Item 07bii
For Information

From: Stuart Brown
Sent: 20 January 2023 16:04
To: Katrina Daly
Cc: Jillian Cheape
Subject: Declaration of Formal Dispute (Pay) / Confirmation of Formal Dispute (Facility time)
Importance: High

Good Afternoon, Katrina,

Following a meeting of the EIS-FELA Executive Committee held today, a unanimous decision was taken to declare a formal dispute regarding the lack of acceptable offer in response to the EIS-FELA pay claim for 2022-23.

As such, I am writing to formally declare a dispute on these terms.

Additionally, I am also writing to confirm that yesterday, 19/01/23, a formal dispute was also declared regarding the lack of acceptable solution to cuts to national facility time for EIS-FELA NJNC representatives.

The NJNC dispute procedure, as outlined in the National Recognition and Procedures Agreement (NRPA), sets out the expectations, on both sides, for seeking a resolution to disputes. The EIS-FELA will engage, in good faith, in the discussions that take place as part of this resolution procedure and hope to avoid a further escalation of the two separate disputes that have now been formally declared. It is our expectation that the management side will commit to engage similarly, in good faith, in these discussions

To be clear, the formal dispute on facilities time can be resolved when an acceptable agreement on facilities time for the NJNC representatives from the EIS-FELA. In respect of pay, this formal dispute can be resolved when an acceptable pay offer is made by the employers' side and agreed by the EIS-FELA.

I am happy to discuss enacting the formal dispute resolution procedure, in respect of both disputes, on Monday of next week. I would be grateful if the content of this email could be shared with NJNC representatives on the employers' side.

Thanks

Stuart

Stuart Brown (He/Him)
EIS National Officer (Further Education)
NJNC Joint Secretary (Staff Side)
46 Moray Place
Edinburgh
0131 225 6244

The Educational Institute of Scotland

Derek Smeall
Glasgow Kelvin College
Srpingburn Campus, 123 Flemington Street
Glasgow
G21 4TD

Ref: AB/DB/FELAN232
24 August 2023

By Email Only

Dear Mr Smeall

Notice of Statutory Ballot for Industrial Action

I am writing to give notice that the Educational Institute of Scotland (EIS) intends to hold a statutory (aggregated) ballot for industrial action (strike action and action short of strike action) in pursuit of the dispute lodged by the EIS with the NJNC Management Side (the Employers) representing your college on 20 January 2023 (copy of email attached).

The dispute relates to a failure to agree on a cost of living pay uplift for 2022-23 for college lecturers at the NJNC, due to the failure of the Employers to make an acceptable offer. Any industrial action would be in pursuit of that dispute.

The current industrial action mandate (for both strike action and ASOS) for the dispute above expires on 12 October, 2023. This statutory ballot is therefore required to give the opportunity to extend the industrial action mandate for this dispute beyond 12th October, 2023. If, however, all the NJNC Colleges were to agree to a 3 month extension of the current industrial action mandate, to facilitate talks, then we will withdraw this notice.

(For the avoidance of doubt, in the meantime the EIS will continue industrial action under the current industrial action mandate until 12 October, 2023 or until an earlier resolution of the dispute).

It is intended that the opening day of the ballot will be 31 August 2023.

Please note that, in terms of the categories of Glasgow Kelvin College employees, the ballot will be of all the EIS members employed by Glasgow Kelvin College as:

1. Lecturing staff (promoted or non-promoted)

The affected members listed in the Appendix will be called upon to take part.

At the time this notice is given, the total number of relevant members is 227. This information is drawn from our membership database held centrally at this office. This database draws on information provided by our members and local representatives. Whilst significant effort is made to keep the database up-to-date, it is subject to possible defects in that we may not have up-to-date information from our members on their job titles and/or workplaces.

As required by section 226A of the Trade Union and Labour Relations (Consolidation) Act 1992, I also enclose herewith a sample of the form of voting paper which is to be sent to employees entitled to vote in the ballot. The ballot papers which will be sent to members will be consecutively numbered.

I would be pleased to have confirmation of receipt of this notice and acknowledgement that it complies with the requirements of section 226A and section 229(2B and 2D) of the Act.

Yours sincerely,

[redacted]

Andrea Bradley
General Secretary

Encl.
• Sample ballot paper
• Copy email confirming lodgement of the dispute dated 20 January 2023

Appendix - Number of EIS members: all lecturers (promoted and unpromoted) per specified workplace.

Glasgow Kelvin College 1200 Westerhouse Road, Glasgow, G34 9HZ	20
Glasgow Kelvin College 123 Flemington Street, Springburn Glasgow, G21 4TD	166
Glasgow Kelvin College 2 Haghill Road, Glasgow, G31 3SR	33
Glasgow Kelvin College West End Campus, 75 Hotspur Street Glasgow, G20 8JL	8
	227

The Educational Institute of Scotland

EIS FELA NATIONAL COLLEGE PAY DISPUTE FOR 2022-23

BALLOT PAPER

SAMPLE

1. ARE YOU PREPARED TO TAKE PART IN INDUSTRIAL ACTION CONSISTING OF STRIKE ACTION IN PURSUIT OF THE NATIONAL COLLEGE PAY DISPUTE 2022-23?

Place a cross (X) in the box of your choice below.

YES		**NO**	

2. ARE YOU PREPARED TO TAKE PART IN INDUSTRIAL ACTION CONSISTING OF ACTION SHORT OF STRIKE ACTION (ASOS) IN PURSUIT OF THE NATIONAL COLLEGE PAY DISPUTE 2022-23?

Place a cross (X) in the box of your choice below.

YES		**NO**	

This dispute was lodged by the EIS and relates to the failure to agree on a college lecturers' cost of living pay uplift for 2022-23 at the NJNC.

The proposed industrial action, consisting of strike action and action short of strike action, is in pursuit of the dispute by seeking to encourage the affected Colleges to enter into meaningful negotiations with the EIS-FELA to resolve the dispute by improving their pay offer.

Due to UK law, an industrial action mandate lasts 6 months from the closing date of the statutory ballot that produced the mandate; our current industrial action mandate lasts until October 13th, 2023. We therefore require to re-ballot members and obtain a new industrial action mandate to take industrial action from 13th October, 2023.

If there is a renewed mandate for industrial action short of strike action (ASOS) following a statutory ballot, and if there is no resolution to the dispute, members may be advised to continue or carry out ASOS action from around mid October 2023 onwards in a continuous manner until 27th March 2024 or until the dispute is resolved before that. The ASOS actions planned are:

1. 'working to rule', where members perform their duties strictly to the letter of their contract i.e. refusing to take on any additional duties or attending voluntary or extra-curricular meetings or events;

2. a resulting boycott, involving members withholding students' results

If there is a mandate for strike action following a statutory ballot, and if there is no resolution, members may be advised to carry out strike action which would be discontinuous, it may escalate to three days per week over a period of time. The strike action may also be rotated between colleges. The strike action would commence on or around 13TH October 2023 and be followed by further discontinuous strike action on various dates to be notified in the period until 27th March 2024.

Your union intends the following to have authority to make the call for industrial action to which this ballot relates:

The General Secretary

The Independent Scrutineer for this ballot is: Civica Election Services Limited (formerly known as Electoral Reform Services) Registered Company No. 02263092.

If your vote is to count, this voting paper must be returned to reach The Independent Scrutineer, Civica Election Services Limited, 33 Clarendon Road, London, N8 0NW, **no later than noon on 28th September 2023.** Please use the enclosed pre-paid envelope provided for this purpose.

SAMPLE

The law requires your union to ensure that your vote is accurately and fairly counted and that you are able to vote without interference from the union or any of its members, officials or employees and, so far as is reasonably practicable, in secret.

If you take part in a strike or other industrial action, you may be in breach of your contract of employment. However, if you are dismissed for taking part in strike or other industrial action which is called officially and is otherwise lawful, the dismissal will be unfair if it takes place fewer than twelve weeks after you started taking part in the action, and depending on the circumstances may be unfair if it takes place later.

SAMPLE