

National Negotiation Forum in respect of Technological Universities
Professional, Management and Support Staff
Terms of Reference (19 February 2018)

1. Parties to the Forum:

The parties to the Forum will be:

- (i) FÓRSA
- (ii) SIPTU
- (iii) UNITE
- (iv) THEA
- (v) Department of Education and Skills;

The parties listed at (i) (ii) (iii) above shall be known as the Staff Side. The parties listed at (iv) and (v) above shall be known as the Official Side.

2. Scope:

The Forum is available to provide means acceptable to both sides concerned for dealing with issues arising in the course of the development of Technological Universities. The Forum will only deal with matters relating to professional, management and support staff. The purpose of the Forum is to provide an acceptable means for dealing with claims and proposals relating to the salaries and other emoluments and the conditions of service of these staff, and to secure the fullest co-operation between the parties in maintaining and improving the quality of the service provided by these staff.

It is recognised by all parties that there is merit in developing an Initial list of issues which will require a common sectoral approach to be taken. This initial list of issues will be examined by this national negotiation forum rather than locally. To this end, both parties will provide their own list of issues that they believe will require a common sectoral approach to be taken to the chairperson of the forum. It will be a matter for the Chairperson to decide on the final make-up of the initial list of issues to be examined by this national negotiation forum and which therefore will not be subject to local discussions.

Outside of this Initial list of issues, every effort will be made by the parties to resolve issues arising locally, however where agreement is not reached locally then one or other of the parties may refer the matter for consideration by this national forum, subject to the issue falling within the subjects for discussion of the forum as outlined in paragraph 9.

3. Participation:

Only the parties listed in paragraph 1 above will be eligible to take part in the operation of the Forum. The Staff Side shall be entitled to a maximum representation of 9 people at each meeting of the Forum. The Official Side shall be entitled to a maximum representation of 9 people at each meeting of the Forum.

4. Forum Representation:

Each side will determine their own representation at the Forum subject to the representational limits detailed in paragraph 3.

5. Chairperson:

It has been agreed between the parties that an approach will be made to the WRC to provide an independent chairperson. If the WRC are not in a position to provide or nominate an independent chairperson then the two sides shall agree on an independent chairperson.

6. Secretarial Services:

The Department of Education and Skills shall provide a Secretary to the Forum who will also be the Official Side secretary to the forum.

7. Procedures:

- i. Four meetings per annum.
- ii. The Chairperson shall, at the request of one of the sides, call further meetings to discuss a matter / matters which she/he feels is/are urgent and relevant to the work of the Forum.

- iii. The Staff Side will agree on a Staff Side secretary. The Staff Side secretary will act as the direct point of contact for the Official Side in respect of the operation of this Forum. It will be open to the Staff Side to request the placing of any matter which they believe to be within the province of the Forum on the agenda for the next meeting of the Forum. This should be done by the Staff Side secretary at least one week prior to each meeting of the forum. The Staff Side secretary will co-ordinate the Agenda Items for each meeting to be put forward by the Staff Side. The Staff Side secretary will then notify the Official Side secretary of the agreed Staff Side items to be put on the Agenda of the meeting.
- iv. It will be open to the Official Side to request the placing of any matter which they believe to be within the province of the Forum on the agenda for the next meeting of the Forum. This should be done by the Official Side secretary at least one week prior to each meeting of the forum.
- v. The question of whether items put forward are appropriate for discussion by the Forum will be a matter for the Chairperson to decide, but before any such item is excluded, the Forum will be given an opportunity of expressing its views as to whether it should be included or excluded.
- vi. An agenda will be circulated 5 working days in advance of each meeting.
- vii. Where discussions have been completed, agreed reports will be prepared where appropriate, which may record agreement or disagreement on issues raised. Where any doubt has arisen as to the interpretation of a recommendation or an agreement of the Forum, the matter may be re-submitted to the Forum for clarification. A sub-committee of the Forum may be established to deal with such matters.
- viii. The Forum will endeavour to resolve the issues before it and conclude an agreement. However, at the request of one or more of the sides, disagreement may be recorded.
- ix. The parties agree to operate these procedures in as efficient and timely manner as

possible.

8. Sub-committees:

The Forum may establish sub-committees to consider and report to it on any subject which is appropriate for discussion by the Forum. Such sub-committees will be chaired by the Chairperson or, if this is not possible and if the WRC are not in a position to provide or nominate an independent chairperson, then the two sides shall agree on a mutually acceptable chairperson. Sub-committee membership will reflect the membership of the Forum. The sides will select their own nominees to such sub-committees.

9. Subjects for Discussion:

The subjects appropriate for discussion at the Forum will be:-

- a) Transitional Issues of an Industrial Relations nature arising from the development of Technological Universities;
- b) Issues relating to the development of Governance structures for Technological Universities, which are not required to be laid out in legislation;
- c) Industrial relations matters relating to Technological Universities and the resolution of interpretation and implementation difficulties arising from the development of Technological Universities;
- d) Geographical / Locational issues relating to existing and future members of professional, management and support staff¹ in the context of the development of Technological Universities;
- e) Principles governing and claims relating to salaries, allowances, expenses and other emoluments of existing and future members of professional, management and support staff in Technological Universities, where they are not being dealt with, or have not been dealt with, in another Forum or fashion i.e. no duplication of work;
- f) Principles governing and claims relating to the express terms and conditions of employment of existing and future members of professional, management and support

¹ Existing and future members of professional, management and support staff wherever listed in these terms of reference excludes any retired or former professional, management and support staff of Technological Universities

staff in Technological Universities, where they are not being dealt with, or have not been dealt with, in another Forum or fashion;

- g) Superannuation issues relating to existing and future members of professional, management and support staff in Technological Universities, where they are not being dealt with, or have not been dealt with, in another Forum or fashion i.e. no duplication of work;
- h) Principles governing and claims related to the recruitment, promotion and grading of existing and future members of professional, management and support staff in Technological Universities, where they are not being dealt with, in another Forum or fashion;
- i) Staff development including resources for upskilling and time allowances for staff;
- j) Any subject, which both sides agree, is appropriate for discussion at the Forum.

10. Individual cases:

Claims by or on behalf of individuals are excluded from the scope of the Forum. An individual serving in a grade covered by the Forum will continue to have the right to submit in writing through the normal channels, any statement s/he may wish to make to his or her employer on any matter affecting his/her official position, or, if appropriate to have the matter pursued through appropriate grievance, appeal or disciplinary procedures.

11. Mechanism to resolve disagreements:

Both sides agree that they will seek to resolve disagreements where they arise promptly. Where the sides involved cannot reach agreement in discussions on any matter under the terms of this Forum the matter will be referred on an ad hoc basis by either side to the WRC and if necessary to the Labour Court.

12. Industrial Relations:

Both sides recognise the importance of stable industrial relations and are committed to maintaining a well-managed industrial relations environment to minimise disputes affecting the level of service to the public. A stable industrial relations climate has important benefits for the general public and the public service itself. Accordingly, a Trade Union shall not sponsor, support or resort to strike, industrial action, including work to rule or other

restrictive practices as a means of furthering claims in relation to matters which are appropriate for processing through this industrial relations Forum where all provisions of this Forum have not been exhausted.

13. Resolution:

Both sides are committed to the effective functioning of the Forum in a timely manner, to promoting industrial harmony and to using the Forum to successfully resolve issues arising in Technological Universities.

14. Confidentiality:

The proceedings of the Forum and its sub-committees will be confidential and no statements concerning them will be issued except with the permission of the Forum.

15. Alterations

These Terms of Reference may be altered by agreement of both sides. In this regard, it is noted that it is not the intention of this Forum to replace the existing mechanisms for dealing with industrial relations matters between the parties as its purpose is to deal solely with issues arising from the development of Technological Universities. It is envisaged therefore that this Forum will be eventually disbanded and merged into the existing mechanisms for addressing industrial relations issues. The precise modalities of how this will occur will be worked out and agreed between the parties at the appropriate juncture.