

Contracts of Indefinite Duration

Short-term contracts

Redundancy

Contracts of Indefinite Duration

- Protection of Employees (Fixed Term Work) Act, 2003.
- If employed on two or more fixed-term contracts over four continuous years, subsequent renewal is deemed to be of indefinite duration. Applies unless the employer has objective grounds for renewing on a fixed-term basis.
- Reluctance of Universities to issue CIDs (potential future costs in terms of redeployment, pensions, redundancy?). Related to Researcher Career Framework – Indefinite trainees? Boils down to lack of recognition of ‘Research’ as a career
- Lack of job security for researchers and difficulties in obtaining mortgages etc.



Contracts of Indefinite Duration

- UCC has been issuing CIDs – Application is made through Human Resources.

Procedure:

- Letter to HR (Alison O’Connell) stating that you qualify for a CID under the Fixed Term Workers Act (2003), and giving details of all qualifying contracts. Enclose copies of contracts.
- Potential for UCCRSA to develop a standard letter outlining case for CID.

Contracts of Indefinite Duration

- Assurances from HR that correspondence will be dealt with promptly, but continued problems with lack of communication raised in UCC Presidents report.
- Lack of response from HR can be addressed through the UCC Staff Ombudsman (Elizabeth Gruebers: staffombudsman@ucc.ie)
- If CID not issued (objective grounds?) researchers may benefit from representation through IFUT possibly involving labour relations commission and arbitration.

Short term contracts

- In UCC, research contracts have traditionally been tied to funding, necessitating multiple short-term contracts, particularly if funded from multiple sources.
- Difficulties in finance accounting for pay progression
- Short contract length results in lack of security and difficulty for researchers to obtain mortgages etc.
- Difficult to determine impact on research

Short term contracts

- UCC now moving to a system where contracts are tied to School/Department/Research Centre for as long as funding for the role is available.
- Within context of UCC policy of no ‘bridge funding’ between contracts.

Enhanced Redundancy

- Researchers working >2 years are entitled to statutory redundancy of 2 weeks salary per year of service, plus 1 week salary
- ‘Permanent’ UCC employees get 6 weeks salary per year of service + 1 week
- *Recent Labour Court rulings against NUI Maynooth and UCC determined that under fixed term workers Act, a fixed term employee has equal rights with permanent employee of the same employer. As a result, they were awarded 6 weeks salary per year of service.*
- Enhanced redundancy (compromise?): an additional 3 weeks salary per year of service on the proviso that you do not work in the public sector for a period of 2 years.
- Still less than ‘permanent’ UCC employees, and effectively requires researchers to leave the country with associated loss of expertise.

Enhanced Redundancy

- Conciliation Conference has been held without success to try to resolve the issue concerning the 2-year ban
- Second such Conference since the Labour Court issued its Recommendation LCR20555 on 21 June 2013.
- Offer of 1.5 weeks pay per year of service in addition to the statutory entitlement for those who would not suffer the 2-year ban
- Requested that the issue be returned again to the Labour Court for a definitive Recommendation