

UNIVERSITY AND COLLEGE UNION

Report on the HEC discussions regarding the future of the JNCHES negotiating machinery

Further to the briefing that was sent to all HE branches in September explaining the current situation with the JNCHES review, HEC discussed the question in detail at its meeting on 5 October 2007 and agreed the motion which will form the business of the Conference on 9 November. Its conclusions and proposed motion are set out below.

CONCLUSIONS & PROPOSALS

Negotiating Structure

- 1 The clear intention of paragraphs 5, 6 and 7 of the draft document is that pay negotiations will take place at a single table. This represents an explicit departure from the existing arrangements where PTAAS staff (the non-academic staff represented by UNISON, UNITE and the GMB) and the academic and related staff unions UCU and EIS are represented on two separate sub-committees. We propose therefore that paragraph 7 of the draft agreement should include the following clarification:

"JNCHES will have one or more standing sub-committees (as well as ad hoc groups convened for particular purposes). One of these sub-committees will be a Pay Review Group for grades equivalent to the nationally defined grade 6/Ac1 and above on the current spine *and for all hourly paid academic and academic related staff who are not yet assimilated to the pay and grading structure*. The trade union side composition will reflect the audited relative size of union membership within these grades. The remit will include a function to review pay arrangements that cover those grades equivalent to the nationally defined grade 6/Ac1 and above, *review the hourly rates of hourly-paid staff across the HE sector, review the progress of assimilation of hourly-paid staff to the pay and grading structure*, and make recommendations to amend the Framework agreement (i.e. Appendix C). These recommendations will be included in any pay settlement finalised by JNCHES.

‘Where matters relate to the pay and/or conditions of particular staff, then negotiations will be between UCEA and the union(s) representing these staff, with observer status for the other unions.’

Disputes Resolution Procedure

- 2.** The penultimate bullet point of the disputes resolution procedure shall be amended to read:

“Throughout the period for dispute resolution meetings, and for third-party assistance, the status quo will apply. The HE employers will not impose a resolution, and the trade unions will refrain from implementing any form of industrial action until the procedure has been fully exhausted.”

Additional Issues

- 3.** That the following points shall form part of the overall agreement:
- i) A recognition that the spine itself, and national recommendations about its application, are negotiable, including the possibility of removing points from within the spine and adding some at the top.
 - ii) An acknowledgement that the question of payments off the present scale and above point 51 are subject to the same equality and transparency requirements which apply to the scale as a whole.
 - iii) An acknowledgement by all parties that the national agreement does not imply the acceptance by UCU of the principle of single table bargaining at local level, where negotiations are specific to forms of employment.
- 4.** Although the employers claim that their collective view, such as it exists, supports a continuation of national pay bargaining, our decision on this question could have a fundamental effect on future policy both our own and that of the employers. Acceptance of what is currently on the table would secure national bargaining but clearly the costs to UCU are at present unpalatable. That is why the issues in points 3 (i) – (iii) need to be addressed.
- Failure to achieve our stated aims would mean a stark choice between accepting what is tabled as it stands, or facing a situation in which pay bargaining will become increasingly fragmented.

Such fragmentation could reach the point where all employers bargain separately, or might be limited in the sense of a process of consortium or some other form of sub-national bargaining. Although there has been some discussion on these alternatives our policy is clear that retention of national pay bargaining is our principle aim.

5. MOTION TO CONFERENCE

“Conference notes the draft review of JNCHES forming Appendix 1 and the Annex A of the briefing paper, and reaffirms its commitment to national bargaining on pay, and on conditions for post-92 institutions.

Conference confirms the right of all unions to pursue the interests of their members and deplores the employers’ repeated attempts to influence UCU’s democratic processes by threatening unilateral abandonment of national pay bargaining.

Conference authorises the negotiators to secure revisions to the draft agreement which satisfactorily address the matters identified in HE/5 numbered paragraphs 1, 2 and 3.”

As part of HEC’s discussion a further motion was considered and agreed by the committee which provides more background to HEC’s position.

This committee notes that the employers' proposal for the adoption of single table bargaining as a pre-condition for national negotiations is designed to divide the unions and hence weaken the UCU. Along with trying to restrict our right to take industrial action, this is part of an employers' offensive in the aftermath of the 2006 pay dispute.

Notwithstanding this fact, simple opposition to single table bargaining by the UCU will play into the employers' hands, splitting us from those unions with whom we have common cause.

The best prospect for beating the pay freeze that is currently being imposed on public sector unions is through unity with those public sector unions who are already fighting for pay rises above the government imposed levels. In this regard we particularly welcome Sally Hunt's letter to the Guardian supporting the Prison Officers Association in its struggle to break the government freeze. There is no question that Single Table Bargaining presents difficulties for the UCU. However, these problems are really to do with the

implementation of 'equal pay for equal value' legislation which has on the whole had the effect of 'evening down' wages, reducing workers pay and conditions to the lowest common denominator. The fundamental issue with regard to the defence of our pay and conditions is effective union organisation on the ground, where this does not exist employers have been able to make mincemeat of unions, regardless of the type of negotiating structures. In the case of the UCU in Higher Education, particularly but not exclusively in the pre-92 sector, the key is the maintenance of lead negotiating rights for nationally defined Grades 6/Ac1 equivalent and above which we have traditionally organised.

We believe that national negotiations are the most effective way of defending the pay and conditions of service of UCU members nationally.

We therefore resolve to:

- (a) Make the retention of lead bargaining rights for Grades equivalent to grade 6/Ac1 and above a non-negotiable part of any negotiations;
- (b) Make the right to strike (subject to any agreed disputes procedure) and the right to ballot to strike at any time of the year a non-negotiable part of any negotiations;
- (c) Defend national pay scales and national negotiations, with a tactical flexibility around the issue of a 'Single Table', which after all is an implicit part of the Framework Agreement;
- (d) Insist that only UCU agreed role profiles are used in grading, where appropriate.