

## THE EDUCATIONAL INSTITUTE OF SCOTLAND

### Withdrawal of Goodwill

#### Advice to Members of EIS-FELA and EIS-FELA Representatives

**This guidance is to assist members when taking part in the withdrawal of goodwill in the context of action short of a strike.**

#### 1. Preamble

1.1 The following advice to members on the nature of the 'withdrawal of goodwill' is to be utilised as part of the pay campaign, in pursuit of an acceptable cost of living pay rise arising from the 2017-18 EIS-FELA Pay Claim.

1.2 Members are advised not to carry out those activities which they undertake on a voluntary basis, i.e. activities that are not contractual requirements of their posts.

1.3 Many aspects of college lecturers' contracts (i.e. Terms and Conditions) remain local and so there are differences in contracts across the college sector. For this reason, the actions given here are by way of example. Where an individual's contract requires them to perform any action listed in section 1.4, then that contractual provision will take precedence and the member should continue to carry -out that action.

#### 1.4 Examples of what action could be taken as part of the 'withdrawal of goodwill'

The "action" which members are advised not to carry out in a 'withdrawal of goodwill' might include **a selection** of the actions below if the action is not set out in the locally agreed Terms & Conditions of employment:

- Regularly working beyond contracted hours;
- Reading and responding to emails outwith working time;
- Undertaking additional development work on behalf of the college;
- Undertaking voluntary tasks or meetings;
- working over a lunch break (*members should be aware that a break is a statutory entitlement*);
- undertaking marking or assessment activities outwith working hours and
- preparation for classes or meetings outwith working hours.

You may be able to identify other actions you currently carry out (in addition to or instead of the above examples) that are not contractually required at your college.

1.5 The EIS does not believe that a reasonable employer would deem members to be in breach of contract as a consequence of taking the action short of a strike outlined in this guidance. Any suggestion by a college that it will "deem" members, should be reported to the Branch's Area Officer as soon as possible.