

CIRCULAR 151/2021: Message from the Principal to all staff members and the Student Council

Dear Colleagues,

It is with a heavy heart that I share with you my disappointment at the Union of Teachers' directive at MCAST to delay lecturing staff from submitting to Management the results of students in a timely and pre-planned manner. You are all aware that this directive is seriously jeopardising our hard work during this challenging year and that of the thousands of full-time students who wish to finish their studies or progress to the next level of qualifications.

This directive is disproportionate to the pretences and claims that the MUT is making against the operations of our Management. We strongly believe that such claims made by the Union are unfounded in both fact and at law and as confirmed by the various legal advice the Management has sought and through the advice of various hierarchical authorities.

The directive also denies students the right to end the academic year and receive their entitlement. In my view, it also hits badly lecturing staff themselves who may end this difficult year on a negative note of an unfinished job. It seems that little concern has been given by the Union to the efforts of everyone to switch to online learning and achieve positive results.

I am duty-bound to share with you the issues that MUT have raised and on which they claim *failure of MCAST Management*. They are the following: -

1. *Failure of MCAST to interpret correctly the 2018 Collective Agreement.*
According to MUT, this concerns the progression of a number of lecturing staff members. MCAST was informed by higher authorities that the interpretation of the collective agreement by the College was correct, and hence, no more claims exist on this matter. Laws and procedures are there to be followed to the letter.
2. *Failure of MCAST to reach an agreement on professorship grades.*
MCAST set up a working group in 2019, leading to a proposal that has been submitted to MUT on various occasions. In October 2020, the Board of Governors formally invited MUT to comment. To date, no such comments have been received from MUT by the Board of Governors or Management. A new proposal was given to MUT last week, and the Union has been asked to give feedback to the College as soon as possible. MCAST is prepared to negotiate a way forward in line with the collective agreement spirit and provision.
- 3.A *Failure of MCAST to initiate negotiations on Directors and Deputy Directors*
The current MCAST Management has accepted that these categories of workers are unionised, but to date, MUT has yet to submit their intent to initiate negotiations through a concrete proposal, including financials. This is the first time that the MCAST Board of Governors exceptionally conceded that these categories can be unionised.
- 3.B *Failure of MCAST to initiate negotiations on Student Mentors.*

As this designation is backed with an EU project, MCAST is in discussions so that the said designation is to be integrated within the official MCAST capacity building list.

4. *Failure of MCAST to recognise new grades who joined MUT despite MUT having the majority of membership.*

To date, these categories of workers still belong to another Trade Union. The issue has been sent to arbitration, and both Parties are still awaiting the first meeting.

5. *Failure of MCAST to pay lecturing staff extra remuneration on courses marketed by MG2i.*

MCAST agrees to pay lecturing staff whose complement is over the statutory hours as per collective agreement but cannot be responsible for double payment if lecturing staff members do not have the full complement of lecturing hours. This is an audit recommendation which we are always committed to respect. Furthermore, MUT is also claiming that MCAST should pay extra remuneration to lecturing staff in regular courses if one or more paying international students join the classes. In an increasingly globalised world in which travel has opened so many opportunities for students to learn in other countries, MCAST cannot agree to this claim as no other educational institution of repute creates such irregular financial privileges when lecturing foreign students.

These claims have been the subject of several meetings between the MCAST and MUT. The timely escalation by MUT of such issues at this time of the year hurts students and lecturing staff and are also disproportionate.

Over these last few weeks, the intensification of such issues has created an unnecessary and unprofessional atmosphere. The collective agreement for Managers has been finalised and signed by MCAST, however, the Union have failed to sign from their end, which has halted the slight progress which had been made. The Union have also objected to the signing of an agreement put forward by MCAST, whereby such agreement would have bound both parties to resume talks on all the other matters as soon as possible and to conclude such talks in a timely manner in the spirit of good industrial relations.

A conciliation meeting was also held by DIER at the request of the Union, in which both parties attended the meeting to come together and move forward. During the conciliation meeting, MCAST, with the help of the Conciliator, proposed the following:

- The collective agreement for managers, which is already signed from MCAST's side, is to be signed by MUT as well.
- Within two days from the conciliation meeting, both parties to agree on an independent arbitrator to settle the interpretation of the 2018 collective agreement.
- Continuation of dialogue of the other claims.
- MUT to immediately suspend the directive.

The conciliation meeting was unfruitful as the Union would not accept our proposals, and therefore, the directive remains *in vigore*, with no foreseeable way

forward for dialogue. It is also to be remarked that it is highly recommended and also the common practice that the directive is suspended during talks and conciliation meetings in order to promote positive industrial relations and also to resume talks.

MCAST reiterates its position that it has signed the Manager's collective agreement and is ready to resume discussions in a cordial and respectful manner as long as the directive is suspended, and the students receive their results, and the academic year is closed.

In these circumstances, Management will continue to work towards lawful solutions in the best interest of students, lecturing staff and the future of the College.

Our interest is in making MCAST a first-class learning institution. The healthy relationship between MUT and MCAST Management (which has prevailed throughout this academic year) is of paramount importance to both sides and, in particular, to students and lecturing staff. Disputes can be resolved through dialogue and respect for rules and procedures. MCAST has always been proactive and open to dialogue.

I am confident that common sense and ethics will finally prevail without the need for judicial proceedings. I am also eager to see representation of lecturing staff and Management working hand-in-hand to achieve better conditions of work and an excellent learning environment for students.

Professor Joachim James Calleja
Principal and CEO