our website [www.rmatui.ie](http://www.rmatui.ie) after Easter and will be sent out to all members in late August.

## RMA AGM

The Annual General Meeting of the Retired Members Association will take place on May 15th in the Anner Hotel, Thurles, Co Tipperary. Details, including booking form etc, will be up on the website [www.rmatui.ie](http://www.rmatui.ie) and will be sent to all members in March.

## ALLIANCE NEWS

Since its Biennial General Meeting in late September 2018, the Alliance of Retired Public Servants has been active in attempting to progress its priorities on behalf of all Public Service pensioners.

Its Officers have met twice, to formulate strategies and to co-ordinate deputations to meet with politicians, political advisers and Government Department officials. Those priorities are:

- i) Preservation of Pension Parity for all Public Service pensions following the end of the PSSA in 2020;
- ii) A statutory Negotiation Platform for Public Service pensioners;
- iii) Full Pension Restoration (bring forward to Budget 2020 - October '19 - the naming of the date by which full restoration



- will be effected).
- Also on the Alliance list are:
- a) correction of the Lump Sum calculation for those who retired since Feb 2012 - the 2009 cut was ignored;
  - b) elimination of the delays in paying the 'catch-up' payments to the same group;
  - c) resolution of the USC anomaly - State pensions v Public Service pensions;
  - d) elimination of means testing for the Household Benefits package for the 66 to 70 age group;
  - e) restoration of the Medical Card for the 70+ age group, and
  - f) Printed pension slips for all.

The Alliance met with representatives of Fianna Fail and Labour and meetings are scheduled with Sinn Fein, a number of Independent TDs and with DPER officials. A meeting will take place shortly with officials from the Public Services Committee of ICTU, whose support will be needed in the campaign to get negotiation rights for Public Service pensioners.

## DELAY IN PENSIONS INCREASES

The RMA is aware of delays in the application of increases to their pensions which are due to some of our members. We are in contact with PSSC and have written to TUI branches to ask Staff Reps on ETBs to

raise the issue with their ETBs as the PSSC states that the delay is due to ETBs not furnishing details to them. We will continue to work on this and hope that it can be brought to a successful conclusion.

## TUI ANNUAL CONGRESS

Our Chairperson Martin Hoyer and myself have received invitations to attend the TUI Annual Congress at Easter and are looking forward to representing the RMA there. This year at the TUI Congress, TUI members will have the opportunity to show their support for two issues which are of significance to us as retired members and of significance for their own future. Motions will appear aiming to set up a 'Benevolent Fund' for the Union, including its retired members. Also, delegates will hear about the importance of retaining 'Pension Parity' when the PSSA ends in 2020. This is an issue which will command the attention of all union members, retired or not.

Finally, colleagues, can I remind you that motions submitted for our own AGM in Thurles in May, will be circulated and that you will have the opportunity to amend them for the first time. Such amendments must be submitted to me by May 1st (2 weeks before the AGM).

**Dan Keane, RMA Secretary.**

# TUI Income Continuanance Plan

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- ✓ A once-off lump sum of 25% of salary if you suffer a Specified Illness\*\*
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