

Irish Federation of University Teachers

ANNUAL REPORT ***2010/2011***

Cónaidhm Éireannach na Múinteoirí Ollscoile

GENERAL INTRODUCTION

I have the honour and privilege to present this, my 5th Annual Report to an Annual Delegate Conference of IFUT.

Napoleon Bonaparte is reputed to have said that the characteristic which he valued most amongst his Generals was that they would be lucky. The combination of pleasure and pride which I derive from my role as General Secretary of this fine union is ruefully tempered with a sense that I am unlucky once again to have to report that we have had a difficult and a challenging year. Yet again our balance sheet of successes is characterised more on the credit side by reflections on damage mitigated and harsher treatment being deflected or postponed than victories won. Nevertheless, damage – limitation successes are still successes for all that and we should have no hesitation in reminding our members (and those who should be members) that were it not for the week-in/week-out hard work of IFUT and its activists, matters could and would be considerably worse.

There is no doubt whatever that 2010/2011 was the year of 'Croke Park'. The shadow of this deal – and its implications for higher education – hung over us all like the giant canopies of the Hogan and Cusack Stands. I have dealt with 'Croke Park' in the body of this report and will not duplicate those words here other than to say this; its original wording (and even more so in the fantastically invidious elaboration of it produced by the IUA) there was the potential for almost unimaginable damage being done to the entire ethos and essential characteristics of universities and higher education generally. As I write, the process of filtering out the worst of these components is ongoing. However, I can confidently predict even at this stage, that when this work is done it will be seen that it was IFUT- and IFUT alone – which held the pass and defended the core values of our sector and profession.

Readers of the report which follows would be struck by the grim reality of another phenomenon i.e. the relentless drive to casualise and make precarious the employment of those who deliver a world-class system of higher education to Irish society. The number of cases taken under the legislation relating to fixed-term and also part-time staff, is truly remarkable. Thankfully, what is also remarkable is the level of success we have enjoyed in these disputes. Nonetheless, it is glaringly, almost dauntingly, obvious that these assaults on security of employment will continue and perhaps even intensify. 'Almost but not quite', because IFUT will not be daunted in this work.

At a time of severe and sometimes callous reductions in staffing numbers (callous in the sense of insensitivity to need and demand) we are quite entitled to be proud that, against these odds, and almost uniquely amongst Irish trade unions, we have delivered a modest increase in membership numbers. This is a vital area which will require even greater efforts in the years to come. It is said that there is a consolation in coming through hard times because you discover your strengths. Our hard times are not over yet, but the members and voluntary activists and the small staff of IFUT have reason to be proud of the strength of our performance. An ADC should be an occasion to take stock and to celebrate achievement. Let us not fail to do both.

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I. REMUNERATION/PAY AGREEMENTS

1. Public Service Agreement/'Croke Park'

There is no doubt whatever but that the whole 'Croke Park' agenda was the main item overhanging all discussions and deliberations in IFUT in the year in review.

Shortly after the 2010 ADC the All-Members Ballot Vote on the 'Croke Park' Proposals resulted in the following outcome

Total Ballots Issued	2,055
Total Ballots Returned	820 (39.9%)
Those in Favour	265 (32.32%)
Those Against	555 (67.68%)

Although the turnout was relatively unimpressive, the decision to reject was quite emphatic. It was clear to the Executive that the main reason why our members rejected was because of the unspecified and potentially unlimited implications of 'Croke Park', as currently worded, for the conditions of employment of our members and indeed for the entire ethos of the academic way of life. At the time of our vote the members of the ASTI and the TUI took similar decisions. However, one by one all other unions including these two teacher unions have now endorsed 'Croke Park' and IFUT at the time of writing is the last union outside of this "tent".

The Executive accepted an invitation from the Department to attend clarification talks. Our motivation was to try to eliminate the uncertainties and to enhance the positives and mitigate the negatives in the Agreement. The first meeting with the Department took place on 3 September 2010 and this was followed by a second meeting three months later on 3 December 2010. At the latter meeting the Department told us that the universities wished to engage with us on a university by university basis. We agreed to this with some scepticism.

As it turned out the situation hardly moved forward by any measure at all thereafter. With the exception of NUIG where there was quite an advanced degree of negotiation, all of the other universities engaged in a minimal manner and there was no possibility of an agreement.

This situation, which was demonstrably not of IFUT's making, was used by people with certain agendas to try to portray in the media an image of us as being aloof and irresponsible and not engaged with the real world. Counteracting such negative messages has been a fully demanding job for the last number of months. However, we can be confident that our message has got through, at least to those who are prepared to hear it. In recent days the Department of Education has requested that the talks be "recentralised". At the time of

writing a meeting has been arranged and a vote will be taken at the ADC on the whole question of our future strategy concerning 'Croke Park'.

II. CONDITIONS OF EMPLOYMENT

1. Contract Researcher, NUIM

Our claim for equal treatment in respect of redundancy pay was upheld by a Rights Commissioner and subsequently by the Labour Court in a legally binding Determination and all monies due including compensation, were finally paid to the member concerned.

2. Dispute Arising from Promotions, SPD

Our claim on behalf of three members that they were victims of age discrimination in the Promotion Round in 2007 was finally heard in the Equality Tribunal over two separate Hearings. A ruling is now awaited.

3. Academic Freedom, TCD

The document on Academic Freedom drawn up by our TCD Branch was finally adopted by the University Council. Congratulations are due to all concerned for this important development.

4. College Language Teachers, UCC

The longstanding dispute regarding the creation of a Post of Responsibility was finally resolved to our satisfaction. UCC also conceded a claim in respect of pension recognition for previous service in relation to two members.

5. Regularisation of Lecturers' Contracts, Geography Department, UCC

Following an LRC Conference this matter was resolved to the satisfaction of the members concerned.

6. Milltown Institute of Theology & Philosophy

A redundancy situation which would have compromised the tenured status of one of our members was resolved to our full satisfaction. Discussions have proceeded locally to deal with other issues arising from the scheduled closure of the Institute.

7. Cases under the Fixed-Term Workers' Act 2003

7.1 UCC - Claim for a Contract of Indefinite Duration and Reinstatement after Redundancy
After a Rights Commissioner Hearing and two full Labour Court Hearings a Determination of this claim is imminent and we have reasons to be optimistic.

7.2 TCD - Claim for a Contract of Indefinite Duration
We won this case before a Rights Commissioner. However, when TCD signalled their

intention to ignore the ruling and proceed with a redundancy we referred the case to the Labour Court which once again found in our favour. We remain in dispute with TCD over their continued defiance of this ruling.

7.3 UCC - Two Claims for Enhanced Redundancy The Rights Commissioner Decision in these two cases was that “the sectoral norm [as claimed by IFUT] has been well and truly established”. UCC, on instruction from the Department of Education, has appealed this case to the Labour Court and a Hearing is scheduled for May 2011.

7.4 MICL - Claim for Enhanced Redundancy In response to a claim in MICL which was identical to that in 7.3 above, the Department of Education instructed MICL Management not to concede the claim and to seek “more information”. This is clearly a delaying tactic as the Department itself had been centrally involved in the appeal against the claim in UCC referred to 7.3.

7.5 UCD - Claim for a CID We are awaiting the decision of a Rights Commissioner on this case where one of our members was forced to seek employment elsewhere when she was wrongly denied a CID. We are seeking her reinstatement.

7.6 UCD - Claim for a CID in School of Nursing & Midwifery UCD conceded this claim in advance of a Rights Commissioner Hearing.

7.7 UCD - Claim for a CID in School of Physiotherapy This claim was conceded by UCD in advance of a Rights Commissioner Hearing.

7.8 UCD - Claim for a CID in School of Computer Science & Informatics This claim is awaiting a Rights Commissioner Hearing.

7.9 TCD - Claim for a CID in School of Medicine This claim is being referred to a Rights Commissioner.

7.10 NUIG – Claim for Enhanced Redundancy and Full Recognition of All Aspects of a CID – Researchers This claim – which involves NUIG granting CID status in name only but not in reality – has been referred to a Rights Commissioner and has been raised with other Congress unions as a breach of the stated public policy that permanent public servants are not liable to compulsory redundancy.

7.11 UCC – Two new claims for Enhanced Redundancy have been referred to a Rights Commissioner.

8. Denial of Normal Salary Progression

We are in dispute with TCD, UCC and CICE because, in an overly strict interpretation of the ban on promotions, they have interfered with normal (non-promotional) progression. All three disputes are with the LRC.

9. Unfair Dismissal, RCSI

Despite the fact that this dismissal occurred over two years ago and despite us winning the case before a Rights Commissioner, we are still awaiting the outcome of an Employment Appeals Tribunal Hearing.

10. Closure of St Catherine’s College of Education for Home Economics

The final claim arising from this closure in 2007 was dealt with. We sought the application of a Labour Court award of higher severance compensation to one additional ex-employee. The Labour Court decided that the cases were not sufficiently similar and declined to make the award. The Recommendation was binding on all parties.

11. Non-Payment of Exam Fees, UCC

This matter was resolved to our satisfaction following an LRC Conciliation Conference.

12. Incorrect Calculation of Salary Deductions in respect of November 24th 2009 Stoppage

This issue was discussed at an LRC Conciliation Conference but no agreement was reached. A full Hearing in the Labour Court is awaited.

13. Mater Dei Institute, Changes to Pension Scheme

IFUT participated in talks to amend the Dublin Archdiocese Pension Scheme which covers MDIE. IFUT is still pursuing the inclusion of Mater Dei in the Public Service Pension Scheme.

14. Unfair Changes to Promotions Criteria, UCD

This claim having been to an LRC Conciliation Conference is now awaiting a full Labour Court Hearing.

15. Part-time Workers’ Act, TCD

We are awaiting a Rights Commissioner’s Recommendation on a claim that TCD is not entitled to insist that an employee return to part-time work.

16. Election of Provost, TCD

We argued that the exclusion of part-time staff from the voting register was a breach of the Part-time Workers’ Act. Unfortunately the claim could not be processed through procedures in time to secure changes for the recent election.

17. Unilateral Withdrawal of Head of School Allowance, UCD

We secured a Labour Court Recommendation that the member concerned should have this allowance restored. This issue is still unresolved due to the negotiations between UCD and the HEA.

18. Age Discrimination in Pension Scheme, TCD

This long-running claim is still in process.

19. Ex-Carysfort Staff, NUIM & TCD

Claims regarding pension calculations are being dealt with by our legal advisors.

20. Age Discrimination Cases, UCD

Three cases alleging discrimination on age grounds were in process during the year. Although these cases were not initiated or directed by IFUT, the General Secretary has been providing assistance to each of the claimants. Claim number one resulted in the award of €5,000 to the member denied promotion. Claim number two also concerning denial of promotion was unsuccessful at Equality Tribunal level and the matter is now awaiting the outcome of a Labour Court Appeal. Claim number three – this claim is still awaiting a Hearing at the Equality Tribunal.

21. Other Claims

Numerous claims of an individual and/or confidential nature were pursued in UCC, UCD, TCD, NUIM, MICL, DIAS and NUIG.

III. GENERAL CONTACTS

1. Irish Congress of Trade Unions

- 1.1 The General Secretary continued as a member of the Congress Executive Council and of the ICTU Public Services Committee. IFUT is also represented on the following committees:

Health & Safety Advisory Committee: Mike McKillen, TCD.

Retired Workers' Committee: Colum Ó Cléirigh, SPCD.

Solidarity Committee: Iain Atack, TCD.

Task Force on Bullying in the Workplace: Kevin Davison, NUIG; Rosarii Griffin, MICL; and Brian Ó Curnáin, DIAS.

2. Commission on the Future of the Irish Trade Union Movement

IFUT has participated in this process and made a written submission.

3. Congress Research Unit

Congress has agreed to be a benefactor of the Unit and therefore has a seat on the Board.

4. Teacher Unions

Co-operation between all four unions (ASTI, IFUT, INTO and TUI) has remained very strong but, inevitably, nearly all of our combined energies has been devoted to the 'Croke Park' agenda and little

time has been available to make progress on the issue of closer structural co-ordination.

5. Trades Councils

Our representatives on Trades Councils are as follows:

Dublin Council of Trade Unions: Hugh Gibbons, President.

Cork Council of Trade Unions: Michael Delargey, UCC.

Galway Council of Trade Unions: Liam Carroll, NUIG.

Kildare Council of Trade Unions: Rose Malone, NUIM.

Limerick Council of Trade Unions: Tony Bonfield, MICL.

6. International Work

6.1 BIGTU IFUT plays an active influential role in the British and Irish Group of Teacher unions which meets twice per year.

6.2 HERSC The Higher Education and Research Standing Committee of Education International is probably the most important international body representing the interests of higher education staff. IFUT has played a prominent part in HERSC ever since its foundation and we continue to be very involved and engaged in its deliberations.

6.3 ETUCE/EIPES The amalgamation of these two structures (the European Trade Union Committee Education Sub-Group and the Education International Pan-European structure) was finally achieved this year after many attempts and several setbacks.

6.4 EQAR IFUT is represented on the European Quality Assurance Register by Dr Daire Keogh, SPD.

6.5 TUAC TUAC is the Trade Union Advisory Committee of the OECD. Meetings are held twice per year and IFUT has attempted to be represented at as many of them as possible.

7. SCOTENS

Dr Marie Clarke, UCD is the nominee of IFUT on this body.

8. Education International First World Women's Conference

IFUT was represented at this historic conference by the General Secretary and Dr Rose Malone, NUIM.

IV. EDUCATION & RESEARCH

1. National Strategy for Higher Education (Hunt Report)

IFUT made a written submission to this body and met with the representatives of the body on two occasions. The report when published was widely

regarded as a major disappointment and it reflected the lack of real dialogue and engagement with the major stakeholders in higher education, most especially the superficial level of consultation with staff interests.

2. Oireachtas Joint Committee on Education

IFUT was invited to make a presentation to the Oireachtas Committee on the topic of Curriculum Reform. We made a written submission and the General Secretary and Dr Marie Clarke, Incoming President addressed the Committee. Proceedings of the Committee are available on the Oireachtas website.

3. Higher Education Authority

Despite an active campaign by IFUT, the previous Minister for Education (Ms Mary Coughlan TD) declined to appoint our nominee on to the HEA.

4. National Council for Curriculum & Assessment

Rose Malone, NUIM and Michael Delargey, UCC are the two IFUT representatives on the NCCA Council. Michael Finneran, MICL sits on the Early Childhood & Primary Education Committee.

5. European Sectoral Social Dialogue for Education

After many years of effort the Social Dialogue Structure has now been set up. The General Secretary represents the Irish Trade Unions on the Higher Education Sub-Group.

V. ORGANISATION & COMMUNICATIONS

1. Membership

The total membership of IFUT is 2,060 compared to 2,055 last year. The breakdown of this is as follows (last year's figures are in brackets): 1,489 (1,548) on higher rate of subscription, 124 (135) on lower, 27 (44) on leave of absence and 420 (328) retired. Details of Branches are given in Appendix A.

2. Executive and Trustees

The Executive met 12 times during the course of the year.

The Members of the Executive are as: Hugh Gibbons, TCD (President); Liam Dowling, TCD; Marie Clarke, UCD; Joe Brady, UCD; David Murphy, UCC; Breandán Ó Cochláin, NUIG; Colmán Etchingham, NUIM; Daire Keogh, SPCD; Deirdre McMahon, MICL; Anthony Harvey, RIA and David McKeon, CICE.

At a meeting of the Executive held on 31 May 2010 Dr Daire Keogh of SPCD was unanimously

re-elected as Vice President-Finance.

The Executive also agreed to continue the practice of allocating a specific area of responsibility to each member and the portfolios allocated were as follows:

IFUT Website: David Murphy, UCD

Cursaí Gaeilge: Breandán Ó Cochláin, NUIG

Tenure & Related Matters: Liam Dowling, TCD.

Equality: Colmán Etchingham, NUIM

International Issues: Daire Keogh, SPCD

Recruitment: David McKeon, CICE

Administration & Finance: Hugh Gibbons, TCD

Publications: Anthony Harvey, RIA and Deirdre McMahon, MICL

Services to Members: Joe Brady, UCD

Bologna Process: Deirdre McMahon, MICL

The following **Trustees** were elected at the 2010 ADC: Gerard Jennings, NUIG; Colum Ó Cléirigh, SPD. Donal Fitzsimons, UCD was elected to the third Trustee position at the first Council meeting of the session which was held on 30 October 2010.

3. Council

The Council met three times during the year.

4. Appointment of an Assistant General Secretary

After a very long period of discussion and planning I am very pleased to advise that we will shortly be engaging the services of an Assistant General Secretary on a part-time basis. It is hoped to be in a position to give the name of the new AGS at the conference.

*Mike Jennings,
General Secretary,
8 April 2011*

IFUT Initials

AH	All Hallows College
CB	Central Branch
CICE	Church of Ireland College of Education, Rathmines, Dublin
CITC	Church of Ireland Theological College
DDH	Dublin Dental Hospital
DIAS	Dublin Institute for Advanced Studies
HRB	Health Research Board
MDIE	Mater Dei Institute of Education
MICL	Mary Immaculate College, Limerick
MITP	Milltown Institute of Theology & Philosophy
NUIG	National University of Ireland, Galway
NUIM	National University of Ireland, Maynooth
RCSI	Royal College of Surgeons in Ireland
RIA	Royal Irish Academy
ST C	St Catherine's College of Home Economics, Sion Hill, Dublin
SPD	St Patrick's College, Drumcondra, Dublin
SPM	St Patrick's College, Maynooth (Pontifical)
TCD	Trinity College Dublin
UCC	University College Cork
UCD	University College Dublin

APPENDIX A

BRANCHES, BRANCH SECRETARIES & CENTRAL BRANCH CONVENORS 2010/11

(First figure in brackets, current membership; second figure, last year's.)

- 1 Trinity College Dublin (380/403) & Dublin Dental Hospital (15/16)**
Secretary – Aidan Seery, Education
DDH Contact - Frank Houston, Restorative Dentistry
- 2 University College Dublin (394/391)**
Secretary – Russell Higgs, Mathematics
- 3 University College Cork (452/434)**
Secretary – Angela Flynn, Nursing & Midwifery
- 4 National University of Ireland, Galway (107/95)**
Secretary – Kevin Davison, Education
- 5 National University of Ireland, Maynooth (240/243)**
Secretary – Muireann Ní Bhrolcháin, Old Irish
- 6 Royal College of Surgeons in Ireland (69/67)**
Secretary – Elizabeth Doyle, Student Affairs
- 7 St Patrick's College, Drumcondra (150/143)**
Secretary – Orla Nic Aodha, Library
- 8 Church of Ireland College of Education (16/17)**
CICE Convenor – Éamonn McCauley, Special Education Needs
- 8 Mary Immaculate College, Limerick (150/153)**
Secretary – Deirdre McMahon, History
- 9 Central (87/93)**
 - ALL HALLOWS COLLEGE (1/1)
Convenor – Bernadette Flanagan, Spirituality
 - CHURCH OF IRELAND THEOLOGICAL COLLEGE (1/1)
Convenor – Patrick Comerford, Spiritual Formation
 - HEALTH RESEARCH BOARD (3/3)
Convenor - Joan Byrne, Microbiology
 - DUBLIN INSTITUTE FOR ADVANCED STUDIES (14/17)
Convenor (Senior Professors/Registrar Group) - Fergus Kelly, Celtic Studies
Convenor (Non-Sen. Prof. Staff Group) – **No Convenor**
 - MATER DEI INSTITUTE OF EDUCATION (28/27)
Convenor – Noel Jackson, IT Services
 - ROYAL IRISH ACADEMY (20/21)
Convenor - Anthony Harvey, Dictionary of Medieval Latin from Celtic Sources
 - MILLTOWN INSTITUTE OF THEOLOGY & PHILOSOPHY (9/11)
Convenor – Gesa Thiessen, Systematic Theology
 - ST CATHERINE'S COLLEGE OF EDUCATION FOR HOME ECONOMICS - c/o Head Office (10/11)
 - EX-CARYSFORT - c/o Head Office (1/1)

APPENDIX B

COUNCIL & EXECUTIVE 2010/11

*(Executive: President and 8 Members)

BRANCH ENTITLEMENT

DEPARTMENT

TCD 7/9 + Pres

Dónall A. MacDónaill
*Hugh Gibbons (Pres)
Aidan Seery
Pat Wall
*Liam Dowling
Darryl Jones
Mícheál O'Siochrú
Cormac Ó Cuilleanáin

Chemistry
Computer Science & Statistics
Education
Education
Electronic & Electrical Engineering
English
History
Italian

UCD 9/9 + Incoming President

Paddy O'Flynn
John Dunnion
*Marie Clarke (Incoming Pres)
Donal Fitzsimons
Maureen Killeavy
*Joe Brady
Russell Higgs
Regina Joye
Rita Collins
Gerard Casey

Chemical Engineering
Computer Science
Education
Education
Education
Geography
Mathematics
Nursing & Midwifery
Nursing & Midwifery
Philosophy

UCC 8/9

Michael Creed
*David Murphy
Adrian O'Riordan
Michael Delargey
Dylan Evans
Tom Andrews
Angela Flynn
Bridget McAdam-O'Connell

Civil & Environmental Engineering
Computer Science
Computer Science
Education
Medicine
Nursing & Midwifery
Nursing & Midwifery
Sociology

NUIG 4/5

*Breandán Ó Cochláin
Kevin Davison
Catherine Emerson
Agnes Tully

Chemistry
Education
French
Nursing

NUIM 7/7 + 1 alternate

Joe Cleary
Éamon Ó Ciosáin
Gavan Titley
*Colmán Etchingham
Aileen O'Carroll
Muireann Ní Bhrolcháin
Colin Coulter
Peter Murray

English
French
Media Studies
Modern History/Old Irish
NIRSA
Old Irish
Sociology
Sociology

RCSI 0/4

MICL 5/6

Tony Bonfield
Michael Finneran
Rosarii Griffin
*Deirdre McMahon
Patrick Connolly

Education
Education
Global Development through Education
History
Theology & Religious Studies

SPCD 6/6 + 1 alternate

Pat Burke
Eugene McNulty
*Daire Keogh
Orla Nic Aodha
Colum Ó Cléirigh
John O'Flynn
Cora O'Farrell [*alternate*]

English
English
History
Library
Music
Music
Religious Studies

CICE 2/2

Lucy Turley
*David McKeon

Art
Education

CENTRAL 3/5

*Anthony Harvey
Joan Byrne
Gesa Elsbeth Thiessen

DMLCS, RIA
Microbiology, HRB-TCD
Systematic Theology, MITP

NOTE

In addition to the President ex officio, there were entitlements to 62 representative places, of which 51 were filled. Therefore, there were 51 people on Council out of a potential 62.

APPENDIX C

IFUT COMMITTEES & WORKING GROUPS 2009/10

Standing Committee

EQUALITY

Marie Clarke	Education, UCD
Maureen Killeavy (<i>Secretary</i>)	Education, UCD
Nóirín Ní Nuadháin	Adult Education-English, SPCD
Anne Clune	English, TCD
Catherine Emerson	French, NUIG
Grace Neville	French, UCC
Angela Ryan	French, UCC
Joan Byrne	Microbiology, HRB
Colum Ó Cléirigh	Music, SPCD
Noreen Kearney	Social Studies, TCD

APPENDIX D

IFUT AFFILIATIONS, MEMBERSHIPS & ASSOCIATIONS 2009/10

British and Irish Group of Teacher Unions (BIGTU)

Education International (EI)

& its EI Pan-European Structure (EIPES) *

& its Higher Education & Research Standing Committee (HERSC)

European Trade Union Committee for Education (ETUCE) *

Educational Studies Association of Ireland (ESAI)

IFUT-NIAC Liaison – (Nth Ireland Advisory Committee/University & College Union)

Irish Congress of Trade Unions (ICTU)

& its Councils of Trade Unions in Dublin, Cork, Limerick, Galway and Kildare

Irish Labour History Society (ILHS)

National Women's Council of Ireland (NWCI)

Network for Education and Academic Rights (NEAR)

People's College (ICTU)

Standing Conference on Teacher Education North and South (SCoTENS)

Society for Research into Higher Education (SRHE)

* These bodies have now agreed to amalgamate into one unified structure which will operate under the title "ETUCE".