

National Bargaining News

June 2017

News from the national negotiations

One step forward...

We have had a lot of questions from members in the last few weeks—we've emailed regular updates but it's a changing situation!

This is the latest update as we prepare to start the summer holiday.

What was agreed in the May NJNC Agreement?

The March 2016 Agreement settled the 2015/16 and 16/17 pay claims, it agreed the top of the unpromoted lecturers pay scale and the harmonisation timetable for reaching this pay point, and it included a timetable to develop harmonised terms and conditions.

The problem was that the Employers reneged on the pay and T&C harmonisation elements of the March 2016 Agreement—necessitating our 'Honour the Deal' Campaign.

The May 2017 Agreement honours the March 2016 Agreement because the Employers have agreed to implement the unpromoted lecturers pay harmonisation and to implement other NJNC agreed T&Cs, and promoted lecturers pay points with an agreed job matching process.

First and foremost, the May Agreement immediately delivers equal pay—for unpromoted lecturers through a pay harmonisation uplift and will

shortly do so for promoted teaching staff through a matching process.

Management had been adamant that pay and T&C were a 'full package' and that they would not pay the money until all T&C were agreed. In addition to this, they were determined that the equal pay would only be delivered if we agreed to swingeing cuts to our T&C, with increased class contact time and reduced annual leave.

The May Agreement also gives effect to a number of previous NJNC agreements in principle.

Delivering Equal Pay

In the May Agreement though, they agreed to **immediately** pay the harmonisation uplift in exchange for an immediate suspension of strike action.

Unpromoted lecturers will now migrate to a new point on the pay scale. The 'top to top' rule ensures that around 80% of unpromoted lecturers will migrate to £40,026 by April 2019, as they are either currently on or would be on the top of their local scale by 2019.

More recent entrants to the sector will migrate to the nearest upward point on the scale, plus two points (assuming that a local increment would have taken place in August 2017 and August 2018). 25% of the

difference between your current salary and your new salary will then be added to your pay point and additional payments backdated to 1 April 2017.

Management have now committed in writing to pay the outstanding pay harmonisation uplift in the July 2017 pay roll. We have made it clear that we expect this to be paid in every nRPA signatory college, to every member of unpromoted staff.

For promoted staff (below Head of Faculty, Director of Faculty etc level), a local matching process will result in migration to one of three distinct pay points: £43,850, £46,925 and £50,000 by December 2017.

This matching process will take place through the local JNC, based on existing job descriptions.

This process is explicitly NOT job evaluation or job sizing; it is a process to match the huge variety of existing promoted roles in the sector to three national pay points based on level of responsibility.

We had agreed at the March 2017 NJNC meeting that this process would take place within three months of an Agreement; management's latest output to colleges indicates that they intend to complete it by December.

Full details of the matching/ harmonisation processes for both promoted and unpromoted staff will be made available on the EIS website and local reps will be given training on the promoted matching process as soon as possible after the summer.

Class contact time and T&C

Other elements of the agreement are subject to ratification by both sides, with some areas still to be agreed (these appear in purple in the original document). We had agreed to meet management again before the summer break on the basis that they put in writing the commitment to pay the 25% uplift in July; management withdrew a meeting date after we agreed to it—effectively postponing any further discussion to August.

Class contact time

The agreement delivers 'no detriment' on class contact time, underlining the TUPE protection many members on less than 24 hours already have.

While we welcome this reassurance, the agreement on 23 hours timetabled class contact + 1 hour (up to a maximum of 8 hours in any 12 consecutive teaching week period) represents a significant win for a large part of the sector. Half of the colleges currently covered by national bargaining—accounting for 40% of the teaching FTE—are currently on 24 hours class contact, including four colleges with annualised hours (effectively no weekly maximum).

We are still seeking final agreement with management on which duties constitute class

contact time, which constitute non-contact time and which are part of the "plus 1".

Other aspects of T&C

We are still negotiating on other aspects of T&C, including annual leave, salary conservation and promoted staff class contact time. However, management have set out proposals that any agreement will be on the basis of 'no-detriment'.

Who is protected by 'no detriment'?

We are still to agree the final wording of the last sentence of the agreement, which sets out who is—and isn't—protected. However, we are clear that staff with existing service, i.e. those on temporary and fixed term contracts, should not be disadvantaged when their contracts are renewed or changed to a permanent contract.

What about other T&C

In addition to the May 2017 Agreement, we are continuing to negotiate on non-agreed areas of the new national T&C for all lecturers. While there is further work to be undertaken on this, we have reached agreement on important areas including TOFE and transfer to permanence.

Is it a 'two tier' system?

Some members—and the press—have argued that this creates a two tier system.

This oversimplifies the picture. At the start of this process, we had at least a 20 tier system—in fact, more like a 23 or 24 tier system when you consider

TUPE protections from legacy colleges. The May Agreement means that no member is worse off as a result of national bargaining, and a great many are better off.

What has happened since 19 May, and why don't I have my money yet?

We have met with management 4 times since 19th May, but without agreement on the 'purple areas' by the 1st June deadline for this. We met management on 8 June, they told us that some colleges 'might not' pay the harmonisation payment, and they couldn't guarantee when it would be paid—although they'd "asked" for a July settlement—and in addition, they couldn't guarantee that all colleges could deliver 23+1 from the start of the 2017/18 session.

To make matters worse, they acknowledged that they had been fully aware of these problems when they signed the Agreement on 19 May.

So what next?

We agreed to meet management again to continue negotiations when they could provide a written guarantee of the date by which all unpromoted lecturers will have received the "immediate" pay harmonisation uplift.

The statement was issued on 19 June, but management then indicated that they were too busy to meet before the summer break.

We are deeply concerned that their statement appears to roll back from the May 2017 Agreement—it commits only to the

pay harmonisation uplift due in the current year and the promoted staff pay matching, and makes progress on T&C conditional on further funding from the Scottish Government. The Scottish Government have maintained that colleges have the funds to pay for national bargaining. Under pressure of the threat of further strike action, they have made a further £2m available to colleges to fund the uplift, and have indicated that they will offer further support if required to smaller UHI colleges. FM Nicola Sturgeon has again reiterated her support for national bargaining in Parliament and has said that she expects to see the matter resolved asap.

Why did we suspend the strike action, and will it be restarted?

We are well aware of the nature of Colleges Scotland. However, we have to take at face value that when publicly-funded colleges, accountable to the Scottish Government sign — through their Employers Association—an agreement, that it is done in good faith— i.e. that they will implement it. The EIS took the decision to suspend strike action because management gave a written commitment to pay the

harmonisation uplift “immediately”.

We have asked the EIS Executive to issue new strike dates for early September in the event that the pay harmonisation uplift for unpromoted lecturers is not paid in July as promised. As the previous action was only suspended, no new ballot would be required under these circumstances.

We will seek to meet management again as soon as possible after the summer break, and we are frustrated that management have chosen not to meet us before the holidays, as we believe that agreement on the outstanding areas of T&C is entirely within our reach.

We all want to see the agreement honoured without further strike action and the inevitable impact that has on learners, not to mention the financial cost to our members.

The strike action we have already taken has had an impact well beyond the loss of six days of teaching. The fact that we were forced to take this action has fueled anger with management and government at every level, and has serious affected any good will and trust that existed in the sector., and undermined attempt at re-building it.

The reality is that we are dealing with management side who have reneged on agreements at every turn, and who have only entered into serious negotiations when we are able to use the most powerful tool in our armoury—the withdrawal of our labour. Should management renege again, and should the May 2017 Agreement not be delivered, be under no illusions—further strike action will be inevitable.

Will I get a say on the final agreement?

All members will have a vote on the final agreement, and this will take place after the summer when members are back at work, full details of the agreement have been circulated and branch meetings can be organized to give members the opportunity to ask questions of elected national negotiators.

The FELA Executive met last week and confirmed that a ballot for ratification of the May 2017 deal would be dependent on the 25% payment being made in July, confirmation of timescales for promoted pay matching and confirmation of those covered by ‘no detriment’.

A huge thank you to all FELA members and especially local reps from all of your national negotiators for your support in the last year.

Enjoy your well-earned summer break and we will see you at branch meetings in August!