

University and College Union

Carlow Street, London NW1 7LH, Tel. 020 7756 2500, www.ucu.org.uk

To Branch and local association secretaries

Topic **unconfirmed minutes, special HESC on HE pay**

Action **for adoption; for information**

Contact Paul Bridge, Head of Higher Education
(Christine Bernabe, Head Office Administrator/minutes)

Special Higher Education Sector Conference: HE Pay

Wednesday 7 November 2018, Museum of Science and Industry, Manchester

Unconfirmed minutes

1 Opening business

- 1.1 Douglas Chalmers, Chair welcomed all delegates and called conference to order. Officials seating at the head table were introduced. Housekeeping matters were noted. Conference was reminded of the remit of the business in regards to the pay and equality campaign and it would be taken in private session therefore no tweeting or texting or interaction and social media was allowed.
- 1.2 Conference agreed UCU Regional Officials as tellers. The chair read out The 'Expectation of members and conduct' to conference.
- 1.3 Conference was informed that the CBC report had been circulated by email (UCU/905) and copies were available at reception following which the Chair of CBC was invited to move the CBC report

2 CBC report

- 2.1 Alan Barker, Chair of CBC moved the CBC report and agenda which had been made available to delegates at conference. The CBC Chair highlighted where on the agenda which motions were approved and composited, motions which did not form part of the agenda, or fell outside the remit of conference and a late motion L1, to be taken at the end of conference as well as any consequentials. The Chair moved the report.
- 2.2 Jo McNeil raised a point of order about two motions not listed and Sam Marsh raised a point on amendments and late business which the CBC chair clarified.
- 2.3 Conference **adopted** the CBC report.
- 2.4 The Chair of Conference, Douglas Chalmers asked conference to note the quorum for the conference (108), the seating position of movers and seconders of motions, the time for moving and seconding motions and the availability and use of voting cards. Paul Bridge, Head of HE was invited to address conference.

3 Report from Head of Higher Education

- 3.1 Paul Bridge addressed to conference. First and foremost, Paul congratulated members, branch activists and staff for their huge effort in support in the recent

pay campaign and work around the ballot. Paul commented that pay and equality are core policy and negotiating matters for UCU and that members want and deserve pay rises in line with inflation, however the national JNCHES machinery was failing to deliver and had been doing so for some time. Paul outlined how in recent years UCU had tried different approaches to jolt national bargaining on core policy matters such as gender pay, precarious contracts or workload but was being met with indifference by UCEA who are content to frustrate and restrict the bargaining remit of JNCHES as well as suppress pay. Gender pay, workload, casualisation are not being meaningfully addressed by JNCHES at a UK level, and in response UCU had over recent years shifted the focus onto supporting branches and local negotiations on these issues, and had started to get results for members. Paul stressed that pay would continue to be negotiated at JNCHES and not locally however UCU should continue to support branches who are making real progress locally on gender pay, tackling casual employment or excessive workloads.

- 3.2 Turning to the recent ballot result, Paul commented that on the one hand it was encouraging in that an aggregate turnout of 42% had been achieved, and that the highest in a national pay ballot and that members had support action. However on the other hand only 8 branches got over the 50% anti-union threshold despite a high profile and resourced GTVO campaign push hard from the centre since before the summer holidays. There was a clear difference in Pre and Post-92 results and a lot of feedback from Post 92 branches during the recent pay briefings that issues such as restructure and workload were higher priorities for members. In Pre 92 the feedback was that members were still focussed on USS and the potential for further action. In conclusion Paul noted that ultimately the results do not enable UCU to deliver hard hitting action and conference should think carefully about the risks associated with a re-ballot or new ballot on pay.
- 3.3 For the purpose of conference the Chair explained how the debate on motions would proceed and asked delegates to note the late paper which contained amendments and late motion L1.

4 Debate of motions

CBC advice to chair: if composite motion 1 point numbered ii was passed, motion 2 point numbered 1 would fall.

Motion 1 Composite: Continue pay campaign - re-ballot on casualisation, equality, pay and workload, Newcastle University, University College London, University of Dundee, University of Brighton (Falmer) moved by Sean Wallis (UCL) seconded by Marianne Maher (Bournemouth). The motion was voted on in parts.

Amendment 1A.1 moved by Mark Abel (Brighton) carried:

Add at end:

Conference instructs the HEC to:

- *Provide fresh GTVO materials to all reballoting branches emphasising the gender equality and anticasualisation elements of the claim;*

- Organise regional briefings to share effective GTVO techniques and help branches draft GTVO plans;
- Coordinate visits to reballoting branches of NEC members and activists from branches which have already reached the threshold;
- Establish, in conjunction with ROCC, a central task force to collate progress and assist branches where necessary.

Amendment 1A.2 moved by Sean Rowlands (City) carried

In Resolves iii delete 'before December'

Add to Resolves iii: 'in late January, early February'

Add to Resolves v 'and that the ballot starts and ends during term time.'

Delegates raised a number of points about the COMPOSITE motion in relation to different parts of the motion as well as to motion 5 and amendment 5A.1. CBC replied to a questions asked about consequential and asked conference to note that HEC, was the elected body responsible to take forward any motions carried and enact as appropriate. Paul Bridge further replied to a question asked about aggregate and disaggregate ballots and that the decision needed to be made before the ballot.

The Chair of conference also proposed that the motion should not be taken in parts and be taken as presented on the agenda however Pura Ariza (NEC, Manchester Met) made a point of order and spoke against this proposal. The Chair called for a vote and conference voted in favour of taking the motion in parts 59 (f); 48 (a); 7 (abs). Motion 1 (COMPOSITE) was voted on in parts.

Bullet point ii fell

ii re-ballot all branches in the turnout range 35-50%, allowing branches to opt in

Speakers in the debate included Phillipa Browning (Manchester), Geoff Abbott (Newcastle), Robyn Orfitelli (Sheffield), Marion Winters (Heriot-Watt), Vicky Blake (NEC, Leeds), Jo McNeil (Leeds), Michael Carley (Bath), Sam Marsh (Sheffield), Andrew Harvey (Swansea), Sue Abbot (NEC, Newcastle), Sam Pryke (Wolverhampton).

COMPOSITE 1, CARRIED as amended by 1A.1 and 1A.2 (without resolves ii)

Conference notes

1. pay ballot with 69% in favour of strike action on a 42% turnout is the highest turnout for a pay ballot in UCU HE history.
2. only eight HE institutions crossed the 50% threshold.
3. that Newcastle University UCU had 46.7% turnout
4. that many branches had turnouts of 35% or more
5. if branches with a turnout of 40%+ reached 50%, 69% of balloted members could take industrial action. If branches with 35%+ reached 50%, 79% of members could strike.

6. branches with an active GTVO campaign have succeeded in getting over the threshold
7. turnout is increased by effective grassroots campaigns and well-timed ballot periods
8. the 50% threshold contained in the anti-union laws is the only reason for considering the ballot result a setback
9. many members are concerned this suggests a lack of interest in casualisation and equality.

Conference believes

- a. this issue will not go away. Crossing the 50% turnout threshold over pay and pensions is a strategic imperative for UCU
- b. the ballot demonstrates that members think pay, casualisation, workloads and pay inequalities are major issues they want the union to take action over
- c. without an active GTVO campaign beating the threshold is difficult.

Therefore conference resolves to

- i. redefine the dispute as "casualisation, equality, pay and workload";
- ii. start a campaign immediately in the run-up to a new ballot in late January, early February
- iii. plan a campaign for the exam period in spring 2019
- iv. ensure that the ballot period is long enough to achieve a high turnout and that the ballot starts and ends during term time
- v. organise grassroots GTVO campaigns for a YES vote in the re-ballot
- vi. call on UCU and NEC to actively engage with branches, speaking at meetings and producing local material
- vii. encourage local and national protest foci such as 12 November, Pay Inequality Day.

Conference instructs the HEC to:

- Provide fresh GTVO materials to all reballoting branches emphasising the gender equality and anticualisation elements of the claim;
- Organise regional briefings to share effective GTVO techniques and help branches draft GTVO plans;
- Coordinate visits to reballoting branches of NEC members and activists from branches which have already reached the threshold;
- Establish, in conjunction with ROCC, a central task force to collate progress and assist branches where necessary.

Motion 2, Post-92's, Higher education committee moved by Christina Paine (London Metropolitan, HEC), formally seconded. The motion was voted on in parts.

Speakers in the debate included Joe Gluza (Cambridge), Julie Wilkinson (Manchester Met). Points of order were raised about point 2 of the motion and again on the consequential which the CBC chair clarified for the purpose of the debate. It was further clarified that delegates from pre-92 were allowed to vote on the post- 92 motion as this was a pay matter which affects all members and that the convention on Pre and Post 92 voting is only in relation to pension matters.

A proposal also came forward from Amanda Williams (UEA) to take the motion in parts and this was carried and the following were noted:

*bullet point 1- Re-ballot all post 92 branches with over 35% turnout with one ballot, **FELL***

Motion 2 CARRIED as amended

Despite factors common to both sectors there is a not unsurprising gap in turnout between pre and post 92's. Not having experience of the USS struggle and having had a larger scale of redundancies and restructurings has meant loss of union members and branch officers. This has, for a myriad of linked reasons (not possible to include here) resulted in many post 92 branches not reaching the threshold.

HESC believes that post 92 branch execs need to be better supported with more resources to organise all of their members.

HESC resolves to:

1. have a better timed ballot and provide resources to update branch members' details before the ballot
2. step up strategies used by branches surpassing the thresholds
3. make equality and workload demands and length of strike action more transparently specific
4. review ballot results with branch execs.

Motion 3, Learn lessons and re-ballot, Open University, moved by Caroline Holland (Open University), seconded formally. This motion was voted on in parts and CBC's Martin Levy reminded conference of the consequential of that motion in relation to the point on re-balloting.

*Conference asks the HEC to consider re-balloting all branches where there is a realistic chance of getting a 50% turnout, **FELL***

Motion 3, CARRIED as amended

Conference notes:

1. that many branches missed by a very narrow margin the 50% threshold required under current TU legislation to enable legal industrial action.
2. the average institutional percentage of Yes votes were:-

- over 66% for strike action
- over 78% for ASOS.

Conference calls on the HEC to reflect on the pay ballot outcome and specifically to consider the:

- a. timing of ballot opening and preparing members in advance
- b. coordination between national and local activity
- c. reasons some branches achieved much higher participation than others.

Conference calls on the national UCU to consider a legal challenge to this undemocratic legislation, preferably in conjunction with the TUC and other trades unions.

Conference resolves to continue to campaign vigorously on workload, casualisation and gender pay gap issues – these have the full support of our members.

Motion 4, The 50% threshold, Open University, moved by Lesley Kane (Open University). Paul Maggs (Salford) seconded the motion. A point of order was raised by Tony Brown (UCL) on the reduction of speaking time. The Chair put this to conference and this was approved.

Motion 4 CARRIED

This conference notes:

1. the obstacles posed by the 50% threshold, which the OU and some other branches missed by a very narrow margin in the recent HE pay ballot.
2. the attempt by some employers to interfere with the democratic process
3. that other unions are also seriously affected.

This conference asks UCU to:

- a. to intensify political campaigning against the 50% threshold, preferably with other unions.
- b. to obtain legal advice as to the prospects of success for such a legal challenge citing potential breach of human rights.

Motion 5, Pay and equality dispute, University of Sheffield, moved by Robyn Orfitelli (Sheffield), seconded by Elio di Muccio (Birmingham). This motion was taken in parts.

Speakers in the debate included Mark Abel (NEC; Brighton), who proposed that the motion was taken in parts, Carlo Morelli (NEC; Dundee) who also proposed that the motion is taken in parts, Adam Ozanne (NEC; Manchester), Josh Robinson (Cardiff), Andrew Harvey (Swansea), Joe Gluza (Cambridge). Rachel Cohen (City).

The Chair called for a vote on the motion in parts which proceeded. He noted that according to the numbers who had voted, the vote on part b, while carried, was not quorate and the Chair therefore advised that this would serve as advisory only.

A debate followed, however and delegates raised queries on quorum and votes. Points of order were also raised on the quoracy of conference and Josh Robinson (Cardiff) challenged the Chair on quorum and votes cast not being binding.

Vice-Chair Renee Prendergast took the Chair's seat. Paul Bridge, Head of HE also spoke to conference to clarify the numbers regarding the quorum (108) and the status of votes taken in this regards. Several further points of order were raised. Alan Barker, CBC, noted SO26 with reference to the Chair of conference decisions taken on points of order and added it was for conference to decide whether to uphold challenges to the Chair or not.

The challenge to the Chair was subsequently carried and the Vice-Chair asked for the doors to be shut and called for a count of the delegates in the room.

A count followed by tellers and it was reported there were 113 delegates at conference at that moment and 108 was the quorum. The Chair of conference reminded conference that it was important delegates are in the room at the time of voting if each vote is to be counted and urged delegates to be present.

CBC's Martin Levy further informed conference that the SO did not cover a call for a vote and conference should be guided accordingly.

Part c of the motion was voted and carried.

Amendment 5A.1 moved by Vicky Blake (Leeds) **CARRIED**

Replace all instances of 'national' with 'UK-wide' in reference to bargaining.

In point a, add 'on pay' after ' individual local claims'

Add additional point d:

"the union will invest in funding GTVO-focused resources and support for regional organisers and branches ahead of any future ballot."

Motion 5, was subsequently CARRIED overwhelmingly as amended by 5A.1

Conference notes:

1. HE members voted overwhelmingly in favour of strike action, with the highest turnout on a pay and equality ballot in UCU history, indicating widespread willingness to take major industrial action
2. the dispute claims of fair pay, gender pay equality, casualisation and workload remain unresolved at a UK wide level.

Conference resolves:

- a. that the 2018/19 dispute should be resolved through UK wide bargaining machinery and that individual local claims on pay are ineffective and undermine UK wide bargaining
- b. as a consequence of the 2018/19 dispute remaining unresolved, the union should complete a statutory ballot by the end of March 2019 at the latest so as to enter 2019/20 negotiations with a legal mandate for industrial action

- c. the statutory ballot will be UK wide and aggregated (carried separately 61 (f), 40 (a), 4 (abs))
- d. The union will invest in funding GTVO-focused resources and support for regional organisers and branches ahead of any future ballot.

Motion 6, Multi-year HE pay claims, University of St Andrews, moved by Tom Jones (St Andrews), seconded formally. **Motion 6, CARRIED**

HESC notes

1. the failure of JNCHES negotiating machinery to deliver pay deals that make up real terms losses in pay;
2. the compressed annual timetable for JNCHES pay and equalities negotiations;
3. the effect of that timetable on organising campaigns around pay and equalities, especially campaigns involving ballots on industrial action.

HESC recommends that UCU's negotiators work with sister unions to develop multi-year pay and equalities claims in order to:

- a. commit the employer to making up real-terms loss in pay over several financial years;
- b. identify early trigger points in a cycle of negotiations running over several years to enable earlier organisation of campaigns and ballots.

Motion 7, Study best timing and duration of ballots, University of Oxford, moved by Jaya John John (Oxford), seconded by John Parrington (Oxford),

Amendment 7A.1 moved by Chloe Wallace (Leeds), **CARRIED**

Add new point c, re-do subsequent bullet lettering:

Investigate to what extent the use of consultative e-ballots prior to postal ballots is confusing to members and reduces the turnout in the actual postal ballot

Motion 7 CARRIED as amended by 7A.1

Conference notes:

1. that while the turnout for our recent ballot was the highest yet for a Pay and Equality ballot, most branches were below threshold, so we should look for all possible optimisations for future.
2. the turnout was higher in the previous USS ballot, and one contributing factor may be the different timing in the academic year.

Conference calls on HEC to:

- a. study the best timing and duration for ballots, as well as the pros and cons of running concurrent ballots, by examining past ballots and gathering information from branches on their academic terms/semesters.
- b. consider how to shift the timing of the annual pay negotiations to be more favourable for us.

- c. Investigate to what extent the use of consultative e-ballots prior to postal ballots is confusing to members and reduces the turnout in the actual postal ballot
- d. report back to members at the 2019 Congress.

Motion 8, Expand NDC to include pay and equality in remit, University of Oxford, moved by Jaya John John (Oxford). Paul Bridge provided information to conference on the NDC and the remit of that committee. John Parrington (Oxford) seconded the motion. Steve Sangwine (NEC; Essex) spoke against the motion.

The motion was CARRIED

Conference notes the formation of the National Dispute Committee for the USS dispute.

Conference resolves:

1. to expand the National Dispute Committee so that it includes post-92 representation and for this expanded NDC to include the HE pay and equality dispute as part of its remit
2. per Congress conventions, NDC meetings will be divided into a pay and equality segment for all representatives and a USS segment for USS representatives.

Motion L1 (Late motion), University of Brighton, Grand Parade, moved by Mark Abel (Brighton), seconded by Jo McNeil (Leeds).

Amendment from the floor proposed by Vicky Blake (which was accepted by conference following advice from the Chair) was CARRIED

Add at the end:

and provide structured information and assistance to all branches to help members engage with and understand how New JNCHES and UK wide bargaining works. This should help members to feel invested in UK wide claims and bargaining that they understand with clarity.

L1 CARRIED as amended

Conference notes:

1. The decision of HEC on 1 November to survey branches 'to find their views on New JNCHES and UK level bargaining'.
2. Reports in the press (Guardian and i, 2 November) that universities may go bankrupt in the near future.
3. UCU policy, including Conference 2017 HE2, is opposed to local pay bargaining.

Conference believes that to survey branches regarding alternatives to 'UK level bargaining' is at best a distraction and at worst an open invitation to employers to engage in local pay bargaining, at a time when the sector is threatened by market competition, speculative expansion and bankruptcies.

Conference resolves to instruct HEC not to commence this survey, and instead to consult over a national strategy for exceeding ballot thresholds in pursuit of national pay demands and provide structured information and assistance to all branches to help members engage with and understand how New JNCHES and UK wide bargaining works. This should help members to feel invested in UK wide claims and bargaining that they understand with clarity.

5 Close of the morning conference on HE pay

The Chair brought the special conference on pay to a close.