

30 January 2020

University and College Union

To Higher Education Committee

From The General Secretary

Agenda item 4

For Decision

Subject Report on the Pay and USS Disputes

Recommendations

USS

It is recommended that HEC:

1. Call 14 days of action, timed to coincide where appropriate with the 14 days agreed for USS by the December SHESC.

[CARRIED]

2. Delegate decisions regarding the flexibility of individual branches' strike dates to HEC Officers in consultation with the GS and, as far as possible, branches themselves.

[CARRIED]

Pay

It is recommended that HEC:

1. Reject the offer tabled by UCEA and published on 28 January.

[CARRIED]

2. Call a one-week strategic consultation of all branches covered by the 'Four Fights' dispute, culminating on 6 February with a branch delegates' meeting immediately followed by a special meeting of HEC. The following questions should be posed to branches:

- a. How much strike action should HEC call in the next wave of the dispute?
- b. In response to the 28 January UCEA offer, what kinds of further commitments would be needed to satisfy members that UCU's demands have been achieved?
- c. How effective has ASOS been so far in your branch and what, if any, further support is needed to make it more effective?
- d. What preparations should UCU make to progress and win the dispute, if necessary, beyond the end of our six-month mandate for strike action at the end of April?
- e. Should we introduce a 'pause and reschedule' mechanism, whereby, should HEC consult members on an offer in one dispute, action in the other dispute

will be paused and rescheduled for two weeks from its originally scheduled date(s)?

[LOST]

1. The disputes so far

- 1.1. At its 1 November meeting, HEC called eight days of strike action in both disputes on the back of an impressive set of ballot results. Picket lines were very well attended – at least as well as at any point the USS dispute for pre-92 branches, and with very high levels of commitment from post-92 branches, some of which had never taken as many days of action in one block. Press coverage was perhaps unprecedentedly sympathetic and student support was very solid.
- 1.2. However, the action taken has not translated into the significant progress we need in negotiations. Employers have not offered financial concessions in USS or 'Four Fights', with no UUK offer to cover members' USS contribution increases and no movement on UCEA's offer of a 1.8% pay increase. The gains we have made in each dispute have been in terms of broad agreements and expectations.
- 1.3. In USS, the second report of the Joint Expert Panel (JEP) in December, published after the strikes, called for a process of talks facilitated by an independent body between UCU, UUK and USS, to consider the JEP's recommendations. After the SWG called for the talks to be facilitated by the JEP, the three parties arranged to set the talks up and appoint the JEP Chair, Joanne Segars, to chair them. UCU's representatives are the GS, Paul Bridge, and the SWG Chair (with the Vice-Chair attending as an alternate). There have been several positive outcomes during these talks, including USS signing up to a substantially different approach to the valuation process, employers indicating a willingness to revisit fundamental questions about their risk appetite and support for the scheme, and new talks on ethical investment.
- 1.4. However, there is not enough on the table for our members to trust the process in itself, and in the meantime staff are being priced out of the Scheme by unfair contribution increases. We need employers to repair some of the damage already done and underwrite the risk that the 2020 valuation will not work, by covering members' contribution increases. With that in mind, this report recommends that HEC call the action voted for by the December USS Sector Conference, albeit with a request that it reexamine the particular dates in light of branch requirements.

1.5. In the 'Four Fights' dispute, the 28 January UCEA offer confirms that UCEA has finally become willing to set sector-wide 'expectations' for employers on elements of the claim other than pay. An email update with a link to a briefing was provided by the GS to members after UCEA published the offer on its website. The strongest progress has been made on casualisation, with less on equality and very little on workload (a particular key issue in post-92s). Again, however, it is not clear how any of the expectations set by UCEA would be enforced, other than on a local level where branches already happen to be strong and have leverage. As in the case of USS, any offer like this, even an improved one, will need significant movement on pay to be acceptable to members.

2. Further action – issues to consider

2.1. Our leverage has been increased in each dispute, by the success in some of our ballots, the results of which were announced yesterday. In USS, a small number of strategically important and/or large branches whose employers have particular clout within the scheme and employers' representative bodies can join the action, including Imperial, Oxford, and KCL, amounting to 52 branches (out of 68, or 76%) in total. However, in pay, we still have under half of the branches covered by the JNCHES framework in a position to take action (68 out of 150, or 45%). These ballots will help but they will not in themselves cause a step change in employers' willingness to make concessions.

2.2. The ballot results also indicated an emerging and worrying disparity with respect to the two disputes. In the first round of ballots for branches in both disputes, turnout figures for pay and USS were almost identical across the board. In this round, a turnout gap has emerged that sadly indicates diminishing support for the pay dispute in pre-92 branches being balloted on both issues. At Birkbeck, the turnout for pay was roughly 6% lower than for USS; at KCL, 7% lower, with the result that KCL only qualified to take action on USS; and at Keele, it was 8% lower, with the result that Keele also only qualified to take action on USS. The reasons for this are unclear but deserve some consideration by this Committee.

2.3. The ability of the Fighting Fund to support potential further action in both disputes and in a larger number of branches (with the ballot results meaning that roughly 6000 more members are covered by the disputes) is another cause for consideration and the subject of a separate note that will be presented by the Honorary Treasurer and the Head of Finance.

- 2.4. At some point this Committee will need to have a serious discussion about the conduct and scheduling of the fresh round of ballots which the December Sector Conference voted for with respect to USS. It will also need to consider what, if any, similar escalation it may wish to plan for the 'Four Fights' pay dispute. Does HEC see these as disputes in which we want to win for our members before the end of our current strike mandate, or are they disputes that need to continue for six more months, or perhaps indefinitely?
- 2.5. Finally – and this is the subject of my most important recommendation to this meeting – there is the question of consultation and disenfranchisement. There has been a Special Sector Conference for branches in the USS dispute in which 14 more days of action have been democratically agreed and a schedule recommended, but there has been no equivalent process for branches in the pay dispute to have their democratic say about the pay dispute. This disenfranchises the post-92s in particular, who are only in the pay dispute and on the basis of feedback so far, appear to be understandably disappointed that there has been no democratic process laid out for them.
- 2.6. On the basis of feedback provided by branches so far, there seems to be a roughly even split between those branches that are supportive of 14 more days of action on pay and those that are either not supportive and/or want to be consulted before any action is called. If anything, there are more branches in the latter category, including several large pre-92 branches as well as a number of smaller post-92 branches. There has been no formal feedback from Brighton or Sheffield Hallam, the two largest post-92 branches who took action last term.
- 2.7. This report therefore proposes a strategic consultation of branches on the conduct of the pay dispute. To be clear, this would not be a consultation about whether to put the UCEA offer to an all-member ballot with a view to suspending the action if accepted. On the basis of the deficiencies in the UCEA offer and our strong rebalot results, I am recommending that HEC reject this offer.
- 2.8. Instead, the purpose of the consultation would be to let branches decide what they need to win the pay dispute. They should be asked what kind of action (both strike and ASOS) they feel would be most effective, but they should also be asked to compare the UCEA offer with UCU's demands and consider what would be needed to produce an offer that satisfies those demands. The consultation will end with a branch delegates' meeting on 6 February followed by a special HEC (which would leave enough time for any strike action on pay to coincide with the action which Sector Conference scheduled on USS). Before and during that meeting, there should be opportunities for branches and delegates to be briefed in full by the GS and the other elected negotiators.