

Rosarii Mannion
Director of People & Change
Tusla Child & Family Agency
The Brunel Building
Hueston South Quarter
Dublin 8.

21st November 2023

(Letter sent via email Tuesday 21st November 2023)

Re: **Notice of escalation of industrial action commencing 4th December 2023 for Tusla clerical & Admin grades III to VI**

Dear Rosarii,

Further to previous correspondence from Fórsa dated 4th October 2023, I write to inform you of this Union's decision to an escalation of our current industrial action arising from our dispute over Tusla's breach of the 2013 Framework Agreement, specifically as it pertains to the job evaluation scheme. Escalation of the industrial action will commence at our member's **normal starting time on Monday 4th December 2023**. The exact nature of those actions and how they will be managed are set out in points 1 and 2 below. Please also note important changes to arrangements for dealing with derogation requests further down.

From the 4th December 2023 all clerical and admin members in grades III to VI will be under additional instruction from Fórsa:

1. Not provide cover for any work colleagues in their absence, irrespective of the reason or length of time of the absence. This include but is not exclusive to, annual leave, sick leave, maternity leave, carers leave, parental leave. Exceptions to this will now require specific approval/derogation from our national disputes committee.
 - Each derogation will only be considered on an individual case-by-case basis.
 - Each derogation request must be accompanied by a detailed risk assessment in each case and for each specific task required to be covered.
 - Each derogation request must also set out the reason for the vacancy and length of time of the vacancy and the period for which the derogation is sought.

Contd/.....

2. Not answer or make calls, i.e. phone calls or video calls outside the following hours:-
- 10am to 1pm
 - 2pm to 4pm
 - This includes not using of any phones, landlines, work mobiles, or any video calling via platforms such as Teams, Webex, Zoom, etc outside of the times specified above
 - Voicemail should be activated outside of these hours to advise callers of industrial action.
 - The instruction includes **all incoming** and **out going** calls from/to any **internal** and **external** sources, whether they be by phone or video platform.
 - The following lines are exempted from this instruction:-
 - Tusla’s “**dedicated contact points**” phone lines for reporting child protection concerns
 - Tusla’s “**Emergency Out of Hours Service**” phone lines
 - Tusla’s **Head Office main reception** phone lines

IMPORTANT TO PLEASE NOTE THE FOLLOWING REVISED PROCESS FOR SEEKING DEROGATIONS FROM THESE UNION INSTRUCTIONS:

- From 4th December, all derogation requests will now be centralised to the Union’s national disputes committee via Tusla’s national employee relations service and must be accompanied by a detailed “risk assessment” for each duty or task the derogation is being sought for.
- All derogation requests must be channelled via local employee relations to national employee relations for forwarding on to our national disputes committee for consideration.
- Responses/decisions of the disputes committee of Union in relation to derogation requests will only be channelled back via the same route.
- All local arrangements previously in place to discuss or approve derogation requests is no longer permitted. All derogation requests will from 4th December be centralised to our national disputes committee.
- Derogation requests will only be accepted via the above channels and will be reviewed and considered by our national disputes committee regularly.
- Should the disputes committee determine that inadequate information is provided with the derogation request, it may decide not to approve and seek additional information. This could delay decisions.
- The onus and responsibility will be on the employer to provide adequate and sufficient information with the derogation request in order for the disputes committee to make a decision.
- The onus and responsibility will be on Tusla management and the employer to ensure that derogation requests are sent to the Union (as soon as possible, in good time and well in advance of any notified or planned absence) via the above channels in order for them to be considered by the national disputes committee as timely as possible.
- Derogation requests must be received by the disputes committee at least three (3) full working days prior to the date the derogation is required. This rule will apply in all cases except for absolute emergency situations. The onus will be on the employer to ensure this timeline is adhered to in all cases.
- Emergency situations which require a more urgent response will require direct contact from National Employee Relations to my office setting out the specific emergency nature of the request.

Contd/.....

For clarity regarding the existing suites of industrial action as set out to you in my previous correspondence dated 4th October 2023 – this action also remains in place and is as follows:

- Not carry out the work of other colleagues in their absence
- Not carry out the work of any vacant post irrespective of length of time vacant or the reason for the vacancy
- Not carry out the work of a post of a higher grade (unless being remunerated for same)
- Not formulate, generate or submit management reports such as, reports for board meetings, government departments, management meetings, statistical information, financial reports, KPI's, etc.
- Not carry out the work associated with parliamentary questions
- Not carry out work associated with FOI requests
- Not participate in or support the work associated with the Tusla Reform Programme, this includes not organising meetings, attending meetings, recording and/or circulating minutes, agenda, documents or reports for any such meetings.
- Not provide lunch time cover at reception desks between the hours of 1 and 2pm.

Please note that existing approved derogation arrangements remain in place until the day of escalation on 4th December. However, in light of this additional revised Union instruction effective from the 4th December, these will have to be reviewed in the context of this new instruction and could require Tusla to seek a new derogation from the Union.

It is most regrettable that members of this Union have been forced into taking such action. Fórsa has continued to make itself available to engage with Tusla in efforts to resolve the dispute. Yet despite being available, Tusla remains stuck in a position that it will not allow access to the JE scheme without DPER sanction. Fórsa does not accept the position taken by Tusla in this regard.

It is our clear position that sanction from DPER is not and should not be requirement in this instance as it is an existing agreement between the Union and Tusla under the 2013 Framework agreement which specifically states:-

“it has been agreed that a staff handbook will be developed by the new Agency in consultation with the Trade Unions which will amalgamate all existing HR policies, procedures and agreements. There will be no change to the substance of the documents which will be available to all staff on the establishment of the Agency.”

The above statement from the 2013 Framework agreement is absolute and unambiguous. Job evaluation is one of those “existing agreements” referred to in the above statement. It is formally recorded as such on our agreed list of agreements and policies which were in existence at the time of transfer and ratified by the parties to the NJC. Therefore, it is our position that sanction from DPER or DCEDIY is not and should not be a requirement. Continuing to deny our members access to an agreed scheme which was transferred by agreement to the Agency has put Tusla in breach of the Framework agreement and by

Contd/.....

continuing to hold the position that sanction from DPER is a requirement is completely unacceptable. It is absolutely clear to Fórsa that additional sanction is not a requirement given the undertakings in the Framework agreement.

It is for this reason that this Union has considered the matter further and has decided to escalate its industrial action. All previously advised industrial actions continue to remain in place until and beyond the 4th December.

Our members will be fully supported by this Union to carry out these additionally instructions which they have also been notified of today. Furthermore, we will be instructing all of our members (those not directly involved in the dispute but employed by Tusla) to ensure that they do not carry out the work of their colleagues who are in dispute nor engage in activities which would be deemed to undermine a legitimate industrial action.

It is regrettable that members and the Union have had to take this very serious course of action. An action which could have been avoided if Tusla as the employer and DCEDIY honoured the undertakings given to staff in our 2013 Framework Agreement. However, the Union remains available to engage directly with Tusla in relation to any contingency plans or derogation requests in advance of the escalation of industrial action. We also remain open to discussion with Tusla either directly or via the assistance of the WRC if there is the potential to resolve this dispute.

I finally wish to remind you that Fórsa members have sanctioned industrial action, up to and including **full strike action** if necessary. Fórsa's disputes committee may decide to further escalate at any time if it deems it necessary in line with appropriate procedure and protocols for escalation of an industrial action.

As always I remain available to discuss any aspect of this correspondence or the dispute at any time should you so wish.

I look forward to hearing from you.

Yours sincerely,



Chris Cully
Assistant General Secretary
National Office – Health & Welfare Division

c.c. Kate Duggan, CEO, Tusla
Kim Hayes, Assistant National Director, HR Operations
Colm Coffey, National Corporate Employee Relations Manager