

## **Settlement Proposal – Implementation agreement**

### **Without Prejudice**

Dear Raj,

Thank you for sending the revised and full and final offer on 1 April. The UCU national negotiators considered the document as the basis for the settlement of the 2019/20 dispute and how the unfolding Covid 19 crisis needs to be considered against the proposal.

We enclose a draft statement which we seek to agree with UCEA. This is designed to accompany a document outlining the UCEA offer following some further discussion and clarification that we feel is needed in order for us to put it through UCU's internal democratic structures. We are pleased to note that you have indicated willingness for a further meeting between UCEA and UCU to discuss these matters.

UCU negotiators identify the following key areas for discussion:

- Tightened wording on the workload and anti-casualisation sections of the UCEA offer document, and commitment to implementation by HEIs under UCEA's membership
- Discussion of the lack of movement on pay and the implications for future rounds
- The connection between resolving the 2019-20 dispute and the good will needed for effective joint staff/employer responses to the Covid19 crisis, noting:
  - That it is in UCEA's interests to foster trust and goodwill in the sector
  - That it would be unacceptable for the Covid 19 situation to function as a cover for any 'backsliding' on the positive work we have been developing through JNCHES
  - That it would be unacceptable for staff to carry the main burden of responding to the Covid 19 crisis, which is already increasing job insecurity and workload pressures
- That a decision by employers to rescind/refund their pay/pension contribution deductions arising from the recent strike would be a meaningful way to signal and build goodwill
- Key commitments to job security and staff support in the covid-19 context

Our members have responded magnificently to the COVID 19 crisis, working in difficult circumstances in response to an exceptionally uncertain environment.

Unfortunately, UCU branches report some employers are using the crisis to generate heightened levels of job insecurity, moving to impose unilateral changes outside of the established and agreed bargaining arrangements and moving to precipitate dismissals of the most vulnerable and insecure staff.

UCU's view is that this response is knee jerk and opportunistic and creates industrial relations issues for the institution and avoidable levels of distress for some of the most insecure staff in the sector. We should point out that other branches report their employers are engaging with their campus unions and working collaboratively and imaginatively together to deal with the various impacts of the crisis with job security, pay, and both collective and individual consultation core features of the discussions. UCU believes the latter positive and proactive approach is conducive to building more positive industrial relationships in the longer-term, which will serve to strengthen our sector.

UCU has been instrumental in pushing for confirmation from the universities minister that, where employers cannot retain staff on insecure contracts, they can apply to the government's job retention scheme. UCU seeks confirmation from UCEA that they will promote this course of action to employers as an alternative to dismissals of staff on casualised contracts, including dismissals at the end of fixed-term contracts and the non-provision of work to staff on any form of zero hours contracts.

We are keen to work with UCEA, individual employers and the other HE unions to continue pressing the government to urgently clarify and improve the situation for the sector and to work together to minimise the impact on staff at this time.

It is clear to us that many of the structural problems in the employment model adopted by many institutions are those that are causing and exacerbating the most concerns in the current crisis.

It is within this context that the UCU negotiating team has received and considered the revised full and final offer. It is the view of the negotiating team that the sector needs a coordinated response to the crisis and that any settlement of the dispute based on the proposals will need to be implemented and tested in the changed context of the crisis and the aims and expectations set out in the proposal.

UCU welcomes the progress made on developing frameworks and new sector expectations regarding the pay equality and related matters of the dispute. However, the lack of an improved offer on pay is very disappointing, especially against a backdrop of many years of below inflation rises.

We consider your latest iteration of a framework dealing with casualisation, the gender-pay gap, and workload may have the potential to achieve a settlement of the current dispute, for which we would require assurances that: (a) the provisions in the document measure up to the scale of the crisis in which the sector now finds itself; and (b) that any nationally agreed framework will be implemented by all institutions. We believe a useful device for achieving this would be a jointly-agreed statement.

With that in mind, please find attached a draft which we would be prepared to promote, as a matter of urgency, through our internal structures, including triggering the union's internal consultative arrangements.

We do, of course, note the need to coordinate any potential move to settle this dispute with the outstanding settlement of the USS dispute.

Finally, UCU would be prepared to explore a further meeting to discuss matters further. I look forward to your earliest response.

Yours sincerely

Paul Bridge

Head of higher education

WITHOUT PREJUDICE

JOINT UCU/UCEA STATEMENT ON IMPLEMENTATION

In the exceptional circumstances brought about by the Covid 19 crisis, UCU and UCEA acknowledge that there is an absolute requirement for institutions and unions, and the members/employees they represent to work together for the benefit of students and the research base across the UK.

Both parties recognise that the crisis presents a crucial test for the effectiveness of the latest set of the joint proposals dealing with matters of casualisation, the gender-pay gap, and workload are how these will be tested and evaluated. It is jointly recognised that for these proposals to have meaningful effect, it is vitally important that leadership and direction is provided to ensure that the proposals for time bound action and reviews are implemented through agreement with the relevant local unions.

#### Framework of expectations on gender and race pay, workload and precarious contracts

Arising from the exceptional circumstances employers and the workforce are dealing with, it is agreed that to foster the goodwill necessary to deal with the crisis there must be:

- A clear commitment to implement the new framework of expectations with an agreed timetable for implementation
- Joint work between institutions and local trade unions should begin immediately, with a view to influencing institutional plans for the immediate post-crisis period.

#### Dealing with the implications of the Covid 19 crisis

- The proposed settlement is understood to be implemented locally with specific reference to the Covid 19 crisis and with particular reference to the avoidance of dismissal generally or any detrimental changes or un agreed changes of terms and conditions or the dismissal of staff employed on hourly paid, part time, fixed term, zero hour and graduate teaching or equivalent contract;

- A commitment that all casual staff are guaranteed to receive 100% of pay for at least 3 months (thereafter subject to regular, local, joint reviews between employers and unions)
- That employers meet with their recognised trade unions immediately and actively address live workload implications resulting from the Covid 19 crisis and the different ways and means of delivery that now exist, for example, home-working and remote on line teaching;
- At both JNCHES and employer level, the application of government guidelines such as the Job Retention Scheme, needs the active engagement of employers and the recognised trade unions
- That following confirmation the government's Job Retention Scheme should apply to university staff, staff who have been recently disengaged should be re-engaged and receive 100% of the pay they would have received but for the dismissal and also be paid 100% of their pay in the future
- UCEA will recirculate joint advice on dealing with organisational change
- A commitment to early and regularised meaningful consultation with local trade unions before any decisions are made relating to redundancies, restructuring and ending of contracts
- A commitment to local negotiations covering the management of crisis, workload planning and the post crisis context;
- A freeze on all restructurings for at least 3 months
- Urgent joint review of capability, disciplinary and grievance processes and a suspension of these processes for 3 months unless agreed by all parties

#### Health and safety

- The provision of PPE and other urgent health and safety matters to be addressed locally
- Active and urgent attention to be given to the threats to the physical and mental wellbeing of staff as a result of home-working and the erosion of work-life balance

#### Equality and reasonable adjustments

- That institutions will do everything possible to uphold and support reasonable adjustments for staff who require them, including support for the provision of necessary equipment at home.
- That where it is not possible to uphold all necessary reasonable adjustments or where there is a delay in implementing the necessary support, staff will not suffer detriment with respect to disciplinary and capability procedures, or their general treatment (for example if they need to work reduced hours or undertake modified tasks until such support is in place).

#### UCU dispute and goodwill

- UCU agrees to end its action, including ASOS, and to withdraw its planned re-ballot on the basis of the 2019-20 dispute;

- Employers agree to not deduct wages for the recent strikes and any deductions to be re-paid or not taken whichever applies.

### Pay

- Both parties note that the joint unions have submitted a fresh claim on pay for the 2020/21 negotiating round to the employers.