

LABOUR COURT VICTORY FOR FIXED-TERM STAFF BUT UCC NOW WASTING TAXPAYER'S MONEY GOING TO HIGH COURT

To: Council and Branch Secretaries & Central Branch Convenors not on Council

Dear Colleagues,

LABOUR COURT/FIXED-TERM/UCC/HIGH COURT

As you know, IFUT has been extremely active in defence of the rights and entitlements of employees on Fixed-Term Contracts. Wherever possible we have fought for permanency (Contracts of Indefinite Duration) and where redundancy was unavoidable we have fought for equal redundancy payments to those paid to permanent employees in higher education.

Through IFUT's efforts a clear norm for redundancy payments of 4 weeks pay per year of service in addition to the legal minimum of 2 weeks pps has been set. We have done this through successful negotiations in St Catherine's College of Education for Home Economics, RCSI, NUIM and elsewhere.

The Department of Education has insisted that Colleges pay only the legal minimum to Fixed-Term Employees. We believe this is illegal. After lengthy procedures we secured legally binding victories in St Catherine's and NUIM for our claim of 4 weeks pps on top of the statutory amount. UCC was the latest College to follow the Department's instructions and pay only the statutory minimum. We challenged this to a Rights Commissioner's Hearing and won. UCC appealed to the Labour Court against this Decision and engaged one of the most expensive legal firms in Ireland to represent them (at taxpayers' expense) despite the fact that they have a well staffed Human Resources Department. UCC's lawyers resorted to every known device and argument to defeat and frustrate our claim, but they did not succeed. In a legally binding

Determination the Labour Court instructed UCC to pay our member the amount claimed by IFUT (4 weeks+statutory).

We are now advised that, incredibly, UCC has retained this expensive law firm and have embarked upon a very costly appeal to the High Court, allegedly “on a point of law”.

I have no hesitation whatsoever in stating that UCC’s case is based on spurious grounds and is supported by the flimsiest and most tenuous of “legal” arguments (most of which have already been thrown out by the European Court of Justice). It is clear that their clear motive – again I presume at the behest of the other universities and the HEA/Department of Education – is to delay the due payment to the IFUT member involved in this case for as long as possible (a High Court case could take years). In so doing they also hope to hold up the many other cases that IFUT has ‘in the pipeline’ on behalf of other Fixed-Term Employees.

In short, I believe this is a purely cynical move which involves the expenditure of a massive amount of taxpayers’ money in order to deprive employees of rights which were explicitly conferred upon them by the Oireachtas in 2003.

SO WHAT IS IFUT GOING TO DO ABOUT THIS?

- 1** We are going to use all the persuasive powers we have to get UCC to desist from this cynical and costly endeavour.
- 2** We will be seeking support of Congress and other trade unions.
- 3** We will be using the Freedom of Information Act to expose UCC’s waste of public funds.
- 4** We intend to highlight this disgraceful behaviour in the media.
- 5** We will raise the issue at a meeting with the HEA which is already scheduled for September 9th 2011.

6 We are seeking a meeting with the Minister for Education and Skills to get him to act. We believe that a Labour Minister should be doubly concerned at the prospect of scarce taxpayers' money being used to deny employees their legal rights.

WHAT CAN YOU DO?

Branches of IFUT and individual members of IFUT (and of other unions) can help by:

- 1** Letting as many people as possible know about UCC's behaviour (in particular Fixed-Term Staff who will be directly affected).
- 2** Raising the issue at appropriate forums in your institution.
- 3** Help us with lobbying. Letters to the Minister would be good as would letters to TDs and Senators (especially Government representatives). Please send us copies of anything sent.
- 4** Where possible the issue should be raised at Trade Councils, Inter-Union Group Meetings etc.

I will keep you fully informed of any and all developments.

Yours sincerely,

Mike Jennings,
General Secretary.

c. Joan Donegan, Assistant General Secretary.

18 August 2011