



EIS - SRUC

Pay & Grading Dispute

EIS-ULA
Parliamentary Briefing

Introduction

The EIS has initiated a programme of industrial action (strike and simultaneous action short of strike action) in pursuit of a dispute around two areas:

1. Obtaining an acceptable cost of living pay rise.
2. Implementation of a 'Pay and Grading' staff review which to provide a pay and grading structure that aligns with the rest of the university sector.

We are now on our 3rd day of strike action which will see our members taking 1 day of strike action per week through the remainder of this year. Strike action is accompanied action short of strike i.e. by a withdrawal of goodwill and a results boycott.

Background to the Strike

The SRUC was formed in 2012 with a merger of three land-based FE colleges and the SAC (a Higher Education Institution, HEI) to form the SRUC. The SRUC is an HEI within the university sector.

Since the merger in 2012, the SRUC does not have a harmonised system of salaries or pay grades or job families. This is despite the Scottish Funding Council providing funding of £5.9m for the merger¹. This means an SRUC lecturer in SRUC Oatridge Campus in West Lothian is paid differently to an SRUC lecturer in SRUC Barony Campus in Dumfries – despite doing like work.

In the years since the merger, the SRUC and the three recognised trade unions at the SRUC (EIS, Prospect and Unison) have twice previously agreed to carry out pay harmonisation exercises in previous SRUC Pay Agreements. These commitments were not fulfilled by the SRUC.

2020-21 Joint Trade Union Pay Claim

The SRUC has local pay bargaining and unfortunately SRUC pay has fallen behind the academic staff paid in both the university and college sectors. SRUC staff are the lowest paid academics in Scotland but deliver HE courses alongside staff from other HEIs who are paid thousands of pounds more for doing the same or similar work to the same students. Furthermore, the SRUC is seeking degree awarding status which signals that it sees itself as part of the university sector.

In the 2020-21 Pay Claim to the SRUC, the EIS (and the other trade unions) sought a fair pay rise for 2020-21 and an SRUC commitment to implement a Pay and Grading Review that was part of the previous year's Pay Agreement. During the 2020-21 pay negotiations it was stated by the EIS that the Pay & Grading Review would be a jointly owned process between the SRUC and trade unions – reflecting the fact that pay and terms & conditions are “negotiated” matters, that the Review would align the SRUC with the rest of the HE

¹ http://www.sfc.ac.uk/web/FILES/ReportsandPublications/College_mergers_overarching_report.pdf Table 6 page 26

Sector. The SRUC seemed to agree to these points during the negotiations. The EIS also sought an agreed pay implementation date.

The SRUC failed to make a fair pay offer for 2020-21 nor offer an agreement for a Pay & Grading Review. The collective bargaining (i.e. negotiation) process stalled. The EIS lodged a dispute as set out in the agreed SRUC – EIS Recognition & Procedures Agreement (RPA). Despite the RPA stating that the “SRUC Agrees to negotiate...pay and pay structures”, the SRUC imposed its low pay offer on SRUC staff. This ended the negotiations.

The Route to Industrial Action

The EIS gave notice to the SRUC on 21st May 2021 that it would ballot members in pursuit of the ‘Pay & Grading’ dispute. The ballot closed on 23rd June 2021 with a strong mandate for industrial action that smashed the legal thresholds. The SRUC was given 3 months to negotiate or offer a ‘Pay & Grading’ Framework before industrial action. The SRUC did nothing to try and resolve the dispute at that time.

In August 2021, the EIS submitted to the SRUC a modified ‘Framework Agreement’ based on the one used to harmonise the majority of the UK’s Higher Education Sector in 2004. This would allow the SRUC to align its Pay and Job families with the rest of the university sector. The SRUC ignored the submission.

The EIS issued notice for a programme of industrial action on 13th September 2021, with action to start on 30th September. As a result of this notification, the SRUC promised to share its own ‘Framework Agreement’ to carry out a ‘Pay & Grading’ Review. In September 2021, the EIS met the SRUC Principal for the first time within this protracted dispute – the EIS explained the EIS sought ‘Framework Agreement’ or an agreement that set out a pathway to harmonise the SRUC Pay and Job Grading in alignment with the rest of the university sector and that there needed to be a pay implementation date (aka a “pin” date).

The EIS also registered that the SRUC was not treating the EIS as an equal partner within a ‘Pay and Pay Grading’ negotiation, since an agreement was required as it was a jointly owned process. Instead, the SRUC seemed to believe that the ‘Pay & Grading’ development process was a “consultation” rather than a “negotiation”. The SRUC simply asked the unions for their views before proceeding with the plans that they had agreed with the company they had hired to carry out the Pay & Grading Review.

The Principal stated that he understood the EIS requirements to stop the industrial action, that an SRUC proposed interim framework agreement would be published shortly and that the Pay & Grading exercise was indeed a joint process between the SRUC and its trade unions.

The SRUC’s Response

The SRUC produced an “interim Framework Agreement” on 27th September which sought:

- To harmonise pay and posts *within* SRUC – as opposed to harmonising or aligning them with the rest of the university sector.

- To give no specified pay implementation date, although potential implementation in Autumn 2023 was cited.
- To present a Framework process owned by the SRUC based on trade union consultation where an agreement was desirable but not necessary for the SRUC to determine Pay and Pay Grading with its company hired to carry out the “project”.
- Suggested a Project Steering Group where trade unions would have representation i.e. removing or reducing the principle that this was a jointly owned process requiring the agreement of all parties.
- Changed the manner of staff pay progression within a pay grade – from the service-based norm stated in the EIS proposed Framework Agreement to a performance evaluated pay progression model.
- Furthermore, “SRUC will determine detailed arrangements for pay progression, in partnership with their (sic) recognised trades unions.” This is not collective bargaining.

After the SRUC published its interim Framework Agreement, Unison also declared a dispute with the SRUC on similar grounds to the EIS.

Industrial Action – The Only Response Left to SRUC Staff

The SRUC chose a pathway that it knew was unacceptable to SRUC EIS members as it did not seek to address any of the EIS Branch’s stated aims.

It has become increasingly clear to many EIS members at the SRUC that they are not being treated like other colleagues in the university sector and that they must take action to defend their profession. Given the SRUC refusal to negotiate, the strike became the last resort.

The proposed SRUC document did not offer a premise to call off the EIS industrial action, which is ongoing.

Pay is Negotiated between a Recognised Trade Union and the Employer

Support for industrial action has grown during the dispute, with picket lines becoming larger, reflecting the disaffection of many SRUC staff.

The SRUC is quoted in many recent press articles as stating; “*We are disappointed by the actions of the EIS leadership. We have made strong progress in these areas and EIS have been involved and consulted every step of the way.*”²

This is not true.

The EIS is led by its members, and SRUC members want Pay & Grading *negotiation*, not a *consultation*, with their pay aligned with their university sector colleagues. The SRUC did not seek to act on the Pay & Grading dispute until it was faced with imminent strike action,

² <https://www.dailyrecord.co.uk/news/local-news/college-lecturers-stage-second-strike-25152437>
<https://www.edinburghnews.scotsman.com/news/people/strike-action-from-eis-continues-in-edinburgh-and-west-lothian-over-lecturing-staff-pay-at-scotlands-rural-university-college-3408409>

and even now it chooses to pursue its own aims as opposed to seeking agreement with the trade unions.

The Trade Union and Labour Relations (Consolidation) Act (TULCRA) requires that employers negotiate on matters related to the terms and conditions of workers with recognised unions. The Trade Union Recognition and Procedures Agreement (RPA) at the SRUC expressly states that the SRUC and trade unions “negotiate... Pay and Pay Grading”. The Fair Work Agreement published by the Scottish Government goes beyond TULCRA in promoting collective bargaining i.e. negotiation.

The EIS is Willing to Negotiate a Pay & Grading Review that Aligns with the Rest of the University Sector

At all points, the EIS has sought a negotiated settlement on ‘Pay & Grading’ in a jointly owned process reflecting the RPA and Fair Work Agreement that would provide a clear framework for how the SRUC provides equality proofed, fair pay and grading structure, along with university sector norms.

Before the first day of strike action, the EIS offered the SRUC a whole day of talks to negotiate and resolve the dispute – there was no response from the SRUC. At the JNCC meeting of 7th October, the EIS offered a whole day of talks any day over the coming week that the SRUC wanted – again, no response from the SRUC. The SRUC press releases encourage the EIS to participate in “discussions” but the SRUC refuses to respond to our requests to negotiate.

Dispute resolution remains the aim of the EIS. However, we need SRUC to come to the table with an acceptable proposal that achieves these aims. Until that happens our members will, reluctantly and as an act of last resort, continue to take industrial action to achieve an agreement that meets the needs of staff, students, the SRUC as a whole, and the wider rural economy.

The EIS is happy to provide any further information required, and we would urge MSPs to contact SRUC to urge it to seek to end this dispute by engaging in genuine bargaining and by tabling an offer which would allow progress to be made.

Contact Deborah Shepherd (EIS-FELA National Officer) for further information:
dshepherd@eis.org.uk



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www.eis.org.uk