

Parliamentary Briefing – Update on EIS-FELA Strike Action

This briefing provides an update on the pay dispute between Colleges and the Educational Institute of Scotland Further Education Lecturers' Association (EIS-FELA).

EIS-FELA Strike Action

Colleges Scotland Employers' Association has met the EIS-FELA on 19 separate occasions to try and resolve this pay dispute and has tabled a substantially improved comprehensive package of pay, terms and conditions, which we have asked the EIS-FELA to ballot their members on. Unfortunately, at no point throughout this dispute period has the EIS-FELA taken any of the college offers to their members for them to determine.

For the sake of students, we are determined to continue meeting with the EIS-FELA to find a resolution to their latest industrial action, but it must be an affordable and sustainable outcome for the college sector.

Some progress has been made in discussions with both sides coming closer to each other and the colleges welcomed the EIS-FELA suspension of the strike action which was scheduled for Wednesday, 8 May 2019, but our calls to suspend strike action this week and the ongoing action short of strike action were rejected.

Therefore, strike action scheduled for Wednesday, 15 May and Thursday, 16 May 2019, is going ahead as is the ongoing Action Short of Strike action.

The colleges' offer to the EIS-FELA is a complete package of pay, terms and conditions which can only be considered in totality. This point has been made clear to the EIS-FELA on countless occasions during discussions, yet they have regrettably balloted their members only on the terms and conditions included in the National Working Practices Agreement (NWP).

Colleges have tabled a substantially improved offer and asked the EIS-FELA to put the overall package on pay, terms and conditions to their members to see if they will accept it, but instead of doing that they are paying for their members to go out on strike, and during negotiations on Monday, 13 May 2019, they went out to ballot their members on the terms and conditions alone without even telling college negotiators.

EIS-FELA is Misleading its Members on Terms and Conditions

On Monday, 13 May 2019, the EIS-FELA balloted its members on the unresolved terms and conditions within the NWP before agreement on the interpretation of the section on Working Hours Per Week and Working Arrangements was agreed by both parties.

For approximately three years, colleges have been attempting to reach agreement on terms and conditions contained within the NWP and we have made it abundantly clear for months in written and verbal communications with the EIS-FELA that the pay offer is part of a complete package subject to agreement on outstanding terms and conditions and cannot be cherry-picked.

Discussions have focused on resolving terms and conditions on observation of learning and working arrangements. College representatives agreed to the EIS-FELA's wording on these matters and provided clarification on our interpretation on Friday, 3 May 2019.

Colleges have offered flexible working arrangements which give the right for lecturers to request working outwith colleges, subject to operational business needs. Colleges would never agree to giving this as an automatic entitlement as that would be unsustainable for the sector and lead to a reduced service for students.

Regrettably, the EIS-FELA is unscrupulously telling its members that the working arrangements section in the terms and conditions would grant them an automatic right of up to seven hours a week working outwith the college, which is absolutely not the case, and nor will they ballot their members on the full package, despite knowing the pay, terms and conditions are inextricably linked.

Scottish College Lecturers are the Best Paid in UK

Lecturers in Scotland are the best paid in the UK. The full and final offer to the EIS-FELA would put unpromoted lecturers at the top of the pay scale on £41,426. Over 90 per cent of lecturers at Scottish colleges are on the top of the pay scale. By comparison, lecturers in England are on an average salary of approximately £31,000.

The EIS-FELA has rejected an excellent deal which would see lecturers' salaries across Scotland increase on average by over £5,000 or more than 13%– over three years from the combination of pay rises from National Bargaining's salary harmonisation and the additional pay offer, with some lecturers seeing huge pay increases of over 60%.

In addition to considerable pay rises, lecturers have also benefitted from significant improvements in their terms and conditions, including 62 days' annual holiday, a reduction in weekly contact with students to 23 hours, and excellent pensions provision.

Colleges have also committed to investing in the workforce by implementing professional registration by April 2019 and paying for those lecturers who don't have formal teaching qualifications to gain a TQFE while, simultaneously, providing the 150 hours remission time it takes to complete within existing paid hours. The absence of a qualification does not preclude those lecturers from benefitting from the harmonisation process and additional pay offer. Nor does it prevent lecturers from progressing to the top of the pay scale.

As a sector, we value our staff and the huge contribution they make, which is why college lecturers in Scotland are the best paid in the UK and have such excellent terms and conditions.

It is our view that the EIS-FELA continues to make unaffordable pay demands. At the heart of this pay dispute is the EIS-FELA's insistence in trying to separate the substantial pay rises lecturers are receiving from 2017-20 due to salary harmonisation from the colleges' additional pay offer – what the EIS-FELA call a cost-of-living offer – for the same three-year period.

However, the pay increases from harmonisation are directly connected to the additional pay offer on the table over the same three-year period and cannot be separated – a pay rise is a pay rise, irrespective of where it comes from.

Comparison with Support Staff Deal

In October 2018, after negotiations and compromises by both sides, colleges reached agreement with the support staff trade unions (UNISON, Unite and GMB) and signed a two-and-a-half year pay and conditions of service deal.

As part of that deal, support staff – who receive 45 days' annual leave compared to 62 for lecturers – will go through a job evaluation process to consider issues of pay equality and, while lecturers have harmonised pay, the EIS-FELA has repeatedly refused to agree to job evaluation for lecturers, or negotiate pay alongside support staff. The job evaluation process for support staff is separate from pay harmonisation for lecturing staff.

The EIS-FELA is looking to cherry-pick the best parts of the support staff deal, but we must look at the overall excellent package for lecturers. Any deal with the EIS-FELA must be affordable and sustainable for the sector, but if colleges were to give in to the EIS-FELA's pay demands it would mean fewer courses, fewer students, and fewer jobs in the college sector, which is in no-one's best interests.

Finances are extremely tight in the sector and, on top of the annual three per cent efficiency savings all public bodies in Scotland are being asked to meet, the significant cost for the additional pay offer on the table must also come from making cuts.

EIS-FELA Deliberately Targeting Students

It is extremely disappointing that the EIS-FELA has opted to target the students by striking during the exam period and undertaking action short of strike action, including withholding students' assessment results.

Despite this unprofessional approach by the EIS-FELA, colleges have put in place contingency plans to ensure that they are mitigating the EIS-FELA's attempts to cause maximum disruption.

Colleges are taking all measures possible to minimise the disruption to their students. However, there is no doubt that the EIS-FELA strategy to strike during the exam period and withhold assessment results will be unsettling for students at a critical time in the academic year.

The reality is that with a finite amount of money available to the publicly-funded colleges, any agreement with the EIS-FELA must be affordable and sustainable for the sector.

Some progress has been made in recent dispute discussions and we hope to quickly resolve the outstanding issues on the total package of pay and conditions of service. We will continue to meet with the EIS-FELA until their latest industrial action is resolved for the sake of the students.

Colleges Scotland Employers' Association
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