



Message from the President and General Secretary

Colleagues,

We are in very difficult and critical times for the teaching and lecturing professions and for the education sector in general. TUI members have faced many difficult decisions in the past year and we have, we believe, made the right decision with our rejection of the Public Service Agreement. TUI has shown great leadership by being the first union to reject this agreement. However, because this agreement has now been accepted by the Government and by ICTU we have further serious decisions to make.

We must all now decide whether or not we are going to do battle with the Government on our own or take a strategic decision to negotiate so that we can fight on and get some improvements on the implementation of the original proposals. Colleagues, the choice is yours.

To ensure your voice is heard and in order to abide by the wishes of Congress 2010 in Ennis, (see page 2) we are holding a Special Delegate Conference in the O'Reilly Hall UCD on Sat 25th of September.

The purpose of this is to discuss whether or not we will negotiate with the Department of Education and Skills or engage in an all out battle with the Government.

This conference will be a full delegate conference and the TUI Executive will be bound by your decision.

It is vital therefore that each branch endeavours to send its full delegation in order that the decision will be a truly democratic one and that it fairly reflects the wishes of all of the members.

It is vital therefore that you tell your school representative and your Branch Officers of your views and insist that these views be taken into account by attending your Branch meeting. These views should be conveyed to delegates who are representing you at the conference and delegates should vote according to the wishes of the members in the schools and Branches and not in accordance with their own personal views.



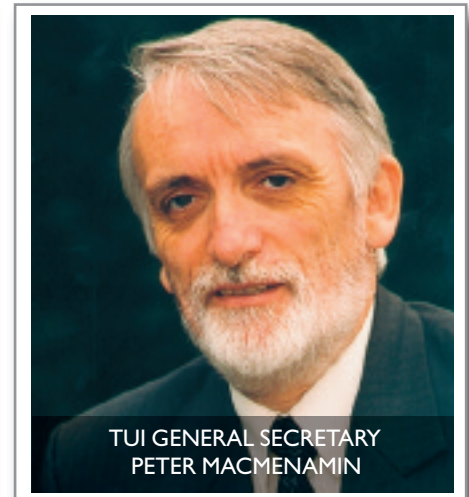
TUI PRESIDENT
BERNIE RUANE

The Executive Committee has submitted a motion for the consideration of the conference. This recommends negotiation as being the appropriate way forward. However, since the submission of the motion we have been told by the Department of Education and Skills that as the Executive motion contains a reference to maintaining the directives, the Department will be unable to enter discussions with us and will impose the provisions unilaterally.

If you wish to agree to the Executive's recommendation to go for negotiation as opposed to conflict then an amendment must be submitted by your Branch in order to remove the reference to maintaining the directives. This must be done by Branches by 9am on Friday 17th September. You may send amendments by email.

If you agree at the conference to allow the appropriate officials and officers of the union to enter negotiations in order to lessen, as far as possible the effects on your conditions, TUI will then put the final negotiated proposals to a Special Congress for consideration before putting them to a ballot of all members. (Option 1)

If the forthcoming conference comes to a decision not to allow TUI to enter negotiations (Option 2) the following is a likely scenario.



TUI GENERAL SECRETARY
PETER MACMENAMIN

The Department of Education and Skills has advised TUI that it will issue circular letters imposing all of the provisions including the extra hour which will be obligatory for all and which is at the discretion of management. In the third level sector this hour can be a teaching hour which can be added to members' timetables. If this extra hour is used for tuition it may lead to redundancies.

To continue the resistance members will have to give a fresh mandate to continue industrial action. This will more than likely include strike action. TUI has been advised that the current Industrial Action is unsafe in that the current mandate has expired.

We are living in stark times. Our choices are equally stark. We can decide to go it alone and have changes imposed on us or we can agree to negotiate so that we can be in a position to bring about some improvements to the current proposals.

We would urge all branches and school representatives to hold meetings to discuss these choices. Whatever we decide will have a lasting effect for our current and future members. Whatever decision you the members come to will be respected.

Please deliberate carefully because your decision will have far reaching consequences.

Bernie Ruane

Bernie Ruane
President

Peter MacMenamin

Peter MacMenamin
General Secretary

THE RESOLUTION FROM ANNUAL CONGRESS

The instruction given to the Executive Committee by Annual Congress in Ennis was contained in a Special Motion and contained four specific instructions to the Executive. These are as follows.

1. Instructs the Executive to inform the ICTU that the union will not be bound by the terms of the agreement even if the ICTU accepts it

At the meeting of the Public Services Committee, ICTU was advised by the General Secretary that TUI did not accept that it was bound by the terms of the Agreement and that TUI as a sovereign union would make up its own mind on its position now that it has been endorsed by ICTU. This position was accepted by the Public Services Committee and no pressure has been exerted on TUI by ICTU to accept the provisions of the Agreement.

2. Instructs the Executive to meet with other unions opposed to this agreement to plan a serious campaign to reverse pay cuts and cuts in public services

Other unions which voted against the Agreement at the Public Services Committee each decided their own position. All have been contacted to ascertain their current position. Many

have decided to abide by the majority view and accept the terms of the Agreement and thereby setting aside industrial action. Others, specifically ASTI and IFUT, also indicated to the Public Services Committee that they would not be bound by the majority view. Several meetings between these unions have taken place.

3. Instructs the Executive not to authorise any body other than the TUI to negotiate on behalf of TUI on pay, conditions of service or work arrangements

No authorisation has been given to any other body to negotiate pay and conditions for members of TUI in keeping with the intention of this motion. The Executive Committee is seeking the permission of the membership to become involved in discussions in relation to the conditions of service of TUI members in order to avoid negotiations taking place without TUI input. A vote for Option 2 will potentially allow others to negotiate our conditions of service.

4. Determines that the mandate for any future talks will be given to our negotiators by a Special Congress of TUI and that a Special Congress of TUI will be convened to consider the outcome

A Special Congress under the TUI rules must have a minimum of 8 weeks notice and must be such as to allow branches to make amendments to the motion 4 weeks before the Special Congress. It was the view of the Executive Committee that if a Special Congress was held under this timescale that negotiations would have moved ahead without the TUI. Accordingly, the Executive Committee sought to adhere as closely as possible to the spirit of this instruction and, to that end, has called a Special Delegate Conference which will in all regards be identical to that of a Special Congress other than timescale. The same number of delegates will be called from branches and it will operate under the same rules and standing orders as a Special Congress. The Executive Committee has agreed in advance to be bound by the outcome of this conference.

The precise instructions as set out have been carried out by the Executive Committee.

THE ISSUE FOR DECISION

The view of TUI of the content of the Croke Park Agreement is clear.

- **The membership is opposed to the content of the Agreement.**
- **The members have stated that there is no desire to trade changes in conditions of service for guarantees that there will be no further pay cuts over the duration of the Agreement and that there will be no compulsory redundancies for the period of the Agreement.**

This is clearly understood by the Executive Committee and is respected.

It is, however, not that simple.

If it were clear that a refusal to engage in discussions or a refusal to carry out any changes imposed by the Agreement would be effective and would make the provisions of the Agreement go away, this then would be the obvious course of action. This, however, is not the case.

In the event of there being no discussions between the Department of Education and Skills and the Union, it is clear that the changes will be

imposed against the will of the members. **An additional hour and a revised contract with changed conditions will be imposed.** This is likely to be done under a threat of disciplinary action; fighting this challenge in all schools and colleges simultaneously would be extremely difficult and would put the weakest members in the firing line and possibly put members' jobs at stake. The alternative is to engage with the Department to discuss the proposed changes which are sought; to seek to make those changes more acceptable and to minimise their effect on Union members.

Following such a process the outcome of negotiations would be put to a ballot of the appropriate members. It may be that when the precise formulations of the additional items are clearly seen and their impact on members work is clear that they may be less objectionable. Alternatively, the product of negotiations may be such that they would be entirely unacceptable and, in this knowledge and understanding, the Union would be forced to campaign against the implementation of these provisions.

Without discussion we would never know this.

Engagement in negotiations at this time does not in any way bring forward the implementation of any aspect of the Croke Park Agreement. In fact, negotiation now prevents the immediate implementation of its provisions. The Department of Education and Skills has indicated that in the event of the Union engaging in discussions and suspending industrial action for the period of the discussions that it will not unilaterally implement the provisions.

The text of the Executive Motion is as follows:

“ This Conference reaffirms the TUI’s opposition to the Public Service Agreement.

This Conference instructs the Executive Committee to maximise co-operation with other unions opposed to the Public Service Agreement.

This Conference instructs the Executive Committee to maintain the current Directives until and unless our members agree to a settlement of the related grievances.

This Conference directs the Executive Committee to negotiate to maintain current conditions of service of TUI members and to protect the education service. Such negotiations to be held through the Conciliation & Arbitration Scheme / Institutes of Technology Industrial Relations Forum.

This engagement is not an acceptance of the Public Service Agreement.

The result to be put to a Special Congress for consideration before being put to a ballot of the appropriate members.

Further the Executive Committee is instructed to prepare a contingency plan to deal with any attempt to unilaterally impose the Public Service Agreement through circular letters.”

There are only two possible approaches which are set out overleaf.

The Options Are

Option 1

TUI engages with the Department of Education and Skills with a view to agreeing more acceptable implementation of the terms of the agreement. This will be done with ASTI in the schools and by TUI alone in Institutes of Technology.

In the discussions TUI will make demands in respect of the contract review.

This engagement will ensure that the measures will not be unilaterally implemented immediately and will ensure a TUI input in defence of the members.

The outcome of the discussions will be put to members in a ballot.

There is a major fear that these proposals are designed to remove Special Duties posts of responsibility. No reference whatever has been made in any forum to this and if tabled by the Department it will be resisted completely by TUI. If pushed by the Department it will lead to a breakdown of talks. TUI is not entering these talks to give anything away. To the contrary we are determined to maintain what we have and restore what has been lost.

As is the case in all similar industrial relations situations, discussions will require the suspension of the present directives for the period of discussions.

Meanwhile the union has decided to prepare contingency plans to resist the imposition of any of the measures in the Croke Park Agreement should there be a breakdown in talks.

Option 2

TUI can refuse to engage with the Department. This will lead to the imposition of the changes set out in the Croke Park Agreement by way of circular letter in the schools and colleges.

In schools this means imposition of:

- An additional hour “at the discretion of Management” All we know is that it will not be a teaching hour
- A revised Contract – revised without TUI input
- A cross sectoral redeployment scheme without TUI agreement
- Additional periods of availability will be required for S&S scheme

In Institutes of Technology it means imposition of:

- An additional hour “at the discretion of Management” with no guarantee that it would not be a teaching hour
- A revised Contract – revised without TUI input
- A redeployment scheme without TUI agreement
- Flexible delivery of new courses specifically targeted at unemployed individuals (While it is not clear what this means it certainly needs TUI involvement rather than imposition)

Refusal to comply with the above would lead to disciplinary action against the member.

Inevitably this would lead to a ballot for escalation of Industrial Action.

There are instances where there could be compulsory redundancies.

Members will almost certainly lose jobs.

It is not possible to have engagement without at least suspension of the directives.

There is no third way. It is either orderly discussions or imposition and industrial strife. Option 1 or Option 2.

The Department of Education and Skills has advised TUI that if the motion in the name of the Executive is carried un-amended that Option 2 above will operate as there can be no discussions involving TUI.

If there is to be engagement on this issue which is the desire of the Executive then the industrial action must be suspended.