

Unite's 10 Point Charter for English Language Teachers

Since May of 2015, Unite the Union has been working with English Language teachers to organise and unionise employees in this industry. This has been a challenging task. According to a report from Marketing English in Ireland, which represents the interests of school owners, there are 1,000 teachers and 550 administrative staff employed across 65 institutions in Ireland on a full time basis. This number rises to 2,000 teachers and 1,000 administrative staff in June, July and August.

Many teachers in this industry work without written contracts, many do not understand the terms and conditions of their employment or their rights as employees. The use of zero-hour contracts is normal in English language schools where teachers are not guaranteed a minimum number of hours per week. Those teachers who do have contracts will usually have fixed term contracts and it is very rare for teachers to be given permanent employment contracts. Some schools are instituting the practice by which teachers are labeled as self-employed contractors operating through the school. Schools do this to avoid paying taxes and providing sick leave or other benefits to teachers. This practice is highly questionable because according to the Code of Practice for Determining Employment or Self-Employment Status provided by the Office of Revenue, teachers at English Language Schools in no way meet the criteria to be labeled Self-Employed and thus schools which force teachers to submit to this arrangement are doing so in violation of the tax code.

In January of 2017, Unite the Union and its members in the ELT industry, working together, drafted a 10 point charter to address what were felt to be the most pressing issues facing teachers in this industry. Some of the points addressed were:

- **Permanent employment contracts for ELT's as a standard**
- **Legal, written statement of terms and conditions**
- **An end to the use of zero-hour contracts and bogus self-employment**
- **Recognition and pay for non-contact hours**
- **Entitlement for holiday and sick pay, and maternity, paternity and carer's leave**
- **Equality of pay and opportunity for non-native speakers**

With the current push to include our amendments in the upcoming Qualifications and Quality Assurance amendments Bill and the International Education Mark, it is the goal of Unite the Union and its ELT branch to see that these sorts of fair practices are required of schools who receive accreditation and entitlement to enroll non-EEA students. We feel that with the help of teachers across this industry we will be able to put enough pressure on the government to make this happen.

If you are interested in learning more about our 10 point charter, if you are interested in becoming part of this effort or you are interested in learning more about Unite the Union and what it is doing to help make this industry fairer and more responsible, then please contact our Regional Organiser Roy Hassey at **087-6950671** or email **roy.hassey@unitetheunion.org**

Unite Charter for English Language Teachers

- 1. Permanent employment contracts for ELT's as standard**
The blanket use of Fixed Term Contracts for teachers is an abuse of the Protection of Employees (Fixed Term Work) Act 2003. Teachers should be given permanent employment contracts unless there is a specific, legitimate reason why this is not appropriate.
- 2. Legal, written statement of terms and conditions as standard**
Under the Terms of Employment (Information) Acts 1994–2014, anyone who works for an employer for a regular wage or salary automatically has a contract of employment. An employee must be given a written statement of terms of employment within 2 months of starting work. Failure to do so contravenes the legislation.
- 3. An end to the use of zero-hour contracts and bogus self-employment**
A zero-hours contract of employment is a type of employment contract where the employee is available for work but does not have specified hours of work.
Bogus self-employment arrangements; where the worker is forced to be a sole trader or operate through a company in order to be hired; sees a significant reduction in entitlements - including the rights to holiday pay, sick pay, maternity pay, unemployment benefit, and employer pension contributions. They may also lose their rights to employment protection legislation on issues including unfair dismissal.
- 4. Recognition and pay for non-contact hours**
A teacher's role goes beyond classroom contact hours. All hours worked in planning lessons, marking, prep work and admin should be fully paid and contractual.
- 5. Entitlement to holiday and sick pay**
Although there is no legal obligation on an employer to pay sick pay to staff, it is a hallmark of an ethical employer who values their staff, to do so.
The Organisation of Working Time Act 1997 provides for a basic annual paid leave entitlement of 4 weeks. You are also entitled to 9 paid public holidays a year.
- 6. Full entitlement to all leave as guaranteed under employment legislation**
Teachers should be fully entitled to maternity, paternity, parental, adoptive, force majeure and carer's leave. For more information on leave entitlements, please contact Unite the Union.
- 7. Equality of pay and opportunity for non-native speakers**
The Employment Equality Acts 1998–2015 outlaw discrimination in a wide range of employment and employment-related areas. These include recruitment and promotion, equal pay, working conditions, training or experience, dismissal and harassment.
- 8. Full support from schools for continued professional development**
It is in the interest of teachers, schools and students that professional development continues on an ongoing basis. Schools cannot place all responsibility and cost of this on to teachers.
- 9. Union recognition and representation rights across all schools**
You have a constitutional right to be a member of a trade union and under the Employment Equality Acts 1998-2015 you cannot be dismissed or discriminated against for joining a union. Good, ethical employers recognise unions.
- 10. Standardised salary scales across the sector through the application of a Sectoral Employment Order**
The Industrial Relations (Amendment) Act 2015 provides for a system of sectoral employment orders. Under the 2015 Act, an SEO may set out minimum pay rates as well as pension and sick pay schemes for an economic sector.
An application for a SEO can only be achieved through a trade union and that union must be genuinely representative of the sector in which it is applying. For a SEO to be applied for ELT's, teachers must join a trade union.

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Find out more at: www.unitetheunionireland.org

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Not yet a member of Unite? Join Today!

Unite is the trade union for English Language Teachers across Ireland.

From pay and conditions to issues within your own workplace, Unite exists to give you a strong voice for change.

Remember, Unite can only represent you if you are a member. Join today: www.Unitetheunion.org/Join

This newsletter was written and produced by members of the ELT branch of Unite the Union.

Unite ELT Branch: Winning for English Language Teachers

The International Education Mark: Will Teachers' Voices Be Heard?

Currently there is legislation pending in the Oireachtas that will replace the system of regulation for the English Language Teaching sector in Ireland. The owners of English Language Schools are having their say, but who is listening to the teachers?

In November of 2014 after the ninth closure of an English Language School in Ireland, Marketing English in Ireland (MEI), the industry association for school owners, announced that it would be restricting membership and tightening its learner protection policy. The group was of course acting in its own interest. Over the course of a year some 16 English Language Schools in Ireland would shut their doors, leaving students who had paid hundreds and even thousands of euro stranded and without recourse. Teachers were left without jobs and in many cases unpaid. The rash of school closures made headlines in Ireland and abroad and the reputation of English Language Education in Ireland was badly damaged.

Most of the schools that closed their doors were not recognized by ACELS, the Accreditation and Coordination of English Language Services. Membership in ACELS was purely voluntary and so for all intents and purposes the industry was virtually unregulated.

In the wake of what became a scandal, the government, by fits and starts, entered into the process of overhauling the regulation of ELT's. The English Language education sector is an enormously profitable industry in Ireland. In 2016 the Department of Education published a report that estimated direct impact of ELT in Ireland was €390 million and the total output impact of the sector was €762 million. As well as generating immense profits for school owners, English Language students in Ireland bring revenues to tourism related businesses, pubs and supermarkets and average home owners who act as host families

So when the school closures crisis erupted in 2014-2015 pressure was brought to bear on the Oireachtas to rehabilitate the reputation of the industry by enacting more stringent regulation. Since that time ACELS, the Accreditation and Coordination of English Language Services which was tasked with regulating the industry, has started to be phased out.

The ultimate goal being its replacement by the International Education Mark. In May of this year the general scheme of the Qualifications and Quality Assurance (QQA) Bill was published by the Minister for Education and approved by the cabinet. The focus of the IEM will be on student protections and the regulation of student immigration.

But where in any of the legislation is there mention of workplace conditions, employment contracts or teachers' rights? The answer is nowhere.

In response to a letter sent by Unite the Union in April 2017 to Minister for Education and Skills Richard Bruton, requesting a meeting to discuss concerns about the treatment of teachers within the industry, Minister Bruton's office replied that issues relating to working conditions do not come under the remit of the Department and that a meeting between the Minister and Unite was not necessary.

However, representatives of Marketing Education in Ireland have repeatedly lobbied the government and met with government employees in Education and Justice in order to promote their views regarding ACELS, the ILEP and the IEM. In the Department of Education's pamphlet 'Irish Educated Globally Connected', which lays out their international education strategy for Ireland and which states that their third strategic priority is sustainable growth in the English Language Training sector, Marketing English in Ireland is listed among the members of the High Level Group on International Education who contributed to the report.

Currently the Joint Committee on Education and Skills is reviewing the proposed QQA Amendments bill. Individuals on that committee are working with representatives of Unite to include an amendment to the effect that the bill will contain a Fair Employment Mark, and address teacher concerns about workplace issues. It is hoped that teachers working in the industry will reach out to Unite, to their TD's and to members of the Joint Committee to state loudly and clearly that regulation of this industry must include fair employment practices.



Recent Timeline in the ELT Sector

- From April 2014 to May 2015 some 16 English language schools in Ireland shut down.
- September 2014 the Minister for Education and Skills, and the Minister for Justice jointly issue a more restricted list of eligible programs for immigration purposes (ILEP).
- March 2015 teachers and staff from various English Language schools in Dublin meet to set up the ELT Advocacy group.
- May 2015 members of ELT Advocacy meet with organizers at Unite the Union.
- January 2016 ILEP fully replaces the International Register as a listing of eligible courses for non-EEA students.
- March 2017 the first meeting of Unite the Union's ELT branch.
- April 2017 The Minister for Education and Skills office issues a reply to Unite stating that working conditions for teachers within the English Language Teaching Sector do not come within the remit of the Department of Education.
- May 2017 the Minister announces the draft outline of the Qualifications and Quality Assurance (Amendment) Bill. Working conditions are not addressed.
- June 2017 English Language Teachers gather in protest outside the Department of Education.
- July 2017 Unite the Union briefs members of the Oireachtas on the issues facing EL Teachers.
- August 2017 individuals on the Joint Education and Skills Committee make contact with Unite the Union to include draft amendments to the Qualification and Quality Assurance Amendment Bill that will cover employment practices. In effect a 'Fair Employment Mark'.

Unite ELT Branch: Strong Voice, Secure Work & Decent Pay

Six Things You Should Know About Your Employment Rights

- You have a constitutional right to join a trade union.
- You earn annual leave entitlements from the time you start work based on hours worked.
- You are entitled to paid leave on public holidays, provided you have worked at least 40 hours in the 5 weeks before the public holiday.
- You cannot remain on a series of fixed-term contracts indefinitely. After four years, if your employer wishes you to continue, it must be with a contract of indefinite duration (permanent contract).
- Your employer must issue you with a written statement of terms and conditions relating to your employment and must notify you of any changes.
- You are entitled to redundancy after two years service, even if you don't have a permanent contract

Detailed information on all of the above is available from:
www.workplacerelations.ie/
www.citizensinformation.ie/en/employment/ or by contacting Unite the Union on 087-6950671

Union Successes in the English Language Teaching sector

In 2014 the teachers in a large Dublin school refused to accept proposed 10-15% pay cuts, organising a protest and serving their employer with strike notice. The company subsequently backed down and the workers kept their pay, their jobs and their teaching hours. This was an astounding occurrence in the English language teaching industry in Ireland, a sector where teachers know from day one that their continued employment often depends on accepting low wages, precarious employment and a lack of the rights that most workers expect.

So, how did the workers in this school successfully negotiate with the multinational company which was threatening to slash their wages?

They did it collectively. They were all members of a union and their story exemplifies the slogan: United we bargain, divided we beg.

This is just one of many success stories associated with unionisation. In fact, since being set up earlier this year, the Unite ELT branch has, amongst other achievements, organised a high-profile rally, brought our campaign for fair pay and improved working conditions to national and international attention, and met with and gained support from politicians and prominent international figures in ELT. All the while, the number of branch members has been steadily increasing.

Unionisation not only brings practical benefits, it can change how our work is perceived by management, government, the public and, most importantly, ourselves. Joining a union can show others that teaching isn't a hobby, nor do we do it for pin money or as a stopgap till we find a 'proper' job. Union membership reminds us that we are highly-educated, motivated, talented, and creative professionals.

Respecting the value of our labour and demanding the same respect from our employers is surely a mark of that professionalism and one powerful way to show that respect and to affirm our commitment to our careers is by taking action to improve our working conditions.

As one union member put it: "Joining the union has made me feel really empowered and has made me feel more connected to and invested in this industry than I otherwise might have been. It's also given me a lot of peace of mind and optimism for the future."

We are excited about this opportunity to reform the Irish ELT industry, not just for our own benefit, but also for our students and to ensure the continued success of the sector. Many of us share the sentiments of another teacher and union member who said: "I've never felt more positive about the future of ELT as I do right now. We've a long way to get to where we want to be, but we've started the conversation, we've got a branch that we run, and we've done it ourselves."

This is our profession – we should be proud of it and active in its promotion. English Language Teachers must be organised, teachers should join with their colleagues in Unite the Union and speak with one voice. Unite has committed the time, resources and effort into organising teachers and has a long term plan to win real change in the sector. It's time for you to get involved.

'This is Education. We need Regulation. This is Education. We need Regulation. This is Education. We need Regulation.'



ELT's attend Unite rally at Department of Education

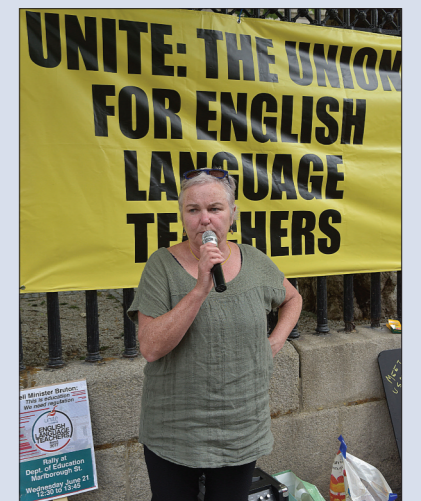
The voices of protesters, led by Unite the Union Regional Organiser Roy Hassey, rang out in powerful unison on a hot summer's day in June, 2017. English language teachers and students, accompanied by Unite regional secretary Jimmy Kelly and opposition politicians, took to the streets to speak out against a government that have refused to listen to those at the very core of the lucrative English language sector in Ireland, estimated to be worth around €2 billion.

After many attempts to reach out to Education Minister Richard Bruton to discuss the plight of the teachers in this sector, each one ignored, passed off or simply deemed 'unnecessary'; it was decided by the ELT Branch of the Unite Union to make our voices a little louder.

It was also an opportunity for teachers from a wide variety of schools to connect with each other. There was a real sense of unity in the air coupled with a sense of urgency and frustration at how the continued pervasive abuse of employment rights remains ignored.

Supporters at the rally stood side by side in solidarity to say that the world of contractless jobs, zero-hour contracts, bogus self-employment, precarious unpaid work and discrimination against non-native speakers must end. Individuals spoke with media representatives and shared stories of their own personal experiences in the sector.

At the rally, Unite members handed in a letter reiterating the union's concerns and request for a meeting with the minister.



Brid Smith TD shows support for ELT's

