

Irish Federation of University Teachers

IFUT
2009

Cónaidhm Éireannach na Múinteoirí Ollscoile

IRISH FEDERATION OF UNIVERSITY TEACHERS

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CÓNAIDHM ÉIREANNACH NA MÚINTEOIRÍ OLLSCOILE

IFUT 2009

<i>Part</i>		<i>Page</i>
A	Annual Report 2008/09	4
B	Presidential Address 2009	12
C	Resolutions & Remitted Motions of 2009 ADC	18

A. ANNUAL REPORT

CONTENTS

<i>Part</i>		<i>Page</i>
I	Remuneration/Pay Agreements	1
II	Conditions of Employment	1
III	General Contacts	3
IV	Education & Research	4
V	Organisation & Communications	4
	Initials	6

Appendices

A	Branches, Branch Secretaries & Central Branch Convenors 2008/09	7
B	Council & Executive 2008/09	8
C	IFUT Committees & Working Groups 2008/09	10
D	IFUT Affiliations, Memberships & Associations 2008/09	11

I. REMUNERATION/PAY AGREEMENTS

1. Towards 2016

Following several months of stop start negotiations the second phase of the agreement 'Towards 2016' was finally agreed by the Social Partners in October 2008. Obviously, as outlined elsewhere in this report, this agreement has now been superseded by events. However, it is worthy to note that the main elements of the agreement were as follows (in the public sector):

- 11 Month Pay Pause
- 3.5% increase w.e.f. 1 September 2009
- 2.5% increase w.e.f. 1 June 2010

IFUT members voted to endorse the agreement (following a recommendation to do so from the Executive) and the details of the vote were as follows:

Ballot Papers Issued	1,785
For the agreement	434
Against	16
Spoiled	1

2. O'Brien Review Body Report

The O'Brien Review Body awarded an increase of 5.5% to university Professors, 5% payable w.e.f. 17 September 2007 and the balance payable in two equal shares in September 2008 and March 2009.

The O'Brien Report made reference to certain unauthorised payments made to certain university Presidents and this reference appears to have triggered a totally unjustified delay in implementation of the pay award to Professors.

In July 2008 the Minister for Finance announced an embargo on the payment of the portion of the awards due in September 2008 and March 2009. No one in either the HEA or the Department of Education was able to answer IFUT's urgent queries as to whether this announcement would affect the 17 September 2007 award which had still not been paid to Professors.

This level of confusion has continued to characterise the Management's handling of this entire affair. When IFUT referred the issue to the LRC sanction was apparently given to each university in turn to pay the full 5.5% backdated to September 2007. However, it then emerged that no payment was being sanctioned for Professors who had **ever** received allowances which the Department had not explicitly sanctioned – regardless of the amount of and the clear justification for the allowances concerned.

The issue has since been resolved to the satisfaction of IFUT members in NUIG and NUIM and local discussions are scheduled in UCC. The

issue remains unresolved in TCD and UCD and it's scheduled to be heard in the LRC shortly.

3. Salary Claim for President of St Catherine's College of Education for Home Economics

Following further negotiations a satisfactory agreement was reached with the Department of Education on an implementation date for payment of this Labour Court Recommendation. The matter is now fully resolved and closed.

4. Implementation of Benchmarking Award to Senior Experimental Officer (TCD) and Chief Technical Officer (UCD)

These were the only awards made to IFUT members in the Second Benchmarking Report. The award was 1%. The payment of this increase has been held up in the dispute regarding the non-implementation of the 'T2016' agreement.

II. CONDITIONS OF EMPLOYMENT

1. Closure of St Catherine's College of Education for Home Economics

As reported comprehensively in the last Annual Report, the closure of this college and the inept and callous handling of this closure by the Department of Education was a cause of huge difficulty for us.

After an enormous amount of diligent work by IFUT, satisfaction has now been achieved in the remaining disputes which were unresolved at the time of closure. The details are as follows:

- (a) Fixed-Term Staff** Payment of equal severance payments to fixed-term staff. This claim was upheld by the Rights Commissioner in August 2008. However the Department of Education, through the Chief State Solicitor's Office appealed the decision to the Labour Court. On 10 December 2008 the Labour Court in a binding Determination, once again found in favour of IFUT's claim and also awarded additional compensation of €2,500 each to our two members involved. Despite numerous representations from IFUT this binding award has still not been paid out. It is almost twenty months since St Catherine's College closed.
- (b) Redeployed Staff** IFUT pursued a claim on behalf of redeployed staff in recognition of their relocation expenses, losses of earnings etc. The Department resisted this claim at all stages. Finally on 24 October 2008 the Labour Court recommended payment of €3,000 to all claimants which has since been paid in full.
- (c) Retired Staff** Four members were forced

into so-called 'voluntary' retirement despite the fact that they had never been given realistic redeployment options. Once again the Department totally rejected all claims for an enhancement of their VER package. However, once again we were successful in the Labour Court and a Recommendation was issued on 25 August 2008 which identified the "level of inadequacy" in the Department's handling of this case and awarded each of the claimants an additional payment of €15,000.

2. Contract Researcher Tyndall National Institute, UCC

This claim, which was for full membership of the College's Defined Benefit Pension Scheme, was originally heard by a Rights Commissioner in December 2007. It took almost six months for a decision to be issued which, on highly disputable grounds, found against our claim. We immediately initiated an appeal to the Labour Court. However, before the appeal was heard the university conceded our original claim and the appeal was withdrawn.

3. Contract Researcher NUIM

We claimed the right to a Contract of Indefinite Duration (CID) for a contract worker who had aggregate service of five years. The university claimed that the fact that the project on which the employee was engaged was externally funded constituted "objective grounds" under the law for denying a CID. A Rights Commissioner investigated the issue on 16 July 2008 and found comprehensively in favour of IFUT and totally rejected NUIM's position. An award of €5,000 compensation was also made. NUIM appealed the decision to the Labour Court and, a month before the expiry date of the contract, issued notice of compulsory redundancy to our member. As this was a clear breach of the embargo on compulsory redundancies in the public sector we referred this issue as a breach of 'T2016' to the National Implementation Body through the good offices of the ICTU. We also conducted a strike ballot of our members in NUIM.

As a result of all of the above NUIM agreed to keep our member on the payroll until the issue was determined by the Labour Court.

A Labour Court Hearing was held on 16 October 2008 at which Solicitors and Barristers acting on behalf of NUIM made the extraordinary claim that the person in question was never an employee of the university. Given the extraordinary and exceptional nature of this assertion the Court adjourned until 16 December 2008.

Before the Labour Court issued its Determination NUIM, in clear breach of the commitments it had explicitly given to IFUT and to

the Labour Court, compulsorily removed our member from the payroll and also changed the locks on her office door while she was out at lunch one day.

IFUT sought a High Court Injunction to overturn this high-handed decision. Regrettably the High Court refused to grant the Injunction.

Subsequently the Labour Court issued its Determination. It rejected NUIM's assertion that our member was not an employee. It upheld our claim that NUIM had breached Section 8 of the 2003 Act. It did not offer any counter arguments to the Rights Commissioner's well argued decision, but, incredibly, it still refused to make an order for a CID and made an order of compensation for only €2,000.

Although our legal advice is that a High Court challenge to the Determination could be a lengthy and financially risky affair, there is no doubt that the Labour Court Decision is not only bizarre, it is intolerable from a precedent and loss of legal rights point of view. Accordingly we requested the assistance of the ICTU in seeking to deal with this issue.

In the meantime, from sheer financial necessity, our member is accepting redundancy compensation from NUIM.

NUIM, continuing to discriminate, has refused to honour its original offer of equal redundancy payments as applies to a permanent employee.

This issue is now going back to the Rights Commissioner Service.

4. Promotion to Associate Professor, UCD (i)

In a highly significant case where UCD had refused to accept the verdict of its own Appeals Body the Labour Court upheld IFUT's claim that the member had to be promoted. This has since been implemented.

5. Promotion to Associate Professor, UCD (ii)

A very similar and long running case was also taken to the Labour Court. Regrettably, due to a technical deficiency in the legislation setting up the Labour Court, they were unable to issue a Recommendation because the employee in question was by then retired. The Labour Court's suggestion of resolving the issue by the use of an ad hoc procedure was also not accepted by UCD. In the circumstances IFUT has initiated legal proceedings for a Judicial Review in this case.

6. Promotion to Associate Professor, NUIM

This was a complicated case which involved unacceptable procedural practices and natural justice failures by the university. The issue was referred to a Rights Commissioner who upheld our

claim and awarded exemplary compensation of €4,000.

7. Dispute Arising from Promotions, SPCD

We are currently pursuing a case to the Equality Tribunal on behalf of three members in SPCD. Our case is that the three were unreasonably and unfairly denied promotion and were discriminated against on the basis of their age.

8. Royal Irish Academy Promotions

The total lack of any opportunities for promotions in the RIA has been in dispute for many years. Management's handling of the issue has been characterised by an almost unbelievable amount of procrastination and delaying tactics. This shows a deep lack of respect for the employees. The issue is scheduled to be heard in the Labour Court shortly.

9. Quota-Free Promotion System, NUIM

This long running dispute appears to have been resolved to our members' satisfaction and a formula of words expressing this has been agreed. However, we are still somewhat anxious regarding the possibility of actual implementation being frustrated by current external developments.

10. Attempted Displacement, UCD

We have pursued a case on behalf of a senior member in UCD who literally read an advertisement effectively for her own job in the Irish Times. We took the case to a Rights Commissioner who recommended a Meditation Process which was ongoing at the time of writing this report. In the meantime we have blocked the university from proceeding with the disputed appointment.

11. College Language Teachers, UCC

We have been experiencing some difficulties in finalising implementation of our agreement in this area which resolved a long running dispute.

12. Ex-Carysfort Pensions, TCD & NUIM

This issue has now been handed over to our legal advisers.

13. Workload Models/Academic Freedom, TCD

In a highly significant Recommendation the Labour Court advised TCD to expunge the disciplinary warning from the employment record of an IFUT member who had been victimised because he had resisted attempts to introduce new obligations on academics regarding research. These were (a) in breach of the IFUT/TCD Agreement; and (b) had serious implications for academic freedom. The Labour Court also recommended to TCD to engage with us to agree on a protocol to govern matters

relating to this issue.

14. Payment of PhD Fees, TCD

The issue of the refusal by TCD to pay PhD Fees for staff studying in UCD has been referred to the Labour Court.

15. Library Staff UCC, TCD & NUIM

A number of issues of concern to members in these libraries were pursued during the year.

16. Church of Ireland Theological College

Following a change of Management and a restructuring of the Degree Programmes in this institute, IFUT negotiated a satisfactory Voluntary Redundancy package for our members.

17. Redundancy, RCSI

IFUT is resisting the compulsory redundancy of one of our members in RCSI. The issue has been referred to a Rights Commissioner under the Unfair Dismissals Act.

18. Individual Cases

Numerous other cases involving one individual were taken up in TCD (2), UCC, MITP, DIAS, RCSI, UCD, MICT, SPCD, NUIG and NUIM.

III. GENERAL CONTACTS

1. Teacher Unions

We continue to have a very close positive working relationship with ASTI, INTO and TUI. Indeed, there has been numerous meetings of the General Secretaries and the Presidents of all four unions on topics of mutual concern. Most recently we have worked closely with our teacher union colleagues in response to the Government cutbacks in education and other objectionable economic measures.

We also maintain good fraternal relations with the UCU and UTU in Northern Ireland.

2. Irish Congress of Trade Unions

2.1 Public Services Committee The General Secretary is a member of the Public Services Committee of Congress and as such has played a full part in negotiations on 'T2016' and the recent economic crisis.

2.2 Other ICTU Committees IFUT is represented on the following committees:

- Health & Safety Advisory Committee – Mike McKillen, TCD
- Retired Workers' Committee – Colum Ó Cléirigh, SPCD
- Solidarity Committee – Iain Atack, TCD

3. Trades Councils

Our representatives on Trades Councils are as follows:

Dublin Council of Trade Unions - Hugh Gibbons, TCD

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 O’Grady, MICL

4. **International Work**

IFUT continues to be an influential member of the various international bodies to which we are affiliated including Education International (EI) and its Pan European Structure (EIPES), the European Trade Union Committee for Education (ETUCE), the Higher Education and Research Standing Committee (HERSC) and the British and Irish Group of Teacher Unions (BIGTU).

5. **TUAC**

The General Secretary also represents IFUT on the OECD Trade Union Advisory Committee (TUAC) on Education.

6. **Standing Committee of Heads of Education & Teacher Unions**

Our representative on this is Marie Clarke, UCD.

7. **SCOTENS**

Philomena Donnelly, SPCD is the nominee of IFUT on this body.

IV. EDUCATION & RESEARCH

1. **European Quality Assurance Register for Higher Education (EQAR)**

Daire Keogh, SPCD continues as the EI nominee on this important body.

2. **European Sectoral Social Dialogue in Education**

Progress has been made at European level in getting the management side to set up an international equivalent to ETUCE on the trade union side. This will help the process of putting in place a formal framework for social dialogue.

3. **ESPVG**

The General Secretary duly became a member of the ESPVG on the retirement of Jim Dorney of the TUI.

4. **Bologna Process**

There is no doubt but that this process seems to

have lost momentum in recent years. It is still vital for us to monitor all developments very closely for their impact on Irish higher education.

5. **National Council for Curriculum and Assessment**

IFUT has nominated Rose Malone and Michael Delargey for places on this Council.

We have recently been advised that Michael Delargey has been duly nominated by the Minister for Education.

6. **Meetings with the HEA**

Two senior level meetings between the HEA and IFUT took place. These meetings were, in the main, useful and informative. However, IFUT expressed its major concerns about the lack of HEA monitoring of the Framework for Departures from Approved Levels of Remuneration in Universities. These unregulated, secret pay deals have done great damage to staff morale and to the public image of our universities. After several months of prevarication the HEA also finally dropped its refusal under Freedom of Information to divulge the full list of exceptional salaries approved under the framework. The HEA has undertaken to give us a full reply to all of our written queries on the working of the scheme when they get a reply from the universities through the IUA.

V. ORGANISATION & COMMUNICATIONS

1. **Membership**

The total membership of IFUT is 1,935 compared to 1,758 last year. The breakdown of this is as follows (last year’s figures are in brackets): 1,519 (1,416) on higher rate of subscription, 80 (36) on lower, 33 (16) on leave of absence and 303 (289) retired, associate member 0 (1). Details of Branches are given in Appendix A.

This growth in membership is encouraging and reflects an increased priority which the Executive and Council has bestowed on this area in recent years. We have also engaged an outside Consultant to assist us with a direct approach to non-members.

2. **Executive and Trustees**

The Executive met nine times during the year.

The new IFUT structures which were ushered in by the Rule changes at last year’s ADC came into force. The expanded Executive now has the following members: Joe Brady, UCD; Hugh Gibbons, TCD; John Dunnion, UCD; Michael Delargey, UCC; Seán Tobin, NUIG; Rose Malone, NUIM; Daire Keogh, SPCD; Deirdre McMahon, MICL; Anthony Harvey, RIA and David McKeon, CICE.

Hugh Gibbons, TCD was also elected unopposed to the new post of Incoming President. Hugh will take over from Joe Brady at the conclusion of the ADC and Joe will remain on the Executive as Outgoing President. A new Incoming President will be elected next year, halfway through Hugh's two-year term of office.

At a meeting of the Executive on 5 September 2008 Dr Daire Keogh of SPCD was unanimously elected to fill the post of Vice President-Finance which Hugh Gibbons had vacated upon his election to the post of Incoming President.

The Trustees elected at the 2008 ADC were Breandán Ó Cochláin, NUIG; Pat Burke, SPCD; and Maureen Killeavy, UCD.

3. Council

The Council met four times during the year.

4. Report of the Equality Committee

A Report from the Equality Committee will be circulated separately.

5. Media

There has been a significant improvement in IFUT's visibility in the media in the past year. Despite clear evidence of hostility from one major media outlet we have managed to get our message out by responding to or initiating debate on topics of concern to our members.

6. IFUT Website

This is well established even though we have ambitions for further enhancement e.g. an international page and a section devoted to researchers. The website has been a very effective means of disseminating information and messages not only to members but also to the wider public.

*Mike Jennings,
General Secretary,
25 April 2009*

IFUT Initials

APSCEH	Association of Professional Staffs in Colleges of Education & Humanities
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 A	St Angela's College, Lough Gill, Sligo
ST C	St Catherine's College of Home Economics, Sion Hill, Dublin
SPCD	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 2008/09

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

- 1 Trinity College Dublin (408/367) & Dublin Dental Hospital (14/14)**
Secretary – Anthony McCashin, Social Studies
DDH Contact - Frank Houston, Restorative Dentistry
- 2 University College Dublin (366/337)**
Secretary - Marie Clarke, Education
- 3 University College Cork (394/337)**
Secretary - Michael Delargey, Education
- 4 National University of Ireland, Galway (89/85)**
Secretary – Gerard Jennings, Experimental Physics
- 5 National University of Ireland, Maynooth (231/204)**
Secretary – Peter Murray, Sociology
- 6 Royal College of Surgeons in Ireland (67/66)**
Secretary – Elizabeth Doyle, Student Affairs
- 7 St Patrick's College, Drumcondra (135/129)**
Secretary – Joe Travers, Special Education
- 8 Church of Ireland College of Education (15/15)**
CICE Convenor – Deirdre Ní Chonghaile, Irish
- 8 Mary Immaculate College, Limerick (145/137)**
Secretary – Michael Finneran, Education
- 9 Central (85/67)**
CHURCH OF IRELAND THEOLOGICAL COLLEGE (3/4)
Convenor – Patrick Comerford, Spiritual Formation
HEALTH RESEARCH BOARD (3/3)
Convenor - Joan Byrne, Microbiology
DUBLIN INSTITUTE FOR ADVANCED STUDIES (17/15)
Convenor (Senior Professors/Registrar Group) - Fergus Kelly, Celtic Studies
Convenor (Non-Sen. Prof. Staff Group) - Malachy McKenna, Celtic Studies
MATER DEI INSTITUTE OF EDUCATION (18/10)
Convenor - Brendan McDonnell, History
ROYAL IRISH ACADEMY (20/17)
Convenor - Anthony Harvey, Dictionary of Medieval Latin from Celtic Sources
MILLTOWN INSTITUTE OF THEOLOGY & PHILOSOPHY (12/12)
Convenor – Gesa Thiessen, Systematic Theology
ST CATHERINE'S COLLEGE OF EDUCATION FOR HOME ECONOMICS - c/o Head Office (11/4)
EX-CARYSFORT - c/o Head Office (1/1)
ST ANGELA'S COLLEGE - c/o Head Office (0/1)

APPENDIX B

COUNCIL & EXECUTIVE 2008/09

*(Executive: President and 8 Members)

BRANCH ENTITLEMENT

DEPARTMENT

TCD 9/9

Dónall A. MacDónaill
*Hugh Gibbons (Incoming Pres)
Aidan Seery
Pat Wall
Liam Dowling
Mícheál ó Siochrú
Cormac Ó Cuilleanáin
Anne-Marie Malone
Eileen Drew

Chemistry
Computer Science
Education
Education
Electronic & Electrical Engineering
History
Italian
Nursing & Midwifery
Statistics

UCD 7/8 + Pres

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

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

UCC 8/8

Michael Creed
David Murphy
*Michael Delargey
Jacinta McKeon
Tom Andrews
Michael Mansfield
Bridget McAdam-O'Connell
Sorcha Healy

Civil & Environmental Engineering
Computer Science
Education
Education
Nursing & Midwifery
Physics
Sociology
Tyndall National Institute

NUIG 3/4

Breandán Ó Cochláin
Gerard Jennings
Mary Cawley (*alternate*)
*Seán Tobin

Chemistry
Experimental Physics
Geography
Mathematics

NUIM 7/7

Joe Larragy
Séamus Ó Cinnéide
Anne Lodge
*Rose Malone
Dennis Pringle
Ann Buckley
Yvonne Barnes-Holmes

Applied Social Studies
Applied Social Studies
Education
Education
Geography
Music
Psychology

RCSI 0/3

MICL 4/6

Michael Finneran
Frank Flanagan
Deirdre McMahon
Patrick Connolly

Education
Education
History
Theology & Religious Studies

SPCD 6/6

Therése Dooley
David Millar
Pat Burke
*Daire Keogh (VP-Fin)
Colum Ó Cléirigh
John O'Flynn (*alternate*)
Joe Travers

Education
Educational Research Centre
English
History
Music
Music
Special Education

CICE 2/2

*David McKeon
Deirdre Ní Chonghaile

Education
Irish

CENTRAL 3/4

*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 58 representative places, of which 47 were filled. Therefore, there were 47 people on Council out of a potential 58.

APPENDIX C

IFUT COMMITTEES & WORKING GROUPS 2008/09

Standing Committees

EQUALITY

Marie Clarke (<i>Convenor/Secretary</i>)	Education, UCD
Maureen Killeavy	Education, UCD
Nóirín Ní Nuadháin	Adult Education-English, SPCD
Anne Lodge	Education, NUIM
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 2008/09

Irish Congress of Trade Unions (ICTU)
& its Councils of Trade Unions in Dublin, Cork, Limerick, Galway and Kildare

British and Irish Group of Teacher Unions (BIGTU)

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

Education International (EI)
& its EI Pan-European Structure (EIPES) *
& its Higher Education & Research Standing Committee (HERSC)
European Trade Union Committee for Education (ETUCE) *

People's College (ICTU)

National Women's Council of Ireland (NWCi)

Network for Education and Academic Rights (NEAR)

Society for Research into Higher Education (SRHE)

Irish Labour History Society (ILHS)

* EIPES covers all of Europe, while ETUCE operates as an autonomous unit within this on the basis of EU-EFTA membership.

B. PRESIDENTIAL ADDRESS

Dr Joe Brady, Geography, UCD

Fraternal Delegates, Guests, Delegates, Colleagues and Friends, it is a great pleasure to welcome you to the Annual Delegate Conference of the Irish Federation of University Teachers.

It's been an eventful year to put it mildly. Little did I think that when I addressed you last year that we were about to embark on a return to the 1980s without passing through the 1990s. We could see the signs of a slowdown and I expressed worries about the pace of investment and whether the knowledge society would get lost in the drive for the knowledge economy. How utopian those concerns now seem!

Change is all about us. The images that are used, the metaphors that are employed are different to those in vogue a year ago. New words are to the fore. After all, 'going forward' seems inappropriate when we are hurtling backwards. Let us take a few minutes to explore what these words may offer for us. While much is gloomy, nonetheless it is important to take what good we can from the circumstances of the day.

Third Level Rationalisation

The use of the word 'rationalisation' in conjunction with 'third level' makes my blood run cold. We have been there before and since we are in the 1980s, it is instructive to remind ourselves about the closure of Carysfort College. This was a kak-handed, ham fisted decision based on irrelevant and inaccurate data. The most scary thing was that the decision was persisted with even when the rationale was exposed as baseless. However, it need not be so in the future... we have learned.. haven't we?.

John Kelly, the former Registrar of UCD had an interesting piece in last week's Irish Times. He argued that:

There is a need for a debate to arrive at a thoughtful and forward-looking definition of the public purpose of higher education so that we have a clear understanding of the role of the higher education institutions in our society and, conversely, of the Government's understanding of what it expects from them, and having achieved that, to institute a process of accountability to monitor their adherence to an agreed programme.

He is correct in most of what he says. The past few years we have been hurtling along with change piled upon change but without any coherent view of what we were trying to achieve. We were running too fast to think. We were looking at this index, setting this target, outlining this initiative. On the one hand we were building the knowledge society and on the other hand the knowledge economy though in some cases without any clue as to what these concepts involved. We operated with a funding model that was inadequate to either task and by a process of internal reallocation we saw monies provided for one purpose diverted to another.

The slowdown has provided time for a considered look at where we are. We have to get right the balance between our institutions as providers of education, as institutes for research and latterly as drivers of economic development through innovation and patents. We do not have it right at the moment. The education role of the universities has been undermined and underfunded. Research is increasingly being focused only on those activities that produce economic gain. It is clear that the universities have the capacity to assist economic development and this must be capitalized upon. But universities are also the places where we educate our citizens: the people who will shape not only the economy of tomorrow but the nature of future society. Research cannot just be about what we can sell. It has to be about the exploration of our environment past and present in the widest possible sense of the term, it has to be about the exploration of humanity in all its facets. It would be a very dull and dangerous world if economics drove everything we studied. This is what our wealth gives us

the opportunity to do, and despite everything we are still wealthy; it would be criminal to neglect it.

So, we need a rational debate about how best to separate out or integrate these various competing or collaborative strands. We have a bit of time to do so as we are forced to draw breath. There is a lot of good work being done by colleagues across institutions coming together to form new collaborations. These bottom-up initiatives are what must be encouraged because we are the people who know our fields of endeavour; we have the energy, the ambition, and the common sense necessary.

It goes without saying that funding has to be sorted out once and for all. I'm not going to add to the debate here. The arguments are clear. Education costs money and it has to be paid for one way or another.

Of course, I cannot stay in an optimistic frame of mind for too long.

There is currently a review being undertaken of the third level sector. At least I believe so because we have heard nothing about it with the exception of what we have read in the newspapers. We have not been invited to sit on the committee, we have not been invited to make submissions and this for a body that is supposed to report before the year end. It has all of the hallmarks of a disaster in the making with ill-judged and short-term thinking within a narrow budgetary framework rather than a considered view as to how to get the best out of what we have.

It is clear that We are going to have to seize the initiative in this area and soon.

Reform

I started off this speech with a suggestion that we have to make the best of where we are at. I believe that there is no use in lamenting what has been lost. However, that is not to say that I am prepared to carry on as if nothing had happened. There is a price to be paid for the mess that we are in. If I (and you) have to get on with things, if we have to put our noses to the grindstone, our shoulders to the wheel and march boldly arm in arm, shoulder to shoulder, back to back towards our future [and endure all of the other clichés], then we are going to have to be tough about how it is done.

It cannot be business as usual for those who got us into the mess. Here we face a real fight and we have to be up for it. You see, there are many who would like to reinvent the recent past so that it becomes clear that we, as public servants, caused the mess.

So the piper has to be paid and we have cast around to find the suckers who will pick up the bill. The public sector is the obvious target. Our profligate spending and sybaritic lifestyles are responsible for the mess that we are in and the solution is clear – cull us (or reform us if you are being nice)! It is not just the political parties of government who take this line. Fine Gael has become tedious in chanting this mantra at every occasion. It is tedious because it is not backed by analysis and we are treated as members of an undifferentiated lump. Even the Labour Party now beats the drum that we need to be reformed. But like all repetitive beats, it eventually is absorbed and internalized and it is no wonder that the general public now believe it as a matter of dogma. I was greatly taken by Declan Kelleher's [past president of INTO] hope that we soon have a government that is led by the left. My problem is that I am not at all sure where we would find enough left wing politicians. We and the remainder of the public service have been demonized, excoriated, vilified, berated, and condemned to an unprecedented degree. Hardly a day goes by without a newspaper article or a phone-in that does not focus on some aspect of our appalling nature. It is a wonder that any of us dare appear in public! We need to apologise for our salaries, our pensions, our allowances, our promotions, our holidays. We need to apologise for having a job!

It is pernicious and it is pervasive. In fact, if any ethnic group had been subjected to what the public sector has been subjected there would be prosecutions under the heading of

incitement to racial hatred. Even worse, we have begun to believe what is being said about us. We find ourselves undermined and we start to wonder if there might not be something in what is being said about us.

We need to get up off our knees and stand up for ourselves. There is a problem, the problem has to be faced but we will face it together with the 2m other people who remain in employment. You would think from some of the commentators that the only people in secure employment are in the public sector and that our security is absolute in some way. Therefore the context is public sector versus unemployment – Joe Bloggs is out of a job therefore we must hammer the public sector?

The piece in Wednesday's Irish Independent is typical. Shock, Horror!! the Independent has 'revealed' that 300+ earn more than €165,000 euro in the public service.

The article goes on to make the juxtaposition –

The scale of the huge public sector pay packets is revealed as more than 16,000 private sector workers lost their jobs last month.

So! nobody in the private sector earns this kind of money? Those jobs might not have been saved if their bosses reduced their salaries? You might argue as to whether ANYBODY is worth that kind of money but it is not a public sector issue only.

Unemployment may have reached 10% of the workforce. Let us allow for another 10% - 20% as being in vulnerable employments. And let us not forget that many employers find the current circumstances as a convenient means of reducing employment, diminishing conditions in order to drive up productivity and boost profits. That leaves 70% of the labour force in pretty well the same employment position. The burden of unemployment is not ours alone to shoulder, there are plenty of shoulders.

Sharing

Another word much in use is 'sharing'. Now it normally goes with 'caring' but you can't ask for too much. We hear of the need to share the burden. Everybody agrees with this! I recently listened to a right-wing economist (is that a tautology? I sometimes think it is given the composition of so many expert panels!) who counselled that we should not dwell on who caused the problem but rather develop a partnership approach to sharing the burden. Now, I did not detect any sense of irony in his voice – maybe his wit was too dry. But taking it at face value, I find this invitation to share problematic.

I can see the necessity to 'share' the problem but it really galls me that those who now invite me to share the pain did not invite me to share the gain, nor would they ever do so in the future. Remember Benchmarking I and Benchmarking II? We hope to get out of this pit in the not too distant future but I wonder if future gains will be shared on the same basis as the pain?

Now, while the image of a densely populated gibbet outside Government Buildings has its appeal, I would prefer to go after the money that these people salted away during the boom times. It has not all gone – not all of it has disappeared. I'm prepared to share the pain when they've given back their gains. When you take it that the saving achieved by the State in the most recent bloodletting barely equates to the size of the loans handed out by Anglo Irish Bank to a handful of people, you see I hope what I am talking about. Loans, by the way, that I am now supposed to be happy to take on as debts.

We have seen a loss of between 10-16% in our salaries in a period of four months. That is a major contribution. Has the rest of the economy, the country, dialled back its expenditure, its cost base to the same degree? If it has, there might be a way out for us. But has it?

I can see every sign of attempts to return to business as it was before. I see no sense of humility among those who caused the problem; no diminution of greed; no desire to do things in the future in a different way. In that context, our answer has to be 'Enough!' 'I've done my bit - look elsewhere for the money!'

Much as it pains me, I do not see any sign that partnership as a concept is alive, let alone alive and well, either locally or nationally. I would like to be wrong about this but I have heard nothing from Congress that would lead me to believe that partnership will be the way forward.

Levy

We don't seem to be able to use the word 'tax' any more: levy is the in-word. We, as a collective, swallowed the pension levy. I'm not sure that we realized what more lay in store for us in the shape of income and health levies. And, without sounding pious, there was a feeling among members that there was a need to play a part, take a role in national recovery. It is probably true that we should never have allowed a system to develop where our paying for our pensions was not explicit. The idea of notional payments or deflated salaries in lieu of contributions cuts no ice in the outside world. It mattered not a whit that Benchmarking II justified, in part, its decision to award no increases by attributing a notional value to our pensions when doing their salary calculations. Equally, though, it was probably a mistake to have been as quiet about it as we were. It has shown the government that it can legislate significant rights away without an iota of opposition. They would never have attempted 'public interest' legislation in the past but they now feel that they can draw from that well again in the future. There are great dangers for us in that. I'm not going to spell out the dangers here - I do not want to put bad thoughts into peoples' heads but there is also another lesson to be learned ... there is not a lot of sympathy out there for us.

Regulation

Regulation is another word that is back. It's only a year since you had to wash your mouth out with soap if that word passed your lips. Our EU commissioner was quoted just a year ago as saying that hedge funds did not need external regulation. They were big boys, they knew what they were doing!

I felt I had stepped into an alternative reality when I heard him quoted on RTE in February 2009 saying "that the regulatory and supervisory systems in Europe and the US had tolerated relaxed lending practices and the accumulation of unsustainable debt by households, individuals and companies" and that it had to change.

But that wind is blowing through the third level sector too. As recently as last February, I and members of the National Executive had an animated discussion in the Higher Education Authority about its unwillingness to police the manner in which universities spent public money and, most especially, the way in which they used the Framework Agreement - a mechanism that permitted them to employ people off scale with impressive terms and conditions. We expressed our concern that high-flyers were being recruited who would have no contact with students, who had teaching duties omitted from their contracts. We spoke of administrators getting super salaries. It was not just a waste of scarce resources with no benefit cost analysis before or since but it damaged morale. We were told that it was not the business of the HEA to interfere with the internal workings of the universities. They knew what they were doing! Imagine my surprise to read in the Sunday Times only two weeks ago that:

Students in Irish universities are being denied the expertise of talented staff because they have been recruited on non-teaching contracts, the Higher Education Authority (HEA) has claimed. The third-level policy body has advised universities and institutes of education to remove clauses from contracts which

keep “stellar” researchers in the laboratory and out of the classroom. The chief executive is further quoted as saying that departures from salary scales would, in the future, only happen in the research area.

If St Paul was on the road to Damascus today, he would have to queue up for conversion.

Now, there is a big difference between regulation and direction and this is where I would most disagree with John Kelly’s thesis to which I referred above. We have to be careful that the regulation we get in the third level sector is appropriate. We do not need to be directed by those who do not have a clue about education and whose horizon is limited to the tip of their noses.

Solidarity

Solidarity is another word with which we need to come to terms and embrace. We are public servants and we are educators. In the eyes of commentators and in the viewpoint of many in the public we should occupy the innermost circles of hell. If you think I exaggerate, listen to the hysteria that was generated on radio and the print media during the annual conferences of our sister unions.

There is great value to being in a union such as IFUT. We are small but we are focused and we are formidable in education matters. No general union can match the quality of our knowledge and expertise when it comes to third level education matters or match us when it comes to straightforward industrial relations issues that deal with the sector. More often than not, we win! The Universities increasingly attend the Labour Court in the company of senior counsel. I suppose it is a compliment; they don’t feel confident taking us on by themselves. But it is an outrageous waste of public money to deal with industrial relations in this manner and we intend to put the details before the public in the near future.

We had a victory in the Labour Court recently that vindicated academic freedom. Now, the Court had never heard of the concept before we introduced it, let alone understood it, but we won and huge credit is due to Mike Jennings for his skill. The recommendation of the Court has been quoted internationally as an important copper fastening of what is an essential principle for any academic. You get a sense of how important was the judgment when a full report is carried in the Times Higher Education.

But... I am sorry to say that we cannot rely on the Labour Court or the LRC to vindicate our rights into the future. As a union, we are not known for our militancy. Indeed some people still do not know that we are a union. It goes against the grain for some of our members to contemplate industrial action.

We are no longer going to safeguard what is important to us, either personally or educationally by writing impassioned letters to the Irish Times, even if we thought that the august organ would publish our missives.

I was very pleased that over two-thirds of the membership voted to support the Congress Day of Action. This was a ringing endorsement of the leadership of the union and recognition that sometimes action is the only option. I had to smile when one member asked me if I was not concerned that we had ‘only a two-thirds’ majority!! I think the Government would have settled for that over Lisbon, don’t you!!

However the point is that we have to realize that our world has changed. Time was when the university was run by academics. Many of them were members of this union and when we sat down to discuss a problem we did so with a shared framework of values. They put their union membership in their back pockets and we had our debates, discussions and rows. I’m absolutely sure it was not a golden age but whether golden or just brass-plated it provided us with a means of doing business that is no longer there.

Universities are increasingly run as businesses, by managers who have no sense of community or of 'the university' as a concept. They see us as employees whose only role is to do as bidden. They see our terms and conditions of employment as something to be ignored, circumvented and unilaterally changed. They see our moderate tendency as a sign of weakness and they exploit it. Industrial relations have become increasingly characterized by aggressive behaviour rather than by common sense.

It gives me no pleasure to say this but that is my assessment having been in this chair for three years now. We need to be tough and we need to be prepared to assert our rights if we are to get the respect that we deserve. I know that this is hard for some people but I see no other way.

We have already had our pockets picked by the State simply because they could do it. Don't think that it is going to stop there or that there is an acknowledgement that enough has been wrung from us. Industrial action has to be part of our suite of tactics for the future.

Academics have been targeted recently as being overpaid with comparisons being offered with the UK. The companion word with 'overpaid' is 'underworked', so you may take that as read.

Now, of course, the comparisons are flawed - not that the media would be interested - naturally one picks the point of comparison that best suits the moment. Sterling has dropped in value by 30% in the past year and purchasing power in the UK has always been better.

But that aside, it is true that we do better than our colleagues in the UK. There is nothing to apologise for there. They were hammered in the early 1980s by Margaret Thatcher who changed utterly the nature of university employment - among other things bringing in individualization which resulted in vastly different payments being made to people doing the same job. They never recovered from that - it is almost 30 years.

We have to be tough. I doubt that the HEA would have seen the light on the need to assert itself without the discussions we had with them around the information that we obtained under Freedom of Information. I doubt that universities would have published the details of the exceptional payments to certain academics if we had not already got the information under FOI. Good work was done by some excellent colleagues. We will occasionally get blow-back from these initiatives. We will find our own activities under scrutiny. That's the price we have to pay. It's all part of standing up for ourselves instead of hoping that nobody will notice us or that they will think that we are nice but harmless people.

We need to do two practical things.

We need to recruit!

There are too many of our colleagues outside the union. There are those ideologically opposed, there are the freeloaders and there are the forgetful. It is everyone's job in this room to get these people within the realm of the union. It is not an impossible task if each of us undertook to stick a membership form under the nose of a colleague, especially one in the latter category.

I will be blunt and say that is my belief that we should not offer membership to people who wait until they have a problem to seek to join. They have enjoyed the fruits of our labours without payment for years, without having to work for it. I am all for conversion and redemption but we should not be fools at the same time.

AND

We need to co-operate!

When it comes to national issues, we need friends. The Universities have recognised the importance of scale and act increasingly and collectively as the IUA, even in trade union matters. Our friends are here in the room today. They are the members of the other education unions. Others will judge what I have achieved during my years as President but I take a great deal of personal pleasure from the fact that our relations with the TUI, the ASTI and the INTO are better than they have ever been. We have become comfortable with each other: we have seen that we can work together. We have a lot to do to capitalize on the possibilities that are now open to us but we now sit at the same table talking the same language.

IFUT

We have our friends and we have a strong union. Our General Secretary has raised our public profile significantly. We are quoted and our opinions are sought. We have redeveloped our website into a resource for members and more work there will enhance its value.

We have reformed our structures to make us leaner and more responsive and we saw the benefits of that during the recent ballot.

We are fortunate in our General Secretary, Mike Jennings and in Phyllis Russell our irreplaceable administrator. We are fortunate in the people who serve at national and local level.

It has been my honour to serve this union for three years as President. I have enjoyed my time and I will miss it – this is a good organization to be part of with good people. I am proud to be in the company of those who served before me in this position: people I admire and hold in the highest esteem. Hugh Gibbons takes over from me at the close of business today. Hugh's commitment to the union has been long, sustained and generous. I wish him the very best for what is bound, given the country's circumstances, to be a difficult two years and I am sure that you will support him as you have supported me.

Thank you.

C. RESOLUTIONS & REMITTED MOTION

RESOLUTIONS ON POLICY

NON-RENEWAL OF TEMPORARY TEACHING STAFF CONTRACTS

This ADC strongly condemns the practice of the non-renewal of temporary contracts of much needed teaching staff in the universities while the recruitment of non-essential senior administrative and VP posts at overinflated salaries remain open. This ADC demands that in the face of economic difficulties, the suspension of increments, the freeze on crossing the bar and the loss of badly needed teaching hours that the HEA immediately sanction the reduction/freezing of salaries of those individuals who are massively above agreed scales.

CASUALISATION OF LABOUR IN HIGHER EDUCATION INSTITUTIONS

That this ADC condemns the increasing casualisation of labour in higher education institutions.

HIGHER EDUCATION FUNDING/TUITION FEES

IFUT notes with serious concern the financing crisis facing our higher education system, in particular our universities.

At the same time, IFUT notes that the statements from the Minister for Education regarding the reintroduction of undergraduate tuition fees have all been made in the context of cutting public expenditure. Therefore, it appears that fees are more likely to be a substitute for State investment in higher education rather than a top-up to it.

IFUT is concerned that such an approach would make it even more difficult for universities to secure adequate funding, primarily because the State will have passed its responsibility for funding this vital national service on to the shoulders of individuals and their families.

We are concerned at the implications such a move would have for the privatisation of education and how this could lead to education's inclusion in a future GATS process.

Philosophically, we do not see education as a commodity to be purchased but rather as a vital ingredient in the social, cultural and economic life of the nation.

IFUT joins with our Teacher Union colleagues together with the wider trade union movement in Ireland and internationally in calling for education to remain free at the point of delivery. At the same time we are open to examining funding models which protect our higher education system without damaging its ethos or adversely affecting participation levels which remain at unacceptable levels.

THE PENSION LEVY

This ADC notes with grave concern the introduction of a 'pension levy', ostensibly to restore the current imbalance in the national finances. We consider the 'pension levy' to be an unfair imposition on public sector workers who were not responsible for the current crisis. The introduction of the levy will in effect impose a pay cut on public sector workers for the foreseeable future. The impact of the levy upon younger and lower paid workers will be particularly harsh.

This ADC notes that the members of IFUT in a secret ballot have already voted by a large majority to approve of the taking of industrial action.

The ADC affirms that any work stoppage to be taken in pursuit of this mandate shall be in co-operation with stoppages sanctioned by the ICTU and by our colleagues in the other three teacher unions.

The ADC also recognises that industrial action, including work to rule and non-cooperation, may also be taken by IFUT as a means of securing our employers' compliance with current agreements.

GOVERNMENT BACKED PRIVATE SECTOR PENSION PROTECTION

This ADC demands the implementation of a Government backed private sector pension protection fund to protect the livelihoods of all workers.

UNIVERSITY 'RATIONALISATION'

IFUT notes recent media reports on the question of rationalisation within the university and wider higher education sector. Some reports even refer to plans already being drawn up to 'rationalise' (i.e. close down) some Departments.

IFUT declares that no such 'rationalisation' can hope to have a beneficial outcome unless it is conducted with full regard to the rights of all stakeholders involved.

IFUT asserts that as the preeminent union representing academic staff in our universities we have a right to be involved in any talks aimed at so-called 'rationalisation' in the sector.

QUALITY REVIEW PROCESS

That IFUT would not support any quality review process which has implications for resource allocation to units and/or personal promotion.

ACADEMIC FREEDOM/RESEARCH

IFUT recognises and supports the fact that university academics are obliged to engage in both teaching and research.

However, we are concerned that in some influential quarters the perception of the value of research is purely short-term and linked only to immediate economic goals.

We declare that academic research whilst undoubtedly a stimulus for immediate benefit, also has to have a longer term vision. In this regard the principle of academic freedom and control over one's research is vital to preserve the long-term benefit universities bring to society.

We therefore appreciate the efforts which have been made to draw up protocols which can provide for fair and reasonable co-ordination of research activity without compromising the principle of academic freedom.

IFUT pledges itself to provide ongoing support to bring these protocols to final conclusion and implementation.

FEES AND CHARGES FOR PROFESSIONAL WORK

The ADC instructs the IFUT Executive to establish a schedule of appropriate fees and charges to be payable to all members for professional work undertaken for third-level institutions.

GARDA VETTING

This ADC resolves to ask the Executive of IFUT to draft guidelines for members regarding the issue of Garda Vetting.

RECRUITMENT AND PROMOTIONS BAN

This ADC deplores the ban on recruitment, promotion and payment for duties at a higher level recently imposed on the universities by the Department of Education and Science. It recognises that this has the potential to prevent some university programmes from being offered next September and to do lasting damage to others. The ADC instructs the executive to develop guidelines for members to prevent additional burdens, consequent on this ban, being imposed on them.

TAXATION OF PENSION LUMP SUMS

This ADC strongly opposes the suggestion that Pension Lump Sums should be taxed and calls upon ICTU to resist any attempt to do so to the maximum degree possible.

REMITTED MOTIONS

PRE-SERVICE TEACHING COURSES AND QUALIFICATIONS

That this ADC deplores the unregulated increase in private provision for pre-service teaching courses and qualifications, and demands that all statutory teaching courses and qualifications be provided for and accredited within the university/ college of education sector.

POLITICAL STRIKES

Conference directs the Council of IFUT to consider IFUT policy in relation to political strikes.