

Higher education: The future of national bargaining

This briefing set out the background to the national bargaining arrangements in the sector: their history, their importance and the improvements UCU believes are required before we can sign up to the current proposed arrangements.

A fundamental principle is our commitment to national bargaining, which we believe is the only way to defend and enhance the position of all our members.

Q1. What is JNCHES?

JNCHES is the Joint Negotiating Committee for Higher Education Staffs (JNCHES). It was founded in June 2001. It is the national bargaining forum for the whole of the UK HE sector. It is where negotiations between HE employers and the recognised unions on pay and other matters of national importance take place.

Until 2008, JNCHES negotiations took place within two distinct bargaining tables. First, matters relating to academic and related staff; and second matters relating to support staff.

Q2. Why was JNCHES created?

Before JNCHES was founded in 2001 there were ten separate sets of national bargaining arrangements. The need to change this was identified in two separate reports. In July 1997 the National Committee of Inquiry into Higher Education, chaired by Lord Dearing, reported that HE staff were badly paid set against comparable private and public sector pay levels. He suggested that the lack of coordination of the arrangements for determining pay and conditions were hindering the development of the sector. Following the Dearing report, Sir Michael Bett's Independent Review of Higher Education Pay (1999) made further points about relatively poor salary levels, and reinforced Dearing's view that bargaining arrangements required reform.

Q3. Who represents the staff and who the employers on JNCHES?

The Universities and Colleges Employers Association (UCEA) represents HE employers in JNCHES negotiations. UCEA was created in 1994 as a cross-sector body to represent the combined interests of pre-92, post-92 and HE colleges. The vast majority of HE institutions are currently subscriber members of UCEA.

Under the agreement reached in June 2001, HE staff are represented at JNCHES by UCU (then AUT and NATFHE), EIS, Unison, Unite and GMB.

UCU (AUT and NATFHE) sat only at the academic and related bargaining table alongside EIS which has a small membership in the Scottish post-92 sector.

Q4. What is the so called 'NEW JNCHES', and why does it not include UCU?

Following the 2006 pay dispute all sides agreed to review the effectiveness of JNCHES. UCU expected this review to address its issues as well as those of the employers. However, the final proposals from UCEA (now described as 'NEW JNCHES') weakened the position of the unions within JNCHES and were unacceptable to UCU members.

Q5. What specifically does UCU oppose about NEW JNCHES?

UCEA have set up a restrictive timetable for negotiations which even where employers are acting unreasonably would not allow unions to take industrial action before June each year. UCEA have also insisted that negotiations cannot begin each year until mid-March. UCU President-Elect Alastair Hunter has pointed out that management's preferred settlement date of August 1st, combined with the timetable running from March to May, means in effect that all claims involving a dispute would drag on into the following autumn, or would involve action in the summer, when we would be least likely to be able to take effective measures.

Q6. Why does UCU see UCEA's proposed negotiating timetable as such a problem?

JNCHES is where the annual pay rise is agreed. AUT, Natfhe and then UCU took action in 2004 and 2006 when the employers refused to negotiate. In doing so we were able to secure one of the best pay deals in the public sector, and begin the process of catching up which has been a key aim for many years.

The 'New JNCHES' negotiating timetable shifts the balance unfairly to the employers at the bargaining table. It makes any threat of industrial action meaningless since the timetable would only allow us to take it during the summer once our students have gone home. This is in part because of the introduction of a disputes resolution procedure which could delay industrial action.

The pay increases won by UCU in 2006 have benefited all staff in the sector but the new arrangements would make a repeat simply impossible, even where employers simply refuse to negotiate. That is why UCU opposes the employers' proposed timetable.

Q7. What is the purpose of the disputes resolution procedure?

This is intended as a means of reaching agreement through mediation, using agencies such as ACAS. Where there is not too much difference between the parties, this can be helpful; however it inevitably takes time, and should not be used as a tactic to prevent the deployment of legitimate industrial action.

Q8. What else is UCU unhappy about in 'NEW JNCHES'?

UCU believes in working closely with other unions. However we also believe that we should have the right to negotiate as the lead voice on behalf of our members when the specific interests of academic and related staff are discussed.

The employers' proposals mean that conditions relating just to academic and related staff are discussed and agreed with ALL unions, including those without members in those grades. UCU has offered a compromise which is that we agree to set up sub-groups to look at the interests of specific staff groups. UCEA have refused.

Q9. Who decided that UCU would not participate in 'new JNCHES' as it stands?

In February 2008 UCU balloted its members on UCEA's proposals. The result was that 61% of members who participated, voted no to the proposals. It is worth noting that UCU was the only union to ballot its members on these important issues. Since that time we have sought further negotiations with the employers but they have refused.

Q10. What has happened to NEW JNCHES?

Despite the failure to agree with UCU, the largest union in the sector and the representative of 98% of academic trade union members UCEA went ahead and signed an agreement with the other smaller trade unions (designating it, perhaps unfortunately as 'New JNCHES') at a meeting on September 29th.

Q11. Does UCU's absence from NEW JNCHES mean the union is no longer committed to national bargaining?

On the contrary, UCU is now campaigning against UCEA's decision to allow HEIs to opt in or out of national bargaining as they please. Since our members' ballot we have sought negotiations with UCEA to discuss our objections but they are not willing to meet us.

Q12. Why are the employers refusing to meet UCU?

UCEA say that since the other unions have signed up to 'new JNCHES' there is nothing to talk about. However UCU is by far the largest union within HE, and represents 98% of academic trade union members. Refusing to negotiate with us is plain silly and undermines national bargaining. 'new JNCHES' simply cannot work effectively and has little credibility unless UCU is part of it.

Q13. What can UCU do if the employers continue to refuse to even discuss our concerns?

In a time of economic instability, we believe that both sides have a duty to get together to work things out. It is for this reason that UCU is now calling for the assistance of a third party such as ACAS to bring the two sides together. We believe our issues are resolvable with good will from

the employers' side, but they should be in no doubt of our willingness to consider a range of actions should negotiation fail.

Q14. What if that approach does not work?

The signs are not good. The education press is reporting on UCEA's 'macho' strategy with regard to NEW JNCHES and also the related threat of a "zero pay increase" in 2009. This suggests they would prefer conflict to negotiation. In those circumstances, UCU will wait patiently until the end of January for discussions to begin but if they haven't taken place by then we may need to ballot our members to seek a mandate for industrial action to force the employers to talk.

Q15. What is UCU's attitude to the other unions who have signed up to 'new JNCHES'?

Each union has to act as it sees fit and in what it sees as the best interests of its members. We hope to work closely with colleagues in other unions in the future to drive up pay and to challenge any institutions who decide to opt out of national bargaining. However UCU believes that 'NEW JNCHES' will make securing better pay for all as we did in 2006 harder not easier. That is why UCU is seeking changes which will benefit all union members remove the restrictions on our freedom to take action

Q16. Some employers accuse UCU of taking an elitist attitude for wanting distinct negotiating arrangements for issues relating to academic and related staff. Is this true?

The employers concerned are no friends of the low paid. They had to be dragged kicking and screaming by UCU's industrial action in 2006 to offer decent increases for low paid staff across the sector. While our first job is to look after our members interests we will continue to campaign for a better deal for low paid staff across HE as well.

Q17. UCEA says that UCU is isolated in not accepting NEW JNCHES. Would it not be better to just give in and make the best of it?

UCEA claimed that AUT was isolated in 2004 yet the union went on to win substantial pay protection for our members. UCEA then made the same argument in 2006 about AUT and NATFHE, yet we went on to win pay increases totalling more than 15%.

The fact is that UCU is the largest union in the sector, representing 98% of academic trade union members and meaningful negotiations are not possible without us.

Alastair Hunter
UCU president-elect
10 December 2008