

Interesting Points from a Disappointed Negotiator - June/2006

Dear Colleagues

As one of the (ex-NATFHE) national negotiators, may I make a few observations about the recent pay offer and the debate on the UCU activists website.

The claim and the pay campaign: Both AUT and NATFHE mobilised members for the dispute on the basis that the additional tuition fee income represented a historic opportunity to make up, at least some of, the gap with comparable professions. The Bett Report, which helpfully did so much to document the pay gap, was at the end of the last century. We were convinced that now was the time to make a concerted push on the pay issue. The claim eventually took the form of 23% over 3 years, to include both 'catch-up' and 'keep-up' elements. During the pay campaign members took one day of national strike action on 7th March, imposed non-strike sanctions and undertook a variety of forms of campaigning. For instance the Early Day Motion 1540 on University Salaries achieved 193 signatures from MPs. Thousands of new members joined AUT and NATFHE as a result of the pay campaign.

While many members may not have expected us to achieve the full claim, my view from talking to members is that most members expected us to settle at least in the 15% to 18% range over three years.

Decisions of NATFHE Sector Conferences: Within NATFHE HE Sector Conference was the supreme decision-making body on industrial relations matters for the HE sector. Motions passed at this conference in February and in May instructed the union not to put an offer to members unless there was a clear 'catch-up' element. The union was also instructed not to call off the action unless there was an offer that met, or came close to meeting, the original claim. Furthermore Conference re-affirmed that no offers should be put to ballot unless there was an undertaking from the employers that all deductions would be repaid.

The value of the offer: There are various ways the value of the pay offer can be calculated and presented. As a national negotiator (from 1997 onwards), one way I look at the offer is to ask how it compares with what negotiators could achieve for members without taking any industrial action. During the dispute I made a number of speeches to members in which I argued that the best negotiators could achieve without industrial action is around 3% per year and therefore members needed to take action, in order to get a better deal and achieve some catch up with pay in comparable professions. So if we compare the current offer, in terms of cash increases per year, with an assumed 3% increase obtainable without any action, we have the following:

2006-7 - 3.52% cash increase, 0.52% better than achievable without industrial action

2007-8 - 3.77% cash increase, 0.77% better than achievable without industrial action

2008-9 - 2.08% cash increase, 0.92% worse than achievable without industrial action

Cash or 'uplift':

The original claim was formulated in terms of straightforward percentage increases each year. As the dispute and the negotiations progressed the employers made offers with pay increases phased over the year. This led to a potential shift in the trade union agenda to focusing on uplift, namely the increases in salary scales at the end of the year, rather than pay increases for the whole year. This means the employer postpones a lot of the cost of the settlement into the next year. Such settlements are also of course of little benefit to members in the final year of service or those who leave the sector during the year. It is also the case that the offer looks higher if the percentage salary uplift over the years is quoted, rather than the actual cash in year increase. Moreover if the percentage uplift is calculated over the three years, rather than simply year by year, it is easier to get into double figures.

I am not saying it is necessarily wrong to reformulate our negotiating strategy to focus partly on achieving cash during the year and partly on achieving an increase in the salary scale at the end of the year. We need to do this, however, on the basis of considered debate and discussion among members, not to just drift there because of the way the employers formulate their offers. We need to have a debate within UCU as to whether we wish collective bargaining in the HE sector to go in this direction or not.

How the offer compares with the offer of the previous Tuesday: Members have been asking why the unions rejected an offer on the 30th May and then accepted an offer with only minimal changes on 6th June. What happened between one Tuesday and the next? The talks at the TUC on 2nd June focused on two issues: the possibility of re-opening negotiations in the final year and pay deductions. They did not address the fundamental problem that the pay offer was too low, any more than the ACAS talks of the previous week had done. The employers refused to talk outside a fixed level of funding and were only prepared to discuss how the money might be repackaged. There is little improvement that justifies a change in view of the offer. The only real variation is the possibility of reopening negotiations for the third year, and this is a limited prospect.

Will the pay review process deliver additional money in the third year?

The agreement proposes a pay review to agree data on HE institutions' income and expenditure (actual and planned) for the three years of the agreement and also the impact of the pay framework agreement. This would permit some retrospective negotiation to improve the award for 2008-9, if the data indicate that funds are available. Is this likely to happen? One danger is that employers will set budgets to ensure that funds are already allocated to other areas, so that there is no more money available for staff pay. However independent the review body is, however reputable the statistical sources it uses, we need to remember it will be examining data to some degree created by the employers.

We should also ask whether members who have received 2.5% from October 2008 will think it worthwhile to take further industrial action, when they feel so let down by the result of this year's action.

Reimbursement of deductions:

The exact wording of the clause in the offer regarding reimbursement is as follows:-

'UCEA also recognises that UCU have made clear that the restoration of good industrial relations will only be achieved when, where relevant, issues relating to the withholding of pay are resolved. In the event of any difficulties which are not speedily resolved ACAS services will be available at local level to assist the parties.'

On careful reading it can be seen that unfortunately all this amounts to is a statement by the employers that they hear what we say. I have heard reports that additional verbal assurances were given, but this is unlikely to be helpful to local associations or branches faced with hostile employers.

The process within the ex-NATFHE part of UCU on Tuesday 6th June

Up to and including the meeting on 30th May AUT and NATFHE were two distinct unions, with negotiators accountable to the relevant structures within each union. On 1st June vesting day of UCU took place and some former union structures, such as NEC committees, no longer existed. This left something of a gap until the Transitional Arrangements Committee met on 9th June. It was unfortunate that important national negotiations took place in a week between structures in which only joint presidents and joint general secretaries had any authority to act or take decisions.

(Within the former AUT part of UCU the ex-AUT Joint President conducted a telephone consultation of ex-AUT UCU members on the weekend of 3rd / 4th June.)

Within the former NATFHE part of UCU on 6th June the ex-NATFHE Joint President called consultative meetings of the negotiators and the former HE Committee of NATFHE. At these consultative meetings votes were taken on attitudes to the pay offer. The ex-NATFHE negotiators voted 4 to 2 for rejection of the offer. Among those voting to reject were two of the ex-NATFHE members on the Academic Staff Sub-Committee of JNCHEs, namely Stefan Hunt and myself.

The ex-NATFHE HEC voted on a motion for reluctant recommendation to accept. On the first vote, the decision was tied 6 for, 6 against. There was then a second vote in which the ex-NATFHE Joint General Secretary voted, so that the vote for reluctant acceptance became 7 for, 6 against. The President then instructed the negotiators to accept the offer at the ASSC meeting in the afternoon.

Who is opposing the offer?

I have seen a suggestion in some postings that opposition comes from the SWP leftwards. In my experience a very great range of members, who support a variety of political parties, are astounded at how low the offer is and intend to vote for rejection.

Will the unity of UCU be undermined by a campaign to reject the offer?

No, I believe that sacrificing the economic interests of our members in the name of unity is more likely to undermine the unity and strength of UCU. I will be voting to reject the offer and I encourage other members to do the same.

Best wishes

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