

## **University and Colleges Employers' Association (UCEA) Q&As on UCU's planned strike action**

**1– 3 December 2021**

### **Which HE staff are striking?**

Only UCU members at a minority of UK universities are being asked to strike by their union. Currently UCU is the only one of the five HE trade unions calling on its members to strike over the outcome of the 2021 pay round. UCU achieved sufficient votes to call a strike in only 54 HE institutions out of the 146 involved in the collective bargaining arrangements where they balloted. UCU also balloted its members at the same time over a separate dispute it has with institutions concerning USS.

### **What are the arrangements for negotiations on pay and how are they different for USS?**

UCEA is the employers' voice for comment relating to the UCU's planned industrial action over pay and conditions, as it negotiates on behalf of the HE institutions which voluntarily participate in the collective negotiations at JNCHES over the uplift to the national pay spine (a set of pay points used in HEIs to set the ranges for their grades for staff below Professor and equivalent professional services roles). The outcome of the pay spine negotiations affects around 325,000 (85%) HE staff in universities throughout the UK.

Universities UK is the collective employers' voice for comment relating to UCU strike action over the USS. Go to [www.ussemployers.org.uk/](http://www.ussemployers.org.uk/).

### **Is all the strike action over pensions, pay and employment conditions?**

It is a mixed picture. As planned for months, UCU conducted its ballots concurrently and in a disaggregated way (i.e. separately counted ballots at each university) even though the pay and pensions disputes each relate to sector-wide negotiations. The patchwork of results has left UCU able to call industrial action over both the pay round and USS simultaneously.

### **What is UCU's dispute around items other than pay?**

In its pay dispute, UCU has also been campaigning just as much on three other issues they included in their claim - workload, pay gaps and casual employment. UCEA does not negotiate on the distinct terms and conditions that apply in each independent, autonomous university so these are not areas where we can impose JNCHES 'national agreements'. However, the full UCEA offer does include sector-level joint work on these three issues, which will build on successful joint work on these issues in previous years. [UCU's 'four fights'](#) calls on the employers to

- address gender, ethnic, and disability pay gaps
- end the use of casual contracts and job insecurity
- tackle rising workloads
- increase to all spine points on the national pay scale of £2,500.

### **Why won't UCEA return to the negotiating table and talk to UCU?**

It should be noted that UCEA made its final offer at the beginning of May 2021 and that most HEIs implemented the pay uplift in August 2021. We have continued to talk to the union throughout and there has not been evidence of any steps that employers could reasonably take to avert UCU's planned industrial action given their demands, which includes a £2,500 pay increase which equates to a 7% uplift. We are very sorry that the industrial action called by UCU is likely to cause unwelcome disruption to students. We respectfully ask UCU, and its members, to reconsider whether the proposed action is the best approach to expressing and addressing their concerns.

UCU members need to understand that any industrial action aimed at harming students is an unrealistic attempt to try to force all 146 employers to re-open the concluded 2021-22 national pay round and improve

on an outcome that is for most of these institutions already at the very limit of what is affordable. We note UCU's campaign focuses on casual contracts and workload. We have made repeated offers of joint work in these areas for two years but UCU has rejected them. UCEA genuinely wishes to engage on these matters as far as we can at a national level, noting that they are ultimately for local negotiations.

### **Will many students be impacted and will universities close?**

None of the affected institutions will have any plans to close facilities and services for students and each will be doing its utmost to keep teaching and other activities running as normally as possible. The UCU members who voted to support this strike action over pay represent a small percentage of the 325,000 employees covered by the national pay arrangements. In fact, 10.1% is the proportion of HE academic staff voting for strike action on pay, with 11.6% voting to strike over USS. So even in universities where action is taking place it is likely that many classes will be going ahead as normal. The 54 targeted universities tell us that they are unsure of the level of support their UCU members will have for taking 3 strike days and the disruption will vary from HEI to HEI and, within HEIs, between different faculties and departments.

It will take considerable time to provide accurate feedback from across the affected HE institutions as to the impact and no-one will be able to make claims at the start of the action. UCU may be organising pickets at entrances to try to deter students and colleagues from working and studying on the strike days but we hope that the picketing will be respectful of everyone's rights to make choices on the day.

### **Are all staff and students supporting this strike action?**

UCEA's member HE institutions report that the vast majority of their staff appreciate the reality of the challenging and uncertain environment facing their institution. Staff themselves will be reluctant to take action that would damage their institutions and, in particular, adversely affect students. We hope UCU will see the merit in seeking solutions and step away from such a damaging step for their members and their students and institutions.

While some students and some student bodies, like the NUS, may have decided to lend their support to UCU's disputes, many other student unions and students at the affected institutions are not and many will be dismayed to see UCU calling such extensive and potentially disruptive action after the disruptions to their studies throughout the pandemic.

### **UCU says employees have had pay awards below inflation and HE pay has fallen by over 20% since 2009. Isn't their strike action justified?**

This year, employees covered by the national pay uplift negotiations have received pay implementation which guarantees increases of at least 1.5%. Higher percentage uplifts will be made to the pay points below Spine Point 22, up to a maximum of 3.6%. Additionally, around half the staff covered by the negotiations are also eligible for additional progression pay increases.

In addition the pay progression arrangements in each institution mean that the majority of employees will have had progression pay increases as well. This means that over half of academic staff will have received pay increases of 4.5% this year. Higher Education is one of the few remaining sectors where service-based pay progression continues. The awards achieved at the national pay negotiations have ensured that the national pay spine has maintained its value in real terms over the past six negotiating rounds. A recent [independent report](#) confirmed that, even when using the flawed RPI measure preferred by UCU, pay in HE has not 'fallen by over 20%' since 2009.

### **What do academics earn?**

According to the latest ONS data on earnings, the average UK HE academic full-time salary is £54,249 per annum.

### **Will employers withhold pay for strike action pre and post Christmas?**

Yes, employees in any sector would lose a day's pay for each day they withdraw their labour through strike action. A strike, following a properly conducted ballot, is entirely lawful but employers do not pay the individuals who are on strike or otherwise decide not to work (such as by not crossing a picket). Not to do so would of course also be unfair to those colleagues who are working normally and likely having to pick up issues caused by their striking colleagues. A trade union will also hold a 'strike fund' which it will use to support its members financially for the days when they are on strike. Not withholding pay would be unfair to fee-paying students who have paid fees for teaching that was not delivered. Withdrawing labour is a breach of contract and employers will not pay any employee the day's pay if they do not work normally. This is normal practice in other sectors of the economy. UCU chose the timing of this strike action, not the employers who made the final pay offer 6 months ago.

**What is 'action short of a strike' (ASOS)?**

In addition to strike action, UCU has instructed its members to undertake 'action short of a strike' (ASOS) in the form of 'working to contract'. Because this further action is covered by the ballots, it is lawful industrial action in the same way as a strike. Employers would not withhold any pay when an individual was simply 'working to contract'.

**Is too much money going into 'shiny buildings' rather than on staff?**

In the 2019-20 financial year UK universities invested £19.8bn in their staff, six times more than was spent on facilities and infrastructure, confirming the seriousness of their commitment to their people. Our UK universities, of course, have to build and maintain estates and facilities that will enable them to be at the forefront of research and provide modern and attractive facilities to support teaching and learning. The fact that HEIs have found the resources for above-inflation pay increases, other pay progression and increased pension contributions is clear evidence of the commitment to sustaining the excellent pay and benefits of their staff.

**Q: A number of academic staff are on fixed-term contracts and it is clear many of them struggle with that – is this casualisation of the workforce fair?**

**A:** We recognise that establishing an academic career is a challenging time for most. While open-ended employment can't be provided for everyone employed at a university for reasons including time-limited research funding, we seek to ensure that our colleagues employed on fixed-term contracts enjoy the equivalent excellent terms and conditions as other colleagues including pensions, enhanced sickness and maternity pay and good holiday entitlements. The sector is also working to ensure that casual agreements are only used for genuinely casual work; which remains in demand - for example from students who value being able to fit flexible and convenient paid work around their studies.

**Q: If there is such financial uncertainty, why are so many vice-chancellors earning vast amounts of money?**

**A:** UCEA is not involved in senior pay determination as this is managed at each institution. UCEA has tracked pay ratios since the Hutton Review of Fair Pay in the Public sector in 2011 and we can see that HoI salary increases have remained broadly in line with average staff salary increases for over a decade. We support the CUC's Code and its principles to create a transparent system for determining senior staff pay.

**Q: What about the gender and ethnicity pay gaps?**

**A:** We support the introduction of gender and ethnicity pay reporting as a way of holding organisations to account on this important issue. Universities are committed to being fair, diverse and inclusive employers and we recognise that more needs to be done to address the gap which still exists. Although the gender imbalance in senior positions is a trend observed in many UK organisations and will not be fixed overnight, there is significant work underway.