



**Cónaidhm Éireannach na Múinteoirí Ollscoile
Irish Federation of University Teachers**

MEDIA RELEASE

**IFUT seeks urgent meeting with Minister Ruairí Quinn
over UCC legal fees binge on fixed-term contracts**

23 August 2011

The Irish Federation of University Teachers (IFUT) is seeking an urgent meeting with the Minister for Education and Skills, Ruairí Quinn, TD, to discuss plans by UCC to spend hundreds of thousands of euro of taxpayers' funds on a High Court appeal against a binding ruling governed by the Protection of Employees (Fixed-Term Work) Act, 2003.

The Act provides for equal treatment of employees on Fixed-Term Contracts compared to permanent staff. IFUT General Secretary, Mike Jennings, says the Minister should intervene "to prevent the college squandering more than 20 times the payment due to a former employee on a spurious legal adventure which seems designed purely to defer the payment".

The urgent request follows a series of legal cases taken by some universities, at substantial waste of taxpayers' money, to try to circumvent equal treatment legislation. All of these cases, IFUT understands, have been initiated or supported by the Department of Education and all were rejected by the courts.

The issue first arose following closure of St Catherine's College of Education for Home Economics in 2007, when the then Minister for Education and Science, Mary Hanafin, TD, stated that guarantees of equality of treatment did not cover *ex gratia* redundancy payments. This was at odds with earlier explicit rulings from the European Court of Justice, which IFUT brought to her attention.

The Minister's legal representatives subsequently acknowledged the error during a Labour Court investigation in 2008 and the Minister authorised payment following the Court's decision (No. FTD0819) on 10 December 2008.

The Department of Education then instructed NUI Maynooth to oppose an identical case in 2008 but payment was again ordered when the Labour Court determined that equal redundancy was payable.

In 2010 the Department instructed UCC to withhold equal payments in a similar case and to contest the issue. The university's case was rejected by a Rights Commissioner in November 2010. UCC, acting again, IFUT understands, on instructions of the Department, appealed to the Labour Court. Despite having a well-staffed internal Human Resources Department, UCC engaged in considerable additional expense by employing a very expensive outside legal firm.

The Labour Court issued a legally binding Determination that the IFUT member concerned should be paid. UCC has now appealed to the High Court, based substantially on the same erroneous grounds previously conceded by the Department of Education.

Calling on the Minister for Education to intervene, Mike Jennings said: "At a time when, as Minister Quinn has regularly pointed out, 'our country is in receivership' and our universities are close to financial collapse, it is ludicrous that vast sums are being spent by some universities to attempt to delay making legitimate payments on the basis of seeking to overturn legally binding agreements.

"This is not a case of IFUT seeking more money from government. Instead it is asking the Department of Education to step in to prevent a monumental waste of taxpayers' money".

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