



news

**BALLOT SPECIAL  
and  
CONGRESS 2013  
RESOLUTIONS  
REPORT**

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**TEACHERS' UNION OF IRELAND / AONTAS MÚINTEOIRÍ ÉIREANN**

# Make your voice on Junior Cycle heard



# Vote YES

for industrial action



TUI PRESIDENT, GERARD CRAUGHWELL

**Vote YES to protect the education system.**

**Vote YES to protect your conditions of service.**

**Vote YES to make your voice heard.**

Teachers will always support positive change that guarantees improvement on the status quo. However, as educators and practitioners, we are seriously concerned by the potential for damage posed by the new Junior Cycle proposals.

The Department of Education and Skills has consistently failed to provide the detail that would allow both TUI and ASTI to consider the proposals objectively. Over several months and across a range of forums we have identified problems, but there has been no meaningful engagement by the Minister or his Department in seeking to address our concerns. The proposals as set out pose very real threats to education standards, particularly to the objectivity and transparency guaranteed by the existing programme.

A recent OECD report shows that out of 34 countries surveyed, Ireland enjoys the highest level of public satisfaction with the education system and schools. Why then rush in change for which adequate and appropriate preparation has not been made and that can cause lasting and irreparable reputational damage? We firmly believe that to maintain public confidence, student achievement in the new Junior Cycle must be externally assessed and nationally certified by the State Examinations Commission.

Even at this late stage, with the first elements of the programme due to commence in September, there remain more questions than answers as to how the programme will operate. Considering what is at stake, this is completely unacceptable.

TUI, along with the ASTI, is seeking a strong mandate from members on non-cooperation with the new programme.

Vote YES on non-cooperation with the Junior Cycle Framework to ensure that our valid concerns about the proposals are addressed and that standards, fairness and quality are safeguarded.

Vote YES to protect the education system.

Vote YES to protect your conditions of service.

Vote YES to make your voice heard.

Gerard Craughwell, President, TUI

# Junior Cycle: make your voice heard

**TUI members are being balloted for industrial action in response to the planned changes to the Junior Cycle.**

**It is vital that you **VOTE YES** in this ballot in order to ensure that teachers' concerns about the new Junior Cycle are addressed and that standards, fairness and quality are safeguarded.**

## When will the union be balloting?

Ballot papers will issue from TUI Head Office on Tuesday, 11th of March, to arrive in schools on Wednesday, 12th of March. The ballot will close at 5pm on Wednesday, 26th of March.

*In order to ensure that completed ballot papers arrive on time, please post to auditors Deloitte by Monday, 24th of March at the latest.*

## What are members being balloted on?

**The question put to members will be:**

'Do you agree to take industrial action, as directed by the Executive Committee, such action to include non-cooperation with the following Junior Cycle Framework activities:

- Assessment for certification or award purposes
- Continuing Professional Development
- Planning
- Network school activities
- Engagement in Short Courses

and/or

any event, activity or function related to these

and

strike action at the appropriate time/s?'

## We urge every member to vote YES

*Action such as withdrawal from certain activities related to the Junior Cycle and refusal to implement/co-operate with new assessment methods constitute industrial action under the law. All industrial action, including non-strike action, requires a ballot to ensure that individual members are protected under the Industrial Relations Act.*

## Why ballot now?

On the 4th of October 2012, the Minister for Education and Skills launched the 'Framework for Junior Cycle', a plan to change the current Junior Certificate system. In doing this he made a unilateral decision to terminate the Junior Certificate examination and replace it with school-based assessment for certification purposes, to be phased in from 2014-2020.

The first new syllabus - called a 'subject specification' - English, is to be rolled out in less than six months' time.

Since October 2012, TUI has consistently lobbied for real and thorough negotiation on the issue of Junior Cycle reform. We have prioritised this issue in our recent media activities. Our position has been promoted in every available forum, including opinion editorials in the Irish Times and Irish Independent, four separate interviews on RTE's Morning Ireland programme, a spot

on RTE's Prime Time programme and a large volume of other print and broadcast exposure, a full listing of which is available on the TUI website.

In a series of bilateral meetings from October to December 2013, the Department of Education and Skills (DES) failed to provide the union with concrete and practical details regarding the resources, including time, that would be required to implement the proposed changes to the Junior Cycle. Similarly, on assessment, our grave concerns may have been heard but they were not heeded. In response, TUI's Executive Committee set a deadline of January 17th 2014 for the DES to provide full information that it could objectively consider. Again, the DES failed to do so and TUI was left completely unconvinced that the planned changes:

- will be adequately resourced
- will not result in a diminution of standards
- will maintain equity.

**In addition to completing and returning your ballot paper, please complete the petition to the Minister on the back cover of this magazine.**

On January 17th, following a singularly sterile meeting of the Working Group on Junior Cycle attended by the Department and other relevant parties, TUI announced that it would be balloting members on non-cooperation with the programme. Ballot papers will issue on March 11th and the ballot will close on March 26th.

*It is the Minister's prerogative under statute (Education Act, 1998) to set the curriculum. As teachers paid from the public purse, we are obliged to teach that curriculum. Indeed, many of the revisions in curriculum are welcome and timely. However, TUI believes that the assessment method proposed by the Minister will nullify the beneficial effects of the revised curriculum and that we must oppose and must not co-operate with the introduction of that assessment method.*

### Why should I be concerned about the changes to Junior Cycle?

- There is an unacceptable lack of concrete information about how the new Junior Cycle will work in practice and how it will be resourced.
- Meaningful engagement and negotiation with teachers and their unions has not taken place.
- The system is simply not ready for change of such magnitude after six years of slash-and-burn austerity cuts to school resourcing and teacher numbers.

- The planned discontinuation of external assessment/moderation puts standards at risk.
- The move to school-based assessment raises serious questions regarding the validity and reliability of student results.
- School-based certification will lead to unfairness and a lack of consistency in standards.
- Schools that cannot offer a broad curriculum or high visibility short courses will suffer. This means small schools, schools in rural areas and schools in disadvantaged areas will suffer.
- Some existing subjects could be downgraded or marginalised.
- There will be problems regarding the management, storage and security of assessment related materials.
- There is a real threat of an increased, bureaucratic workload that will deflect teachers from their core teaching role.
- Principal teachers will experience a significant increase in administrative workload.
- The multiplicity of overlapping assessment events will increase pressure on an already overstretched and overworked teaching population. It will also significantly increase the pressure on students.
- The proposed changes take no account of the existing heavy workloads of teachers, including work being completed at home. The planned changes will result in further encroachment into teachers' personal/family time.
- Questions regarding compensation for increased workload as a result of changes to the Junior Cycle remain unanswered.
- If teachers are to assume the role of marking their own students for

certification, TUI is concerned that there will be a deterioration in the pupil/teacher, teacher/parent relationship.

- The terminal examination is a motivating focal point. Its removal may demotivate students.
- The removal of a terminal state examination at Junior Cycle will impair student capacity to choose subjects for Senior Cycle and will remove the experience of sitting a state examination.

### Why vote YES?

**At workplace meetings, branch meetings, Executive Committee meetings and at Congress, you, the members, have indicated your profound concerns about the proposed changes. As a union we must now take a stand.**

A **Yes vote** will signal to the Minister and his Department that any attempt to impose the new Junior Cycle without our co-operation will fail.

A **Yes vote** will give us the means to oppose the imposition of school-based assessment.

A **Yes vote** provides the mandate necessary to protect students against a collapse in standards and teachers against a steep increase in workload.

A **Yes vote** is also being sought by our sister union, ASTI. This is an issue for all teachers to make common cause in order to safeguard the service provided to our students.

### Who will be balloted?

- All members teaching in mainstream second level schools.
- Members in schools/colleges with dual second level and further education functions.
- Members in other education centres where the Junior Cycle is offered.



# REPORT ON RESOLUTIONS OF CONGRESS 2013 AND ACTIONS TAKEN

## RESOLUTIONS CARRIED

### A. CONDITIONS OF SERVICE 2ND LEVEL

- 1 Co Donegal (Amended by Birr-Gallen/Executive Committee)**  
Congress instructs the Executive, to remind in writing, all TUI members who are members on VEC (ETB) committees and TUI members of BOM in Community and Comprehensive schools and voluntary secondary schools of the contents of CL34/2009 which states that any teaching hours that become available in a school/centre shall be given to those currently employed in the school/centre initially, or scheme thereafter, before new teachers are recruited providing that the current teacher possesses the necessary skills/qualifications to deliver that subject. Furthermore, Congress instructs the Executive to insist that these representatives actively seek to facilitate the adoption of this circular letter as VEC (ETB)/School Policy.

Representations on behalf of individual members are made by school committees and branches with a view to ensuring adherence to this policy position. Provision is made in the Public Service Stability Agreement (Haddington Road) for the

establishment of an Expert Working Group on fixed-term and part-time employment (i.e. to address casualisation in teaching). Under the Haddington Road Agreement, the TUI was successful in securing a reduction in the service qualification requirement for assessment of entitlement to a CID. In addition, discussions are due to commence in relation to a supplementary panel for the appointment of teachers who have had sustained periods of employment with more than one school/ETB (VEC) over an extended period of time and who have not, therefore, acquired entitlement to a CID under the Protection of Employees (Fixed-Term Work) Act, 2003. A motion on casualisation in teaching and lecturing, proposed by TUI, was adopted at the ICTU Biennial Conference, 2013.

- 7 Co Cork (Amended by Waterford City)**  
Congress instructs TUI to seek that Revised Procedures for Suspension and Dismissal of Teachers (59/09) be stood down immediately and re-negotiated due to the inherent lack of natural justice and fairness in provisions to appeal disproportionate disciplinary action against them. In particular to ensure the provision of natural justice

to any teacher who is the subject of an investigation by the employer.

The TUI raised matters relating to CL59/09 with the other teacher unions in the first instance. The union also put the issue on the agenda at the Teachers' Conciliation Council.

- 3 Co Donegal (Amended by Limerick City)**  
Congress calls on the Executive to enter into immediate negotiations with the Department of Education and Skills and any other relevant body to insist that members with a CID of 18 hours automatically receive a permanent whole-time contract.

Under the terms of DES CL 11/09, TUI has secured whole-time pay for members whose CID teaching hours exceed 18 hours per week. In the context of the HRA discussions, the union raised the reluctance of some employers to apply full hours and subsequently received definitive clarification from the DES that an employer must honour an application for full-time hours and pay under the terms of DES CL 11/09 (using the H22 form). A contract of indefinite duration is a permanent contract in respect of the number of hours specified. Circular letter 34/09 refers.

### B. CONDITIONS OF SERVICE 3RD LEVEL

#### Special Emergency Motion No. 5

**Dublin Colleges/Limerick Colleges/ Dundalk IT/ IT Tralee/ IT Tallaght/IT Carlow/ Blanchardstown IT/ IADT Dun Laoghaire**

Congress deplores the proposal to eliminate payment for the setting and correcting of scripts in third level institutions. In the event of this proposal being accepted by the Public Services Committee of ICTU, this Congress instructs the Executive following a ballot, to issue a directive to all third level members banning the setting and marking of exam scripts.



The union dealt with this matter under the Haddington Road Agreement. 75% of the examination payment has been protected.

**12 Executive Committee(x2)/ IADT Dun Laoghaire/Limerick Colleges/Dundalk IT/Dublin Colleges(x2)/IT Sligo (Amended by Executive Committee)**

Congress deplores the inappropriate use of hourly paid and fixed term contracts including the use of:

- 1) Hourly paid Assistant Lecturer (HPAL) and the disputed Associate Lecturer contracts
- 2) Hourly paid Assistant lecturer (HPAL) and the disputed Associate Lecturer Contracts of Indefinite Duration (CIDS)
- 3) Zero hour and variable hour contracts and zero hour and variable hour Contracts of Indefinite Duration (CIDS)
- 4) The issue of 5 year contracts as an avoidance mechanism in respect of the award of Contracts of Indefinite Duration (CIDS)

Congress demands that:

The Union negotiate and reach agreement on:

- 1) An agreed mechanism/conversion process for existing hourly paid Assistant Lecturers (HPALS) to Assistant lecturer (pro-rata contracts and CIDS)
- 2) An agreed mechanism/conversion process from the disputed Associate Lecturer grade to Assistant Lecturer grade.
- 3) he circumstances for the award of Pro-Rata contracts.
- 4) Stopping the use of zero hour and variable hour contracts
- 5) The elimination of the disputed Associate Lecturer grade for all TUI members.

The union addressed these matters under the Haddington Road Agreement. An Expert Group is being established in relation to the level of fixed-term and part-time employment in lecturing. The union secured an agreement that the qualification period for the granting of a CID is reduced from 4 years to 3 years.

The union also secured a process for the phased conversion of hourly paid Assistant Lecturers / Associate Lecturers to pro-rata Assistant Lecturers and, in this context, the application of circular 93/2007 to HPALs/Associate Lecturers.



**33 Dundalk IT/IT Tallaght/ Cork Colleges/Limerick Colleges/Dublin Colleges**

The outstanding claims under Labour Court Recommendation (LCR) 18366 remain unresolved. Congress condemns the Executive for the failure to implement the required actions in response to the many motions passed at Congress in recent years.

Congress instructs the Executive to immediately take whatever action is necessary to bring to a satisfactory conclusion the cases of all those long-suffering members with claims under Labour Court Recommendation (LCR) 18366.

The union referred this matter to the IoT IR Forum, a special LRC conference and, by way of direct referral under Section 20, to the Labour Court. The matter is in progress.

**32 Cork Colleges**

Congress instructs the Executive to direct that semesterised lecturers shall not accept timetables outside the agreed semesterised teaching period.

This issue is under consideration at the Colleges Sub-Committee.

**34 Dublin Colleges**

Congress instructs the Executive to make every effort to ensure that Researchers in the Institutes of Technology receive the same protections as other members.

The TUI is progressing its claim to be the union to represent Contract Researchers on a collective basis in the

IoT sector through the LRC. Significant progress has been made and a final agreement is pending.

**16 (a) IT Tallaght/IT Carlow**

Congress notes that Motion 42 from Congress 2011 was passed by a large majority of third level delegates: Motion 42, Congress 2011: "Congress notes that IOTI is not the employer of third level TUI members, but is a limited company and registered charity with no allegiance or accountability to the Governing Bodies of the Institutes of Technology, or the nation for that matter. Congress instructs the Executive not to negotiate on IOTI proposals unless they are signed off by each of the Presidents of the relevant Institutes of Technology individually." Congress condemns the Executive for failing to implement this motion, allowing the situation to continue whereby Institutes take no responsibility for the actions of their so-called representative body. Congress instructs the Executive to implement the motion as it was instructed to from the close of this Congress onwards.

IOTI is one of the constituent parties of the official side at the IOT IR Forum. The union has not negotiated directly with IoTI on IoTI proposals but, rather, negotiates with the official side (which also comprises the Department of Education and Skills and Dublin Institute of Technology).

**45 Dublin Colleges (Amended by Executive Committee)**

Congress recognises that the appointment of highly skilled and experienced people at the bottom of



the Assistant Lecturer scale on limited 5 year contracts is very inappropriate and has created deep inequity within Colleges across the Third Level IT sector. Many of these appointees were already teaching within the IT sector. The commencement salaries at ALI level are not much higher than the average industrial wage.

Many of these colleagues are required to have teaching commitments similar to many full-time staff members who are on more secure and better remunerated contracts. The 20 hours of teaching per week expected of AL staff under the CPA, and in some cases their associated administrative duties as Year Heads, creates difficulties for them to engage in meaningful research which may adversely affect their chances of progression to Lecturer level.

Congress therefore resolves to apply whatever resources are necessary to support the efforts of these colleagues to have these unfair contracts upgraded.

Under the HRA, an Expert Group is being established in relation to the levels of fixed-term and part-time working. The TUI will be bringing the matter of 5-year fixed-term contracts to that Group.

#### 44 Dublin Colleges

Congress instructs the Executive that no agreement on redeployment in the IoT sector is to be signed unless it is first approved by a ballot of third level members.

The union is still in discussions with the official side relating to the development of a redeployment procedure suitable for 3rd level. The discussions are proceeding under the auspices of the LRC. The protection against compulsory redundancy is linked to a redeployment procedure being operational.

#### 40 Dublin Colleges (Amended by Executive Committee)

Congress notes the unsustainable workload that has been put on Assistant Lecturers and Lecturers following the implementation of the Croke Park Agreement. We call on the Executive of the TUI to issue a reminder to all members that workload reverts to pre-Croke Park Agreement levels upon expiration of that Agreement.

Following its acceptance in a ballot of

members, the Haddington Road Agreement has now superseded the Croke Park Agreement.

#### 26 Cork Colleges (Amended by Executive Committee)

Congress instructs the Executive to issue a Directive that no member accepts a timetable in excess of 18 class contact hours per week in the Lecturer grade or 20 class contact hours per week in the Assistant Lecturer grade.

This matter was kept under review by the Executive Committee. The union has issued clear instruction in relation to the norm hours and the flex hours.

### C. CONDITIONS OF SERVICE - GENERAL

#### 47 Executive Committee/Dublin Colleges/IT Carlow (2)/Co Carlow/Dublin C&C/Dublin City (3)/Co Kerry/IT Sligo (Amended by Dublin Colleges)

Congress condemns the cuts to the longstanding sick leave and maternity leave provisions for teachers and lecturers that are being arbitrarily and unjustifiably imposed by the Government. Our members commit our lives to public service, which we joined on the clear understanding that in return these provisions would be a safety net when we are at our most vulnerable, whether through illness, accident and disability, or in pregnancy.

Congress instructs the Executive to work in conjunction with the other teacher unions to organise a sustained campaign to reverse these cuts, in the context of the

- Sick leave cuts already in place and those that will be operable from the beginning of January 2014, and in particular
  - Self-certified sick leave cut to 7 days in a two year period
  - Certified sick leave cut from 1 year in 4 to 3 months (and 3 on half pay)
  - Entitlement to "serious" illness cover (6 + 6 months), at discretion of management
- Announcement in the budget that maternity leave overlap days will end on the 1st of May 2013.

We did not get co-operation from the other unions for such a campaign. The teacher unions, including the TUI, have opposed the revised sick leave

arrangements, describing them as disproportionately impacting on teachers and lecturers. However, we have not succeeded in reversing the cuts. The teacher unions have succeeded in having a later implementation date apply in the education sector than in the broader public service. The union is engaged in ongoing discussion with the official side regarding the revised proposals at both the TCC and the IoT IR Forum. We have raised significant concerns about the proposals in regard to critical illness.

### D. INSPECTIONS

#### 55 Executive Committee

The public education system at post-primary and third level has been increasingly burdened by cumbersome and often unnecessary new bureaucratic demands. In this regard, Congress notes the imposition of, for example, school self-evaluation, additional and time consuming forms of inspection, a requirement for more frequent financial and staffing returns, returns in respect of redeployment, concessionary and resource issues, coerced additional hours for meeting with parents and students, risk assessment returns, and a variety of other administrative functions at a time when there has been a significant withdrawal of middle management structures. Congress agrees that the system is unable to bear the current burden of administrative work, that teachers and lecturers are being deflected from their primary purpose and that School and Institute management is unable to focus on core concerns. Congress, therefore, demands that the Department of Education and Skills institute a process that will lead to the rationalisation of administrative and bureaucratic processes and will result in a significant reduction in those demands. Congress instructs the Executive to resist the imposition of any further such demands.

This matter was raised with the Inspectorate of the DES and with QQI (as part of consultative processes associated with new developments in curriculum, assessment, teaching and learning). In the context of the Junior Cycle, the union has consistently stated that there is no capacity at system, school or individual level for further imposition. The union has also addressed in the media the issues of administration and bureaucratic overload.

**59 Tipperary NR**

The introduction of "Incidental Inspections" is becoming a common occurrence in the daily life of schools. This is a return to past practices by the inspectorate and should be accompanied by a revival of a "Code of Conduct" by which such inspections are carried out (this was also past practice). This Congress calls on the Executive to negotiate such a code with the DES without delay.

The union raised this issue with the Inspectorate. A teacher questionnaire has been designed by the Inspectorate, in consultation with education partners, and piloted in a number of schools to facilitate teacher feedback on their experience of WSE. The outcome will inform a review of the current code of conduct that applies to all evaluations and inspections. Where teachers express concern to the union about the conduct of an inspection, the case is addressed by the union to the Chief Inspector.

**58 Dublin C&C**

Congress instructs the Executive to request a breakdown of figures of all schools inspected, i.e. number of V.E.C., Community and Comprehensive and both Secondary and Fee-paying schools.

Details were sought and provided and reflect a reasonable distribution of inspections/evaluations across schools. The Inspectorate has committed to ensuring that individual schools and teachers are not the subject of multiple inspections in a short time frame, unless a specific issue merits this.

**E. POSTS OF RESPONSIBILITY****61 Cork City/Co Offaly/Tipperary NR/Co Carlow(3)/Shannon**

Congress instructs TUI to call on the Department of Education and Skills to reverse the public service moratorium with a view to easing restrictions on the filling of Assistant Principal and Special Duties posts, given the large number of post holders who have retired and that the failure to fill these posts is compromising the running of schools and PLC colleges.

TUI secured the full application (for each year of the HRA/Public Service Stability Agreement 2013-2016), of the alleviation arrangement set out in circular letter 53/2011 (a further circular letter in this regard is

anticipated). Full restoration of the complement of promotional posts warranted by schools' staffing schedules continues to be demanded by TUI. The union has also consolidated its directive regarding Posts of Responsibility.

**60 Co Laois**

Congress calls on the Executive to negotiate with the DES an appeals procedure in relation to the appointment of Principals and Deputy Principals.

The TUI secured agreement to an appeals procedure at the Teachers' Conciliation Council. Work is ongoing at a dedicated sub-committee of the Council to finalise the procedure.

**63 Dublin City**

Congress instructs the National Executive to devise a poster to clarify the key content of the Directive on Posts of Responsibility to the membership. This poster, which should be distributed to and displayed by Local Representatives in all TUI workplaces, shall enjoin TUI members to adhere to this Directive in the interests of preserving Posts of Responsibility into the future.

Comprehensive advice in respect of the TUI directive on posts of responsibility and the directive in poster form will be provided in the February 2014 edition of TUI News. The aim is to ensure enforcement of the directive and orderly disengagement from irregular practices. Branches will be issued with guidelines to assist in the implementation of the directive.

**62 Co Laois (Amended by Co. Offaly)**

Branch calls on Congress to condemn recent appointments to the role of Principal and Deputy Principal which are in breach of the relevant circular letters.

Congress calls on the Executive to insist that this matter be resolved with the Minister of Education and Skills and his Department before the end of 2013.

The matter of appointments to Principal and Deputy Principal positions was raised with the Department of Education and Skills. The union insisted on adherence to the terms of the relevant circular letters.

**F. TEACHING COUNCIL****65 Co Donegal/Co Dublin**

Congress directs that it is TUI policy that all short courses or literacy initiatives arising from either the reform of the Junior Certificate or from the implementation of the National Strategy on Literacy and Numeracy are to be delivered by teachers who are registered with the Teaching Council. Furthermore, Congress directs that the Executive insist on the implementation of this policy and that any attempts by the DES, IVEA, VECs/ETBs or individual schools to undermine this policy will be fiercely resisted by the union. TUI policy was formally advised to the Teaching Council, the NCCA and Department in all relevant meetings and consultative fora.

**71 Dublin City**

Congress instructs the Executive to demand that newly qualified teachers are enabled to be fully registered with the Teaching Council upon successful completion of their PGDE, and not temporarily registered dependent upon a period of probation.

The TUI brought this issue to the attention of the Teaching Council but was not supported. A Pilot project on induction and probation into the profession is underway. The union has also advised the Teaching Council of its grave concern about the difficulty that newly qualified teachers face in securing sufficient hours to satisfy the requirements for full registration.

**70 Co Louth/Co Monaghan**

Congress instructs the Executive to negotiate with the Teaching Council to allow teachers previously registered, who have allowed their membership to lapse, be re-registered without the need to submit all documentation or be re-vetted by the Gardaí.

TUI was successful in securing Teaching Council agreement that a formal letter from a HR Department, stating that they held the relevant qualifications on record, would suffice for re-registration of teachers whose registration had lapsed. A teacher whose registration has lapsed is required to apply for registration under Section 31(5) of the Act. Garda vetting is a requirement under this section.



## G. JUNIOR CERTIFICATE

### 72 Executive Committee/ Co Donegal(2)/ Co Monaghan/Co Offaly(x3)/ IT Tallaght/Co Dublin(x4)/ Co Laois/Shannon(x2)/ Co Clare/Co Meath/ Co Mayo/Co Roscommon(x3)/ Co Carlow(x3)/Dublin City (Amended by Executive Committee)

Congress deplores the unilateral decision of the Minister for Education and Skills to abolish state certification at the end of Junior Cycle and regards as regressive the absence of consultation with the unions or through the National Council for Curriculum and Assessment regarding this decision. This Congress defines TUI policy on assessment for Junior Cycle certification. This policy is that TUI is opposed to school-based assessment for Junior Cycle certification and seeks the retention of the current external assessment procedures, as organised by the SEC.”

Congress also recognises the significant, unallayed concerns of members regarding the reliability and integrity of assessment components at Junior Cycle in the absence of clear information and assurances from the Department of Education and Skills and the NCCA. Congress, therefore, instructs the Executive Committee to secure assurances that:

- The integrity, validity and reliability of assessment processes will be protected
- The workload of teachers will not be increased as a consequence of changes at Junior Cycle
- The nature and extent of continuing professional development will be sufficient to prepare teachers and the system generally for proposed changes
- National certification would be retained in order to ensure no loss of parity of esteem as between schools will result from the certification process
- Schools that are well resourced will not enjoy competitive advantage in respect, particularly, of short course provision
- Small schools will not be disadvantaged by the proposed changes and will be provided with concessionary allocation that enables them to function effectively in the reformed environment.
- A strong alliance with the ASTI will be built by the Executive to pursue



our strategic objectives on Junior Cycle reform”.

Congress instructs that implementation of the reforms not be agreed by TUI until and unless such assurances are received and the resources that underpin such assurances are guaranteed and agrees that additional workload will be resisted.

The TUI policy was advised to NCCA, the Department of Education and Skills and the education partners. It was reiterated in all relevant fora, e.g. NCCA Council/Sub- Groups, Department Consultative/Working Groups. TUI nominees on NCCA development groups explained the TUI position at meetings. An internal TUI working group was established to consider Junior Cycle developments in detail and prepare advice for Executive. Bi-lateral meetings (3) were held between TUI and Department officials to discuss union concerns, issues and policy stance in detail. The TUI position was also set out at a trilateral meeting involving the ASTI and the DES. Due to the unsatisfactory outcome of these meetings, the Executive Committee decided to ballot members for industrial action early in 2014. The TUI has pursued a co-operative and joint approach with ASTI.

The TUI also conducted an extensive national media campaign from October 2013 onwards making clear teachers' grave concerns about proposed new changes. Full details are logged on the TUI website.

### 73 Co Dublin

Congress instructs the Executive to resist the implementation of new syllabi and curricula, involved in Junior Certificate reform, without the adequate provision of training and resources to the teachers involved. To this end, the Executive should seek to open negotiations to ensure these prerequisites are provided.

As per motion No. 72.

## H. ORGANISATION

### 74 Executive Committee/ Co Galway/Co Clare/ Co Roscommon(x2) (Amended by Waterford City)

Congress notes that the Bill which is due to be enacted concerning the new Education and Training Boards will impact on the current TUI electoral areas for TUI Area Representatives in the VEC sector and necessitates a revision of the current areas.

In order to give sufficient time to allow the union make an informed decision as to how best to restructure the union in the context of the new Education and Training Board Structure and potentially revised structures for third level institutions, Congress instructs the Executive to hold a Special Congress at the appropriate time in the Autumn/Winter of 2013.

Congress further directs the Executive that a protocol be put in place for the period from enactment of the legislation up to the adoption by the Special Congress of the necessary rule/s changes for the revised areas, for

the effective co-ordination of Branch activity and representation to the ETB employers of a coherent TUI position in the current areas I to III.

The Executive Committee considered the developments in regard to the establishment of ETB and the emerging alliances at 3rd level (under Memoranda of Understanding). It decided that it would be prudent to defer a Special Congress until greater clarity emerges in terms of structural re-alignment. In preparation for such a Congress, the Executive decided to hold a series of consultative seminars with members to develop an appropriate approach to reorganising the areas and branches. The first seminar will be held on March 1st, 2014.

In the context of the amalgamation of VECs into ETBs, a protocol in respect of co-ordination and management of TUI Branches and representations for members, together with Standing Orders for Regional Committees of Branches, was prepared by the Executive Committee for dissemination to Branches.

Assistant General Secretaries have been assigned ETBs in order to assist in co-ordinating existing TUI branches under each employer.

**77 IT Tallaght/Co Donegal(x2)**

Congress instructs the Executive that the Annual Report shall include detailed information on the operation of the TUI Income Continuance Scheme including:

- The number of claims made
- The number of rejected claims and the length of time from the initiation of each claim to its rejection
- The number of successful claims and the length of time from the initiation of each claim to its acceptance
- The number of appeals and the length of time taken from the initiation of each appeal to its conclusion and the outcome of each appeal
- The gross yearly income of the scheme
- The gross yearly payments made to members of the scheme
- The number of members of the scheme drawing benefits, the benefits being paid, and the individual durations on benefit from the scheme.

See the relevant section of the Annual Report.

**85 Tipperary NR /Co Donegal**

Good communications is a vital aspect of the smooth and efficient running of any organisation. In any organisation particularly in TUI which represents members not only in the larger cities but throughout Rural Ireland it is essential that the principal means of communication is one which is available to all. Due to the lack of proper technology infrastructure it is taken an inordinate amount of time for Branch Officers, School and College Representatives to access and download information emanating from Head Office.

The following points should be considered:

- All Branch Officers, School, Centre and College Representatives are voluntary.
- A proper and efficient broadband network is lacking across sections of this country.
- Members are not receiving up to date information on time.
- Branch Officers are using an inordinate amount of time on Branch Correspondence.
- It is proving more difficult to attract active members at Branch level due to increasing work load.
- It is evidently encouraging the practice by Head Office to give shorter notice for meetings resulting in diminishing numbers at meetings and events.
- Practice of electronic mail is further eroding communication arriving to centres and schools and indirectly has the effect of lack of interest in the union

This Congress calls on the Executive Committee to facilitate the volunteerism associated with the work of Branches by returning to the option of standard post as well as electronic mail and to recognise the fact that members are already carrying out the increased fulltime work load associated with their teaching or lecturing positions.

The union utilises both standard post and electronic communications. In addition, the union is developing a member's personal webpage and a members' portal to facilitate access to all branch related information.

**I. ADULT EDUCATION/FURTHER EDUCATION/YOUTHREACH**

**I25 Executive Committee/Dun Laoghaire/Limerick City/ Cork C&C/Galway City/ Co Roscommon (Amended by Dublin City)**

Congress condemns as discriminatory, anti-educational and socially divisive the decision by Government to increase the pupil teacher ratio for PLC courses/programmes by 2 points. Congress recognises that the effect of this cut will be to:

- Severely restrict access to needed educational opportunity and life-long learning for students drawn in large part from marginalised communities
- Restrict access to educational opportunity for women and men who wish to return to the workforce
- Unfairly limit educational and retraining opportunities for those on the live register of the unemployed
- Cut off access to employment focussed, vocationally oriented courses for those whose interests and aptitudes are not addressed by mainstream, second-level provision
- Severely curtail the capacity of Further Education Colleges and Centres to devise and deliver innovative, labour-market sensitive and cutting edge courses that best address local and national economic and social priorities.

Congress regards as regressive and illogical a Government decision that will cost in the region of 500 highly qualified teachers, with specialised skills and expertise, their jobs or a significant proportion of their hours with the resultant cost to the Exchequer. Congress demands the immediate reversal of this unjust and irresponsible cut and instructs the Executive Committee to pursue a vigorous campaign that embraces learners and the broader community, to organise strong determined campaign including industrial action to force the Government to reverse their decision.

TUI continues to demand the restoration of the PTR in respect of further education provision to pre-Budget 2013 levels. Further to TUI representations directly to the Minister for Education and Skills, representations to all political parties and the Oireachtas Committee on Education and Social Protection, a

media and public campaign, protests and other representations, a limited alleviation of the staffing reduction was secured, based on submissions from ETBs on behalf of PLC colleges/schools most adversely affected by the cutback. In tandem with these demands, TUI will utilise the provisions in the Haddington Road Agreement to address the current level of casualisation in teaching in the FE sector.

#### **I29 Co Carlow**

Congress instructs the Executive to demand that the Pupil Teacher ratio for PLC classes be returned to 17:1.

As per motion No. 125.

#### **I44 Dublin City**

Congress instructs the National Executive to seek that this Union vigorously challenges any future attempt to introduce “tutor” positions by educational institutions when the work is clearly comparable to “mainstream” teaching. TUI must stand firm against the current onslaught on the awarding of proper terms and conditions in the profession, already evidenced in the treatment of new entrants and in the on-going victimisation of teaching staff, as in the case of TUI members in the Adult Refugee Programme, through the application of specious arguments such as funding and the future viability of a programme by the DES.

TUI successfully resisted an effort to apply the terms of CL 25/2013 to members whose employment was imperilled by Section 30 of the Teaching Council Act. TUI secured continuity of employment, and income, for all members with CIDs, whether they were eligible for registration with the Teaching Council or not. Representations were successful at branch level in respect of individual cases (prior to the issuing of DES CL 52/2013, which designates some FE courses as tutor-driven). TUI continues to insist that the appropriate recruitment grade in respect of FE courses is that of teacher.

Under the Education Sector appendix to the Haddington Road Agreement, issues in relation to contracts for Adult Education Tutors are to be addressed early in 2014.

#### **I27 Co Donegal (Amended by Dublin City)**

Congress instructs the Executive to ensure that the provision of Adult and Further Education is funded and resourced adequately and as a priority, by Education and Training Boards (ETBs) and by SOLAS at levels 1 to 6 on the National Framework of Qualifications. There should not only be an emphasis on education and training participants towards engaging in the work force, but also a clear recognition, valuing and resourcing of the contribution of adult and further education to social inclusion in Ireland.

TUI has insisted that SOLAS must recognise that community and adult basic education is frequently the initial access point which leads to progression to other programmes and certification at higher levels. TUI has advocated that SOLAS should develop a national literacy and numeracy strategy for community and adult basic education provision in ETBs with a view to the integration of literacy and numeracy across FET programmes at levels 1 – 6 and improving the range and quality of provision for the 20% of the labour force with less than level 4 qualifications on the national qualifications framework. ETBs should, as part of their education plans, be required to profile community and basic education needs in their areas. Based on this profile, ETBs should be required to dedicate an appropriate minimum percentage of spending to this area.

#### **I26 Co Donegal**

Congress calls on the Executive to insist that all VECs (ETBs) adhere to the duration guidelines provided by FETAC for the delivery of FETAC modules from levels 1 - 6. These guidelines cite the directed and self-directed hours required for the delivery of FETAC modules. Congress further calls on the Executive to insist that VECs (ETBs) devise a common directed/self-directed ratio for all programmes both full time and part time. This will reinforce the integrity of all FETAC modules delivered across all VECs (ETBs).

This matter is raised, as appropriate, with the ETBI.

#### **I42 Co Mayo**

The guidance cut of last year in conjunction with the change in pupil teacher ratio in the PLC sector from 17 to 1 to 19 to 1 represents a shameless attack on those adults and school leavers who use our service. Congress now recognises that Minister of State with the responsibility for further educations pronouncement that further education was in a time of radical change represented a threat rather than a promise. Congress calls on the Executive Committee to resist this by every means possible up to and including strike action.

As per motion No. 125.

#### **I28 Co Carlow**

Congress instructs the Executive to demand a revision of the current mechanism that is in place, for the collection of the €200 PLC levy.

Union representations have been made in this regard.

#### **I33 Co Dublin**

Congress directs the Executive Committee to urgently enter discussions with the DES to secure a qualified hourly rate of pay for qualified teachers who are members of the Teaching Council and are employed in the Adult Education Sector.

TUI has secured qualified teachers' contracts for teachers in Youthreach, formerly paid as 'tutors' or 'unqualified' teachers. TUI will utilise the provisions for examination of contracts in the adult education sector to seek qualified pay for teachers in the sector.

It should be noted that, under the Teaching Council Act 2001, the requirement to be registered applies only to teachers in “recognised schools”. Notwithstanding the exclusion of the adult education sector from the remit of the Council, the union has advised every member who is qualified as a teacher, irrespective of current assignment, to register with the Teaching Council.

#### **I48 Dublin City**

Congress strongly condemns the attack on the FE sector contained in the budget and the abolition of the equivalent of 200 whole-time jobs in the sector. Congress recognises that the increase



in the PTR will cause well over 200 teachers in the FE sector to lose their jobs; enormous expertise will be lost to the sector; essential modules will not be taught; students will suffer from larger class sizes and a restricted curriculum.

Congress condemns the Government for its failure to support the FE sector. Instead of cutting teaching jobs the government should be providing jobs in the FE sector including technician, librarian and support staff jobs as recommended in the McIver report. Congress calls on the Executive of the Union to take immediate action to defend the FE sector and to protect jobs. In particular Congress calls on the Executive to organise a campaign of actions against the increase in the PTR starting with clearly informing the government that we will not tolerate the destruction of the FE sector and the loss of over 200 jobs. The campaign should include a major public demonstration and a plan of resistance to the implementation of the proposed change to the PTR. Congress recognises that the attack on the FE sector is not unique. The cut of 20% to the starting salaries of nurses and the introduction of a time limited contract represent an enormous attack on pay and conditions in the health services. Congress calls on the Executive of the Union to work with other Unions to defend jobs and services and, in particular, calls for the TUI to put a strong motion to the Public Services Committee of the ICTU for concerted industrial actions against the cuts to jobs, pay and conditions.

As per motion No. 125.

**143 Co Mayo/Co Carlow**

Congress notes that the talks on the development of the SOLAS implementation plan went ahead without any serious participation by the Teachers' Union of Ireland. Congress notes that amalgamations at a time of austerity are deeply suspect and often very risky. Ultimately these risks would be to our jobs, our conditions, but most of all to the learners and the society for whom we provide a service. Congress now directs the Executive to find the resources to enable our union to insist in a determined, persistent and abrasive manner that trade union interests, especially the interests of our members are represented and taken into consideration.

TUI has had discussions with the

ETB/SOLAS Project Management Team in respect of the assimilation into ETBs of former FÁS centres and staff, in the context of the protection of members' pay and conditions of service. The discussions are ongoing.

**J. UNION CO-OPERATION**

**151 Executive Committee (Amended by Dublin City)**

- Congress notes
- the desire of members to have the four teaching unions act in concert to the greatest possible extent in representing the interests of teachers and lecturers
  - the significant and increasing level of co-operation between the four teaching unions
  - the development of a coherent position in relation to matters of common concern
  - the strategic value of a cohesive approach in relation to such matters.

Congress therefore endorses the further enhancement of this teacher union working relationship and asks that the TUI, ASTI, IFUT and INTO jointly plan and co-ordinate strategy whenever possible and appropriate. Specifically Congress calls on the four Unions to work together in a strong trade union campaign, up to and including industrial action, to defeat the Government's programme of pay cuts and the destruction of the public education.

The 4 Teacher Unions have worked together in the past year on a range of initiatives and claims. Meetings of the 4 Teacher Unions are held on a regular basis. To a significant degree, the 4 teacher unions adopted a co-ordinated, collaborative approach to the PSA2 and HRA discussions. TUI and ASTI, in particular, have also co-ordinated both responses to and campaigns regarding matters such as Junior Cycle. TUI and IFUT are jointly involved in the Irish component of a European Research Project regarding conditions in Higher Education.

**152 Co Laois (Amended by Tipperary NR)**

Congress calls on the Executive to form an alliance with ASTI with a view to pursue a common approach in relation to issues concerning the second level sector. Issues to include any proposals by the DES or any Government agency to alter the existing terms and conditions for teachers.

As per motion No. 151.

**K. EDUCATION INVESTMENT & RESOURCES**

**156 Tipperary NR/ Co Monaghan/ Co Carlow/Shannon/Co Clare**

The change in the manner in which the allocation of Guidance is now required to be provided is having a retrograde affect on the provision of the Guidance and Counselling service in our schools. The social consequences of this decision have become evident in a number of schools whereby the DES have had to reconsider their decision and provide additional support for the Guidance Service in a number of schools.

This Congress calls on the Executive Committee to meet with the DES as a matter of urgency and negotiate the reversal of this decision to change the allocation of Guidance Counselling to schools so that the Guidance and Counselling provision can be staffed in an ex-quota manner.

The union has made representations to the Minister and senior DES officials. The damaging effect of the cut to Guidance Counselling has been consistently referenced in TUI media inputs. Support was provided to Dublin and Dun Laoghaire branch in analysing data collected through a local survey in order to complement the material and argument generated by the Institute of Guidance Counsellors.

**169 Executive Committee**

Congress notes the recent and widespread use of private providers and retired personnel in the provision of support services to the public education sector. Congress also notes that the DES has discontinued vital supports to schools and colleges and has refused to replace essential personnel. Congress deplores these developments and instructs the Executive Committee to negotiate substantial and effective support services for all sectors of public education.

The absence of the necessary supports was raised with the Minister and Senior Officials. In respect of FET, TUI has insisted that FET must be provided by public providers, accountable through appropriate corporate and financial governance standards. ETBs must be assigned primary responsibility for all FET provision at local level, both publicly and privately provided.

**163 Dublin C&C**

Congress instructs the Executive to insist that the appropriate resources and training be put in place first before the introduction of any new courses.

The unions have consistently demanded this (e.g. in regard to the Junior Cycle) as a prerequisite for the maintenance of high quality in public education. See motion 72 above.

**153 Executive Committee**

Congress calls for increased investment in Education at second level, further education and third level. Spending on education should be regarded as capital investment and should be increased in times of economic difficulty, not cut as has happened in a series of Government decisions.

This is the position put to the Minister and senior officials and supported by the TUI's statements in the media. The union is working in partnership with management bodies and parents on this issue and continues to demand that the Government should increase investment in the education system to 7.5% of GDP. In respect of second level, this is set out in the PPEF document entitled "A 20:20 Vision for Education". The union has also advanced this position through Education International/ETUCE.

**L. PAY & PUBLIC SERVICE AGREEMENT****Rule 22 Motions (Priority)****Rule 22 Motion A Executive Committee**

Congress notes that:

- the members of the TUI have overwhelmingly rejected the LRC proposals for an extension to the Public Service Agreement 2010-2014
- the proposals were regarded as unacceptable in terms of their provisions in respect of both pay and conditions of service
- the fact that the Public Service Agreement 2010 - 2014 has not expired and the proposed extension to the Public Service Agreement is a cynical attempt to leverage additional pay, pension and productivity measures
- the proposals represent a breach of trust by Government in seeking to amend or withdraw from its

commitments under the current Public Service Agreement

- the proposals failed the test of fairness and would affect teachers and lecturers disproportionately
- teachers and lecturers have contributed very significantly to national economic recovery
- the proposals represent unfair and discriminatory treatment of public servants
- implementation of the proposals would cost many fixed-term teachers and lecturers part or all of their jobs and incomes
- the proposals carry significant potential for negative effect on conditions of service on an on-going basis
- the proposals, if implemented, would seriously damage the quality of the public education system
- the proposals were rife with ambiguity and anomalies, especially in relation to the pay and pension provisions
- the talks regarding the proposals were singularly unbalanced and were conducted against a backdrop of Government threat
- the proposals did not deal with the crisis of casualisation in the teaching and lecturing professions
- the Public Service Agreement 2010-2014 facilitated the successive reduction in the pay of new entrants and the LRC proposals would institutionalise those reductions.

Congress therefore determines that the TUI:

- o will vote for rejection of the LRC proposals in respect of pay, pensions and conditions of service at the ICTU Public Services Committee, in accordance with the mandate provided by the ballot of members
- o will inform the Public Services Committee of its view that it is not the role of the PSC to decide the terms and conditions of members of unions that have rejected the proposals
- o will advise the Public Services Committee that the Union will not regard itself as bound by an aggregate vote and will insist that the ICTU supports and defends this position
- o will continue to advocate the application of the policy of ICTU in regard to a fair, progressive taxation system that would require workers, in both the public and private sectors, to contribute in accordance with their means –

- o those who have most paying most will seek to work in close co-operation with other public service unions, including the other teacher unions in particular, in regard to opposing implementation of the proposals
- o will seek to foster a clear understanding in the public domain of the legitimate concerns of TUI members about the negative impact on the quality of the education system that imposition of the proposals would entail
- o will oppose, by all means necessary, any attempt to impose the terms of the proposals that have been rejected by members and will organise and assist members of the TUI in resisting imposition of the proposals
- o will continue to seek the complete assimilation of new entrants on to the pre-2011 common basic scale.

The union complied with each of the action points. The process that culminated in acceptance by members of the Haddington Road Agreement is extensively covered in the Annual Report.

**Rule 22 Motion B Dublin Colleges**

Congress notes:

1. The proposals in Croke Park 2.
  2. The decision of the TUI Executive to recommend rejection of these proposals.
  3. The decision of members in ballot to reject these proposals.
- Congress resolves to abide by the decision of the ballot of members and instructs the Executive not to enter any further 'Croke Park 2' talks with the government or the management side in the sectors we represent.
- Congress instructs the Executive Committee to reject any imposition these proposals on members either by the government or the ICTU. Congress directs the Executive immediately to ballot members to withdraw from membership of the ICTU if these proposals are imposed on the membership of the TUI.
- Congress also directs the Executive to work with other all unions who reject Croke Park 2 with the aim of preventing the implementation of Croke Park 2.

Meeting on 17th May, the TUI Executive Committee decided that, in order to protect members' interests in rapidly changing circumstances, the

union should accept the invitation from the LRC to enter the education sector discussion (that led to issue of the Haddington Road proposals). The other teacher unions had decided to enter the sectoral discussions by this stage. A significant majority of the other public service unions were involved in sectoral discussions or had concluded those discussions.

## M. PENSIONS

### 195 Tipperary NR (Amended by Executive Committee)

This Union is opposed to any proposal to change the terms and conditions of the pensions for existing teachers and lecturers who have signed up in good faith and who have continued to pay their required contributions. The Union views any attempt by this government or Department representing the government to alter the terms and conditions as a breach of contract. This Congress instructs the Union to resist any attempt to alter the terms of the pension scheme for existing teachers and lecturers and take whatever steps necessary to ensure that the pension scheme for existing teachers and lecturers remains.

The TUI has acted in conjunction with the other public sector unions in this regard.

### 194 Cork Colleges

Congress instructs the Executive to negotiate with the government to make time spent studying for a post-graduate degree fully reckonable for pension purposes.

No progress has been made in this regard. A general principle that applies is that only service in respect of which an appropriate pension contribution is paid is reckonable for the purposes of the occupational pension.

## N. IN-SERVICE

### 196 Co Carlow

Congress instructs the Executive to reassert the TUI position that all in-service training take place during school hours.

This TUI policy was emphasised at all appropriate meetings, review sessions and consultative fora involving the Department, Professional Development Support Services, Teaching Council and NCCA.

### 198 Co Mayo

Congress is appalled at the totally inadequate amount of on-going training which is being made available to teachers and lecturers. Taken in conjunction with the abolition of allowances for those who choose to improve themselves in their own time, this represents a truculent indifference on behalf of the Government and the Department to teacher training. Congress recognises the threat to Teacher Centres is a further indication of this indifference.

The TUI, in discussions with the Department, has pointed to the negative effect of withdrawal of the qualifications allowances for those entering teaching from February 2012 on.

### 200 Dublin City (x2)

Congress instructs the Executive to demand that the DES and VECs put in place sufficient funding for systematic in-service programmes in intercultural education for teachers in schools and colleges.

Congress further instructs the Executive to demand of the DES and VECs appropriate in-service support on intercultural education for teachers. The intercultural classroom has dramatically changed teaching in Irish educational institutions, but this change has not been reflected in the provision of systematic intercultural education support and training for teachers.

This issue was raised at the Department of Education and Skills review and consultative session on professional development priorities.

## O. EXAMINATIONS

### 201 Co Donegal

Congress instructs the Executive to engage with the SEC to seek the immediate discontinuance of employing/hiring retired teachers as contract staff of any kind for the supervision or marking of the certificate exams at the expense of practising teachers.

The matter was raised with the SEC which is reviewing the current selection criteria and process, mindful of any legal and equality issues that could arise. In the meantime some measures have been taken to give priority to unemployed, part-time or substitute teachers for some elements of work.

### 203 Co Leitrim

Congress rejects the increased emphasis on project work and assessment of students by their teachers in Certificate Examinations for the following reasons:

- 1 Teachers are open to interference and pressure from students, their parents and school management to award higher grades with their workload significantly increased.
- 2 The objectivity of the grading system will be thoroughly compromised and educational standards greatly diminished if teachers assess their own students.
- 3 This form of assessment for State Exams places the teacher in the position of judge and not, as it should be, of advocate for their student.

Congress demands, as a matter of urgency, that the Executive seek a common approach with our colleagues in ASTI on this issue and stand together to protect the integrity of our exam system and the working conditions of all second-level teachers.

See Motion 72 re Junior Cycle. Co-operation with ASTI was strengthened during the year with a view to further collaboration as appropriate in 2014. TUI and ASTI jointly sought external support/advice on developments in assessment. TUI and ASTI jointly convened meetings with subject associations. Meetings of nominees to NCCA Council/sub-groups/development groups were convened on a regular basis to promote a common approach and message. Common concerns and policy perspectives were articulated to NCCA, SEC and the Department.

### 202 Dublin C&C

Congress instructs the Executive to negotiate revision of and amendment to allocation of marks in Aural Component of Leaving Certificate Examination and to closely monitor proposed assessment of aural skill in the proposed reformed J.C.E.

This matter was raised with the relevant policy makers – NCCA, Department of Education and Skills. The matter will be pursued as part of on-going development of a new junior cycle and the NCCA/SEC review of aspects of senior cycle and Leaving Certificate.



## P. EQUALITY

### 209 Co Cork

Congress instructs TUI to explain why the procurement of legal advice, reported to be underway at Congress 2012, has not yet yielded a reason for not taking an Employment Equality legislation case on behalf of new entrants for pay discrimination. If indeed that process of legal advice is now complete then the Executive should order that a summary explanation for pursuing or not pursuing a case on behalf of those members that are new entrants should be issued and made available to all branches.

TUI has lodged a number of equality cases. We are awaiting a hearing date at the Equality Tribunal.

### 207 Limerick City /Cork C&C

Congress welcomes the Minister's commitment to Congress last year to end the discrimination of gay and lesbian teachers in schools that is permitted under Section 37.1 of the Employment Equality Act. Congress instructs the Executive to demand that the DES delivers on this commitment now so as to guarantee teachers the legislative protection afforded to other workers.

TUI made a submission in the Autumn demanding repeal of Section 37.1 of the Employment Equality Act. The submission is set out as an Appendix to the Annual report.

## Q. CASUALISATION/ FIXED TERM/PART TIME

### 211 Executive Committee/ Co Monaghan/Galway City/ Co Offaly(x2)/Shannon/ Co Cork/Dublin City/ Co Roscommon

Congress deplores:

- The on-going casualisation of teaching and lecturing
- The continued use of the Employment Control Framework and budgetary measures to cut staffing levels that give rise to this casualisation
- The cynical exploitation by employers of vulnerable fixed term and part-time employees
- The abuse of legislation that was designed to protect part-time and fixed term employees
- The failure or refusal of employers to make permanent appointments
- The deliberate policy of some employers to obstruct the issuing of

contracts of indefinite duration and the use of public monies to purchase legal services to assist this obstruction

- The failure or refusal of employers to issue pro-rata contracts, even where an entitlement to pro-rata work clearly exists, and the failure of Government, including the Department of Education and Skills, the national management bodies at post-primary and tertiary level and of individual School, College, Centre and Institute managements, to adhere to basic principles of justice and fairness in their treatment of employees.
- The practice by some employers of reducing the hours of fixed term teachers below the critical threshold of 18 hours per week in fourth year contracts.

Congress instructs the Executive, as a matter of urgency and priority, to use every means at the Union's disposal to halt and reverse the casualisation of the profession and to vindicate the rights and entitlements of teachers and lecturers. In issuing this instruction, the Congress recognises that the maintenance of a high quality public education system will not be possible in circumstances where teachers and lecturers are casualised and denied appropriate professional pay and conditions.

As per motions No. 1 and No. 125.

Some progress was achieved through the Haddington Road Casualisation measures in respect, in particular, of the reduction from 4 years to 3 in the qualifying period for award of a CID and the revision to the salary scale for entrants to teaching and lecturing since 2011. The TUI hopes to make further progress through the Expert Group and the process for conversion of HPALs. However, it remains the overarching objective of the union to have the pre-2011 salary scales apply to all members and to secure permanent, initial appointment as the norm.

### 214 Dublin City (Amended by Dublin Colleges)

Congress instructs the Executive to pursue vigorously cases where CID holders who have completed 8 years of service and are due a review of the Contract of Indefinite Duration fail to get the full complement of hours due to "objective grounds" being raised by the employer.

TUI will intervene to ensure that all members are afforded their contractual and legal entitlements under the Fixed-Term Work Act, through use of both the adjudication mechanism in DES CL 50/06 and the formal Rights Commissioner complaint process. The TUI has secured clarification from the DES that additional hours worked, under fixed-term contracts, by a teacher with a part-time CID are to be added to the existing part-time CID, once they have been held for 3 successive years, if no valid objective grounds apply.

## R. NEW ENTRANTS

### 216 Executive Committee/IT Tallaght/Co Carlow/Dundalk IT/Co Clare/Cork City/Co Cork/Donegal C&C/Limerick City/Galway City/Co Mayo/Dublin C&C/Dublin City(x2) (Amended by Dublin City)

Congress notes:

- The sustained attack by government on the pay and conditions of new entrants to teaching and lecturing
- The unjustifiable elimination of qualifications allowances for new entrants
- That the starting salary of a new entrant to teaching since February 2012 is 28% less than was the starting salary of an entrant to teaching in December 2010
- The imposition of a significantly inferior mandatory pension scheme on new entrants
- The addition of a further year of unpaid pre-service training for those pursuing a career in teaching
- The decrease in the value per hour of the Supervision and Substitution scheme to new entrants

Congress considers that the purpose of this sustained attack is to

- Demoralise the teaching profession
- Engender division among teachers
- Collapse the salary structure of the profession by generating a spurious rationale for equality of treatment through cutting the pay of longer serving teachers
- Weaken public sector unions, including teacher unions

Congress therefore commits the TUI to a sustained campaign, in collaboration with the other teacher unions, in order to

- Achieve equality of treatment and parity of professional esteem for all teachers, irrespective of their date

of entry to the profession, by securing a single, common, basic salary structure that reflects a level of pay, inclusive of allowances, that is no less than that of pre-2011 entrants

- Restore and enhance the morale of the profession
- Represent effectively to the public the excellence of the teaching force and the need to ensure its excellence into the future by maintaining pay and conditions that attract entrants of the highest calibre.

Congress instructs the Executive to campaign for the reversal of all cuts to the pay and conditions of new entrants to teaching and for the restoration of the common basic scale through concerted action, including legal and, if necessary, industrial action.

See Motion No. 211. The TUI succeeded in securing some improvements (outlined elsewhere in the report). This represents an initial step only in an ongoing campaign. Some of the above issues are addressed in the HRA.

**S. EDUCATION AND TRAINING BOARD**

**223 Dublin City(x2)/Co Monaghan (Amended by Dublin C&C)**

Congress instructs the National Executive to secure a Teaching Council registered teacher representation on the Boards of the proposed Education and Training Boards.

In representations to the Department of Education and Skills in respect of the Education and Training Boards Bill, 2012, TUI stated that the proposed composition of Education and Training Boards was unbalanced. TUI sought dedicated teacher representation on the ETB boards and advocated – in respect of a board which consisted of one existing VEC - that there should be 3 elected members of staff, at least one of whom would be a teacher. In respect of an ETB board that resulted from an amalgamation of two or more ETBs, TUI sought 4 elected members of staff – at least two of whom would be teachers. The Education and Training Boards Act, 2013, provides for the election of two members of staff to the board of an ETB. Advice for branches in respect of the election of staff to boards is currently being drafted.



**220 Dublin City(x2)/Cork City/Co Donegal**

Congress instructs the National Executive to ensure that there is no diminution in the existing contractual entitlements and statutory rights of teachers transferring to Education and Training Boards (ETBs) under the proposed new legislation.

In respect of the Education and Training Boards Bill, 2012, TUI sought similar protection for members' contractual and other entitlements as was available in 1997 in respect of the amalgamation of town and county VECs, (when the remuneration, terms and conditions of service, restrictions, requirements and obligations to which members were subject immediately prior to transfer continued to apply). TUI continues to demand continuity of collective agreements in respect of members' pay and terms of employment. Discussion so far with the DES and ETBI has focussed on transfers.

**221 Dublin City**

Congress instructs the National Executive to reject any provision in the new legislation on Education and Training Boards for the dismissal of a teacher directly by the CEO of an ETB.

The TUI engaged extensively with the DES, ETBI and the Minister on the legislation. The union argued against repeal of the exclusion of certain categories of employees from the provisions of the Unfair Dismissals Act, 1977, and sought maintenance of the statutory inquiry provisions of the 1930 and 1944 VEC Acts, including referral to the Minister for Education and Skills in respect of suspension or dismissal of staff. However, the Minister would not accede to our representations and local sworn inquiries were dispensed with by the new legislation.

**222 Dublin City**

Congress instructs the National Executive to seek that this union secures a defined consultative role with Education and Training Boards in respect of the educational and training support provided by ETBs. It is of particular concern that TUI members may potentially be required to provide educational support to private, for-profit educational providers.

This has been raised with the ETBI. Section 10 of the Education and Training Boards Act, 2013, provides, where appropriate, that ETBs consult with staff in respect of the performance of their functions. TUI will seek to establish a defined formal agreement in respect of such consultation.

**219 Co Mayo/Dublin City(x2)**

Congress demands that the Education and Training Boards be subject to the Freedom of information Act.

The long-standing demand of TUI for application of the Freedom of Information legislation to ETBs (VECs) has not yet been met. However, the FoI legislation will apply to ETBs under the terms of the Freedom of Information Bill which is expected to pass into law in 2014.

**T. EDUCATION**

**224 Co Monaghan/Co Dublin (Amended by Tipperary NR)**

Congress calls on the Executive to draw up a yearly protocol for all members representing the TUI on NCCA subject syllabus committees and all other NCCA committees. This protocol should set out their role and responsibility to the union they have and the rights which they have and can exercise on such committees. This protocol should also include the reporting procedures they have with the TUI and strict deadlines. All TUI representatives on NCCA Syllabus Committees should commit to attend the maximum number of meetings of the Committee.

All TUI nominees to NCCA development groups are advised of their responsibilities, roles and the reporting back process. Pre-meetings (group and separate) with the TUI's Education/Research Officer are organised in advance of meetings of the development groups to support common understandings of TUI

position and build capacity. ASTI and subject association nominees are invited to join, as appropriate.

## U. HEALTH AND SAFETY

### 232 Dublin City

Congress instructs the National Executive to take strong action on behalf of TUI members by challenging educational institutions whose management fails to address insupportable levels of student indiscipline, thus preventing a school or college from providing appropriate education to all of the school population.

The Union has intervened in many instances where insupportable levels of pupil disruption/misbehaviour have been brought to attention. Cases in this regard are taken both on behalf of individual members and members collectively.

## V. REDEPLOYMENT/TRANSFERS

### 235 Executive Committee (Amended by IT Carlow)

Congress notes that the Education and Training Boards Bill, when enacted, will bring about extensive restructuring of the current Vocational Education System. Recognising that this legislation has significant implications for the conditions of service of teachers and that it is silent in respect of the matter of transfer of teachers within a given employment, Congress demands that the Executive Committee negotiate with the Department of Education and Skills and other relevant parties an agreement in respect of transfers that:

- (a) Provides that no teacher may be compulsorily transferred outside the area of the Vocational Education Committee in which s/he currently works; and
- (b) Provides conditions in regard to transfer that, at the least, are no worse than the conditions that apply to cross-sectoral redeployment of teachers under the Public Services Agreement. and that the same philosophy expressed in points a and b (above) prevail if and when such discussions and or negotiations should take place for our members in Third Level.

Negotiations are continuing with ETBI in respect of the TUI/IVEA Teacher Transfer Agreement, having regard to

the concerns in respect of distance and conditions cited in the motion. The above concerns are also comprehended in the ongoing discussions on third level redeployment.

### 236 Co Monaghan/Co Sligo

Congress calls on the Executive as a matter of urgency and in line with the Croke Park agreement to allow TUI officials to negotiate for a voluntary transfer scheme for teachers on a national basis where a teacher who wishes to move to another part of the country may do so without any break in service, without any change to their permanent or CID contract and without any loss of posts of responsibility. This could take place before any compulsory transfers. This would give teachers similar rights as Civil Servants.

The Croke Park Agreement made provision for the negotiation of a scheme of voluntary redeployment. Following representation by the TUI and ASTI at the Teachers' Conciliation Council, a Pilot Scheme was run in 2013 in the Sligo area. The unions have requested extension of the scheme for 2014.

## W. MISCELLANEOUS

### 242 Dundalk IT

Congress condemns the sustained attack on workers take home pay, the loading of extra taxes, and the cuts to benefits. Specifically Congress opposes the new property tax and instruct the TUI to campaign against it.

The TUI's position was widely reported.

### 243 Co Cork

Congress instructs TUI to voice its opposition to on-going financial support for political parties such as the Labour Party by some unions affiliated to ICTU. TUI should be critical of any union that facilitates government parties in cutting public services, increasing taxation on middle income earners, cutting the work and wages of low-paid workers and impoverishing the children of the nation to pay unjust, unsustainable and punitive debts foisted on the Irish people by privateers and European governments in recent years. Such unions are part of the problem and not the solution. Such measures serve and satisfy the wanton greed

and hypocrisy of foreign and domestic interests who oppose tax increases for the same wealthy elites that thwart the so-called "free markets" by keeping the profits when they win and socialising debt when they lose.

The TUI does not provide financial support or otherwise endorse any political party, alliance or grouping.

### 241 Executive Committee/Dublin Colleges(x4)

TUI demand that ICTU step up its campaign for boycott, divestment and sanctions (BDS) against the apartheid state of Israel until it lifts its illegal siege of Gaza and its illegal occupation of the West Bank, and agrees to abide by International law and all UN Resolutions against it.

Congress instructs the Executive Committee to:

- (a) Conduct an awareness campaign amongst TUI members on the need for BDS
- (b) Request all members to cease all cultural and academic collaboration with Israel, including the exchange of scientists, students and academic personalities, as well as all cooperation in research programmes.

The motion attracted considerable attention. TUI spokespersons were interviewed by a range of national and international media outlets. The TUI sought that the ICTU act with clarity in respect of the issue.

### 240 Birr Gallen

Congress exhorts the Executive to hold the Government to account when it blatantly disregards the Constitutional imperative to "Cherish the Children of the State". Currently there are approx. 120 boys in this state who suffer from Duchenne's disease – severe form of muscular dystrophy which causes rapid muscle degeneration, leading to inability to walk from age 10 – 12 years, paralysis and death in late teens or early twenties. Duchenne's muscular dystrophy affects 1 in 3,600 males. There are no centres of excellence (unlike the UK) in Ireland and management of Children with DMD is inadequate and inconsistent. Until such a centre of excellence is in place for Duchenne's sufferers with complete multidisciplinary care, the Government must facilitate access for Duchenne patients to International standardised care. The Irish Government must not abandon these young Irish citizens,



but instead must assist them to get the best therapy that dedicated international centres of Excellence can provide for these most vulnerable children. We must cherish and care for these children and properly address their needs.

The union wrote to the Minister for Health.

## X. RULES

### 246 Co Galway

Amend Rule 89 which reads:

“Each full member, associate member and retired member of the Union shall pay an annual subscription as decided by Congress.”

to:

“Each full member, associate member and retired member of the Union shall pay an annual subscription as decided by Congress. 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.”

This initiative was implemented.

### 248 Co Dublin

Rule 32 (ii)

‘Subject to the discretion of the Chairperson the proposer of a motion shall be allowed five minutes and each subsequent speaker three minutes. No speaker shall speak more than once on the same motion with the exception of the mover of the original motion who shall be allowed three minutes to reply to the discussion.’

Add: ‘In the event that there are no speakers against a motion it shall be put immediately after the proposer and seconder have spoken and no further speakers shall be allowed.’

Rule amended.

## Emergency Motions Carried

### Emergency Motion No. 1 Dundalk IT / IT Carlow / IT Tallaght / IT Tralee / Dublin Colleges / Co. Laois / Athlone IT / Dublin City / Waterford Colleges

If CPA2 imposed

In the event that the Government or ICTU decide to impose the Croke Park 2 proposals, Congress instructs the Executive Committee that this Congress takes the view that such imposition is a de facto termination of Croke Park 1. Should those circumstances occur, Congress instructs the Executive Committee:

1. To direct all members to withdraw, with immediate effect, from all measures in Croke Park 1
2. To direct all members to refuse to engage in any measures in Croke Park 2; and
3. To conduct a ballot for Industrial Action up to and including strike action.

Further, in light of the TUI’s Croke Park 2 “NO” vote, Congress instructs the Executive Committee to call a rally of all public sector workers to consolidate a movement against Croke Park 2.

The process that culminated in acceptance of the HRA following a ballot of members is reported in the Annual Report.

### Emergency Motion No. 2 Dundalk IT / IT Carlow / IT Tallaght / IT Tralee / Dublin Colleges / Co. Laois / Athlone IT / Dublin City / Waterford Colleges

Building an Alliance Against CPA2  
In light of the massive NO Vote against Croke Park 2 Congress directs the Executive to urgently liaise with the executives of teacher and non-teacher public service unions with a view to promoting and planning the building of an Alliance of trade unions across the public service that:

- i. Has, as its core principle, cross-union solidarity based on “an injury to one is an injury to all”
- ii. Opposes, by unity of action, cuts to the pay and conditions of all union members
- iii. Recognises the unreserved right of individual unions to decide on the pay and conditions of their own members

- iv. Demands that the Government immediately target a combination of additional income taxation on the earnings of the top 5% of ‘income units’ in Ireland along with the introduction of a progressive wealth tax instead of cuts in the public sector.

Most public service unions accepted the HRA in May 2013. Three of the teacher unions, including the TUI, were the last to make a decision in relation to the HRA and did so following a ballot of members.

### Emergency Motion No. 6 Executive Committee / Cork City / Co. Cork / Co. Carlow / Co. Dublin / Dublin C&C / Boyne Area C&C / Co. Mayo / Co. Donegal / Co. Kerry / Co. Galway

Circular Letter 08/2013

Congress condemns the unilateral imposition of Circular Letter 08/13 and notes that in 2011 it was agreed at the Teachers’ Conciliation Council that a qualified teacher who had any work as a teacher, paid from public funds, prior to 1st January 2011 would not be regarded as a new entrant for the purposes of placement on the Common Basic Scale.

Circular Letter 08/2013, either advertently or not, could have the effect of removing from the pre-2011 Common Basic Scale, those teachers who were qualified in 2012 and who had been paid as a teacher from public funds prior to 1st January 2011 (and had a payroll number or other evidence in respect of this work). This represents a serious breach of faith, as employers had previously been advised that those teachers should be placed on the pre-2011 Common Basic Scale. This circular letter also seeks to recoup the difference between these two pay scales from the affected teachers. Congress demands the immediate withdrawal of this circular letter and protection of the pay of teachers affected by it.

This issue was resolved following representation by the TUI and the other teacher unions. The DES issued a practice note to employers.

## Resolutions Referred

### 16 (b) IT Tallaght

Congress condemns the malign influence of the unaccountable quango IOTI on the IoT sector. Given its relentless campaigning against the interests of both education and TUI members, Congress instructs the Executive to ballot third level members in lecturing grades on a boycott of all activities and initiatives involving IOTI and on a boycott of all meetings at which IOTI is represented.  
*RESULT Referred*

As per motion No. 16(a).

### 56 Co Carlow

Congress instructs the Executive to negotiate with the DES that no inspections take place in schools once the state exams begin.  
*RESULT Referred*

Matter raised with Inspectorate. The Inspectorate did not commit to 'no inspections once the state exams begin' but re-iterated assurances that inspectors would be sensitive to school priorities and dynamic at the time of their visit.

### 131 Co Dublin/Co Longford

Congress directs the Executive to seek to open negotiations to devise nationally agreed contracts for our members in the Adult Ed and Further Ed sectors.  
*RESULT Referred*

In respect of grades represented by TUI for which no nationally agreed contracts currently exist, the union is seeking contracts with appropriate terms and conditions.

### 238 Co Laois

TUI condemns the failure of the IVEA to openly endorse the TUI's explanation of clause 6 of the 1999 TUI/IVEA Transfer Agreement. Clause 6 intended to secure the principle of "Last in, first out" on the basis of subjects.

This was the purpose of the clause and how it was implemented until the Laois Transfer Dispute which began last summer.

The IVEA's failure to defend the transfer agreement empowered the Laois CEO and her allies. To this end she publicly claimed the support of the IVEA.

Congress instructs the Executive to ensure that this condemnation is communicated in writing to the IVEA.

Given that this so-called transfer agreement has now been used to unjustly transfer two of our colleagues, Congress further instructs the Executive to withdraw from this agreement and replace it with one which secures the age old principle of "Last in, first out".  
*RESULT Referred*

TUI is engaged with the ETBI in talks on the issue of Transfers.

### Emergency Motion No. 3

**Dublin City / Athlone IT / Dublin Colleges / Co. Mayo / Co. Limerick / Co. Leitrim / Co. Louth / Co. Roscommon / Co. Meath / Cork City Schools**

Congress proposes that should the Government move to impose any change to conditions already rejected by members of TUI in the democratic ballot of members, members will immediately desist from participating in any or all of the following:

- (i) "Croke Park time"
- (ii) Supervision duties
- (iii) Substitution Duties
- (iv) School Development Planning
- (v) School Self Evaluation
- (vi) Half in/Half out meetings

and

Any or all teacher-based assessments

*RESULT Referred*

See Emergency Motion No. 1.



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# Petition to Minister for Education and Skills on Junior Cycle

*Please complete and return to your workplace representative*

March 2014

Dear Minister,

As a teacher who is committed to my students, my community and to the maintenance of high standards in public education, I am calling on you to listen to my real and serious concerns about your proposals for Junior Cycle.

I urge you to:

- Retain assessment methods that are consistent, fair and transparent
- Recognise the severe limitations on capacity at school and system levels and
- Enter into meaningful negotiations with my union on these matters.

Yours sincerely,

Please note: ***This is not a ballot paper.***  
It is a petition of TUI members to emphasise to the Minister our grave concerns around the issue of Junior Cycle change.

