



## Ballot on suspension of industrial action

The Special Delegate Conference held in UCD in September decided that it wished for TUI to enter discussions while maintaining the directives introduced since the application of the pension levy and the pay cut.

The Department of Education and Skills responded to this by refusing to discuss these issues with TUI as long as the industrial action remained in place. In addition, strong legal advice indicated that the directives in the schools which were introduced and implemented in conjunction with ASTI were probably not covered by the necessary legislation and were therefore illegal. Thus the decision of the Special Delegate Conference could not be implemented.

In addition, since the Special Delegate Conference,

- talks have commenced without the involvement of TUI
- there has been a threat to the job security of some members
- the commitment to allow retirement in 2011 on the pre pay cut salary is under threat

The Executive Committee considered that the only way forward was to ballot all members to seek to establish the wish of the union in the most democratic way possible.

The ballot paper will ask:

*“Considering the developments in relation to the Public Service Agreement, it has been decided to ballot members on the suspension of industrial action to allow the Union to participate in discussions with the Department of Education and Skills on issues arising from this Agreement. The outcome of any discussions will be put to a ballot of the appropriate members of the Union before anything is agreed.*”

**Do you agree to temporarily suspend the industrial action introduced as a result of the imposition of the Pension Levy and of the Pay Cuts to allow the Union to engage in discussion related to the Public Service Agreement?”**

## A Word From The President

At its meeting on Friday, 15th October the Executive Committee decided to issue a ballot to all members. This ballot asks you to vote YES or NO to the temporary suspension of industrial action.

Only directives introduced since the imposition of the pension levy and the pay cut are required to be suspended.

The Special Conference held last month in Dublin passed a motion to enter talks while maintaining the directives. However, the Department of Education and Skills has once again stated its position to the TUI that it is not possible to enter talks while these specific directives are in place.

Members who had plans to retire in 2011 on a 'pre-cut' pension have now been dealt the blow of the Government reneging on a prior

commitment that members of all unions – not just those currently involved in the talks – would have access to this enhanced provision.

There are also grave concerns from members in third level who are under threat of redundancy

Legal advice received from the union has stated that the directives which were previously balloted on are now insecure because of the wording on the ballot paper which stated that they would be implemented in conjunction with the ASTI. The full text of the legal advice has been sent to all branches.

TUI is a very diverse union serving members in VEC schools, colleges and education centres, Community and Comprehensive schools, the Further Education sector and Institutes of

Technology. We must consider all members in all sectors in making this decision.

Ballot papers will arrive in TUI workplaces by Friday the 22nd October. Please ensure that ballot papers are returned at the latest by Friday the 5th November before 5pm. This requires putting completed ballot papers in the post by Wednesday the 3rd November if you live outside the Dublin area.

This ballot gives every member the opportunity to choose. Please let your voice be heard by voting.

Bernie Ruane  
President

## Consequences of a YES vote

- Directives will be lifted temporarily
- TUI will be able to engage in discussions on the Public Service Agreement
- Discussions on issues relating to teachers' conditions which are at present on-going without TUI input will be strengthened by the presence of TUI
- Threats to the unilateral imposition of adverse conditions of service changes will be lifted
- Threats of compulsory redundancy will be lifted
- Threats to curtail retirement in 2011 on pre pay cut pensions will be lifted

## Consequences of a NO vote

- TUI will remain outside of discussions on the Public Service Agreement and talks will continue to take place without us
- A renewed mandate for industrial action will have to be sought from the membership
- Threats will continue to the conditions of service of all members by way of unilateral imposition of changes in conditions
- Retirement in 2011 on pre pay cut pensions may be withdrawn in accordance with the threat recently announced
- Members' job security will remain under threat

## Your questions

### **Does a YES vote mean acceptance of the Croke Park Agreement?**

No - it merely allows discussions to commence. The result of any discussions would come back to members by way of a ballot before anything is agreed.

### **Does a NO vote prevent the changes in conditions?**

No - in the absence of negotiations TUI will have no part in preventing the worst excesses of the management agenda. If we are not in the talks changes can be imposed on members.

### **Why not just implement the decision of the Special Delegate Conference?**

The decision was to engage in discussions while maintaining the industrial action. It became clear that this was not an option. Also, legal advice indicated that the directives undertaken with ASTI are now legally unsafe.

### **Can we achieve anything by staying outside the negotiating process?**

It is very unlikely.

### **Can the Government impose changes on our contracts?**

Senior Counsel advice tells us they can.

### **Would going in to talks be a sell-out of members' conditions?**

No it would give TUI a chance to mitigate the effects of the changes.

## What directives are affected?

Those introduced since the introduction of the pension levy and the pay cuts:

In schools the directives introduced in conjunction with ASTI which limit:

- Parent teacher meetings
- Staff meetings and school planning meetings
- Rotation of post of responsibility duties

The Whole School Evaluation (WSE) and subject inspection directive has been lifted.

In Institutes of Technology the directives which limit:

- Involvement in PMDS
- Involvement in Quality Assurance
- Involvement in Strategic Planning
- Participation in partnership committees
- Availability for rechecks/appeals
- Implementation of timetabling flexibility of +/-3 hours for flexible modes of delivery