



IWGB proposals for changes to the University of London Joint Negotiating and Consultation Committee (JNCC)

1. Objectives

To reform the current JNCC in order to:

- reflect the diversity of staff opinion and interests at the University
- recognise the importance of trade unions at the University
- allow for staff at all levels to be involved in significant decisions affecting their workplace
- ensure transparency in the policy and decision-making process at the University
- improve communication both from the University and from the JNCC itself

2. Context

a. The JNCC

The JNCC in its current form came into being in 2013, superseding the old Central University Staff Consultative Group (CUSCG).

The main substantive change between these two bodies was that the CUSCG had featured representatives of UNISON, UCU, the Staff Association (SA) and the University – whereas the JNCC no longer included SA reps.

According to the Terms and Conditions, the JNCC's remit is stated to be:

The objective of the Forum shall be to inform representatives of the recognised Trade Unions on the University's activities and economic situation; and to inform and consult with them on:

- *Employment within the University*
- *Decisions likely to lead to substantial changes in work organisation or contractual relations, including redundancies and transfers.*

Various problems have been identified with the functioning of the JNCC:

1. Membership – the makeup of the current JNCC does not reflect the full range of staff opinion
2. Content of meetings – there is a lack of consistency and clarity governing the JNCC agenda
3. Reporting of meetings – minutes of JNCC meetings are often unavailable, or out of date when they do appear

b. Trade unions

The historic justification for the inclusion of only representatives from UNISON and UCU on the JNCC has been that these two unions have represented non-academic and academic staff respectively.

However, in recent years many members of staff have joined the IWGB, which now represents members from across all grades (as well as the vast majority of outsourced staff at the University).

The recent ICE elections, in which candidates stood according to their union affiliation, resoundingly confirmed that the University of London is now a three union workplace, with staff at levels 1-6 electing 2 IWGB representatives, and staff at levels 7-10 electing 1 UNISON representative and 2 UCU representatives.

It is clear that this is a mandate for substantive change in the current arrangements as regards union participation at the University of London.

It is also clear, from the campaigning on all sides, that staff were voting for as to which unions they wished to represent them. It is clear that staff at levels 1-6 chose to be represented by the IWGB in addition to UNISON. Any outcome to this process that does not reflect that, or which seeks to treat the IWGB as a 'second-class' union cannot help but be seen as discriminatory against staff at these lower grades, who have traditionally always been the most vulnerable and disenfranchised at the University.

c. Non-unionised staff

Historically these were represented on the CUSCG via the Staff Association – currently they play no part in formal consultation arrangements.

While the turnout of nearly 50% in the recent ICE elections was extremely high in comparison to similar ballots elsewhere, and represented a substantial vote of confidence in trade union representation, it should still be recognised that many staff are not union members, and (despite the shared belief of all 3 unions of the desirability of union membership) need to be involved in any new arrangements that are set up.

d. University of London governance issues

There are currently a number of extremely important issues at the University which have been poorly handled from the staff perspective.

The developments around CoSector, Programme Beveridge and the likelihood of significant redundancies in HEE have all been negatively impacted upon by a failure to properly consult, inform and negotiate with staff.

More generally, low morale and low levels of trust in senior management stem at least in part from the failure of the current mechanisms to engage and involve staff, particularly those on lower grades.

Recognising the IWGB would provide a mechanism through which these disputes and grievances can be resolved through dialogue rather than through formal procedures.

3. Proposals

The IWGB believes that given the context and issues outlined above, the JNCC should be reformed as follows:

a. Expansion of membership

Representatives from the IWGB should be included on the same conditions as those from UCU and UNISON. This will require recognition for the IWGB with regard to levels 1-6 (the full case for this is made in Appendix 1, but it is worth noting that this will have no negative impact on any of the other unions and is completely consistent with the recent election campaign and outcomes).

b. Inclusion of non-unionised staff

We would propose that all three unions should undertake to include non-unionised staff in any consultations. This could be in the form of open meetings and clinics whereby staff, irrespective of union membership, are invited to share any issues that they feel need to be discussed by the JNCC.

c. Remit

- i) Currently there is a distinction between information, consultation, and negotiation. Much has been made of the importance of this, but in fact negotiation is not mentioned in the current JNCC document at all.

Where negotiation is mentioned is in the 2013 recognition agreement

(http://www.london.ac.uk/fileadmin/documents/staff/HR/Recognition_Agreement_2013.pdf) there is only one short paragraph on this, namely:

3.3 Negotiation – *The central University will negotiate with a view to reaching agreement with Unison and UCU on changes to terms and conditions of employment and on changes to associated policy and procedure that directly affect staff.*

There is absolutely no reason, therefore, why the new JNCC including the IWGB could not also cover negotiation – this would be by far the most logical approach.

- ii) All matters brought to the Vice-Chancellor's Executive Group (VCEG) should also come to the JNCC, with a commitment that any plans which will affect employment and/or terms and conditions will require sign-off by both sides of the JNCC.
- iii) All restructures / substantial departmental moves / other decisions likely to cause staff concern should be automatically brought before the JNCC.
- iv) Pay. This is currently covered by national pay bargaining. However, there is nothing in the ICE regulations or in the nature of the JNCC which means it cannot be 'discussed' there. Indeed, this would be an appropriate forum for staff at a local level to instruct the University to feed back to UCEA re staff feelings on pay.

- v) Training/progression. These are by far the most common concerns of the lower grades.
- vi) Business decisions and direction. Staff should be made aware of the direction the University intends to take and business decisions it is making to do with the use of its estate, resources and brand.
- vii) Matters arising – the ICE forum should be one in which staff can raise any issues which collectively affect them in the workplace (individual cases excepted). The ICE regulations themselves provide for very little to be excluded from it. Staff should therefore be able to ask for and receive information on any matter that they consider important. Should the University believe an issue to be of such a confidential nature that it would harm its business interests to disclose it, Section 26 of the ICE Regs should apply (<http://www.legislation.gov.uk/ukxi/2004/3426/regulation/26/made>).

d. Administration and operation

Minutes of all meetings to be produced, published and circulated within two weeks of every meeting.

Relevant documents to be produced in advance, and circulated where possible to all staff.

Responsibility for organising and administering the JNCC to transfer to the University Secretariat.

A call for agenda items to go out two weeks before each meeting.

Frequency of meetings to be increased to once a month.

The union/staff side of the JNCC to report back to all-staff meetings, and to have access (under clear conditions) to all-staff email lists and other forms of communication to be agreed (for example, a dedicated intranet page or blog – technological changes should not limit the ability of staff to communicate).

4. Conclusion

This document and these proposals take the clear starting point that the recent ICE elections were symptomatic of the need for significant change in workplace relations at the University of London, and that any response to them needs to be broad and substantive if it is going to resolve the problems with the current arrangements that they revealed.

Staff did vote for an alternative voice, and that needs to be respected. Similarly, others voted for existing voices, and these need to be preserved. Although the University wishes to place emphasis on giving a voice to the 50% of staff who did not vote, it should be noted that only one non-union member from this group (comprising almost 600 people) was sufficiently interested/motivated to stand, despite a legal ruling entitling them to do so and significant promotion of this right. These staff's lack of participation should therefore not be viewed as a lack of emancipation but largely as a lack of interest in active engagement.

The recognition of the IWGB, the continued recognition of UCU and UNISON, and the reform of the remit and operation of the JNCC itself will contribute to the better functioning of the University and greater involvement of staff.

Nothing proposed here is costly, and no-one will lose out – there will be no losers, only winners.

Appendix 1

Formal approach for recognition

IWGB University of London branch and the University of London

The IWGB University of London branch (henceforth 'the IWGB branch') has made a formal request to the University of London ('the Central University') to enter jointly into a voluntary recognition agreement.

The IWGB branch currently represents over 300 members at the central University, making it the largest union on campus. Directly-employed staff form a rapidly-growing proportion of this membership, and (should it be required) the IWGB would be prepared to have ACAS verify membership levels.

The IWGB branch believes that such an arrangement would be 'beneficial to the sustainability and success of the central University', as referenced in the current trade union recognition agreement.

The IWGB branch believes that such an arrangement would be beneficial for staff, and help the central University in its stated aim (see the 'Fair Employment Policy') to strive 'to achieve fairness in all our dealings with staff throughout their time here'.

In order for the central University to achieve these aims, it needs to ensure that staff views and concerns can be properly and independently represented, and that full and meaningful consultation with staff over major issues takes place.

Why recognise the IWGB branch now?

- the IWGB branch is now the largest at the Central University
- It represents a significant proportion of directly-employed members at the Central University
- It is recruiting and growing at a rapid pace
- It has more trained workplace representatives than any other union at the central University
- Its representatives have clearly been chosen by staff at grades 1-6 to represent their interests in the only genuinely open and democratic elections on this issue ever held amongst all staff at the University.

How will this benefit the central University?

- Better channels for consultation with staff – the IWGB branch represents significant numbers of directly-employed staff, and by talking directly with the IWGB branch the Central University will be in a better position to understand the concerns and requirements of these staff
- Better workplace relations. Currently many staff feel disenfranchised from, or are simply ignorant of, the consultation and negotiation that goes on on their behalf. By bringing the IWGB branch into the fold, this will a stroke widen participation, and improve these relations

- Improved reputation. Currently the lack of a formal agreement means that the IWGB branch is forced to make its opinions known to the Central University via public channels, such as social media, or via the press. A proper arrangement would decrease disagreements between the union and the University being aired in public, and thus minimise such reputational damage. The University could also benefit in a more direct sense from supporting, rather than opposing or blocking, the positive initiatives that IWGB members are engaged in such as education services for the outsourced workforce at the University (see below)
- Better representation of staff. The IWGB branch has delivered on its guarantee of representation for all individual members at the Central University who require it. This is vital to the central university in terms of ensuring justice, that proper procedures are followed, and that issues and disputes do not escalate. Recognition would allow the IWGB branch to extend this provision
- Reduced HR cost in terms of disciplinaries and grievances. At present, with no channel to deal with issues collectively, they can only be resolved through individual grievances, which are inevitably a drain on the time and resources of HR staff and managers appointed to oversee these cases
- Dignity at Work. This is a firm commitment of the Central University, and one which can only be upheld with the help of responsible unions holding members and their line managers to account, and flagging up early potential areas of concern
- Increased provision of services and opportunities for staff. The IWGB branch already runs English and Spanish classes, workshops providing training in employment law and has a thriving volunteer programme. Recognition would allow staff at the Central University even more opportunity to participate in and benefit from this type of activity
- Reduced conflict. The IWGB branch has an excellent record of communication with members and non-members. It is in the Central University's interests to negotiate agreements with the IWGB branch's representatives which they can then explain to their members, avoiding confusion and unnecessary concern.

Don't staff already have the option of joining a recognised union?

The Central University currently has a voluntary recognition agreement with UCU and UNISON, the former representing levels 7-9, and the latter levels 1-6.

- There is no request for the recognition status of either UCU or UNISON to be rescinded, merely that those employees who do not wish to be represented by either of these ought to have a choice.

In the recent ICE elections (the only time in living memory that staff have been asked as to which unions they would like to represent them) the IWGB was given a substantial mandate by staff from levels 1-6

Won't it be confusing to recognise more unions and change the current arrangements?

- In a well-functioning workplace in which there is mutual respect between staff and management and staff consultation is meaningful, staff's wishes in terms of how they are formally represented should be the primary factor in recognition decisions
- Many workplaces recognise a multitude of unions
- There are GMB and Unite branches and recognition agreements at other universities where UNISON / UCU agreements such as the one at the Central University are also in place. See, for example, UCL, the LSE, and Imperial College.
- UCEA, which currently negotiates on behalf of HE employers in national pay negotiations, currently negotiates with five unions
- Schools have all manner of recognised unions – often containing NUT, NASUWT and ATL branches all competing directly for members, as well as UNISON and GMB branches representing non-teaching staff
- Things change – UNISON has only been in existence since 1993 (previously NALGO was recognised). UCU is even more recent, dating from a merger in 2006 (the AUT was previously recognised)
- Trust in and respect for University leadership is very low, as has been consistently demonstrated in recent staff surveys. These surveys have also highlighted a lack of communication and understanding between leadership and staff as key issues. The University should therefore view this as an opportunity to listen actively to staff's wishes and thereby begin to rebuild this damaging relationship.

Won't recognising the IWGB branch damage relations between the central University and UNISON / UCU?

- There is no reason why this should be the case – the IWGB branch has continually sought to build cross-union agreement, and to involve members of other unions and non-members in its activities
- The IWGB branch is not looking to supplant these unions, but merely to be recognised alongside them
- The different unions offer clearly different options – the IWGB is priced at a lower level, and more focused on casework and local campaigning as opposed to the provision of additional member benefits and national campaigning – and therefore there should be no issues of demarcation which cannot be easily resolved
- The Central University and UCU / UNISON disagree over many issues (which is as it should be!) Should they disagree over who the Central University chooses to recognise, this should have no greater impact on relations than a disagreement over pay or terms and conditions

Don't staff already have the opportunity of representation should issues at work arise?

- At the moment the majority of casework in grievances and disciplinaries at the Central University is being done by IWGB branch representatives.
- The IWGB is currently representing more University of London direct employees in cases of this sort than any other union, and we will continue to do this. However, if we had formal collective negotiations we could work together to avoid more and more individual cases.
- It is a serious issue for the Central University that staff are frequently reliant on an unrecognised union for support in the workplace, and it is unfair IWGB branch representatives that they receive no additional facilities time besides the legal minimum for this stressful, onerous and essential work.

Aren't staff already properly consulted and represented via the Joint Negotiating and Consulting Committee?

- According to the staff intranet (<https://uolonline.sharepoint.com/Pages/Human%20Resources/JNCC.aspx>) the JNCC has not met since February 2015. Either it is currently not meeting regularly, or those meetings are not being reported back to staff.
- High levels of participation in the recent ICE elections and the mandate for IWGB to represent staff at levels 1-6 clearly demonstrate that staff are not satisfied with current arrangements.

Is the IWGB branch an appropriate organisation for the central University to deal with?

- The IWGB branch is committed to the 'sustainability and success of the central University'
- The IWGB itself is on the official list of trade unions held by the Certification Officer
- The IWGB has presented its full audited annual accounts, as required of all unions
- The IWGB branch actively participates in Bloomsbury-wide union activities
- One of its main champions is the respected Green Party leader Natalie Bennett
- Mainstream Labour MPs such as Frank Dobson, Jeremy Corbyn and John McDonnell are also supporters. Shadow Health Secretary Andy Burnham has spoken at IWGB events.
- The IWGB branch represents high proportions of women, ethnic minority workers and non-English speaking workers
- Women and minorities are extremely well-represented among the IWGB branch's elected officials
- The IWGB branch's strikes, demonstrations and social media campaigns have been largely forced upon it through the lack of conventional negotiating channels

- The IWGB branch came about not through a desire for confrontation, but because of the heartfelt wish from staff for a more democratic and participatory union
- The IWGB branch has consistently sought to engage the central University in dialogue
- The IWGB branch at the Central University is not the work of outside infiltrators seeking to disrupt perfectly functional workplace relations, but has arisen simply because staff have not felt that the existing union arrangements allow them to be properly represented and consulted. Indeed, it has only one full-time official working with the branch, and so its communications and positions are actually much more likely to reflect actual staff positions than other unions who are more strongly influenced by regional and national offices
- The IWGB branch urgently seeks the opportunity to properly and fully represent all of its members in a formal capacity within the Central University, and believes this can only benefit all parties concerned
- The IWGB is not a transitory organisation. It has gone from strength to strength since its foundation, growing by over 20% in the last year alone. It has a stable base of support and now has more members in the UK than some unions that are in the TUC. The University of London is its strongest and largest branch and it has a strong support base from other local unions, NGOs and other groups. IWGB at the University is not going anywhere: however, now there is an opportunity for the University to engage with it on a different and more amicable footing than has marked the past few years.

Is it a problem that the IWGB is not a national organisation and is not represented in national negotiations?

- The current recognition agreement explicitly states ‘this agreement does not impact on the national recognition rights of UNISON and UCU’ – in other words, this agreement is solely a local one.