The Educational Institute of Scotland

To all EIS-ULA Members included in the New JNCHES Framework.

Ref: DB/KN/ULA Member Update
25 February 2014

Dear Colleague

I write to report on matters pertaining to the current pay dispute.

My apologies for the rather long letter, but I hope that this honest appraisal will inform members of where we are at now, and where we could be in the coming months.

1. <u>Strike Action</u>

Members have taken part in two days of joint strike action – the last being February 06, 2014. Having visited a number of picket lines and spoken with all the EIS-ULA Branch Secretaries I know that the strike was effective in HEIs in which the EIS is strong.

The purpose of strike action is to bring the Employers to the negotiating table with an improved offer. The threat of the second day of strike action did bring the Employers to a table – but sadly they had not improved their offer.

Following the first day of joint strike action The UCU unilaterally decided to pursue a series of two hour strikes in addition to the programme of joint strikes. The EIS-ULA Executive did discuss the theoretical possibility of joining the UCU 2 hour strikes, but decided against it. We felt unable to tell members that HEIs would only deduct 2 hours pay <u>or</u> guarantee that we could get any full day pay deductions back.

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The Employers have made it clear to the unions and within the press that they will not re-open the 2013-14 pay negotiations (i.e. lodge an improved offer). They also tried to close down the pay dispute in late December 2013, by imposing the pay uplift. So in the employers' view the 2013-14 talks have ended.

There are three possible ways forward therefore for the trade unions:

1. Throw in the towel and abandon the pay dispute.

2. Continue with the industrial action with a view to capitalising on increasing pressure on employers and forcing the employers back to the negotiating table to discuss the 2013-14 pay offer.

3. Continue with the industrial action with a view to capitalising on increasing pressure on employers to get a good pay offer for 2014-15, as negotiations begin in late March 2014.

The EIS-ULA Executive met again last week and rejected the first option deciding to maintain the current pay dispute, with a view to capitalise on current pressures on the Employers with the hope that Employers will improve the 2013-14 offer – whilst also recognising that on-going pressure may be conducive to a better pay offer in 2014-15.

The EIS-ULA Executive is aware of its strike mandate, i.e. that it has pledged not to carry strike action on its own, but only as part of coordinated action with other unions. The EIS-ULA Executive decided last week to propose a further day of joint strike action with the other three unions (Unite, Unison and the UCU)., that call was made to other unions late on Wednesday 12 February 2014.

The UCU has subsequently decided that it will not carry out any more strike days. Unite and Unison have indicated that they will consider the EIS request – but that it looks unlikely.

I am therefore informing members that it is looking unlikely that there will be any more strike action in the current pay dispute.

2. Industrial Action Short of Strike Action (ASOS)

Late last week the EIS notified members and Employers the result of its statutory ballot on strike action, with a 61% majority voting in favour of industrial action short of strike action (ASOS) in support of the current pay dispute.

The EIS will shortly activate the mandate within 28 days, and begin a ASOS campaign. This will be the continuation of the work to contract and emails

ASOS that members have been carrying out as part of the 2012-13 pay dispute. An ASOS must be activated within 28 days or it is lost.

The UCU have unilaterally announced a marking boycott for all HE members from 28 April 2014 onwards, unless the current pay dispute is resolved. The EIS-ULA Executive has previously used a "with-holding of assessment marks" ASOS (as members may recall from two years ago) and is minded to support a marking and/or assessment boycott – as part of the current pay dispute campaign. The EIS ASOS ballot took place to enable the EIS-ULA to participate in such a strategy.

Previous EIS experience with assessment boycotts as ASOS leads the EIS to believe that University Employers will deem a marking boycott or withholding of marks as "partial performance" and – after warning staff in advance – are likely to make 100% pay deductions.

The more staff that take part in such ASOS then the more likely it is to succeed. There is therefore a strong rationale for the EIS to take part in ASOS at the same time as the UCU. This would also prevent University Employers picking off one union at a time here in Scotland.

I shall be writing to members shortly on ASOS, when the action is to begin.

3. <u>Ways in which the 2013-14 Pay Dispute may be resolved</u>

Sadly, there is currently a stalemate in the 2013-14 pay dispute. The Employers have failed in their attempt to close down the pay dispute. The Trade Unions collectively have failed to apply sufficient pressure to force the Employers to the bargaining table to re-open 2013-14 pay negotiations.

The current EIS thinking is that the Employers have placed themselves into a position in which they cannot be seen to climb down and enter into further negotiations with the unions on the 2013-14 pay claim – without a loss of face. I have to be honest, and say that the unions are in the reverse position.

If there is no further strike action by the four unions, the potential marking/assessment boycott by the UCU (and possibly the EIS) will be the primary way to exert pressure on Employers. This is likely to come to a head in late April/early May 2014.

Another way in which the current pay dispute may be resolved is for the Employers to make a significant offer on pay at the 2014-15 pay negotiations. If this were to be the case, one would expect the Employers to make noises to this effect – I have to tell you that they have not.

4. Applying pressure on the Employers by other means

The EIS has recently issued a "Report on Pay and Key Financial Data for Scottish HEIs" illustrating that Scottish HEIs have a record "Closing Reserves" and can afford fair pay rises for all, and not some senior staff alone. The Report was well covered in the media, and an updated version will soon be released to MSPs and other stakeholders.

http://www.eis.org.uk/pay2013-14/Pay_Report.htm

Members should be aware that at least 57% of the combined University/HEI income comes from the public purse here in Scotland – and therefore there is a public interest element to pay in the Scottish HE sector.

There has also been some media attention on the size of some Principals pay increases for 2012-13, as initially reported by the Times Higher Educational Magazine. The EIS will be seeking greater clarity on the pay of senior staff in Scotland; some of whom seem to enjoy thousands in perks, performance related bonus payments, Employers pension contributions paid as salary etc.

The real terms decrease in pay for academics was recently reported in the Financial Times:http://www.ft.com/cms/s/0/b454024a-8e73-11e3-b6f1-00144feab7de.html#axzz2tfQAiBnw

In summary colleagues, there is no easy road ahead. The Employers seem bent upon keeping their staff costs to minimum, and will pay as little as they get away with to their ordinary staff.

Please do not hesitate to contact me should you have any queries.

Yours sincerely

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