

Members urged to vote **NO** to Haddington Road

Members urged to vote **YES** to industrial action

ASTI Central Executive Council (CEC) is recommending that ASTI members reject the Haddington Road Agreement in a ballot due to take place over the coming weeks.

A ballot on industrial action to be taken in the event that members vote to reject the Haddington Road Agreement will take place simultaneously. Members are urged to vote in favour of industrial action.

At a meeting on August 15th, the 180-member CEC deplored the Haddington Road Agreement and Financial Emergency Measures in the Public Interest (FEMPI) legislation as another unfair and unwarranted attack on teachers and other public sector workers.

A list of reasons why members should vote NO to Haddington Road is on pages 2-3.

The TUI is also balloting its members on the Haddington Road Agreement and on industrial action.

Members will receive two ballot papers: a ballot paper on the Haddington Road Agreement and a ballot paper on industrial action

CEC is asking that you:

Vote **NO** to the Haddington Road Agreement

Vote **YES** to industrial action

Full information at www.asti.ie

Full information on the Haddington Road Agreement and its implications for teachers is available on the ASTI website, including:

Information on the ballots

Background to the ballots

Reasons to reject the Haddington Road Agreement

Questions and Answers on the Haddington Road Ballot

The full text of the Haddington Road Agreement

The full text of FEMPI legislation

Department circular on FEMPI

PLEASE USE YOUR VOTE

- ◆ Members urged to **VOTE NO** to Haddington Road Agreement
- ◆ Members to be balloted on industrial action to be taken in the case of rejection of Haddington Road Agreement
- ◆ Members urged to **VOTE YES** to industrial action

Ballot papers will be posted to members' home addresses from Wednesday, September 4th.

Ballots must be returned to arrive in Head Office no later than 5.30pm Thursday, September 19th

Please post your ballot papers early as late ballot papers cannot be counted

Reasons to vote **NO** to the Haddington Road Agreement

ASTI Central Executive Council (CEC) elected a sub-committee to draw up a list of reasons why members should vote NO to the Haddington Road Agreement. The list is as follows:

General

- The Interim Agreement, which means continuing with the 33 hours and S&S under the same conditions as last year pending the ballot on Haddington Road, should not be seen as a tacit acceptance of the Haddington Road Agreement.
- By cutting pay and freezing increments the Government has breached the Public Service Agreement 2010-2014 (Croke Park 1).
- A vote for the Haddington Road Agreement is a vote for continued compliance with Croke Park 1.
- Haddington Road includes all the negative conditions of Croke Park 1, such as the 33 hours.
- Croke Park 1 promises were not kept (e.g. the promise not to cut pay and the promise to use the savings from the Agreement to increase the salary of those earning less than 35k).
- An agreement of this nature should not contain a section on anomalies.

Additional Non Teaching Time

- The 33 hours requirement would continue for teachers.
- S&S proposals change teachers' contracts indefinitely (even beyond the agreement). S&S will be unpaid and compulsory for all teachers ("The duties continue to be performed indefinitely" H.R.A p29).
- The S&S weekly limit increases from 1 ½ hours to 3 hours e.g. this could mean a maximum of 50 minutes supervision and three 40 minute classes of substitution in a particular week.
- The annual S&S limit increases from 37 hours to 43 hours for most teachers.
- Teachers will be rostered for 5 periods of S&S instead of 3 periods per week leaving teachers with very few periods for class preparation.
- The promise of S&S pay restoration would be considered in the context of future pay negotiations which could include further productivity demands. "Such payments to be considered in any future pay negotiation arrangements in respect of teachers. The duties continue to be performed indefinitely" (H.R.A p29). This payment is not 'restoration' if it is to be conditional on teachers being asked to deliver more in return.

Compliance with Reform

- The Haddington Road Agreement would limit our ability to resist unacceptable curricular change and extra workload through imposed initiatives.
- Cooperation with change and reform measures will be required.

Industrial Action Restrictions

- Freedom to take industrial action will be limited by this Agreement (“Strikes or other forms of industrial action by trade unions, employees or employers are precluded in respect of any matters covered by this Agreement, where the employer or trade union concerned is acting in accordance with the provisions of this Agreement” - Public Service Agreement 2010-2014, pages 9-10). A limit on industrial action would tie our hands and limit our ability to respond to further attacks on our pay and conditions. Croke Park 1 limited our ability to respond to pay cuts and worsened conditions for newly qualified teachers.

Review of Allowances

- The Agreement requires cooperation with the Government’s allowances review (currently this applies to Island, Gaeltacht and Teaching through Irish allowances). The pay cuts from 1st July 2013 for those earning over €65k were applied to pensionable allowances first rather than to basic salary.

Casualisation

- There would be substantially fewer hours available for part-time teachers (including teachers with CID contracts with fewer than full hours and unemployed teachers). Such hours are of vital importance for NQTs to help make up the 300 hours necessary for full registration with the Teaching Council.
- The new entrants’ salary scale revision will not redress the imbalance between those who entered pre and post 2011. The Haddington Road Agreement only reduces the new entrants’ pay gap from 10% to approximately 7% (based on average earnings over the first 25 years teaching).
- The proposed panel for fixed-term teachers and the reduction from 4 years to 3 years for CID eligibility are a totally inadequate solution for the teacher casualisation problem as a much firmer commitment is needed. “Such teachers now represent 29% of the entire second level teaching workforce”. (Teachers’ Voice, ASTI 2013, P34).
- The HRA would also reaffirm the commitment from Croke Park 1 of support for Jobbridge, whereby employees may be paid €50 per week on top of their Social Protection payment instead of full salary.

What has been imposed on teachers and schools since the onset of the economic crisis?

- Pay cut averaging 6.5% (public sector pay cut)
- Public service pension levy averaging 7.5%
- Non-payment of 3.5% pay increase due in September 2009 under Towards 2016
- Non-payment of a 2.5% pay increase due in September 2010 under Towards 2016
- Inferior pay scale for teachers entering from 2011
- Cut in qualification allowances for teachers entering from December 2011
- Abolition of qualification allowances for teachers entering from February 2012
- A 4% cut in pensions for retired teachers
- Inferior pension scheme for teachers entering from January 4, 2013
- An additional 33 hours of non-teaching work per year
- An extra rota period for teachers doing supervision and substitution
- Reduced supervision and substitution payment for teachers entering from 2011
- S&S commitment increased from 37 hours to 49 hours for teachers entering from February 2012
- Dis-improvements to certified and uncertified sick leave arrangements
- Dis-improvements to maternity leave arrangements for teachers
- Loss of Early Retirement Strands I, II and III
- Increases in pupil-teacher ratio; fewer teachers in school
- Abolition of ex-quota guidance counsellor provision
- Moratorium on Posts of Responsibility; no promotional opportunities for majority of teachers
- Hundreds of teachers redeployed
- Cuts in capitation funding; continued cuts announced up until 2015
- Visiting teachers for Travellers service abolished
- Withdrawal of many English language teachers
- Removal of 'legacy' disadvantage support teachers from some schools

Key extracts from the Haddington Road Agreement

Increments and related balancing measures

2.16 For those on **salaries below €35,000** (inclusive of allowances in the nature of pay), a three month increment freeze will apply during the Agreement. This freeze will take effect after the next increment is paid with the following increment being awarded in fifteen months rather than twelve, or equivalent if the increment interval is longer.

2.17 For those on **salaries between €35,000 and €65,000**, inclusive of allowances in the nature of pay, two three-month increment freezes will apply (total of a six month freeze) during the Agreement. As above, this would take effect after the next increment is paid but for two consecutive years there would be a fifteen month period between increment dates.

2.18 For those on **salaries above €65,000** (inclusive of allowances in the nature of pay) ... two six month increment freezes will apply. These freezes will take effect after the payment of the next due increment with the following two increments being awarded in 18 months rather than 12 months, or equivalent if the increment date is longer.

2.19 Incremental progression will be suspended for three years for those on salaries scales starting **over €100,000** (inclusive of allowances in the nature of pay).

2.20 Where an employee's salary (inclusive of allowances in the nature of pay) surpasses €35,000 during the Agreement, a second incremental freeze of three months will apply, in accordance with the arrangements for those on salaries between €35,000 and €65,000, inclusive of allowances in the nature of pay outlined above.

2.21 If a person's salary increases above €65,000 (inclusive of allowances in the nature of pay) during the Agreement, the pay reduction provisions outlined below will apply.

Higher remuneration

2.24 In addition to the measures on increments above, and as a means to ensuring broad equity of contribution, the Parties note that the Government intends to apply a reduction in pay for those on salaries of €65,000 and greater (inclusive of allowances in the nature of pay) as follows:

Annualised amount of remuneration [for those on salaries over €65,000]	Reduction
Any amount up to €80,000	5.5%
Any amount over €80,000 but not over €150,000	8%
Any amount over €150,000 but not over €185,000	9%
Any amount over €185,000	10%

- salaries will not fall below €65,000 as a result of the application of this reduction.

Got a question on the Haddington Road Agreement or FEMPI?

The ASTI website contains a question and answer section based on members' questions. Your question may already be answered. If not, you can submit your questions through the website.

Members are urged to read the full text of the Haddington Road Agreement and the Financial Emergency Measures in the Public Interest (FEMPI) Act 2013, which are available at www.asti.ie



Use your
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Key extracts from the Haddington Road Agreement - continued

Members are urged to read the full text of the Haddington Road Agreement and the Financial Emergency Measures in the Public Interest (FEMPI) Act 2013, which are available at www.asti.ie

Restoration

- For those on salaries (inclusive of allowances in the nature of pay) above €65,000 ... **the reduction in pay above will be restored to the pay rate that they would have had**, but for the pay reduction, within a maximum of 18 months of the end of this 3 year Agreement between the parties which is intended to commence with effect from 1st July 2013. **The restoration will be in two equal phases – the first after 9 months and the second 9 months later.**

- Salary scales above €100,000 will be reduced by the appropriate percentage based on the application of the reductions above.

Pensions and grace period

- The Government has also indicated that it intends to provide in the legislation for a grace period [retirement before 31st August 2014] during which both the reduction in pay and any deferral of increment progression will be disregarded [in pension calculations].

Allowances

There will be full co-operation by the Parties with the follow up to the Government's Allowances Review, taking account of the recommendations contained in Labour Court Recommendation 20448. In accordance with that Recommendation, the Parties agree to enter into central negotiations with a view to reaching a generally applicable agreement on measures by which loss arising from the elimination of pensionable allowances can be ameliorated. Where a dispute arises during the course of this process, the Parties agree to use the agreed industrial relations machinery appropriate to each sector and to be bound by its outcome (See Section 5.1).

SUPERVISION AND SUBSTITUTION SCHEME

Payment

- The payments under the Scheme shall be discontinued with effect from the commencement of the 2013/14 school year.

Hours

The existing S&S scheme will be amended as follows:

- With effect from the commencement of the school year 2013/14, the time currently assigned to supervision and substitution will be increased from one and a half hours in any given week to three hours. In this context, the additional time may only be used for substitution.

- The requirement that a teacher be available for three timetabled class periods per week will be increased to five class periods per week.

- Participation in the scheme will be compulsory for all teachers.

- The requirement to provide 37 hours per annum will be increased to 43 with effect from the commencement of the 2013/14 school year [and reduced from 49 to 43 hours for post February 2012 entrants].

- Hours provided under the revised S&S scheme will, in addition to usage under the existing scheme, be used as follows:

- With effect from commencement of 2013/14 school year – to cover all uncertified sick leave absences, subject to appropriate alleviation measures in relation to multiple absences particularly in small schools.

- With effect from commencement of 2014/15 school year – to cover the first day of force majeure leave and illness in family leave.

Additional payment

- As the above annualised payments are in the nature of a pensionable allowance

Key extracts from the Haddington Road Agreement - continued

(and are not amenable to current “buy-out” arrangements) the following arrangements shall apply:

- A gross additional payment will be included in the common basic scale for teachers. This will be included in two moieties [of €796 each] with half included in the school year 2016/17 and the second half included in the school year 2017/18.

Such payments to be considered in any future pay negotiation arrangements in respect of teachers. The duties continue to be performed indefinitely.

HEADCOUNT REDUCTION

The Parties recognise that the provision of additional working hours and related productivity measures in this Agreement have the potential to facilitate further reductions in staff numbers over the course of the Agreement, subject to decisions by Government in relation to such issues. The Parties accept that it is appropriate to make provision for annual pay bill savings in respect of such reductions.

POSTS OF RESPONSIBILITY

In the context of the ongoing moratorium on filling posts of responsibility in schools, the alleviation arrangements which previously applied will be operated on an annual basis for the duration of this agreement.

CIDs AFTER THREE YEARS (September 2013)

An Expert Group will be established to consider and report on the level of fixed-term and part-time employment in teaching, having regard to the importance for teachers of employment stability and security and taking account of system and school needs and Teaching Council registration requirements.

This group will as a first task report on reducing the qualification period for the granting of a CID from 4 years to 3 years to take effect for the 2014/15 school year. Arrangements will be made in relation to those entering their fourth year in September 2013 with a view to the early application to them of this provision.

PANEL FOR FIXED-TERM TEACHERS

In the context of the implementation of the agreement, a supplementary panel will be established for teachers who have had sustained periods of employment with more than one school/VEC over an extended period of time. Inclusion on this panel will attract no remuneration entitlements. The general principles to underpin this new scheme will include the designation of certain permanent vacancies to be filled from this panel having taken account of, inter alia, those permanent vacancies requiring to be filled by pre-existing panel arrangements, the awarding of CIDs, and the allocation of additional hours to existing CID holders.

On the commencement of this agreement, discussions will be held between the parties in relation to the detailed implementation of these arrangements, with a view to their introduction for the school year 2014/15. Provision will also be made for a review of these arrangements following their operation for a period to be agreed between the parties.

NEW ENTRANT SALARY SCALES

In order to address the imbalance between those who entered the public service since 2011 and those who entered before that date, revised incremental salary scales shall be prepared for same grade entrants to each public service sector as necessary to incorporate the revision of salary scales introduced by Government Decision in January 2011.

[The new scales would mean an increase in pay of approximately €1,000 per year for new entrants first appointed after January 1, 2011. There would also be additional increments at the top of the scale for these teachers - the last two points of the scale would be €58,765 and €59,940. The proposed revised scales for teachers are available at www.asti.ie]

Got a question on the Haddington Road Agreement or FEMPI?

The ASTI website contains a question and answer section based on members' questions. Your question may already be answered. If not, you can submit your questions through the website.



Use your
vote!

FEMPI Act

Because ASTI members are not in the Haddington Road Agreement, their pay was cut and increments frozen for 3-years under the FEMPI Act. The full terms of the FEMPI Act apply to public servants who are outside of a collective agreement, e.g. the Haddington Road Agreement.

Key extracts from the Financial Emergency Measures in the Public Interest (FEMPI) Act 2013 Explanatory Memorandum

Members are urged to read the full text of the Haddington Road Agreement and the Financial Emergency Measures in the Public Interest (FEMPI) Act 2013, which are available at www.asti.ie

Pay

2.2 Section 2 amends the Financial Emergency Measures in the Public Interest (No. 2) Act 2009 by inserting a new section 2A which provides for a further pay reduction to apply to public servants whose remuneration (which is defined as including core pay and any fixed periodic pensionable allowances) is greater than €65,000 with effect from 1 July 2013 in accordance with the rates in the table below:

Annualised amount of Remuneration [for those on salaries over €65,000]	Reduction
Any amount up to €80,000	5.5%
Any amount over €80,000 but not over €150,000	8%
Any amount over €150,000 but not over €185,000	9%
Any amount over €185,000	10%

2.2.2 A saver provision is provided for persons who are in receipt of salaries and allowances marginally in excess of the proposed €65,000 threshold being reduced below €65,000 per annum by application of the reductions.

Increments

2.7 Section 7 provides for a freeze of incremental progression by public servants on incremental pay scales for a period of 3 years, commencing on 1 July 2013. Groups or grades of public servants may be excluded from the effect of this provision, or have its effects modified on the basis that a collective agreement, which has been registered with the Labour Relations Commission, has been reached.

Hours and conditions

2.2.3 A new section 2B is inserted in to the Financial Emergency Measures in the Public Interest (No. 2) Act 2009. This provides that an existing power to fix terms and conditions may be exercised by the relevant employer or Minister of the Government so as to result in less favourable remuneration, other than core salary, or in increased hours for the public servants concerned, notwithstanding any of the terms of any enactment, contract or otherwise provided for. This provision will not apply to any group of public servants for whom remuneration is set by primary legislation, for example, the judiciary.

Pensions

2.5 Section 5 provides for amendments to be made to the Financial Emergency Measures in the Public Interest Act 2010 to increase and extend the impact of the Public Service Pension Reduction (PSPR).

FEMPI Act - continued

2.5.1 The reduction that applies to public service pensions in payment, for persons who retired up to 29 February 2012 and on pensions of greater than €32,500 will be increased as follows:

Annualised amount of public service	Reduction
Up to €12,000	Exempt
Any amount over €12,000 but not over €24,000	8%
Any amount over €24,000 but not over €60,000	12%
Any amount over €60,000 but not over €100,000	17%
Any amount over €100,000	28%

2.5.2 A reduction to public service pensions in payment of greater than €32,500, for those who retired after 29 February 2012 but before the end of a new grace period (and whose pensions therefore reflect pay rates which factor in the 2010 pay reductions) to be applied under this Bill will be as follows:

Annualised amount of public service	Reduction
Up to €12,000	Exempt
Any amount over €12,000 but not over €24,000	2%
Any amount over €24,000 but not over €60,000	3%
Any amount over €60,000 but not over €100,000	5%
Any amount over €100,000	8%

2.5.3 The section provides that no public service pension will be reduced to below €32,500 by virtue of these amendments.

Pension grace period

2.9 Section 9 provides that persons retiring before 31 August 2014, or a later date that may be ordered by the Minister, will be entitled to have their pensions calculated as if the pay reduction and any increment pause or freeze had not applied to them.

The Financial Emergency Measures in the Public Interest (FEMPI) Act represents an attack on public sector workers by giving the Government excessive powers over terms and conditions.

At its recent biennial conference, the Irish Congress of Trade Unions (ICTU) adopted a motion to mount a campaign for repeal of the FEMPI legislation. ASTI representatives spoke in favour of the motion, along with other union representatives.

Use your
vote!

Please make sure you use your vote

School Stewards, please encourage all ASTI members in your school to **vote in these important ballots.**

Full information at www.asti.ie

Full information on the Haddington Road Agreement and its implications for teachers is available on the ASTI website, including:

- Information on the ballots
- Background to the ballots
- Reasons to reject the Haddington Road Agreement
- Questions and Answers on the Haddington Road Ballot
- The full text of the Haddington Road Agreement
- The full text of FEMPI legislation
- Department circular on FEMPI

‘Interim Arrangement’: S&S, Croke Park hours, and reimbursement

CEC decided at its August meeting that, pending the outcome of the ASTI ballot on Haddington Road, an interim arrangement, agreed with the Department of Education and Skills, in relation to S&S and Croke Park hours should apply.

Reimbursement

As part of this ‘interim arrangement’ and if the ASTI votes to accept the Haddington Road Proposals, the Department has agreed to reimburse ASTI members for any loss of salary they have incurred since 1st July 2013 over and above that which they would have lost had ASTI been in the Haddington Road Agreement from 1st July.

This loss of salary arises, as under the FEMPI Act, a 3 year freeze on incremental salary increases has been in place since 1st July and no freeze is being applied this year to those in the Haddington Road Agreement. Also the higher pay cut introduced on 1st July for those earning €65k or more has been reduced by €1,769 per annum for teachers but only for those who have accepted the Haddington Road Agreement.

Haddington Road proposals and FEMPI impositions

In deciding on their vote, members should examine carefully the terms of the Haddington Road Agreement in comparison to the FEMPI Act 2013, the full terms of which currently apply to ASTI members and other public servants outside of the Haddington Road Agreement and will continue to apply if the Haddington Road Agreement is rejected by ASTI members.

	Summary of Haddington Road proposals	FEMPI impositions
Higher Pay cut	5.5% cut if earning above €65k, from July 1, 2013 8% pay cut on earnings above €80k, from July 1, 2013	5.5% cut if earning above €65k, from July 1, 2013 8% cut on earnings above €80k, from July 1, 2013
Cut reduction	Cut amount reduced by up to €1,769	No reduction in cut
Restoration	April 2017 Commitment to restore half of cut amount to annual salary January 2018 Commitment to restore remaining half of cut amount to annual salary	No commitment to restore salary No commitment to restore salary
Increments	Next increment due after July 1, 2013 paid to all Salary less than €35k: one 3 month delay in payment of following increment, meaning a permanent 3 month delay in increments. Salary €35k to €65k: 3 month delay in payment of following two increments, meaning a permanent 6 month delay in increments Salary above €65k: 6 month delay in payment of following two increments, meaning a permanent 12 month delay in increments.	Three year freeze in increments effective from July 1, 2013, meaning a permanent 3-year delay in increments.
New teachers' pay	Revised pay scale for new teachers as follows: 2011 entrants: average increase of €1,000 per year top of scale increase of €2,000 per year 2012 entrants (and after): average increase of €1,000 per year top of scale increase of €6,500 per year	No revised scale No increase No increase
CIDs	CID after 3 years with effect from September 2013.	CID after 4 yrs (no change from current position)
Fixed-term teachers	Permanency Panel with effect from September 2014 Expert group to examine casualisation	No panel No expert group
Supervision and Substitution	Compulsory S&S for all Max weekly S&S: 3 hours Max annual S&S: 43 hours New Entrants S&S: 43 hours 5 periods on rota per week New Department S&S Circular to issue, reflecting the above.	Right to opt in or out of S&S Max weekly S&S: 1.5 hours Max annual S&S: 37 hours New Entrants S&S: 49 hours 3 periods on rota per week New Department S&S Circular to be issued if Haddington Road is rejected, content not yet known
Payment for Supervision and Substitution	No allowance payable for S&S Commitment to include additional payment of €796 in the incremental scale in lieu of S&S payment from April 2017 Commitment to include additional payment of a further €796 in the incremental scale in lieu of S&S payment from January 2018	Annual payment for S&S (€1,769 or €1,592), as under current S&S arrangements. However, FEMPI empowers the Minister to change terms, conditions and working time and a new circular on S&S is due to be issued if Haddington Road is rejected, the content of which is not yet known.
Posts of responsibility	Restoration of alleviation of moratorium	No alleviation of moratorium
Redundancy / redeployment	Redeployment scheme continues to operate	No redeployment scheme – possibility of redundancies
Hours	33 Croke Park Hours continue	No contractual obligation for the 33 hours. However, FEMPI empowers Minister to alter working hours

CEC is recommending that members reject the Haddington Road Agreement
This information is a summary only; members should read full information at www.asti.ie.

Your salary
Your career
Your future
Your vote

YOU DECIDE

Use your
vote!

Vote **Yes** to Industrial Action

CEC is urging members to vote YES to industrial action.

Why industrial action?

Industrial action will be taken in the event that the ASTI rejects the Haddington Road Agreement. The ASTI needs a mandate for industrial action in order to respond to Government decisions to cut teachers' pay and worsen their working conditions under FEMPI. Pay was cut on 1st July and increments were frozen for 3 years.

The ballot paper asks:

In the event that ASTI members vote to reject the proposed Haddington Road Agreement and in response to decisions taken by the Government in the Financial Emergency Measures in the Public Interest Act 2013 (FEMPI Act) to cut teachers' pay and worsen teachers working conditions, are you willing to take industrial action (e.g. work to rule, non-co-operation, withdrawal from various initiatives) up to and including strike action as directed by ASTI Standing Committee?

Standing Committee to decide on the form and timing of industrial action

The result of both ballots will be known on Friday, September 20th.

If members vote No to the Haddington Road Agreement and YES to industrial action, Standing Committee will meet on Monday September 23rd to decide on the form and timing of industrial action.

Industrial action may include:

- Work to rule
- Non-co-operation
- Withdrawal from various initiatives
- Strike action.

ASTI Standing Committee will carefully and strategically consider any actions to be taken. They will take the views of members into consideration when deciding on any actions.

**The ASTI Central Executive
Council is urging you to:**

Vote **NO** to the Haddington Road
Agreement

Vote **YES** to Industrial Action