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THE USS DISPUTE AND THE DYNAMICS OF INDUSTRIAL ACTION

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Over the course of our pension dispute it has sometimes been easy to forget that it is precisely that – an industrial dispute. We have collectively engaged in mass pickets, letter writing campaigns, petition signing, and expert sleuthing in order to better understand the ‘crisis’ that is presented to us, and also to organise against it. Thanks to some tireless research by colleagues such as Felicity Callard, Sam Marsh, Mike Otsuka, Sam Dolan, and many others, we have also discovered some pretty unpalatable and disreputable behaviour from UUK (Universities UK), and the leadership of universities such as Cambridge and Oxford. But within all this, the bread and butter of what it takes to win an industrial dispute has often been lost. In a quest to win the argument, we have often lost sight of our main aim – winning the dispute. Sadly, winning the argument does not always win the dispute. We might know more about our USS pensions than UUK does, but that does not mean we will get the outcome we want if we do not first and foremost understand what we need to do to win this dispute. UUK understands this. In the last month it has gone from falling apart on Twitter, to presenting us with a deal that despite being substandard, is making us fall apart. Safe to say the PR firm they employed is earning their fee already.

In this brief I am going to visit some of the objections put forward against voting reject in this ballot. If you want a more detailed analysis of the pension technicalities of voting reject, please read Sam Marsh’s [blog here](#). He is a mathematician who has spent the last 3 years researching this, and my position builds upon his reliable analysis. I will also explain why, as a researcher of industrial disputes, specifically pension disputes, I think these objections (however well intended) fail to recognise the dynamics of industrial disputes. I will also outline why I fundamentally believe that voting to accept now is an act of naivety that also either ignores, or is ignorant of, the dynamics of industrial disputes. As with all things, you are welcome to disagree with me, I cannot predict the future, but I can do a bloody good job of using previous disputes to provide a cautionary tale for our own.

This ‘offer’ is a big win, why should we reject it?

This offer represents some improvements since our starting point, this is not being disputed. Indeed, if you follow me on Twitter, you will know I initially greeted this offer as a positive development. I still view it as such. However, it is not incompatible to think the offer represents progress, but should also be rejected. Think of this offer as just one part of a conversation. You do not stop talking during a debate, you continue to discuss. This offer, however, is more than just a sentence in a conversation, it is an attempt by UUK to reach an agreement with us. However, I do not think there is enough assurance here to agree with UUK. Ideally, I would like UCU (University and College Union) to spend the Easter vacation discussing this offer with UUK. The outcome should be something improved that looks like something that really represents progress. Despite attempts by some members of UCU’s HEC (Higher Education Committee) to deliver a [‘revise and resubmit’](#) outcome, HEC declined to do this, and voted to ballot on this current offer anyway. This leaves us in a situation that in my opinion UCU should have avoided. They should have negotiated longer to get more assurances in this deal before balloting, but we are where we are.

UUK's primary concern is stopping the dispute. Our primary concern is keeping our DB (Defined Benefit) pension. The current 'offer' gives them what they want immediately (the end of the strike), whereas all it delivers us is a short term messy deal and vague promises. We must reject it until they offer more concrete assurances.

But what things could be in this offer that would make it better?

In short, lots of things. The point of negotiations in industrial disputes is to try for lots of things, and see what can be achieved. This offer is UUK's first offer (outside of ACAS). You never accept a first offer in disputes, because it does not represent what the employer is willing to offer, just what they cheekily hope they can get away with. If you want specifics, I would have asked for status quo plus increased employer contributions of 6.9% for 3 years. This is entirely possible within the constraints of the November 2017 valuation and tPR (the Pension Regulator) regulations. It would be a bold request, and UUK might say no. We might end up with 2 years rather than 3 years, but at the moment UCU are not asking for anything extra than this minimum at all. A longer status quo period would also allow the proposed expert panel more time to explore all options without the clock ticking so loudly. In my view, those who present what I have suggested as impossible are guilty of defeatism. This dispute has repeatedly demonstrated that we have the collective strength and voice to make our managers reconsider what they once before considered red line issues. We are capable of changing a lot of things. We have changed numerous universities' punitive approach to ASOS (Action Short of a Strike) deductions. We have changed numerous universities' previous approach to strike day pay deductions – Leicester UCU, for example, have negotiated for strike pay to be deducted at a rate of 2 days per month over the course of a year! Such a development was unthinkable before the dispute. We have changed the entire environment and debate surrounding pensions, with many previously hostile VCs (Vice-Chancellors) now saying they support continuing Defined Benefit pensions, and are willing to take on more risk. The only thing we have not drastically changed is the deal on the table from UUK. That needs changing, and voting to accept will not change that. It must be rejected and they must understand, like our universities and VCs, that their offer has to change.

If we do not accept this they will force pension changes on us anyway

First, we do not know that. This is acceptance of the 'there is no alternative' position, and much of this dispute has been about demonstrating there are multiple alternatives. Otherwise, why did we start it in the first place? Moreover, the Pensions Regulator has made very clear that it wants to see a mutually acceptable resolution to this dispute. If we vote to reject, we are demonstrating that the proposed resolution is not mutually acceptable, and we return to discussions. Easter vacation is long, and there is still plenty of time for UUK to develop something mutually acceptable before strike action re-commences. Second, if we vote accept we will likely accept pension changes that may not be any better than the original March 'offer' that resulted from ACAS talks and was emphatically rejected by UCU branches. There is little of substance in the offer we are being balloted on, just promises and a messy compromise that is being packaged as a victory.

Strikes during exams will not work

This is perhaps the most frustrating and misleading objection I see. First, this is about much more than just strike days. We are also engaged in action short of a strike, which has the potential to be far more disruptive than simply taking strike days, particularly as we exit the teaching period. Rejecting the UUK deal can be backed up by a range of effective industrial actions, not just strikes. We also have seen mass resignations of external examiners, which has clearly startled and concerned universities. Obsessing about 'strikes during exams' is a misleading red herring that completely ignores the other – more effective – action we can engage in. Effective industrial action adopts and develops tactics that will be most successful at causing disruption and helping us get our demands. But a strike is not the only tactic in our tool box. Sheffield UCU have called for a national strike committee to be established. We need creative and innovative ideas from members about what we should be doing. Do not get fixated on 'strikes during exams', this is just one small part of what we need to do in order to gain more concessions.

I will not vote to reject, when I do not know what it will achieve

Voting to accept comes with very few guarantees, but more worryingly, essentially hands UUK everything they want. We have leverage now, we have momentum now, and that should not be forfeited for this deal. Do not accept a deal just because it is what has been put on the table and it looks ok-ish. You did not strike for this. Demand better. Demand fairness. Moreover, deliver UUK an easy victory now, and I anticipate they will come for the single pay spine next.

Final thoughts

Ideally, I would prefer not to have been presented with this ballot. Not because I do not believe in democracy, but because I think it reflects a pretty poor first offer from UUK, and UCU should have pushed for more before presenting it to us. Balloting now has severely derailed what had previously been a very successful and targeted campaign against UUK. Now we are investing energies on the ballot, rather than on them. It is frustrating because UUK have behaved just as we would expect them to in an industrial dispute. Employers like to try and identify divisions and exploit them. This is a classic employer [grenade, designed to cause chaos](#), and it is doing just that. We need to recognise this for what it is, and throw them that grenade right back.

Remember, our pension is ours. It is not a nice gift from our employers. Those contributions are ours, the value we have already accrued is ours. The value they want to take away, is ours. A deficit was manufactured to justify this. When people say 'oh aren't you lucky to have a pension' the answer is 'NO'. Having a pension is not like winning the lottery – that is luck. Having a decent pension is because in previous eras' workers have fought to get them, and fought to keep them. We are now part of that fight. Voting 'accept' now is to fall into the trap set by UUK to end industrial action early, and sign us up to a substandard deal. Resist the lure of that trap.

You may not agree with me about some, all, or any of what I have written here, but I have spent 13 years studying pension disputes and I know a lot about how they play out. I have cautioned many times that we need to learn lessons from the recent [junior doctors dispute](#). If we accept now, and negotiate without some key guarantees, we are very vulnerable to having a DC

(Defined Contribution) pension imposed upon us in the future. Rejecting now, with a threat of more industrial action in order to get a commitment to DB, is the only real option if we want to keep our DB pension. The objective of the next phase of industrial action would be to get the commitment from UUK. This might take the form of written commitments from UUK in less woolly language than that currently used, accompanied by an agreement to work with UCU in USS discussions.

What UUK have offered is an opening gambit. It is designed to create division, it is designed to create fear and anxiety about what will happen if we vote reject. There is no need for any of those things. Rushing to resolve this quickly – especially when we hold all the cards – is the only thing that we should be anxious about. If we fully de-escalate now, we lose all our leverage. Which makes me ask why we bothered at all. Experience of studying industrial disputes suggests we will not be able to extract more at a later date. If we want to win this dispute, we need to reject this offer and make UUK develop something much better and with more guarantees.

If you want to chat about this further you can get me on Twitter [@DrJoGrady](#).

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