

IMPACT Special Needs Assistants

Proposed public service agreement 2010-2014

New deal recommended

THE PROPOSED public service agreement 2010-2014 would mean no further pay cuts for special needs assistants. And there would be a process to start reversing the pay cuts from next year. These commitments would be part of a package requiring public servants to cooperate with changed work practices. If accepted, the deal would see the issue of SNA redeployment and redundancy addressed for the first time.

IMPACT's elected Central Executive Committee (CEC) has recommended that members vote to ACCEPT the proposals after it received important clarifications from the Labour Relations Commission that strengthen the protections for SNAs and others.

Under the proposals, there would be a pay review in spring 2011 and again in 2012, 2013 and 2014. These reviews would take account of savings generated by reforms. The savings would be independently verified by an Implementation Body, with trade union representation. Pay increases would be sanctioned if the pay review found that sufficient savings had been generated.

Priority would be given to those earning under €35,000 a year once the reversal of pay cuts begins.

Redeployment and redundancy

IMPACT also sought and received a letter from the Labour Relations Commission (LRC) during the Croke Park talks. The letter confirms that, if the Croke Park deal is accepted, all parties have accepted an invitation to an LRC hearing to "explore fully" SNA issues including redeployment and redundancy. Until now, the Department of Education has refused to engage in such discussions. The LRC hearing is dependent on acceptance of the Croke Park proposals.

Reforms underpin pay

The commitments on pay are dependent on changes in the way that education services are delivered. There would be a

review and revision of existing terms and conditions to "remove any impediments to the provision of efficient and effective support for students with special care needs" before the 2010-2011 school year. IMPACT would be involved in this process and no unilateral revisions of contracts will occur.

Safeguards about the extent of change allowed under the deal, including independent arbitration, would apply if any contractual revisions were proposed. The proposals also call for flexible deployment of SNAs within schools to respond to urgent work demands and to cover for absent SNAs.

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Incremental progression would be linked to a performance management and development system (PMDS), as it currently is in the civil service. IMPACT has sought PMDS for SNAs through previous agreements but this has been resisted within the education sector.

The proposals do not address the National Council for Special Education (NCSE) review of SNA posts or the McCarthy report proposals.

Pensions link preserved

IMPACT SOUGHT and received clarifications from the Labour Relations Commission, which confirm that there will be no change in the current arrangements for the indexation of pensions for current public service pensioners and serving public servants.

The Government had previously said it intends to replace the link, which sees pensions rise by the same percentage as pay increases, with a link to inflation. That won't now happen, at least during the period of the four-year agreement.

There would be discussions about changes to pension arrangements for new entrants to the public service. But this would have no impact on existing staff or public service pensioners. The proposals also say that the period for which 2009 pay rates would be used to calculate pension entitlements would be extended from the end of 2010 to the end of 2011.

What if we reject?

THE LABOUR RELATIONS COMMISSION is clear that this deal is the best that negotiations can achieve. So there are two options if the deal is rejected. IMPACT could continue its existing industrial action. But it's very likely that this would quickly provoke a management response, which would demand an escalation of industrial action to protect the members concerned.

This option would also mean that the Government or employers could opt to impose pay cuts. Without the protection of a deal, IMPACT could only attempt to fight this through industrial action. It is also likely that education employers would continue to seek to impose changes in working conditions and work organisation, but without the safeguards for staff contained in the proposals. There would be no LRC hearing on SNA issues.

The second option would be to attempt to force further concessions by escalating the industrial action. Much stronger and sustained industrial action would be necessary to have any chance of forcing the Government to further change its position.

At a glance

What you get

- No further pay cuts.
- Process to reverse pay cuts starting in spring 2011.
- Priority for lower-paid workers, though all will benefit.
- A Labour Relations Commission hearing to "explore fully" SNA issues including redeployment and redundancy.
- Link between pay and pensions preserved for existing staff and pensioners.
- Pensions calculated on 2009 pay rates until end of 2011 at least.
- Restrictions and safeguards on changed work practices.
- Union involvement in change.
- Independent verification of savings that trigger pay restoration.

What you give

- Revision of terms and conditions to remove impediments to effective support for special needs students.
- Incremental progression linked to performance measurement.
- National Council for Special Education review of SNA posts not addressed.
- McCarthy proposals not addressed.

Industrial action

Like all previous national agreements, the package would rule out strikes or other forms of industrial action on matters covered by the agreement. That would not rule out industrial action on matters outside the agreement. And the LRC clarifications are explicit that unions would not be bound by the restriction on industrial action if management or the Government breached its side of the deal.

A free hand for management?

IF THE deal is accepted, management will not be able to impose any changes it wants because the reform proposals set limits on what management can do. IMPACT sought and received clarifications from the Labour Relations Commission, which confirm that public service reforms would be implemented in a manner that recognises employment rights and "the full participation of staff and their trade unions" and "the early resolution of any problems arising through agreed third party mechanisms." An Implementation Body would be established – with equal representation of unions and employers plus an independent chair – to interpret the agreement and any disagreements about the level of change required. There would be binding third party arbitration if agreement couldn't be reached.