

A photograph of four people sitting on a red sofa in a meeting. From left to right: a man in a blue shirt, a woman in a grey cardigan and glasses holding papers, a man in a white shirt, and a man in a blue shirt. They appear to be in a professional discussion.

eis

FELA Further Education
Lecturers' Association

**Protect Current
Conditions**

**Make Improvements
to Contracts**

Protect Jobs

UHI Mergers and Your Terms and Conditions

Why is the proposed merger important to us?

The proposed merger of West Highland College, North Highland College and Outer Hebrides UHI College is important because it will set the trajectory for further and higher education across the West and North of Scotland for the future. It is a fundamental principle that education in Scotland remains within the public sector. It is a key tenet of good quality education that education providers are empowered to have a voice in the creation and delivery of education. How education is delivered, who runs it and the decision-making process is precious. EIS-FELA members need to ensure our issues, concerns and input is heard in the merger process.

The timeline to vesting day on the 1st August 2023 is detailed in the draft UHI Business Case for the Merger and can be found at:

www.eis.org.uk/FELA/UHImerger

Why is the proposed merger important to me as a Lecturer?

The proposed merger is of major importance to employees because it will directly influence your terms and conditions of employment now (particularly if staff transfer to the new college) and in the future.

The decision-making process, consultation and negotiation will determine which contracts of employment, pay, pensions, terms, and conditions will dominate in the new college. It is not an understatement to say that if the ground-work is not addressed now i.e. if you as staff and union members are not involved now then there is a risk of to your current working practices and conditions.

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Your Working Terms and Conditions and the National Recognition and Procedures Agreement (NRPA)

Your terms and conditions are the sum total of your contract of employment, which is legally binding, on both you and your employer. It comprises all national and local agreements, including custom and practice. It also includes any legal protections or obligations such as Health & Safety, Equality and employment legislation.

The National Recognition and Procedures Agreement (NRPA) between the EIS, GMB, UNITE, and UNISON and Scottish Colleges sets the areas of college staff's contracts that are negotiated nationally. The EIS is the recognised trade union by colleges for lecturing staff, for national bargaining at the National Joint Negotiating Committee (NJNC) and at colleges for the purposes of local bargaining.

The NRPA covers the following areas:

- Pay
- Working Hours
- Class Contact Time
- Sick Pay
- Annual Leave
- Transfer for Permanent Status
- Additional terms and conditions as agreed by the NJNC in further circulars

This National Working Practices Agreement – Staff Terms and Conditions (Lecturing) ('the NWPA') applies to the lecturing staff at all three colleges. Jointly agreed Circulars can be found on the EIS website

www.eis.org.uk/National-Bargaining/CircularsNJNC

Local negotiation and consultation is needed on areas not included in national bargaining and is regulated by your Branch's Local Recognition and Procedures Agreement (RPA) with your employer.

What is TUPE?

TUPE stands for Transfer of Undertakings (Protection of Employment). TUPE regulations can protect employees' rights when they transfer to a new employer.

A TUPE transfer happens when:

- an organisation, or part of it, is transferred from one employer to another; or
- a service is transferred to a new provider, for example when another company takes over the contract for office cleaning

The TUPE process usually involves the following:

- the old and new employers identify who is affected by the transfer
- the old and new employers inform, and in some cases consult, employees who are affected by the transfer
- the old employer provides the new employer with information about the employees who are transferring, for example their age and identity
- the employees who are transferring transfer to the new employer along with their employment contracts and length of service

Your current employer must let you and your union representatives know in writing:

- that the transfer is happening, when it will happen and why
- how the transfer will affect you – for example, if there's a change in location, working hours, job descriptions, salary payment dates or any risk of redundancies
- how they plan to carry out the transfer
- whether there'll be any reorganisation
- the number of agency workers employed, the departments they are working in and the type of work they are doing, if agency workers are used
- If you are transferring to a new employer, your current employer must inform you of any changes the new employer is planning to make.

As a recognised trade union, your current employer must also consult union representatives on any changes they are proposing to make that will affect employees, which could include asking for feedback on the ‘measures letter’ which explains what changes the new employer is planning e.g:

- location of work
- the date you get paid
- hours of work

Union reps represent the interests of the branch members during this process.

Before they make a final decision, the employer needs to show they’ve:

- discussed any changes with you
- listened to your suggestions and fully considered them
- tried to reach agreement
- If they cannot come to an agreement, your employer should provide you with the business reasons for rejecting your suggestions and explain why in writing.

Your new employer can only make changes because of the transfer if either:

- they improve your terms and conditions, for example your employer increases your holiday entitlement (annual leave)
- there is an ‘economic, technical or organisational’ (ETO) reason involving a change in the workforce, for example your organisation needs restructuring

If a contract change is unrelated to the transfer, TUPE regulations do not prevent you and your employer from making changes to your terms and conditions.

Before the transfer, your current employer cannot make you redundant if your new employer asks them to.

Although all three colleges are signed up to the NRPA, the terms and conditions at all three colleges are disparate. TUPE will impact on all lecturing staff. Make sure to seek advice from your union representative around all aspects of TUPE.

Sustainable Stable Employment = Consistent Quality Education

Impact of Variable Hour Contracts

The EIS FELA Branch at West Highland College are increasingly concerned about the use of variable hour contracts at the college. These contracts lead to insecurity and precarity, and have a huge impact on the quality of life of staff at the college. Variable hour contracts:

- Reduce the ability of staff to future plan
- Diminish the element of consistency that students need in their learning
- Can result in a drastic reduction in staff working hours
- Hinder the ability of staff to financially plan for the future at short notice
- Directly impact the quality of life for all staff as the cost-of-living increases
- Have a huge bearing on staff health and wellbeing
- Increase stress through job insecurity

We know that lecturers working conditions are students learning conditions and these contracts create instability for both staff and students. As we approach the proposed college merger we must ensure our working terms and conditions reflect the respect staff deserve. Lecturers at Outer Hebrides UHI and North Highland College may be impacted by these contracts in the future if they are not eradicated from the potential terms and conditions on offer at the new college.

Why you should be in a union right now

Your union reps represent you in negotiations with your employer. You must be a member of the union to have your voice heard through these negotiations.

It is always important that you are a member of your union in your workplace for representation and support but even more important during a merger and TUPE process.

TUPE is a challenging process for employees in a workplace and it is your union reps who are responsible not only for negotiating the TUPE process but also making sure that the process runs smoothly and properly moving forwards.

TUPE is not a one-day process. It requires negotiation, support and examination before, at the point of transfer and afterwards.

Your union reps have the support of area and national officers to take this process forward. The strength of those negotiations comes from the membership. If you're not a member already, join today www.eis.org.uk/Join

**For more information on
the UHI merger please visit:**

www.eis.org.uk/FELA/UHImerger

**For union support and to get involved
in your EIS-FELA Branch contact**

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