

# EIS FELA NJNC DISPUTE FAQ 2017

## 1. What does the NJNC March 2017 Pay Agreement say?

In March 2016, the EIS and Employers agreed a pay and harmonisation deal (the Agreement) for college lecturers – unpromoted and promoted. There are three key elements of the deal which the employers are now refusing to honour:

I. Pay harmonisation: The Employers committed to delivering equal pay for unpromoted lecturers, across Scotland to be delivered in three annual stages (25%, 25% and 50%, starting with a 25% tranche in April 2017). The Agreement had last August as the timescale for the migration

II. Harmonisation of terms and conditions. The Employers agreed to developing a harmonised set of terms and conditions for lecturers by last October.

III. The employers are still withholding £100 that should have been consolidated into 2016-17 salaries.

It should be noted that the Pay Agreement does not link pay with terms & conditions, they are separate elements with different implementation dates.

The Pay Agreement may be found here:

[http://www.eis.org.uk/images/fela/Appendix%20%20NJNC%20Pay%20Agreement%2019%20March%202016\\_1.pdf](http://www.eis.org.uk/images/fela/Appendix%20%20NJNC%20Pay%20Agreement%2019%20March%202016_1.pdf)

## 2. What have we done about it?

The EIS-FELA national bargaining team has been pressing the Employers to follow through on its promise ever since the deal was signed in March 2016. The Employers were slow to develop written proposals and sought to push meetings back. As a result, key deadlines stated within the Agreement were missed although a 'Roadmap' was eventually agreed. Eventually, since the normal NJNC meetings were not working, the Employers agreed to form two short life working groups; one for pay, one for terms and conditions.

Both these groups met weekly for almost four months, and involved a huge amount of work. It was the EIS that pushed progress by submitting detailed proposals, that led to an agreed output on pay but little progress

on key areas of terms and conditions. but management continued to stall on the details.

The EIS told the Employers that agreement to deliver pay and terms & conditions needed to be made by the 9<sup>th</sup> February NJNC meeting, or it would issue a dispute as any further delay would make April 2017 harmonisation payments to lecturers impossible. When the EIS deadline arrived on 9 February 2017, the Employers introduced a proposed different and 'harder' terms & conditions that they had discussed over the previous four months. They were unwilling to negotiate with us and thus the EIS lodged a dispute. The Employers called an adjournment and walked out.

### 3. What do the Employers want?

The Employers are seeking to fundamentally change the terms of the March 2016 Pay Agreement to their own advantage. In return for avoiding sustained strike action the Employers agreed the following key elements; modest cost of living increases for 2015-16 & 2016-17, a £40k salary for unpromoted lecturers with an agreed three year implementation timetable and to harmonise terms and conditions.

The Employer are now saying that they will only implement the agreed £40k if we agree a harmonised set of terms & conditions with worse conditions. Furthermore, they are saying that they need to increase teaching hours and flexibility in order to pay for the £40k salary that they have already agreed.

They are therefore willing to break the agreed pay harmonisation timetable specified in the Agreement in order try and force us to agree inferior terms & conditions.

### 4. What do we want?

Our aim is very straightforward. We simply want the Employers to honour the deal that they agreed almost a year ago and give academic staff in Scotland's colleges the equal pay and harmonised conditions of service that we deserve.

It is now clear, however, that Employers will not do this unless we exert pressure on them. For that reason EIS-FELA is holding an indicative ballot to test the readiness of the members to take industrial action. The stronger the 'YES' vote and the bigger the turnout the more likely Employers will be compelled to honour the deal.

### 5. Which colleges in Scotland are being balloted in this indicative ballot?

All of the colleges that have signed the NRPA – NESCol, Dundee & Angus, Fife, Forth Valley, Edinburgh, Borders, Ayrshire, Dumfries & Galloway, West College Scotland, West Lothian, Inverness, Perth, Lews Castle, New College Lanarkshire, South Lanarkshire, Moray, Glasgow Kelvin, City of Glasgow and Glasgow Clyde Colleges.

Some colleges have not signed the NRPA – North Highland College, West Highland College, Argyll College, SMO, Newbattle Abbey, Orkney Is and Shetland Is.

The colleges on strike represent more than 90% of the EIS FELA members in Scotland.

6. [Will this ballot lead to strike action?](#)

No. A statutory ballot for strike action is necessary to provide a mandate for strike action.

A good indicative ballot result informs the Employer that strike action is likely unless they address lecturers' concerns.

7. [Will we get strike pay if we do eventually go on strike?](#)

The EIS cannot pay strike pay to members in a national strike – it is simply unaffordable. However, a **strike support fund** has been established by the EIS.

8. [Do I have to go on strike?](#)

We would urge you to participate in collective, national industrial action – as decided by a statutory ballot of the membership. We would prefer to limit the number of strike-breakers because it weakens the profession.

EIS FELA has fought long and hard to regain national bargaining, and this dispute is our chance to set the direction of future national bargaining. A successful resolution to this strike will ensure that we bargain and negotiate our working conditions – rather than have them imposed on us.

The more effective the strike action, the more quickly the dispute will be resolved in the interests of EIS members and our students.

9. [Do I need to confirm or tell the college that I will go on strike?](#)

No, the EIS has already provided the legal notice of strike action. There is no need for any individual to do anything.

10. Will the EIS give my name for strike action to the College – if strike action begins?

No, the EIS is only required to give the number of members per workplace in the dispute. We have done this.

11. Does the strike interrupt my continuity of service?

No. A strike will not create a gap in service and will not affect your legal right to permanency if you are on a fixed term or top up contract.

12. What would I do on a strike day?

Your branch should be organising picket lines at the entrances for each campus, and reps will have rotas for picket line duty.

We would encourage all members to take part in the picket line, even if you're not able to do a full two hour stint.

13. What if I'm sick or otherwise on leave on any strike day?

The college may ask you for medical evidence for shorter sickness absences if these coincide with strike days.

If you are on maternity, paternity leave etc then you are not expected to participate in industrial action. If you are shortly planning to take maternity or other leave please contact your branch secretary for advice.

14. How long would a strike last?

The stronger the action the shorter the strike will be. The industrial action is for one day initially, escalating to two and then three days a week. We will continue to meet with management until a resolution is reached. Your support for the strike strengthens our hand in negotiations!

15. Would non-lecturing EIS members be on strike too?

No - the national dispute only affects lecturing staff. In short, you should have been balloted for industrial action to participate – unless you are a new member.

16. Could new EIS members be on strike too?

Yes – if they become members before the start of a strike day then they can participate.

17. Would support staff be on strike too?

No - our dispute only affects teaching staff, and only EIS members have been balloted for industrial action.

18. What about students?

Going on strike is always a last resort, and we know that any strike action impacts on our students. In the long-term, students benefit from the defence of education and professional standards that the EIS provides. We would encourage branches to meet with student reps to discuss the strike and the reasons for it, and to ask for their support. We will also seek paid, additional contracts to allow staff if they wish, to 'make up' time lost through industrial action once the dispute has been concluded.

19. Could I be exempted from strike action?

In exceptional circumstances a member may be exempted from strike action. If you seek an exemption then please contact Rhona Carr ([rcarr@eis.org.uk](mailto:rcarr@eis.org.uk)) explaining the exceptional circumstances.

20. I am pregnant- would I qualify for an exemption/how does strike affect my pay?

Occupational Maternity Pay is paid according to a pregnant worker's average weekly wage in the 8 weeks preceding 15 weeks before the EWC. It is unclear whether employers will calculate maternity pay on notional or actual salary but to avoid doubt, **exemption will be provided to those who have an EWC between 30 June and 25 August 2016.**

To qualify for SMP and OMP a lecturer has to have 26 weeks continuous employment 15 weeks before her EWC. As set out above, a day on which an employee is on strike does not count in the period of continuous employment but does not break continuous employment. This means that a small number of lecturers may be affected during the qualifying period. Therefore, **exemption is also given to those who have 25, 26 or 27 (to avoid doubt) weeks continuous employment at the end of the week preceding 17 March 2016. (i.e. 25 weeks by 13 March 2016).** Those who do not have 25 weeks by then will not qualify.

21. Is a strike a breach of contract and could I be dismissed by taking part?

Yes a strike is a breach of contract, and in return the employer does not (normally) pay you.

You can't be dismissed for industrial action if:

- it's called as a result of a [properly organised ballot](#)
- it's about a trade dispute between workers and their employer (eg about your terms and conditions)
- a detailed notice about the industrial action (which is legally required) has been given to the employer at least 7 days before it begins

You can claim unfair dismissal at an [employment tribunal](#) if you're dismissed for taking industrial action at any time within the 12 weeks after the action began.