

Address by the Chief Executive of the Labour Relations

Commission to the IFUT Annual Conference 2010

Dublin, Saturday April 24th 2010

Years Past!

It is now almost 35 years since I had the honour of being appointed the first General Secretary of the Irish Federation of University Teachers – at the ripe young age of 24! I have stayed and soldiered in the industrial relations environment ever since and have been involved in many significant developments over that period.

I still remain extremely grateful for the opportunity given to me then by the Executive of IFUT – Professor Denis Lucey, Professor Kader Asmal, Professor Sean Tobin, Professor John Kelly, Professor Enda McDonagh, Professor Jim Dooge, Paddy O’Flynn and other academic luminaries. They certainly took a serious risk with me, but contrary to modern times, I hope I returned that risk with very tangible benefits to the membership during my term of office!

The five years I served as General Secretary were years of excitement and change, the coming of age of IFUT as a trade union and a period of fundamental reforms in the structures of higher education in indeed the composition of the student body. We successfully won our cases for the “Devlin” and associated awards for University staff, in the Labour Court defended academic freedom and tenure in the Maynooth dispute, established our representation capacity at national level and joined the wider trade union movement through our affiliation to the ICTU – the culmination of the latter was achieved last year by the election of your General Secretary to the Executive Council of the Congress – believe me no mean achievement in the voting/political mix of the ICTU.

Changing Times

As one of our Nobel Laureates' stated on the revolutionary events which began across the street from this venue which led to the foundations of the modern Irish State,

“All changed, changed utterly
A terrible beauty is born.”

Almost a century later we stand on the threshold of similar and equally challenging economic revolutionary events. Our very financial sovereign is at stake in current times.

If I may dwell awhile on current economic events it is because I believe that their significance is and will continue to present and is presenting a major challenge to us all today in our personal, working and professional lives. It will change and reshape the nature, structure, form and the type of the employment relationship in our economy for the foreseeable future. It is reshaping also our collective relationship with each other within Irish society and in our perception of the body politic and the public and private institutions and enterprises established to serve us.

This changing relationship is evident clearly with the potential collapse of trust, respect and confidence in what was generally accepted as the pillars of society – Government and Government institutions, Church, Financial Services and exemplified in the plethora of scandals, tribunals and committees of enquiry that pervade Irish public life. Irish society is seeking amidst this turmoil to establish new standards, new values and more enduring moral political and financial benchmarks.

Failure

Against this backdrop is the continuous stream of revelations of corporate venality, malfeasance, dereliction of duty lack of legal probity and the inadequacy of the political system to respond with maximum effect to these developments. New revelations occur or are highlighted on an almost daily basis and which, I believe, have even deeper ramifications for the economic and political stability of this country. Public anger is gathering momentum in response to these continuing revelations and more particularly to the rise of an increasing frustration by our seeming inability to address the accountability and “culpability issue” relating to these matters. In other words – we need to see more transparent and effective action by the Office of Corporate Enforcement, disciplinary action by the professional bodies and the disbarment from directorships by those who corporately approved, signed off or oversaw and supposed “*regulated*” these corporate and financial failures. A real and thorough cleansing of the Angean stables is necessary.

As John Adams, 2nd President of the United States stated almost two centuries ago, “*Banks have done more injury to the morality, tranquillity, prosperity and even wealth of the nation than they can or ever will do good.*”

Very prescient observations in current circumstances you will agree!

Naturally, I exempt the majority of ordinary bank officials from these criticisms. I have been involved in most of the financial institutions over the years in an industrial relations capacity and can attest to their commitment, professionalism and probity. They were ably represented by the IBOA and Unite, and by the respective human resource managers.

Of equal concern for those of us who operate in the public service milieu is the abject and almost complete failure of the “light” regulation model, deficiencies in corporate governance standards and the lack of appropriate oversight in some state institutions.

The Future

Yet, we have to believe in the future and redevelop our confidence. Already there are signs of some resurgence in our capacity to evaluate, learn and rebuild.

Our financial regulation system is being addressed by new and impressive key appointments. Among our Judiciary, some “people champions” are emerging—such as Justices, Peter Kelly, John McMenamin and Yvonne Murphy. They bring both a breath of fresh air and clarity of thought to their deliberations on crucial national issues and national institutions with little tolerance for obfuscation, humbug, cover-ups or dual standards.

Even some independent voices are emerging in the groves academie, the recesses of the churches and in political life. I did not know until last year that we even had so many “independent” economists. For far too long, the leadership of the trade union has had to struggle alone in its vision of a new social solidarity pact and the need for a truly national response to the current crisis. Hopefully more important voices in our society will continue this trend.

Irish society, its political system and its institutions of Government need reform. We can in this recession change from a society of greed, the accumulation of property and wealth and a culture of “me-féinism”, to a more inclusive and less vacuous society with more redeemable, tangible and shared values.

It is necessary now to establish a society built upon the values of the common good and the common wealth as exemplified in the programme of the First Dáil. This requires a radical institutional, public and political “mind-set” change. It must start at the top and percolate to all of our private and public

bodies. It starts with leadership and develops towards building a sense of purpose and vision with the expert prospect of success.

We have to get it into our collective national psyche that we are not down and out internationally. We have our literary and cultural genius, our entrepreneurship, our science and our diaspora, we have our productivity, and although we have and are paying a high price for the failures of a few, I know that in a few years' time we shall have recovered our former prosperity. This prosperity will have to be based upon real economic growth with more transparency in both the private and the public service and a commitment in our own capacity to pay our own way as citizens of a European Union.

I note recently that various suggestions have been made regarding the reform of the Oireachtas – from the abolition of the Senate, the reduction in the number of TD's, to the bringing in of community and “business leaders” into the Cabinet. Some of those ideas undoubtedly have some merit.

However, the one change I would advocate is the constitutional right of the people themselves to periodically vote on matters of national interest/policy in order to inform the legislature of the will of the people. It works in other well established jurisdictions – most notably Switzerland.

Turning to the education scene and its current challenges, strengths and dilemmas, I believe we have always placed a tremendous value on the provision of education in this country. It has been a central promotion commodity as part of our foreign direct investment market, it has been seen as the cradle and innovator of value, standards and personal achievements. It has been served well and not so well at times. We desperately need more innovation, more inclusion, more investment in research and development and in performance and results.

I am not an advocate of the introduction of multinational business practices within third level education, nor do I believe in the Professor Ed Walsh school of “edunomics” or the creation of “management clusters” around University Presidents. I do believe however that performance and achievement indicators are necessary and that the highest benchmarks are achieved. Whether we like it or not we are simply going to have to do more with less for a number of years to come in Ireland. Third level institutions are seen as centres of excellence and indeed privilege at times. They must continue to deliver on the public expectations of them. This requires responsibility, commentary, analysis, inspiration, new learning and leadership. But this should be in a cooperative endeavour between Government and taxpayer (the funder), the HEA (the regulator), the academic community (the deliverer) and the student body (the customer). Hopefully, the review on higher education strategy currently being undertaken by Dr. Colin Hunt will chart the road ahead – reconciling demand with quality, provision with resources and an appropriate rationalisation of inter-institutional facilities.

“Croke Park Agreement”

One thing is certain that in this “age of uncertainty” all of us here, if we choose the path of reinvention, will be in business for the foreseeable future.

I am reminded of the quotation of Eric Hoffer, the famous longshoreman/Philosopher when he warned us that

“in times of change, learners inherit the earth, while the learned find themselves beautifully equipped to deal with a world that no longer exists.”

I cannot let the opportunity pass without referring to the Croke Park Agreement on the Public Service. I note the decision of your own Union to recommend rejection. I am conscious of the fact that I co-facilitated these negotiations – it does not mean that I have put aside my critical faculties or the knowledge and experience of having served for almost 20 years as Chief Executive of the Labour Relations Commission or for over 15 years as a Union official before that appointment.

In my certain experience, like it or abhor it, it was the best deal that could be achieved by negotiation in this critical economic environment. It represents significant reform of all our public services by agreement and by independent oversight with equal participation by the trade unions and management in the Implementation Body. It provides three crucial safeguards – no further pay cuts, no compulsory redundancies and no outsourcing without agreement.

It provides a platform by which the living standards of public servants can be restored by negotiation and contains guarantees by which they will not be further eroded. Conditions of employment will as they have always been, be subject to negotiation and agreement between the relevant employers and trade unions. As for work practice changes these are issues in constant play in all employments and relate to a myriad of issues as they relate to specific employments and to the delivery of services in both the public and private sectors.

The oft quoted American diplomat Benjamin Franklin argued that in this world there were only two certainties in life – “taxes and death”. Unfortunately for us, we can add a third certainty – “**debt** – taxes and death.” We can all apportion the responsibility for this situation – be it political, corporate or personal. The public service agreement is separate and is an industrial relations agreement arising from the serious condition of our public finances. This on the one hand arises from the fall in exchequer revenues, and on the other the increasing cost of our indebtedness and borrowings – both of these graphs are going in the opposite direction. I know the issue of trust has been raised and indeed has become a rather central issue in the context of paragraph 1.28 of the overarching section of the agreement

“The implementation of this Agreement is subject to no currently unforeseen budgetary deterioration.”

This perspective is not new, this issue was a feature of the earlier social partnership agreements (1987/1990) when the exchequer finances were in a precarious state and was a frequent cause of dispute and renegotiation within the public sector in the 1970's/80's. I remember the teachers arbitration award in 1986 which the then Government sought to set aside in a vote of the Oireachtas and which led to subsequent industrial conflict.

In the private sector under the last two social partnerships a total of 167 “inability to pay” cases in the private sector were processed by the Commission over a period of 3 years. My point is, there is nothing new under the sun and we are in a world of constant change. This is why the only certainty today is uncertainty itself!

In the context of current circumstances, therefore the sentiment of Cicero effectively summarises the situation;

“Iniquissimam pacem justissimo bello antefero”

(The most unfair peace is better than the most justified war).

I wish you well in your deliberations for the present and to say I was proud to have served you in the past and hope to continue to remain professionally involved with you in the future.

Kieran Mulvey

April 24th 2010