

‘Landmark decision’ by Labour Court on fixed-term contacts for researchers

Nov 8th, 2017

The Labour Court this week ordered the re-employment of a researcher made redundant by Maynooth University in April 2016.

The ruling resulted from a case taken by the Irish Federation of University Teachers (IFUT) under Fixed-Term Workers legislation.

In its Determination (No. FID175), the Labour Court ruled that under the protection of Employment (Fixed-term) Act of 2003 “the contract by operation of law became a contract of indefinite duration” under section 9.4 of the Act

The Court further ordered Maynooth University “to reengage the complainant in the post which he previously held with the university.”

Frank Jones, Deputy General Secretary of IFUT, said that the University had sought to make the researcher redundant to avoid their obligations under legislation to provide the person with a contract of indefinite duration (permanency).

“This is truly a landmark decision. Despite the college’s efforts to engineer redundancy, the Labour Court decided that the researcher involved had become eligible for permanency prior to being made redundant.

“He should, therefore, have been afforded the full protection of the law and the many agreements protecting employees across the public sector.

“Mistreatment of researchers in this way is a common theme in higher education. The Labour Court’s ruling means that similar cases relating to precarious employment of many other researchers can now finally be addressed.

“While there is much protective legislation for Researchers and other grades of employees, this legislation is of no real value unless trade unions fight for enforcement of the legislation.

“IFUT is currently in the process of establishing a dedicated researchers section to address the needs of this vital sector of our third-level education system and workforce,” he said.

ENDS

For further information on this media release please contact:

John Gallagher, John Gallagher Consulting. Tel 087 9369888

Frank Jones, Deputy General Secretary, IFUT. Tel. 087 2436042