



## 2012-13 New JNCHES Pay Round and On-going Industrial Action

The 2012-13 New JNCHES pay negotiations led to a 1% pay offer which, after an initial rejection, was later accepted by the UCU and noted by Unison, Unite and GMB. The EIS continued to reject the pay offer and it was imposed (i.e. paid without agreement at New JNCHES) earlier this year to staff by HEIs.

Following a statutory ballot and appropriate notifications (which have not been challenged by any HEI) all EIS members in HEIs covered by New JNCHES have been advised to support the following industrial action short of a strike:

**1. Not working in excess of contracted hours where they are stipulated, or where there are no stipulated weekly contract hours, not working in excess of an average of 48 hours per week as stipulated in the Working Time Regulations.**

### Guidance

Some HEI contracts state that 35 hours is the normal working week – and this would be the contracted hours.

Where there are no contracted weekly hours stated, then the average of a 48 hour week is the legal maximum and needs to be the figure used. It should not be considered as the norm or indeed as a minimum. Any member who believes that they have worked an average of 48 hours per week for 4 continuous weeks should inform their employer.

Members should also be aware that the Working Time Regulations places an obligation on the employer to take all reasonable steps to ensure that the average weekly working time limit is being complied with in relation to each worker.

**2. Not to read or respond to work emails outwith your normal working hours at your university.**

### Guidance

This industrial action advises members not to answer emails after working hours and thus effectively gives members the freedom to do no emails or fewer emails after working hours.

This action informs your employer that it should not expect any work emails, received outwith your normal working hours, to be read or dealt with before the re-commencement of your normal office hours.

Members have reported that this industrial action has reduced stress and improved their work life balance. To the EIS' knowledge, this is the first industrial action carried out in the UK of this nature.

[There may be occasions where it is in the interests of members' personal health, safety and welfare to check their emails outwith normal working hours such as during adverse weather, before travel on foreign trips on behalf of the employer etc. This action would not prevent this. For the avoidance of doubt, this action only refers to reading or responding to work emails outwith normal working hours and does not refer to other forms of work such as preparation, marking etc.]

**3. The EIS advises members on HE2000 contracts (or local variations thereof) that any additional working over and above that already covered by the agreed activity plan will be agreed and conditional on reasonable notice being given, having regard to the circumstances and appropriate compensatory arrangements.**

### Guidance

This action comes directly from the current HE2000 contract that forms the basis of most academic contracts in Scottish HEIs. The EIS believes that many Universities are not following this contractual term. Members should also understand that according to HE2000 contracts, their Activity Plans should be "agreed" with their line managers and cannot be imposed.

This action should help members facing additional workload demands that they cannot meet within their normal working hours. Contractually such work must be agreed to by the employee. The University may wish to consider relieving other parts of the Activity Plan or paying extra for additional workload.

#### **4. The EIS advises members on HE2000 contracts not to go overseas on University business unless there is an agreement between the University and employee on all aspects of the trip.**

##### **Guidance**

The purpose of this industrial action is not to stop members from working overseas but to ensure that members are happy with all aspects of the overseas trip before travelling.

There is no contractual requirement for members to travel overseas on University business if they do not agree to do so. Issues that members may wish to consider agreeing with the University before going abroad are:

- length of stay, choice of accommodation, being given expenses in advance or having a university credit card so that expenses do not have to be paid by the member then reclaimed, payment of medical insurance for business travel, time to recover from travel, taxi/transport to airport etc.

[This action also comes directly from the current HE2000 contract that forms the basis of most academic contracts in Scottish HEIs. The EIS believes that many Universities are not following this contractual term.]

The EIS-ULA Executive Committee has twice discussed whether the above action short of a strike should be stood down as we enter into the 2013-14 New JNCHES pay negotiations, and decided to keep the industrial action active. This is mainly because there is anecdotal evidence from a number of members who have applied the industrial action that it has had a positive effect on their work-life balance – in particular the no requirement to do work emails after normal working hours.

I should stress that, by its very nature, industrial action short of a strike relies on individual members supporting their union and carrying out the action.

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## **Campaign for Wider Recognition Payments**

In December 2012 the Robert Gordon University and Edinburgh Napier University announced that they would be awarding staff with an extra 1% unconsolidated payment to reflect a successful year.

The EIS welcomed these payments – and acknowledged that both universities have done so voluntarily, in the interests of their staff. The EIS has asked other Scottish HEIs to follow in the good practice set out by Edinburgh Napier University and the Robert Gordon University.

Sadly, other Scottish HEIs have declined to make such awards and initially set out the excuse that such a payment would

undermine New JNCHES national collective bargaining on pay. This is not the EIS view and as one can see by the UCEA letter copied here [http://www.eis.org.uk/ULA/fair\\_pay.htm](http://www.eis.org.uk/ULA/fair_pay.htm), it would not seem to be the Employers' Association view either.

The EIS has also asked Scottish Universities to consider making non-salary rewards and incentives more attractive to staff. The EIS has analysed the recently published 2012-13 University accounts and noticed the increase in “benefits in kind” paid to some University principals – and asks for the same principle to be applied to staff. One example could be to ensure that all staff get free car parking at their workplace car parks.

The correspondence between the EIS and Universities are available for viewing here [http://www.eis.org.uk/ULA/fair\\_pay.htm](http://www.eis.org.uk/ULA/fair_pay.htm).

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## **Post -16 Bill**

The Post-16 Bill is currently at Stage 1 in the Scottish Parliament. Whilst the Bill's most wide ranging parts cover the FE College sector, the Bill does propose to affect the HE sector in Scotland in three main ways;

1. University governance: to allow Ministers, when providing funding to the Scottish Funding Council (SFC), to impose conditions relating to the need for higher education institutions to adhere to good practice in governance or management.
2. It places an upper limit (determined by Government Ministers) on tuition fees that Scottish HEIs can charge rest of UK (RUK) students rather than the voluntary arrangement in place at the moment.
3. Widening access: to allow Ministers, when providing funding to the SFC, to impose conditions relating to access to higher education institutions for under-represented socio-economic groups.

The HE Review of HE Governance, written by Professor von Prondzynski, was published last year and was welcomed by the EIS. It contained a number of recommendations for improving governance in the Scottish HE sector. Its recommendation for a Scottish Code of Good Practice for University Governance is being enacted by a Steering Group of Scottish University Chairs of Court - and is currently being drafted.

The Government has stated that its intention to use the Scottish Code of Good Practice for University Governance (the Code) as the means of determining whether a HEI is being adequately governed/managed or not. This has caused some consternation in some universities. The EIS is concerned that it is the Universities that are developing the Code and that it may not be as robust as needed or indeed as clear as von Prondzynski's Review.

## 2013-14 New JNCHES Pay Negotiations

The EIS has submitted the following pay claim for the consideration of the trade union side (consisting of the EIS, UCU, Unite, Unison and GMB). A redacted version is available for viewing here [http://www.eis.org.uk/ULA/fair\\_pay.htm](http://www.eis.org.uk/ULA/fair_pay.htm). The EIS is committed to campaign to ensure that pay can keep up with inflation, and for the real terms pay cuts of the last four years to be restored over a period of time.

The New JNCHES Pay Negotiations will begin with a first meeting on March 26th, 2013 with a pay offer expected from the Employers at the second meeting - on April 23rd, 2013. Members will be kept posted of developments.

## Workload

The EIS-ULA Executive Committee is concerned regarding increased members' workload. There seems to be an increase in workload arising from:

1. Increased teaching and student-contact for some members. The latest UCAS figures on student admissions for 2011-13 are summarised below and show a general increase in student admissions. There has been no corresponding increase in academic staff.
2. Greater emphasis on student feedback, mentoring and support at some HEIs.
3. Increased administrative and bureaucracy requirements.
4. Increased focus on research with REF deadline in October 2013 approaching.

The purpose of the industrial action outlined in section 1 is to further our trade dispute with the employers on pay. The EIS believes that workload is increasing faster than pay, and to address this imbalance the industrial action set out above should also have the effect of limiting workloads.

The EIS is only able to advise members to carry out the above industrial actions because they have been legally balloted. Actions 1, 3 and 4 have been described as a 'work to contract', the law is clear that a trade union requires a legally conducted ballot to advise its members to "work to contract" as it is legally considered to be industrial action.

In short, the EIS advises members to carry out the industrial action short of a strike in pursuit of pay, but in the knowledge that it is the best way to limit workloads.

There are rumours that some Employers in England wish to re-visit staff contracts, apparently to give greater flexibility to HEIs. The EIS will resist any such move in Scotland.

University	Applications (Choices) 2012	Accepted Applicants 2012	Applications (Choices) 2011	Accepted Applicants 2011	Applications (Choices) 2010	Accepted Applicants 2010
University of Aberdeen	19,560	2,900	19,286	2,400	18,062	3,096
University of Abertay	6,502	1,242	6,421	1,301	5,353	1,865
University of Dundee	20,030	2,141	19,585	2,637	17,009	2,663
University of Edinburgh	46,875	5,474	44,788	4,951	49,639	4,173
Edinburgh Napier University	21,874	3,480	21,075	3,854	17,406	3,454
University of Glasgow	30,338	4,406	27,502	4,149	29,851	4,432
Glasgow Caledonian University	21,367	3,530	22,202	3,473	21,488	3,286
The Glasgow School of Art	3,681	389	3,626	334	3,501	370
Heriot-Watt University	12,036	1,814	10,127	1,872	9,808	1,459
University of the Highlands & Island	1,208	2,161	790	2,153	547	1,984
Queen Margaret University	6,650	1,107	6,415	1,014	6,046	829
Robert Gordon University	12,559	2,423	12,300	2,321	10,153	2,299
Scottish Agricultural College	999	275	979	350	827	462
University of St Andrews	14,182	1,696	12,196	1,741	13,376	1,655
University of Stirling	15,498	1,765	15,949	1,253	14,002	2,221
University of Strathclyde	17,868	2,899	20,202	2,822	20,334	2,980
University of the West of Scotland	14,971	4,228	14,592	4,516	11,761	5,008

## Professional Development

### – EIS Advice

Historically, the pre-92 HEIs have had around a third of academic staff with a PhD and around two-thirds of pre-92 academic staff holding PhDs. It would seem that post-92 Universities in particular are keen to raise these figures, and the EIS notices that most new academic posts' adverts require either a PhD or 2/3/4\* REF research outputs.

There is some evidence that some overseas universities that engage in UK HE partnership work require all students to be taught by academics holding a PhD or equivalent. The HE White Paper (Putting Students at the Heart) in England proposes that English HEIs should share staff qualifications with potential students. Whilst this does not affect Scottish HEIs – some may wish to emulate such a requirement.

The EIS advises all HE members without a PhD to consider applying for an internal PhD or equivalent programme at their University. Further, the EIS advises all members to put any such request in writing.

## Fixed term Contracts and Zero Hours Contracts

The EIS is concerned with the abuse and over-use of fixed term contracts and zero hours contracts to carry out roles and duties that are open ended within HEIs.

The EIS does not believe that zero hours contracts (sometimes known as 'hours to be notified' contracts) are employment contracts since they do not contain a mutuality of obligation – i.e. the University is not obliged to offer work and the person is not obliged to accept it.

The EIS has successfully challenged the use of zero hour's contracts at a number of HEIs. Members with concerns should contact their Branch Secretary.

## Social Media

Members should be aware that postings made on their own computers in their own time may be covered by the Employer's Social Media policy. There is caselaw supporting this view, however employers' response (including disciplinary action) must be within a reasonable band of responses. The EIS advises members to exercise caution in their use of any Social Media and to assume that any comment may come to the attention of their employer.

## Recruitment

The EIS has members at all Scottish HEIs (except Abertay University) and has mechanisms in place to support all members. All EIS-ULA Members have the right to EIS representation in disciplinary proceedings, grievances, individual redundancy consultation meetings and redundancy hearings and appeals and for support in raising any employment matter with the University – such as bullying, equality, pension etc.

The EIS is recognised for local collective bargaining at the following HEIs: Edinburgh Napier University, Glasgow Caledonian University, Glasgow School of Art, Heriot Watt University, Queen Margaret University, Robert Gordon University, University of Edinburgh, University of the West of Scotland and SRUC.

EIS membership is buoyant but all members are urged to encourage their academic and academic related colleagues who are not members of a union to join the EIS – the bigger we are then the stronger we will become.

## Scottish Rural University College (SRUC)

The three former EIS-FELA Branches of Barony, Elmwood and Oatridge Colleges have merged with the EIS-ULA SAC Branch to form an EIS-ULA Branch at SRUC.

*Welcome to the EIS-ULA!*



**This will be held on Wednesday 27th March 2013 and as many members from Branches are encouraged to attend as possible – please contact your Branch Secretary – or the EIS FE and HE Office directly if you wish.**