

UNIVERSITY OF DUNDEE BRANCH OF UNISON

FRAMEWORK AGREEMENT

GENERAL

For the first few months of the talks we sat with the University's proposals on the table and every proposal we put forward was simply ignored, especially those on harmonisation. They wanted a 37 hour week for NG1-5 and NG6 to have ALC terms and conditions, ie no fixed hours contracts. Eventually the University did a U-turn after a particularly fraught meeting and accepted our proposals and agreed to a 36.25 hour week for NG1-6. This meant harmonising at the clerical hourly week, which was the lowest.

Throughout the talks, the AUT displayed an ignorance (wilful or genuine) of JE and how it worked. I suspect some points management conceded to them in exasperation at their refusal to recognise what JE would decide.

The FA Group decided to move to the single pay spine and new grading structure before completing job evaluation. We are aware the advice from Unison is to do JE first and then map onto a grading structure which is adapted for the JE results. We argued that this was pre-empting JE and could result in equal pay issues, and that it limited options. However, the other 3 parties on the FAG (Management, Amicus, AUT) all wanted to agree the new grading structure before JE. It was a partnership and we were outvoted. In fact AUT refused to have anything to do with JE until the grading structure was agreed. As we know from experience, JE does not work if only applied to some groups of staff so to go through the JE process for clerical, manual and technical staff without academic and ALC staff would be disastrous and result in a flawed system. We are not new to JE here - we went through the process of having Equate implemented for the clerical staff alone and lived for several years with the inequitable consequences.

We were faced with 3 futures

- we sat there with AUT refusing to touch JE until the grading structure was agreed and Unison refusing to touch the grading structure until JE was completed in which case we could still have been sitting round a table glaring at each other with nothing achieved. The AUT would have been quite happy to delay JE indefinitely.
- the other 3 parties in the partnership went ahead and agreed a grading structure while we sat there refusing to get involved and had no input till they got round to JE.
- we went along with the majority and ensured a) AUT participated in the JE exercise and b) we participated in negotiating the grading structure, thereby ensuring that none of our members suffered detriment.

There is another issue. The ideal of creating a new grading structure around JE results may be the purist approach, but it could result in real detriment to some employees. We are not starting from scratch, we already have a grading structure and existing job evaluation schemes where people have expectations of incremental progress. If grades are changed radically, staff could find that they are suddenly at the top of a grade with nowhere to go, where before they had several increments to look forward to. We also thought that negotiating a completely new grading structure was potentially dangerous - branches are vulnerable when it comes to local negotiations, we could have lost out badly. The grading structure is based on Model C, as recommended by Unison.

We are currently completing a pretty comprehensive pilot of HERA and will be evaluating the results soon before rolling out the main exercise. It is unlikely that we will be finished by August, but the pilot will give us some idea if we are on the right track.

It was originally agreed that the transfer to the new pay spine would not take place until after JE and any benefits would be backdated to August 06, but this was recently changed and we

will now transfer in August before JE is complete so the transfer will not be based on Hera scores or JE, but on the current situation.

A number of points are there at our request, in order to prevent financial loss for members. The membership has to vote to accept this Agreement and it is completely unrealistic to expect them to vote for something where they are going to lose out financially. I am not sure what the fallback is if they do vote NO.

Para 1.3. This seems to place an over emphasis on the 'no detriment' clause. The MoU says this should apply where practical and should not impinge of equal pay principles, which is where I fear its application will adversely affect our members. It should also be subject to an equality impact assessment as to who benefits from it. For example, no manual staff will benefit from a 'no detriment' agreement, since they have no career progression to protect.

Far too much was made of the “no detriment” clause, but as the University was willing to apply it across the board, it was useful for us. All staff benefited from this, but in different ways - there are benefits which other staff have that Academic/Related don't have. I don't think it would be shown there was an adverse affect on our staff groups. Clerical and technical staff do not have organised career progression either – advancement through grades depends on successfully applying for jobs at a higher grade when they become vacant or the existing job being upgraded due to changes. It was also said repeatedly by Personnel to AUT that there was no automatic career progression from one grade to the next for Academic/Related – their jobs have to fulfil the criteria for the higher grade. This is stated in Para 2.5.

Para 2.2 and appendices 2-5 and 9. This section proposes differential protection and assimilation arrangements for different groups of staff and fails to meet the 'equal pay' principles. For example, the agreement proposes protection on some lecturer grades up to 2014. This is well beyond what is described as reasonable protection by the EOC and equal pay experts. The appendices also propose differential assimilation arrangements depending on staff groups.

The current scales for manual, clerical and technical staff are very similar to the single pay spine so when those groups move across there is little difference, staff either move to a point which is the same or higher and progression through the grade increments is the same. This is not the case for the academic grades where there are major differences, eg people earning less in X years time than their current expectations. They are suffering detriment, we are not. These protection arrangements are to address that detriment. If accelerated advancement were applied to other grades we could not defend it if challenged as our staff had suffered no detriment to justify it. However, we have arrangements to protect our staff group where they would have suffered detriment in other ways.

That explains why the measures only applied to certain grades and not NG1-6. The point about such lengthy protection being against equal pay is a different matter and one which AUT and management who agreed these arrangements did not regard as an issue. If they choose to disregard this, what can we do?

For example an existing member of clerical 5 staff on point 27 and a salary of £21,415 assimilated to grade 6 under the proposals would transfer to point 24 on the new scale and a salary of £21,467. However it looks to me if the proposals say that someone currently on O/R 1, point 5 currently on £21,156 would transfer to grade 6 point 26 and a salary of £22,774. Since presumably they have scored the same under HERA this will cause an immediate equal pay issue.

I have queried the mathematics of this – there were a number of errors which are still being corrected. However, a couple of points: OR1 will disappear following Hera. This was an artificial way of paying staff doing a high level of job an ALC salary but barring them from the

whole incremental range. No point going into the rights and wrongs of why it did exist, it will not exist after JE – these posts will go where JE puts them, NG6 or 7 or whatever.

The second point relates to Hera scores and their relation to the pay spine. There was never any suggestion that we would be giving up a grading structure completely and that individual Hera scores would be mapped onto single points on the pay spine – thus making spot salaries for each post. We understood that each of the grades would encompass a range of scores. The Hera score would determine the grade, but an individual's place within the grade would still be determined by length of service.

If we transfer to the new pay spine in August as a straight move, unrelated to Hera scores then this would not be an equal pay issue as the move is unrelated to job evaluation. Protection of salaries following JE would be under red/green circling arrangements.

It also suggests that point 33 is the minimum starting point for lecturing staff, where as it is point 30 for other staff. The university makes an assumption about market rates but without any objective justification. Again this is likely to breach equal pay law.

This was a point which we strongly argued against, on the grounds that it pre-empted JE. When we suggested that this would only be permissible if it were used as the anchor point when mapping Hera scores to the pay spine, management said it would not be. (Apologies about the lack of terminology, but I mean that salary point for academics would be the point to attach scores to pay spine and this would dictate where scores above and below would go.) The Director of HR offered to provide a note justifying this and how it does relate to market rates. She has not done so yet, so I have asked her to email it directly.

Para 2.3. You may have some issues with equal pay if staff are assimilated to the top of the crp scales, particularly if this is a long term measure. For example at the top of grade 6 there are three contribution points. This could result in pay differentials of over £2000 per annum for staff judged to be doing work of the same value.

Clerical Grade 6 and equivalent Technical grade will not exist after Hera. These jobs will be evaluated as NG6/7 whatever. The transfer will be unrelated to JE results. Protection of salaries following JE would be under red/green circling arrangements.

Para 2.4. It is unwise to make such broad assumptions on HERA outcomes on the basis of existing job title.

Again, the transfer to the pay spine will not be related to Hera scores.

Para 2.5. Proposes a 'through grade' for lecturing staff. This could cause equal pay issues for other staff at grade 7. It will also produce a grade which is effective 15 scale points long. This is likely to breach the new age discrimination directive that requires objective justification for any grade longer than 5 scales points.

There is no automatic career progression from one grade to the next for Academic/Related – their jobs have to fulfil the criteria for the higher grade. This is stated in Para 2.5. AUT were concerned that staff in ALC1, in jobs which are currently regarded as the first step to becoming full lecturers/Researchers etc would be evaluated at NG6 and have the relevant terms and conditions. Hence the request to have this recognised as a training grade for certain staff groups. I have no problem with this for academic and research staff as they are so different, but administration jobs are too similar to top clerical jobs. This was a point where AUT were obdurate about ALC1 staff despite being told that JE would put the jobs in a grade and their job would then be that grade, not ALC1. Whether this was to preserve membership or members' expectations, I don't know. By allowing this as a training grade for ALC it allows current ALC1 staff the opportunity to retain their terms and conditions and work towards attaining the criteria required for NG7. This should be a temporary arrangement for administrative staff, following Hera jobs would be advertised as NG6 or NG7. Should there be a time limit for such staff being allowed to treat this as a "training grade"? The AUT assured us that it was permissible under equal pay to have this sort of training grade.

Para 2.6 also proposes differential protection arrangements for academic related and research staff. This will have a detrimental impact on the senior clerical grades. If they insist on a training grade 6/7 (which I am not keen on). It should apply to all staff in the grade.

See above

The arrangement for RA1 staff to transfer to grade 7 on completion of their PHD could cause problems. Progression should be determined by HERA score. In most modern JE schemes, progression on the basis of qualification has been scrapped as it can discriminate against in house training. The 1989 agreement referred to has been superseded by the NFA.

Sorry – don't know what these agreements are. How do they apply to PhDs? A PhD is achieved by in-house training and individual effort. Surely JE recognises qualifications which are a genuine occupational requirement, such as medical and scientific qualifications which show that someone has achieved the level of expertise and knowledge required for the job? It is one thing to say that you do not need a degree to do an administrative job, but nobody would be happy with the notion that your GP did not need qualifications. Acquiring a PhD in a given field opens doors which are not there for those who do not have a PhD (and therefore have not shown the required level of expertise and knowledge).

Para 2.8 and 2.9. There are no grounds for differential treatment between these groups of staff. Ideally we would like to see completely harmonised conditions of service. I am unsure about what differences there are between the two sets of conditions.

The original guidelines from Unison stated that harmonisation had to be horizontal, but did not need to be vertical. The AUT were adamant that they wanted to retain their current no fixed hours contracts for Academic/Related staff. They do not see them as a disadvantage. Since vertical harmonisation was not necessary, there was a limit as to how much we could dictate to another union the terms and conditions of the group they represent. We would not tolerate it from them. Complete harmonisation across the institution was not going to happen in any case.

The reason we agreed different terms and conditions for NG1/2 and NG3-6 was to retain current benefits and not impose disadvantageous terms. The manual staff currently have strict rules applying to enhanced payments for shifts, overtime and working on public holidays. A lot of the manual staff work rotas in jobs where these are required and benefit from the extra payments, eg janitors and security. The clerical and technical staff do not benefit from this. Most work public holidays and take the day when it suits and want to keep it that way. The choice is not between working the holiday for enhanced pay or working it as a normal day. The choice is working the holiday at normal rates or have it as an enforced day off. The University is not going to pay staff double time unless it actually needs them to come in. There would be no double pay etc on offer, just a day taken out of annual leave when you don't want it. The status quo is for our convenience, we are not losing out. Which terms and conditions would be imposed if everyone had to have the same? Should the manual staff lose the enhanced payments they get, or should the clerical and technical staff lose the freedom to take these days at a time of their choosing?

Para 2.10. Obviously we would have preferred this to have applied from August 2005 and there could be an issue of back pay over this.

We argued that the National Framework Agreement said that manual staff should have pay from harmonisation backdated to August 05, but management would not allow this. Our FTO confirmed that this was not up for local negotiation, so this has been put back to management on the basis that it was a national agreement, not open to local negotiation therefore not up for debate.

Para 2.12. I would have thought it would be better to agree consistent terms before staff move rather than leave it to heads of department. I would also like to see more detail on the pension proposals. For example, will the employer meet any transfer costs and what are they going to do with staff who are downgraded?

This is a reflection of the original proposal to have NG6 staff on the no fixed hours contracts which academics and related have. We had argued that academics may benefit from this freedom, but clerical and technical staff would not have any freedom, and would be extremely vulnerable to exploitation by managers who would see no fixed hours as being no limit. The points in this paragraph are the arguments put by management to try to persuade us. They did not, but since there are likely to be clerical and technical moving to NG7+, it is still relevant. This is about making sure that managers are made aware of the limitations of no fixed hours contracts and that they cannot exploit staff, not about terms.

The pension issues were a national agreement, not a local one, as far as I am aware because of different pension arrangements. Clerical, technical and manual staff tend to be in local schemes, academic and related are in a national scheme. Previously there were strict rules of eligibility for the schemes, so that staff who changed staff groups, eg clerical to ALC, had to change schemes. Transferring could result in detriment, so this national agreement allowed staff to remain in their old scheme should they prefer and avoid a forced transfer. Meeting transfer costs would not be an issue.

Para 2.15. Any review should apply to all staff and not just grade 6 posts.

It is not that straightforward. There are 2 issues here. AUT were concerned about ALC jobs being evaluated as NG6 and that jobs which should be ALC would be advertised as NG6 to save money (as I said, they did not display a great understanding of JE). They originally requested that all NG6 posts would be annually re-evaluated. We regarded this as an unacceptable imposition. This grade would consist mostly of clerical and technical staff, why should our members be forced to undergo what could be a stressful experience on a yearly basis (and one which could result in downgrading) at the behest of another union? It was changed so that only staff groups under AUT would be reviewed after one year. This is not denying our staff group a benefit but protecting them. Anyone who wants to have their job re-evaluated can request it. It would not be practical for all staff to have their jobs re-evaluated after a year.

In 2.1 it states that after JE there will be a joint assessment of the outcome of certain grades involving Unison and Amicus. This was at our request. The grades in question have specific issues. Manual Grade 4 staff are likely to be evaluated at a higher grade. This will involve changes for the individuals involved. Similarly, CG6 and Tech F will disappear and these posts may be NG6 or NG7, either outcome having issues for the individuals. There are also issues of using CRPs, as you already mentioned. We were ensuring that these potentially problematic areas would be looked at properly, not swept under the carpet.

Appendix 1. It is difficult to make judgements without seeing the HERA scores and numbers. However grade 3 looks long in comparison with grades 2 and 4. It seems unusual to have a 7 point grade 3, compared to 2 points at grade 2, which could be expanded. This should be reviewed with the HERA outcomes. The new age discrimination legislation may cause some issues as employers are required to provide objective justification for grades longer than 5 scale points long.

Most of the grades are indeed longer than 5 points – as they were in Model C. The reason NG3 is a point longer than those above is because we asked that point 11 (a CRP in Model C) be made a normal incremental point, as it was in CG2 so that staff now in CG2 transferring to NG3 were not financially disadvantaged by having their future salary expectations reduced by several hundred pounds. We requested the same for NG4 for the same reason. Members would simply not vote to accept a scheme which would result in financial disadvantage like that.

The objective justification for longer grades is that experience adds to performance in the job. Someone may become proficient in months or a couple of years, but experience allows them to do it better, quicker, give more etc above the basic job description requirement. Of course, this may justify the grades for the most basic jobs being shorter, but does not explain the variation further up the scale, eg NG3 having 7 points, more than higher grades. This could be resolved by asking that the bottom point is dropped and NG1/2 augmented accordingly. However, I do not think management will agree to this unless they see it as absolutely necessary (which they obviously don't). We cannot possibly lose the top point of these grades. A lot of clerical staff spend most of their working lives on these points. If we object to the length, that is likely to be their response.

Appendix 6. Does not describe what happens if you are evaluated on an equivalent grade. I expect this is because they have not proposed a consistent approach.

If JE evaluates someone as NG4 and they are the current equivalent then there will be no change. This appendix deals with a change in grading. See response to para 2.2 and relationship between Hera scores and pay scale.

Appendix 6 2.d. Extending protection for older staff could breach age discrimination legislation.

The DU superannuation scheme is a final year scheme (best of 2 final years actually). If someone close to retirement, but not within that 2 year period, were to drop £3,000 in salary this could have a noticeable affect on their pension. That would be just inhuman and we would not want this changed. That is also a time of life when people are less able to take on more, so they more likely to fail to achieve the target. However, that is not the only reason for extending the period – lengthy sickness absence and maternity leave would also be reasons.

Appendix 7. There should be a monitoring process for CRP to try and ensure that it is applied fairly and consistently to all staff.

Appendix 8. Similarly, this will also need to be monitored.

Good point. Will raise this – would just the mention that the procedure will be monitored suffice?

Appendices 9 & 10. The proposals that some staff will skip increments whereas others won't will cause an obvious equal pay problems and is unacceptable.

See response to para 2.2.

Appendix 11: The long service leave arrangements are likely to breach the age discrimination legislation. It requires objective justification for any benefit of service over 5 years.

The second part of the appendix doesn't state what will happen to staff in grade 1-2. I assume this is an oversight.

These are the current arrangements for annual leave and they include long service leave. When talks started the proposal to harmonise at a 37 hour week was accompanied with a proposal to round up the annual leave to 37 days for everyone regardless of service. We were aware that coming legislation could mean that long service leave would **have** to be dropped anyway and did not like it being included in this agreement as if it were a gift from management, requiring us to give something in return. When we finally got the no to 37 hours message through, the rather huffy response was that we were not going to get any extra holidays then. This is just recognising the status quo. When the legislation comes into effect the holiday issue will have to be dealt with then.

2nd part - This is either an oversight or an editing problem. There certainly used to be something because we had a debate on probation for NG1/2 and I think it should be changed so that it is the same as NG3-6.