



A new strategy and plan of action for the Four Fights dispute

**Report for the 20 April 2022 Special Higher Education Sector
Conference**

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Introduction

UCU has taken extended industrial action in the Four Fights dispute twice in the last 2-3 years: first in 2019-20, and now in 2021-22. There has been an enormous commitment of resources and energy by members and staff and our ability to mobilise members for action would be the envy of almost any other union. However, employers have become incredibly entrenched and are currently refusing to meet for meaningful negotiations. There is an urgent need to escalate our campaign and develop a more radical strategy to win.

In nearly every other sector and type of dispute we engage in, positive ballot results and a credible strike threat tend to be enough to win concessions from employers. In the Four Fights dispute (and the most recent USS dispute), they are not. Employers are acting with total collective discipline in refusing to give our union anything resembling a victory. On top of this, our demands – for a binding, 150-employer, sector-wide agreement covering a very wide range of issues – are rightly ambitious.

This isn't just a 'fight', or even four 'fights'. It is a war. We cannot be conservative. If we keep doing the same thing with only minor tactical tweaks, we will not win.

This report reviews relevant motions from branches to this sector conference and shows how they could be implemented as part of a 12-18 month plan for winning the Four Fights dispute. The plan is based on the following principles:

- We need **higher membership density**, i.e. more members in the union.
- We need **higher participation**, with more members taking industrial action.
- We need **more democratic negotiations** – in terms of how we develop our demands and how we bargain with employers.
- We need **stronger rep and volunteer structures**, with more members recruited to become departmental reps or volunteer in campaigns.
- We need to **use our time and resources better** – in terms of staff time, members' time, and members' subscription money.

This approach has a good chance of success but if we want to put it in place over the next 12 months and get ready next year's bargaining round (2023-24), members need to adopt it and commit to it now and start building from May onwards through the summer to the autumn and beyond. That means not taking further action in the new six month mandate.

Relevant motions to this sector conference

Numerous motions recently submitted to sector conference by branches indicate a strong desire for a different approach. In addition to this, Congress and sector conference have often voted to endorse general principles that are aligned with the approach set out in this document. Some examples of this are set out in Appendix C.

There are several motions to the 20 April sector conference conference that could, if endorsed, provide a way forward. Below is a list of relevant proposals from selected motions, with the corresponding motion(s) indicated in brackets as numbered in the **agenda set out by conference business committee (CBC)**:

- A mapping exercise covering all members (16)
- Online consultation of all members prior to industrial action (28)
- Consultation of all members on bargaining (18)
- Joint campus union coordination (16, 31, 32)
- Incorporating more local campaigns and bargaining into UK-level disputes (7, 17)
- Building for the 2022-23 or 2023-24 claim (18, 31)
- Aggregated ballots (14, 18, 24, 25, 26)

To adopt these proposals in a meaningful way and tie them together into an effective strategy will require a very significant commitment of time and resources – centrally, from regional and devolved national offices, and from branches.

If conference decides to call further action within the new six-month mandate running from April to October 2022, it will not be practically possible to implement many of the above proposals in time for any future campaign over the 2022-23 or 2023-24 claims. Some changes (such as aggregated ballots) could be made quite quickly but most of them (e.g. a full mapping exercise, full consultation on bargaining demands and priorities, more time and resources for local bargaining) could not.

Escalating immediately to further industrial action and building now for a shift in strategy and a transformative dispute in 2023-24 are mutually exclusive. They cannot both be done at once.

The next section sets out a timetable and describes how the motions could be implemented as a coherent plan of action.

Timetable and plan for implementation

Below is a sketch of an actionable plan which would tie together the previously mentioned motions into a meaningful strategy that can win.

The plan also seeks to achieve two other goals that rarely play a part in sector conference discussions but which are nonetheless indispensable for winning any dispute on the scale of Four Fights. The first is goal is to increase UCU's membership density, i.e. the proportion of eligible staff who are members of UCU. The second goal is to increase the number of reps and volunteers playing an active part in the campaign.

A key feature of this plan is that the other campus unions (UNISON, Unite, GMB, EIS) and local student organisations need to be involved at every stage and action needs to be coordinated with them as much as possible to be effective. Students and local campus union members and reps will be invited to all central and local UCU campaign events and training with a view to helping them build towards the dispute.

May-August 2022: The campaign is launched with protests and other actions targeting two key events in the academic calendar: graduation ceremonies and admissions. A programme of training opens for all branches covering mapping, leader identification, organising conversations, local bargaining, etc. A series of regular events for activists examining recent victories within UCU and in other education unions.

September-October 2022: a mapping exercise in every branch. Lists are compiled of all staff, including non-members, in every department/work area in every branch. Reps and volunteers are recruited and trained with a view to maximising rep density before the next phase.

November-December 2022: all members and non members are contacted with a bargaining survey with detailed questions covering key workplace issues and priorities:

- Pay
- Casualisation
- Workload
- Equality
- Redundancies and restructuring
- Pensions
- Other issues that could be a matter for UK-level agreements (although not necessarily a subject of trade disputes), e.g. action by employers on climate change.

The bargaining survey is treated as an organising tool, i.e. branches endeavour to make one-on-one contact with as many staff as possible to talk through the survey with them and make sure that they are filling it in and engaging with the campaign. The survey is also used as a mechanism to update members' contact details and other details in the

database in preparation for a future ballot. Emphasis is on reaching non members, and members who are not normally active and don't reliably take part in ballots and other activities. The survey is also administered so that branches get access to all of their local responses and can use the responses to inform their local bargaining agenda as well as the UK-wide one.

At the same time, non-members identified in the mapping exercise are contacted for a more general, introductory conversation about the union, their issues at work etc. If receptive they are invited to join and to complete the survey with a view to building towards action later in the year/next year if demands aren't met.

Throughout this process branches are identifying people to act as reps or volunteer organisers, with an emphasis on departments that don't currently have reps.

Throughout this process UCU centrally is putting on a rolling programme of training in mapping, identifying leaders, one-on-one conversations, local bargaining etc. to bring branches and in particular new reps up to speed.

Where relevant and appropriate, training and other campaign events will be open to members of other campus unions and of local student unions and other student organisations, with a view to making joint union and student solidarity action as effective and coordinated as possible.

January-February 2023: local and central analysis of the bargaining survey results. During this period, branches can prepare local claims on the three pay-related issues based on their survey results and organising work. UCU centrally will develop its input into the joint unions' claims for the 2023-24 bargaining round and undertake associated relevant research including analysis of employers' latest financial returns.

Late February 2023: submission of the joint unions' claim for the 2023-24 bargaining round, with UCU demands informed by the bargaining survey.

March 2023: before the JNCHES negotiation process is exhausted, UCU undertakes an indicative ballot in every branch asking members if they would be willing to take strike action in pursuit of the demands in the UK-level claim.

This indicative ballot is approached as a structure test, i.e. set up in such a way that each branch can see, while the test is ongoing, which individual members have voted and which haven't (but not how they've voted); and there is a mechanism for making members' votes public once a certain threshold is reached (e.g. once more than 50% of members have voted YES).

Late March 2023: a SHESC is called and decisions are made about escalating to a statutory UK-wide aggregated ballot based on the results of the indicative ballots. Depending on indicative ballot results, branches can also hold a statutory ballot over any

local claims they have submitted at the same time and in the same envelope as the UK-wide ballot.

April 2023: any UK-wide and any local ballots decided on by SHESC/branches could take place from now onwards.

May-June 2023: because of the nature of the JNCHES agreement and the timings which it implies for dispute resolution, we may not be able to take effective strike action over the UK-level claim until the autumn term. However, branches with a local mandate for action can take coordinated action at this point in the calendar (in the same way as happens currently in further education). This would probably lead to as many if not more branches taking action as we have had in the last two Four Fights disputes, although we may not be up to full strength with all branches out until the autumn.

Where results of local/UK-wide ballots are strong enough (based on density as well as turnout/Yes vote), consideration should be given to calling indefinite strike action, at least while term is ongoing (so with a break during the vacation); or an immediate marking boycott in the summer term, followed by a threat of indefinite strike action at the start of the autumn term.

September 2023 onwards: if a multi-year deal lasting two or more years can be agreed in summer/autumn 2023, the next year will be a 'fallow year' for UK-level bargaining, in which the union should concentrate on building for a wave of coordinated local claims and ballots in branches that haven't yet had a chance to build or win local campaigns on non-pay issues. This will leave us in a stronger position overall for the next round of UK-level bargaining.

Keeping the Four Fights and USS disputes aligned

Although this report directly addresses the Four Fights dispute, readers will naturally wonder what the implications of a different Four Fights strategy would be for USS.

In short, there is no reason why the USS dispute could not remain aligned with the Four Fights dispute as it is now, if the Four Fights sector conference endorsed the motions listed above.

The employer cuts to defined benefits came into effect in April 2022 and UCU continues to call and pressure employers to ask USS to conduct a valuation that reflects the strength of the scheme. Information about the position of the scheme as at a potential new valuation date of 31 March 2022 will be released in the coming months, and that will provide another opportunity to escalate the campaign. There will be a further challenge in the coming year because employers are likely to attempt to implement a low cost, poor quality DC-only option aimed at lower paid staff, which will provide a terrible deal for precariously employed staff and further undermine USS as a whole.

Moreover, the fundamental challenges explaining the lack of progress in Four Fights so far are almost all equally applicable to the USS dispute: i.e. the need to build our membership and our rep density; consult members more fully on our negotiating priorities; and organise members to participate fully in industrial action.

UCU should be proactive in setting the timetable and agenda for a USS dispute which we can win by exactly the methods outlined in this report: by engaging the whole staff body; recruiting new members; building solidarity with other campus union branches that have a stake in USS; and fully consulting all members on what they want to see in their pension scheme, in a way that will build commitment and participation in the eventual action.

There is no reason why that timetable and agenda could not align completely with the timetable suggested here for Four Fights. Although the disputes are legally separate and negotiations take place separately, many of the campaign activities suggested here could be inclusive of both disputes:

- All training, rep development etc. could cover USS issues as well as Four Fights.
- The bargaining survey could include a specific section for USS branches covering pensions, in addition to the other Four Fights issues.
- The elected USS negotiating team could use the responses to the bargaining survey to inform their approach to negotiations over the next valuation.
- The indicative ballot proposed for early 2023 could include a question about USS.
- The special sector conference which would be held in March 2023 to consider the indicative ballot results could take decisions about action on USS as well as Four Fights.

Relevant Congress and sector conference policy

Many of the issues and most of the information in this report have been discussed in the past. Elected representatives on the higher education committee (HEC), national executive committee (NEC), strategy and finance committee (SFC) and recruitment, organising and campaigning committee (ROCC) have all engaged in discussions over the past two years on the strategy for the Four Fights dispute and the reasons why it has not worked.

However, the HEC, as the committee responsible for making key decisions about this dispute, has not been able to agree on how to act on the information available or how to plot a path forward. At its last meeting, on Monday 4 April 2022, the HEC debated a number of motions to submit to the Four Fights sector conference but was not able to make any substantive decisions. All of the Four Fights motions were lost (apart from an enabling motion to allow the Four Fights negotiators to submit a report to conference).

The same issues have occasionally been discussed in general terms at recent sector conferences, but without some of the more detailed and sensitive information that has been provided to the elected committees. Given the lack of any decisions by HEC about what to do next, now is the appropriate time to stimulate a wider debate within the union and to provide the whole membership with as much information as possible about the relevant issues.

Certain principles for conducting UK-level HE disputes are already an established part of UCU's democratically agreed policy. The following list summarises a number of recent policy decisions including the report of the Commission for Effective Industrial Action. Full details and links for relevant motions are provided in Appendix C.

- Beating the 50% threshold imposed by the 2016 Trade Union Act is necessary but not sufficient for delivering effective industrial action.
- A significant amount of time and resources needs to be committed to prepare properly for any UK-level dispute.
- UK-level campaigns and industrial action should involve 'union wide consultation' to identify issues that members care about.
- Recruitment of new members is an important part of building for industrial action.
- Having reps in as many departments as possible is crucial for maintaining an active and well organised membership and achieving higher levels of membership density.
- UCU should always try to coordinate action with sister unions, where possible.
- Winning agreements through local bargaining will contribute to successful UK-level bargaining.
- Negotiators should push for multi-year settlements on pay.

The key question is whether conference delegates are willing to vote to shift away from the current Four Fights strategy and instead adopt a strategy that would allow the whole union to put our policy into practice for the first time.

Why we need a new strategy

In some respects, the union's approach to the Four Fights dispute has come a long way since the difficult period from 2018 to early 2019, when we managed turnouts of only 42% and then 41% in successive ballots in this dispute and only 7 branches crossed the 50% turnout threshold when the ballot was disaggregated. In the recent combined USS and Four Fights ballots and re-ballots held in 2019-20 and 2021-22:

- Mandates for strike action were achieved in 74 branches in 2019-20, and 68 branches in 2021-22.
- Turnout across Four Fights and USS has averaged over 50%, and in the 2021 Four Fights ballots, overall turnout exceeded 50% for the first time in a UCU dispute of this nature.
- The proportion of Yes votes for strike action in Four Fights ballots has also increased slightly, from 69.8% in the early 2019 ballot to 73.5% in the autumn 2019 ballot and 70.1% in the 2021 ballot, rising to 74.0% in the April 2022 reballots.

The strike action called on the back of the 2019-20 and 2021-22 ballots has also been better supported by members than strike action in previous pay disputes – certainly in terms of picket lines, support on social media, and other indicators of commitment. At the same time, UCU's campaigning has generated unprecedented attention and awareness among students, politicians and the wider public regarding the issues at the heart of the dispute, elevating casualisation to the top of stakeholders' and policymakers' agenda – even to the point where it was a flagship commitment in Labour's 2019 election manifesto.

Everyone in UCU involved with these campaigns, from members and branch reps to staff in our regional and devolved national offices and head office, should feel proud of these achievements. But they must not be used to distract us from the fact that there has not been meaningful progress in terms of UK-wide collective bargaining on the four key issues. For all the resources and energy committed to this dispute, employers have become incredibly entrenched and they have not made meaningful concessions that would improve the terms and conditions of staff in the sector.

That lack of progress is the reason why this report sets out an ambitious, radical strategy for taking UCU's organising, campaigning, and industrial action on these issues to the next level.

What follows is a detailed account of what has happened in terms of negotiations in the current and most recent Four Fights disputes. That account is followed by comparisons of the Four Fights dispute with other disputes undertaken by UCU, with a view to explaining the relative lack of success in Four Fights and identifying alternative approaches that can be taken to improve our chances of winning.

Negotiations in the 2019-20 and 2021-22 Four Fights disputes

At the same time as we consider a new strategy it is necessary to be honest that the traditional strategy is not making progress in terms of negotiations with employers. UCU members and staff have made every possible effort to put pressure on employers but they have become increasingly entrenched and increasingly adversarial.

Throughout the sector employers are acting with an unprecedented level of collective discipline and intransigence. In the 2019-20 dispute, the action brought to bear on employers made hardly any difference to employers' positions at the bargaining table. In the 2021-22 dispute, it has made no difference, with the employer representative, UCEA, consistently unwilling to negotiate an improved offer with UCU.

The 2019-20 Four Fights dispute

As far as the 2019-20 dispute is concerned, the mandate for action and subsequent 22 days of strike action achieved no progress on pay and very little progress on the other three Fights: casualisation, workload, and equality.

Regarding pay: UCEA consulted employers in mid-December 2019, midway through the action (after the first 8 days had been taken and the USS sector conference had voted for 14 more days) on making an improved offer. Over 80% of the 147 employers covered by the dispute responded and 98% of responses (in other words, all but two) were negative, i.e. the employer did not want UCEA to make an improved offer. Despite a significant amount of strike action, at a point when employers could anticipate that more action was going to take place, employers were completely unwilling to move – with only two exceptions. Their entrenched position had nothing to do with the pandemic and indeed was before anyone in the world had recognised the existence of Covid-19.

Towards the end of the dispute during the 14 further days of action called in 2020, UCEA floated (orally) the possibility of raising their pay offer by only 0.2%, from 1.8% to 2.0%. (This was an offer which they had already made confidentially to UCU's elected negotiators and HEC in the summer of 2019, a month before the industrial action ballot opened.)

During the same 2019-20 dispute, UCEA met with UCU's negotiators for talks about the other three pay-related issues. Throughout those talks they were unwilling to make a written offer providing anything more than a loose set of sector-wide 'expectations' which would not be binding on individual employers and which would need to be negotiated and implemented locally, branch by branch. UCEA's final offer covering those three issues, which was tabled on 1 April 2020, was decisively rejected by UCU members via an all-member online ballot.

To allow for informed reflection on the amount of progress made in the 2019-20 dispute, the relevant evidence is set out for the first time in full in Appendix A.

As illustrated in the Appendix, UCEA first tabled a written offer on the three pay-related issues on 20 December 2019, after two meetings with UCU. Including that initial offer and the final offer dated 1 April 2020, UCEA produced five iterations in total of their offer following talks and written correspondence with UCU. All five iterations and all relevant written correspondence are provided in the Appendix, along with a timeline putting those documents in context.

UCEA's fifth and final offer does not represent a significant improvement on their first offer. Through all five iterations of the offer UCEA took very few steps forward and at some points they rowed back on elements of their earlier commitments. Every loose expectation set out in each of the five versions of the UCEA offer would have been dependent on local negotiations, branch by branch and employer by employer.

There is also no evidence that the pandemic made much difference to employers' calculations. At no point before, during or after strike action or the onset of the pandemic did UCEA come to the bargaining table with any sense of urgency or willingness to undertake a step change in terms of what they were offering.

The 2021-22 Four Fights dispute

The current, 2021-22 dispute has so far seen even less movement than the 2019-20 dispute. In fact, it has not seen any negotiations at all.

As far as pay is concerned in the current dispute: UCEA started the current round of negotiations with an offer of 1.5%, which is worse than the 2019-20 offer of 1.8% both in raw terms and relative to inflation at the time of the dispute. UCEA has so far refused even to consult employers on an improved pay offer, even after being challenged to do so by UCU, and is apparently under no pressure from employers to change its position.

As far as casualisation, workload and equality are concerned, UCEA has also refused to meet UCU's negotiators for meaningful talks on the other three issues. As a result there have been no talks whatsoever on any of the four issues.

UCEA's refusal even to pretend to negotiate contrasts significantly with other disputes in other sectors or areas. Even in long, drawn-out disputes that involve sustained strike action against intransigent employers, the employer does tend to come back to the bargaining table within a few days of the action starting.

Before considering what can be done to change this dynamic, it is worth considering the reasons why there has been so little movement on Four Fights compared with other disputes UCU has been involved in.

Learning from success in other UCU disputes

The problems and challenges outlined in this report are mostly specific to UK-wide disputes in higher education, especially the Four Fights dispute. Other recent disputes that have involved some form of industrial action mandate have on the whole been more successful. It is worth considering what specifically is going wrong in UK-wide HE disputes and Four Fights in particular.

Consider what has happened recently in further education:

- In Northern Ireland FE, where pay and other terms and conditions are negotiated nationally, members have taken industrial action to beat back an attack on their contractual terms and conditions by employers and win an improved pay offer which was announced in January 2022: <https://www.ucu.org.uk/article/1942/FE-pay-in-Northern-Ireland>
- In Wales FE, where pay is negotiated nationally, the recent awards since 2019 have generally outstripped RPI inflation, and UCU has achieved the crucial goal of parity with school teachers: <https://www.ucu.org.uk/fepaywales>. This has been achieved without industrial action – thanks in part to the fact that there is a Labour government in Wales and the UCU Wales office has developed a strong relationship with policymakers.
- In England FE, the last round of intensive multi-employer pay bargaining, involving industrial action ballots in 15 colleges, saw the best results of any UCU ballot on a comparable or larger scale since the 2016 Trade Union Act (62.6% turnout, 89% Yes vote for strike action). Every college that gained a mandate for action walked away with an improved offer from the employer. Several of the offers included improvements on a range of issues in addition to pay, including casualisation and workload. Some branches accepted improved offers before a day of strike action was taken, others reached a settlement after several days of strikes. No college took as many days as have been taken in the 2019-20 or 2021-22 Four Fights disputes.

There have been notable successes involving extended industrial action in a number of other local disputes that involved very deeply entrenched employers who were intent on attacking staff, undermining conditions at a basic level and even victimising UCU reps: e.g. Nottingham College and NOVUS Prison Education.

There have been significant successes in local bargaining and local disputes in higher education, too. For example:

- Over redundancies: many branches have negotiated agreements during the pandemic to save hundreds of jobs. To pick out just two examples, Heriot-Watt and Chester both stopped large-scale compulsory redundancies through strong campaigns with very high levels of member participation.

- Over health and safety: to take just one example, Northumbria University UCU became the first trade union branch in the UK to win a strike ballot over Covid-related health and safety, forcing their employer to make concessions on in-person working after achieving 67% turnout in a two-week postal ballot.
<https://www.ucu.org.uk/article/11170/Staff-vote-to-strike-at-Northumbria-University>
- Over equality: in 2020, University of Bristol UCU reached a landmark agreement with their employer on closing the gender pay gap.
<https://www.ucu.org.uk/article/10543/Landmark-deal-at-University-of-Bristol-to-tackle-gender-pay-gap>
- Over casualisation: Open University UCU reached an agreement with their employer to put well over 4,000 casually employed teaching staff on permanent contracts.
<https://www.ucu.org.uk/article/11654/Landmark-agreement-guarantees-pay-rise-and-job-security-for-over-4000-Open-University-staff>
- Over casualisation and workloads: the Royal College of Art (RCA) UCU branch is close to reaching a tentative agreement with major concessions on a range of issues under the two broad headings of workload and job security. This was after a period of intensive branch-building including massive increases in membership; a series of ballot results in local and national ballots with well over 60% turnout each time; 14 days of strike action taken in autumn 2021; and two further days of local-only action in 2022 (not including UK-wide Four Fights strike dates which the branch also took part in).
- Other local wins on casualisation in HE and other sectors:
<https://www.ucu.org.uk/socc-casestudies>.

Comparing these disputes with the Four Fights, there are some obvious differences that help to explain why they were more successful.

Higher membership density

A lot of the branches just mentioned have a particularly high membership density (proportion of staff eligible to join UCU who are actually members). As of November 2021, Northumbria, Chester, and the RCA were three of only 17 Four Fights branches that had over 50% density, i.e. a majority of eligible staff in the union. Further education branches in general (and the branches that recently balloted and took successful strike action in particular) have a significantly higher density than higher education branches. This density gives the branch a much larger base to build its campaign from. Where density is over 50%, the employer is confronted with a very high risk that a majority of their staff will unite against them if there is a dispute.

Higher membership participation

Again, where branches held ballots in the successful disputes just mentioned, the turnout was significantly higher than in the Four Fights dispute. Branches did not just scrape past

the 50% threshold imposed by the Tories' 2016 Trade Union Act – they kept going and beat it by 10 or even 20 percentage points.

Higher membership commitment

The imposition of the statutory 50% threshold has shifted unions' attention from winning Yes votes to increasing turnout, but the size of the Yes vote remains crucial as a signal of members' commitment to a dispute. To ignore or downplay it is a strategic error. As with turnout, the Yes vote for strike action in branches that balloted in these disputes was higher than it has been in recent Four Fights ballots and in most cases it was a lot higher. The average for the 15 successful FE ballots was 89.9%; at the RCA it was 82.8%. At the RCA and in a number of the FE ballots, the turnout and Yes vote were both so high that a majority of the whole workforce (not just UCU members) voted for strike action.

In the 2021 Four Fights ballot, by contrast, the Yes vote for strike action was 70.1%. Turnout was 50.6%. Only in one out of 146 branches – the RCA, again – did a majority of the eligible workforce vote for strike action. Overall, across all 146 branches, less than 10% of the eligible workforce voted for action.

Branch and member control over the terms of the dispute

The branches just mentioned all approached their disputes with very different sets of demands that were all tailored to reflect the situation and priorities of their own workforce. At the Open University, the focus was on a specific type of very widespread teaching contract that was subject to massive casualisation but could, with adequate workforce planning, be made permanent. At Bristol, there was an emphasis on increasing opportunities to progress out of lower paid research-only and teaching-only roles where women were disproportionately concentrated. The RCA branch focused on zero-hours and other casualised contracts, bogus self-employment, and workload issues to do with teaching hours.

It is possible to win on a range of issues at the same time, but there needs to be a careful process of formulating demands by mapping the workforce and consulting the staff affected from the start of the dispute – otherwise members will not really know or identify with the demands they are being asked to go on strike for and commitment will be low.

The scale of the challenge – and what we need to do to meet it

At the very least we need to learn from the successes of other disputes in UCU. But we probably need to go even further than that because employers in UK-wide HE disputes are now exceptionally disciplined and deeply entrenched and there are other obstacles to winning in our way. Employers throughout the HE sector are actively waging war on UCU members and a radical response is needed.

After years of strike action and other campaigning failing to yield returns, there is a risk that members in branches that have not experienced a successful strike will be demoralised and lacking in confidence about the power of industrial action or any union campaigns to change things for the better. Members' confidence may not survive another round of punishingly sustained but unsuccessful industrial action. There is a clear need to adopt a recognisably different strategy that will look and feel different in every way and translate into different results.

Above all, that strategy needs to match the ambitions which we share as a union for winning in every area of members' terms and conditions throughout the sector. It needs to recognise:

- How deeply entrenched employers are.
- How much it will take to move employers.
- How much it will take to win an agreement covering an entire sector on multiple issues in an era when any kind of sectoral bargaining, at least in the UK, is extremely rare.

Employers have got used to weathering the storm of disruption since 2018 and are extremely well organised in presenting a near-unanimous front of opposition to making concessions to UCU. As mentioned previously, 98% of employers did not want to make an offer midway through the 2019-20 Four Fights dispute. In the current dispute, UCU is not even bothering to consult employers on making an improved offer at all. Even in the current USS dispute, a UUK consultation of employers produced a similar 90%+ negative response.

At the same time, employers are becoming more aggressive than before in actively seeking to punish members who take action. More employers than before have sought to impose partial or full deductions for action short of a strike (ASOS).

Employers now know what kind of disruption and what levels of member participation they can expect from a standard set of UCU strike ballots and the associated action, and they are weighing their own reactions accordingly. The Yes votes in the 2021-22 ballots, the number of branches over the threshold (68 across both disputes, compared with 74 in 2019-20), and the number of branches that achieved a mandate in the reballots (12, compared with 14 in 2019-20) will have led them to conclude that they did not need to prepare for quantitatively or qualitatively different disruption from what they have faced in the past. The same will be true of the March-April 2022 reballots that just closed with 36 branches achieving a mandate for strike action.

Any new strategy needs to include a roadmap to drastically increasing the disruption that takes place. At the same time, it will need to recognise the scale of what we are trying to achieve and develop a plan that matches up to our ambitions. The following sections set out some of the major obstacles and why they need to be overcome if we are going to achieve transformative change on the Four Fights issues.

Protecting and strengthening sectoral bargaining in HE: the scale of the challenge

Apart from one or two public services and a few small-scale relics of private sector agreements struck decades ago, most unions in the UK have completely given up on the idea of industry-wide, or sectoral, bargaining: even over pay alone, never mind anything else. Because of anti trade union legislation and the increasing strength and confidence of employers, the most common type of collective bargaining in the UK now takes place at the level of individual employers. It is a very long time since any UK union has proactively won a binding sector-wide agreement covering multiple aspects of members' terms and conditions on the scale UCU is aiming for, covering hundreds of thousands of staff and around 150 employers.

The same is true if we look overseas to other examples of collective bargaining in countries that have large, well established HE sectors: e.g. the US, Canada, Australia. In all of these countries there is no comparable sector-wide collective bargaining over pay – let alone other issues – in higher education.

In fact, in the UK there has been little success throughout the trade union movement in any disputes on the scale of UCU's HE disputes since the 2016 Trade Union Act. The only union that has arguably bucked this trend is the CWU, whose relatively successful recent disputes with Royal Mail are on a comparable scale in terms of the number of members balloted, albeit in only one employer rather than 150 employers. The CWU's successes have been underpinned by **high membership density (of around 80%)**, high turnout in ballots (around 70%), and very high Yes votes for industrial action (over 90%). We need a strategy for UK-wide disputes that will bring us closer to this level of participation.

There have been **signs recently that employers in UK higher education are considering making the same transition to local bargaining**. This only makes the position of the Four Fights dispute more precarious and the need for a more radical strategy more urgent. It isn't just the possibility of a better pay offer and agreements on other issues that is at stake – it is the whole structure of collective bargaining in HE and the very idea of a unified sector with a (relatively) fair and transparent labour market.

The Tory government's plans for higher education also present a massive potential obstacle to success. Ministers and the DfE regularly float, **and are now actively consulting on**, proposals that would drastically change the tuition fee funding system, to the detriment of the sector's finances and overall cohesion. The domestic and public funding landscape is going to get worse in the foreseeable future, not better, and a robust strategy is needed to meet that challenge.

There is also a specific challenge as far as the matter of pay is concerned, compared with other things that cost employers money. An increase on pay costs more than an increase on pensions, partly because it affects all staff, not just those who happen to be USS or TPS

members. This means that winning on pay on a large scale is going to be particularly difficult.

The challenge of winning on pay is compounded by the fact that pay bargaining covers staff in other unions as well as UCU. UCU is part of a larger collective bargaining framework – JNCHES – that includes all other recognised campus unions, representing all sections of the workforce in JNCHES member institutions. If UCU members want to help improve pay for everyone who works in HE, including support staff and all academic-related and professional services staff (not just ARPS staff on higher grades in pre-92 institutions), that will be harder still and a strategy of serious, proactive coordination with the other campus unions will be needed.

Collective sectoral bargaining in UK higher education is on the precipice. Fighting to preserve it over the next few years is going to be difficult enough. Fighting to extend sectoral bargaining so that we have binding agreements on workload, casualisation and equality as well as pay is going to be harder still. All of this will need to be done at a time when employers are more entrenched and more confident in their ability to withstand industrial action than ever, and the Tory government is not inclined to maintain financial support for the sector at its current level. We need to stop repeating the same strategy with minor tactical and operational tweaks – we need a new strategy for building the power necessary to get what would be one of the biggest victories any UK trade union has achieved in decades.

Increasing UCU membership

There is a fundamental problem of membership density underpinning the lack of progress in the Four Fights dispute: that is, only a small minority of staff eligible to be UCU members currently are UCU members.

Overall density in the sector is around 30% (based on data made publicly available via the Higher Education Statistics Agency, along with UCU's own membership data). This is significantly lower than UCU's membership density in further education – which helps to explain why recent further education disputes have had more successful outcomes than the Four Fights dispute. If ARPS members represented by UCU are excluded from the calculation of density in HE, the figure is 35%. In any case, density is below the **public sector average (51.9% as of 2020)**.

Density in the larger Russell Group employers, who have more financial clout and are likely to pull more weight with employer representatives in the collective bargaining frameworks, is lower – at 22% including ARPS staff, 34% excluding ARPS staff. In non Russell Group pre-92 employers, density is slightly higher: approximately 26% for all eligible staff, 40% for academic only. In the post-92 employers – where UCU does not represent ARPS staff at any grade – density is around 32%.

That is, density is highest on average in the post-92 institutions whose branches currently experience most difficulty mobilising members for industrial action in a disaggregated ballot: the branches that achieved a mandate for action in 2019-20 and 2021-22 were disproportionately those in Russell Group and other pre-92 institutions. Most of our strike activity is currently concentrated in the institutions where our density is lowest.

There is an urgent need to improve density across the board, but especially in pre-92 institutions. There is also a need to adopt a strategy that will help post-92 institutions bring their superior density to bear on employers by joining the industrial action when it does take place.

Turnout figures, and even figures for Yes votes in an industrial action ballot, do not in themselves reveal how disruptive the action will be. What matters is a combination of turnout, Yes vote, and density. The single most important measure of strike-readiness and the threat posed by strike action is a branch's Yes vote as a percentage of its bargaining unit, i.e. as a percentage of staff eligible to be UCU members.

Using the measure of Yes vote as a percentage of bargaining unit, in the recent, autumn 2021 Four Fights ballot, only one branch saw more than 50% of eligible staff in the institution vote for strike action: the Royal College of Art. Only seven branches saw between 20% and 50% of eligible staff vote to strike. Only one of those seven branches was in a pre-92 university and had more than 500 members (Goldsmiths); the rest were post-92s with under 500 members. The total across all branches in the ballot was 9% of eligible staff voting for strike action. A lot of major Russell Group branches that achieved a mandate in Four Fights and/or USS saw 10% or less of their eligible staff voting to strike.

From USS in 2018 to the 2019-20 and 2021-22 disputes, UK-wide industrial action campaigns have never involved a programme of properly planned, properly resourced, proactive recruitment. However, where branches have done this as part of local campaigns, they have built astonishing levels of solidarity and collective militancy that have translated into real victories in collective bargaining.

Take, for example, the current dispute on casualisation and workload at the Royal College of Art, where membership density has increased from around 30% at the time of the autumn 2018 pay ballot; to around 50% at the time of the 2019 Four Fights ballot; to close to 100% density at the time of writing. There needs to be a plan along with time and resources set aside for more branches to follow the example of branches like RCA UCU and build higher levels of density and participation.

Related to this problem of density is a problem of membership composition. The problem is not just that only a minority of eligible staff are in UCU. It is also that UCU does not have high density amongst precariously employed and lower paid staff. If anything, membership demographics appear to be shifting more towards the higher paid and more securely employed end of the spectrum as time goes on.

In the period from September 2021 to February 2022, the numbers of full members of UCU in both the £40k-£60k subscription band and the £60k+ subscription band increased, whereas for each subscription band between £10k and £40k, the number of members dropped. Over the same period, the numbers of members on hourly paid, part time, and variable hours contracts also dropped. These trends cannot simply be a result of existing full members updating their details in the database as a result of promotions, incremental salary increases or changes of contract, because they are mirrored in the statistics for new joiners.

UCU arguably risks becoming more predominantly composed of higher paid and more securely employed HE staff over time, and the most recent HE disputes appear to be accelerating that trend rather than reversing it. At the same time as we maintain in our campaigning that around 50% of the profession is precariously employed, our own membership composition does not yet reflect that reality.

Our low density amongst casually employed and lower paid staff is a problem because it means that the workers who have most to gain from the Four Fights agenda in terms of pay, casualisation and equality (given women and Black members of staff are more likely to be casually employed) are least likely to be in the union and are therefore not taking part in disputes and industrial action. A dispute over these issues needs to involve mass participation and leadership by the workers affected by the issues. The way to build a fighting union is to recruit and develop activists and leaders who have the biggest stake in the issues we are fighting over on a mass scale. There are tens of thousands of lower paid and casually employed staff across the sector who are not members of UCU and who need to be approached proactively, welcomed into the union, and listened to.

We also need to consider how membership density and coverage relate to structural power. We are not necessarily strong in subject areas or departments that might have more power to cause problems for the employer: for example, departments where disruption could have an impact on international student recruitment, business partnerships/knowledge exchange, and other revenue streams. This is one reason why a programme of workforce mapping and active recruitment in as many branches as possible is essential for building towards effective industrial action.

Increasing members' participation in UCU campaigns

Allied to the problem of low levels of membership is the issue of members' participation in industrial action. We need to confront the reality that as it stands, a lot of UCU members do not participate in every day of strike action or every form of ASOS that is called.

It has always been possible to infer this from **statistics published by employers**, which are based in part on staff self-reporting of strike-related absences and ASOS. Those figures probably understate levels of participation, but the broad conclusion that participation is

anything but 100% has been confirmed by UCU's recent survey of HE members on industrial action.

This survey, mandated by the **September 2020 special sector conference (motion 15)**, took place in early 2021 and included questions about members' participation in past industrial action as well as their views about potential future action. The survey was anonymous and there is no reason to doubt the honesty or reliability of members' responses. Key findings from the survey have been reported and discussed twice at UCU's higher education committee, in February 2021 and September 2021, but have not been shared more widely until now.

There were over 16,000 responses to the survey. There was a positive correlation between the response rate in individual branches and those branches' results in recent ballots, in terms of turnout. An overwhelming majority of respondents (87.2%) also reported that they had voted themselves in past industrial action ballots. In other words, the respondents were more likely to be in active branches with a record of recent industrial action and were more likely themselves to be active members in the sense of participating in ballots.

Of those who responded to the questions about participation in past industrial action, 43.3% said they had participated in all previous industrial action their branch had voted for. Based on responses, around half of respondents reported taking ASOS throughout the mandated period of action in past disputes (with the caveat that in 2020, many stopped when the first Covid lockdown began). The remaining half of those who took ASOS did so only partially.

That is to say, around half of respondents reported taking industrial action, including strike action as well as ASOS, consistently. Since the respondents were more likely to be active members who vote in ballots, the real proportion of members who take all industrial action they are called to take part in could be lower than half.

As well as reporting patchy or low levels of participation, survey respondents also provided valuable information about the things that would make them more likely to feel able to participate fully in industrial action. The top two factors selected (with more or less the same level of popularity) were more senior staff visibility, i.e. more senior colleagues visibly taking part in industrial action; and more colleagues in their department taking part in industrial action. This points again to the urgent need to adopt a strategy and style of campaigning that builds membership density as well as commitment to action, branch by branch and department by department and at every layer of the staff body from the lowest paid and most precariously employed staff upwards.

Any viable strategy needs to recognise that we are not mobilising members to tick a box and post a ballot paper, or attend rallies, or turn up occasionally for picket line duty. We are asking all members to withhold all of their labour for every minute of every day of

strike action that is called, and to participate in every form of ASOS they can participate in. That is a hugely consequential demand to make of any worker and the process of organising members to take that kind of action in complete unity with one another requires time and resources.

More reps, stronger structures

Key to building mass membership density and participation is identifying leaders and recruiting representatives. Organisers with experience of building militant, strike-ready unions speak about an ideal ratio of one active member for every 10 members: one member who can talk to those 10 members in their department or work area through every step of a campaign, explain new developments to them, listen to their concerns and feed their input through the democratic structures.

In UCU this would be the role of the 'rep', but very few if any branches have a 1:10 ratio of reps to members, even for the members they have currently – let alone for the members they would need to have before they could mobilise a majority of the workforce for strike action. There are a few HE branches with a large contingent of named reps across different departments that achieve a ratio of between 1:20 and 1:30 and those branches do tend to have a strong record of mobilising members for action. At the same time, there are other large branches in HE that currently have very few or zero active departmental reps.

Building up rep structures is as urgent and necessary as building up membership density and needs to happen at the same time. Branches need to be given training to identify and develop potential reps – training that is tailored for the specific demands of the Four Fights campaign and administered so that it is available at the right point in the timetable of the dispute.

Once reps have been recruited, they need to be trained in organising and mobilisation techniques – mapping the workforce, updating membership lists, one-on-one and small-group conversations etc. – and given the information and understanding they need of the issues at stake in the dispute. All of this will take more time and preparation than has been available in recent disputes.

Making use of volunteers

Enlisting volunteers in priority campaigns is just as important as recruiting reps. Many members want to be active and to contribute their time and energy to specific campaigns without training to be reps on a more permanent basis. When branches do bring volunteers into their campaign activities, they often experience massive improvements in their ability to engage and mobilise members and take effective action.

For example, staff in UCU's North West regional office have recently trialled a method known as 'spider webbing', which is rooted in the principle that effective action requires large numbers of active volunteers having conversations with colleagues in the workplace.

Spider webbing has been used in indicative and statutory ballots in FE and in HE (including the autumn 2021 UK-wide ballots). In each case it has correlated with higher ballot turnout and a higher proportion of branches crossing the 50% threshold, compared with the UK average. In fact, the North West saw a higher proportion of branches crossing the threshold in the autumn 2021 HE ballots than any other region or nation.

Spider webbing involves asking members with recent evidence of activity (e.g. members who turn up to branch meetings) to have conversations with a list of 10 other members in their workplace to discuss the dispute, and report back on those conversations to the branch committee and staff. These volunteers often agree to take on another list of 10 once they had made their way through their first list. Branches have reported that spider webbing was the single most effective tool at their disposal in their GTVO activities – more useful even than ThruText, the peer-to-peer text messaging service that has proved popular with branches since its introduction in 2019.

To scale up methods like spider webbing so that they can be used by reps and volunteers in every single branch, and combined with other organising practices – mapping, surveys, talking to non members, etc. – will again require a significant investment of time and resources. Even if a full programme of UCU Reps 1 training is not needed, volunteers will still need to be brought up to speed with safe processing of colleagues' personal data, the issues that are the subject of the dispute, how to approach colleagues for conversations, etc. This will require months of work and cannot be done in the sort of time frame in which recent statutory ballots have been conducted.

More democratic negotiations

It is pointless and arguably counterproductive to try to recruit members and persuade them to go on strike without also giving them a high level of control over what they are going on strike for. Unions that aim for mass participation and a high rep:member ratio don't do so for the purpose of taking members out on strike over demands that have been imposed from the top down – they do so for the purpose of learning from the workers what the key issues are and constructing a bargaining agenda that represents the collective interests and priorities of the workforce as fully and evenly as possible.

How have the demands currently contained in the Four Fights dispute been developed? Generally speaking, through the higher education sector conference, with the higher education committee mandating the negotiators elected by sector conference to develop them into **a formal claim to put to employers**, subject to agreement by the other campus unions. The formal industrial dispute is then triggered by a **dispute letter** which,

because the standard JNCHEs negotiations involve little or no movement from employers, tends to reflect the original claim.

This process reflects a certain level of democratic input: a motion has to come to sector conference from a branch members' meeting or an elected committee (although an amendment does not), and some of the delegates who vote to make that motion UCU policy at sector conference will have been elected by members in their branch. However, it is rare for delegates to be mandated by a branch to vote a certain way on crucial decisions relating to industrial disputes and collective bargaining, and the quorum for a HE branch meeting is a tiny proportion of total membership.

In addition to the policies approved by sector conference, there is a need to consult and survey individual members actively and directly on their priorities. The strategy outlined in this report includes a process for conducting a survey of all members on their experiences in the workplace, which would be used to inform UCU's bargaining agenda both at UK level and locally, in branches. Properly conducted, and used as a tool for organising and building towards action, a mass-membership bargaining survey is the foundation of a successful campaign.

A survey could be carried out not with a view to overturning existing policy, but to informing our negotiators about what members' needs are. It could be used to inform decisions about how conference motions should be implemented and translated into the formal claim, and what to prioritise at the bargaining table. For example, how would casually employed members rank the following priorities?

- Converting part-time, fixed-term hourly paid contracts into permanent, fractional contracts?
- Winning higher rates of hourly pay and fairer grading and workload allocations for hourly paid work?
- Eliminating zero hours contracts?
- Reducing use of part-time contracts for teaching-only and research-only roles?
- Converting fixed-term teaching-only into fixed-term teaching and research roles?
- Eliminating use of fixed-term contracts shorter than two years?

There is no way to find out without asking casually employed members directly, and every member who is going to be asked to sacrifice days or weeks of pay deserves to be asked on this level of detail about what they want so that our elected negotiators know what they need to push for on their behalf.

The ideal bargaining survey would not be conducted in a purely individualised way. It could also be used as a starting point for collective discussions and decision-making at the level of departments and branches. Members could be encouraged to get together and discuss their priorities collectively before filling in the survey. Branch-level survey results would be directly accessible by branches and could be used to inform their local campaigning and

their submissions to sector conferences and to branch delegate meetings during any dispute.

Our demands need to be representative and so does our approach to negotiations. Negotiations should be open to as many members as possible and there should be constant reporting to and input from all the different groups of members affected by the proposals that are being negotiated. Every type of job, type of contract, gender, race, and other protected characteristic should be represented in negotiations.

For example, it is not acceptable to have negotiations over casualisation (among other things) taking place when none of the elected negotiators in the room is casually employed. We need to find a way to ensure that casually employed members, ARPS members, women and disabled and BAME members are all fully represented.

There are some basic ground rules for negotiations, in terms of the numbers attending, set out in the joint agreement between employers and the campus unions that established JNCHES. Even if employers do not agree to vary or deviate from this agreement by allowing more members into the room, there are still ways to ensure that there is a sufficiently diverse wider negotiating team. For instance, the negotiators elected by sector conference could hold regular breaks during negotiations, as well as wider meetings before and immediately after negotiations, with the entire elected higher education committee (HEC) – so that our elected representatives of casualised members, of disabled members, of women and Black members, of ARPS members etc. on HEC could play as full a part in negotiations as possible.

Better coordination with other campus unions

UCU is part of a collective bargaining framework with other unions that represent different sections of university staff in different parts of the UK: UNISON, Unite, GMB, and (in Scotland) EIS. Bargaining over pay in particular covers all staff represented by all unions. If and when support staff who provide absolutely essential services for universities to function withdraw their labour, the results can be very powerful: for instance, City, University of London recently had to close its entire campus when security staff represented by UNISON joined UCU on strike.

However, with the partial exception of EIS, the other campus unions do not have a strong record of achieving mandates and taking industrial action compared with UCU. UNISON has balloted a number of times over pay since 2016 on similar (but not exactly overlapping) timetables to UCU and Unite has also balloted. These are the unions that need to play a significant part to cause sufficient disruption in the sector, but their ballot results have fallen far short of what is needed, with average turnout as low as 30%.

The results of the most recent UNISON ballots, which took place shortly after UCU's autumn 2021 Four Fights ballots, are instructive. Only 9 branches were in a position to

take action over pay, and 1 more branch was in a position to take action over USS only. Only 2 of those branches are in the top 40 largest higher education employers in terms of number of students. UCU needs to work closely with individual branches of other campus unions to help them build their capacity to take action.

In any future long term strategy, time and resources should be set aside for reps from other campus unions in relevant branches to attend UCU training and UCU campaign events relating to the Four Fights dispute. UNISON and Unite reps in particular should be actively approached and invited to coordinate closely from UCU and learn as much as possible from our union's experience and near-unrivalled skills when it comes to preparing for ballots and mobilising members for action.

This is work that can be orchestrated to some extent from the top down, but it needs to be reinforced on the ground, with reps in UCU branches throughout the sector actively working not only to build solidarity but also to share best practice and coordinate action with colleagues in other unions. This is something that many UCU branches of course already do very well, but time needs to be allocated to allow it to become a consistent practice across every branch at every stage of the dispute.

Coordination with students

What has just been said about the campus unions can also be applied to student organisations. UCU centrally and many UCU branches have developed excellent working relationships with the student unions over the last few disputes. This needs to be enhanced and expanded by making sure that local student organisations are brought in from the very start of the bargaining process and welcomed to UCU training and other events (as has happened in the case of the Organizing For Power programme, which a number of branches have attended along with local student union representatives).

This needs to be done so that student activists can organise their own base and ensure that disruptive actions taken in pursuit of their interests and/or in solidarity with staff – rent strikes, occupations, etc. – are as high-participation and effective as possible.

Campaign actions to commit members, test structures, and build participation

As mentioned previously, there is a problem of participation, with not all UCU members participating in all of the industrial action called. A strong campaign needs to be built long before a postal ballot takes place and action is called, through structure tests of members' commitment and branches' organisation. These tests would function as opportunities for members to send democratic signals through the organisation about their priorities and ability and willingness to take certain kinds of action. They would also be opportunities for branches to see which parts of the workplace are strike-ready and which are not.

One example of such a structure test would be the bargaining survey discussed elsewhere in this report: it is an opportunity for members to feed into and influence the terms of the dispute, and it is also an opportunity for branches to identify areas where engagement is low and needs to be increased before the union escalates to industrial action. Other examples would include petitions, indicative ballots, mass meetings, etc. A successful Four Fights campaign needs to be planned well in advance with time built in for more than a rapid escalation to a postal ballot followed by action called as soon as possible afterwards.

Aggregated ballots

The number of branches which we send out on strike in Four Fights disputes – always, thus far, a minority of the total branches covered by the collective bargaining framework – has not been sufficient. If a majority of employers in the dispute face no industrial action and therefore no pressure to make an improved offer, the chances of a radically improved offer on the scale which members are rightly demanding will be low.

UCU has previously crossed the 50% turnout threshold that would need to be crossed for an aggregated ballot to be successful and provide a mandate for strike action in every university in the UK – in the disaggregated autumn 2021 Four Fights ballot. Our ability to do this with minimal preparation time and a 2.5-week ballot window shows that aggregated ballots should now be the norm and any ballot in the next Four Fights dispute should be conducted on an aggregated basis.

However, an aggregated ballot on its own with no other changes to the current strategy is unlikely to produce a radically different outcome. It may move employers to make an improved offer, but working conditions and wages have become so degraded that a marginally improved offer is not going to be acceptable to many UCU members. An aggregated ballot will also produce problems and challenges of organisation: suddenly UCU staff and resources, such as the Fighting Fund, will need to be spread very thin, supporting branches that are currently unable to beat the turnout threshold on their own to undertake what could well be their first ever large-scale strike.

Any aggregated ballot needs to be accompanied by the kinds of organising work and plans to allocate time and resources set out elsewhere in this report. As a standalone quick fix for the current strategy, it can help produce a better outcome but it probably will not lead to employers offering a radically different package of concessions.

Proactive local bargaining to reinforce UK-level disputes

As discussed previously, there have been a number of recent examples of successful local bargaining over many of the same issues covered by the Four Fights dispute. To take three examples:

- On gender pay at the University of Bristol.
- On casualisation at the Open University.

- On casualisation and workload at the Royal College of Art.

These successes need to be built on and developed into a properly resourced programme of local organising, militancy and collective bargaining throughout the sector.

It will never be possible to achieve such an absolute victory at the UK-level bargaining table that local disputes and bargaining activities are unnecessary. Employers will always try to find ways to undercut or circumvent UK-level agreements, variations will always emerge between different workplaces, and UCU branches will always have extra priorities and ambitions specific to their workplace that are not already fulfilled by existing UK-level agreements.

Local bargaining should also complement and act as a catalyst for better UK-level bargaining outcomes. Historically, employers have engaged in sectoral bargaining (often with a push from the state) because they were getting hit hard by more localised forms of militancy that revolved around employer-level and pattern bargaining (i.e., bargaining where one employer in an industry was targeted by a union seeking an agreement that would function as a pattern for other employers to be held to). Powerful employers endorsed the idea of sector-wide bargaining frameworks because they thought they would have to concede less overall in a sector wide deal than their strongest trade union branches would force them to concede locally.

It is hard to see how an effective UK-wide campaign could be built without some branches being able to win the same sorts of things locally which we are trying to win throughout the sector – or in some cases, even better. We need to show the biggest, most powerful and wealthiest employers in the sector that if they do not push UCEA to offer a UK-wide agreement on workload, casualisation and equality, we will support their UCU branch to build to the point where it can mount a local campaign on those issues that will escalate to industrial action and have a massive impact on their operations – and the employer will not be able to hide behind UCEA or other employers' lack of action as an excuse for not settling the dispute.

There is no effective UK-level bargaining without strong branches. The only question is whether that strength is built through cycles of very frequent UK-wide ballots and disputes only with less time and resources for proactive local bargaining, as per the current strategy, or whether it is better built by taking a little more time in between or alongside those UK-wide disputes to engage in proactive, properly resourced local bargaining.

One way to create time for local bargaining would be to push for multi-year deals on pay. It is already a matter of **sector conference policy** to explore multi-year bargaining, and the campus unions have indicated that they are open to a multi-year deal in recent **annual claims** lodged with employers, including the **2022-23 claim** which was published on 23 March 2022. What we need to do next is build the kind of membership base and levels of

participation in the dispute that will actually force employers to offer a deal covering two or three years of pay awards in advance.

Apart from that, a coherent, thorough Four Fights campaign as mapped out in this report will provide clear opportunities for branches to develop and advance a local bargaining agenda alongside the UK-level one. For instance, if administered properly, the results of a UK-wide bargaining survey covering the Four Fights issues could be analysed and studied on a branch by branch basis, and used by branches to develop local claims and campaigns that reflect their members' priorities. Those claims could then be lodged and campaigned on either during UK-wide disputes, or in any fallow period that emerges in between UK-wide disputes.

Time to prepare and build disputes

There is an urgent need to set aside the time needed to build towards effective industrial action. However, that does not mean that this report is proposing to take the long route instead of the short one.

The strategy proposed in this report is not more time consuming than the current strategy. In fact, the current strategy of rapidly mobilising a minority of branches with relatively low membership density to take wave after wave of sustained industrial action is not a quick and easy one. It has proven extremely time consuming and resource-intensive.

It has taken nearly four years since the first post-2016 disaggregated ballot in this dispute, in autumn 2018. Despite the progress made in terms of our ability to reach the 50% threshold in more branches, there has not been meaningful progress in terms of movement from employers. In that time, well over £5million has been spent from the Fighting Fund and many millions more in terms of wages given up by members who have taken action.

Four years is a long time for members to wait for a strategy to work. Unions have built much stronger campaigns in less time than four years. It is estimated that the strategy proposed here under would take 12-18 months to shift towards.

If sector conference decides to adopt the strategy immediately, it will be possible to put it into practice in time for the 2023-24 UK-level bargaining round. If sector conference decides instead to pursue continuing action under the fresh six-month mandate obtained via the reballots, that timetable will have to be delayed and there will be no significant change in strategy until the 2024-25 bargaining round. It is up to members and branches to decide via sector conference.

Take indefinite strike action – but only when we have the numbers

It has become clear in recent disputes that if we call a certain number of days of strike action staggered over several weeks, employers are willing to wait us out and drag out the

dispute so that we are forced to hold reballots to renew our six-month mandate for action. There is considerable merit in using a different tactic and calling indefinite action, once we have recruited more members and are confident that participation will be high.

Indefinite action would involve announcing a date on which strike action will start and announcing that the action will continue indefinitely in every branch on every working day until the dispute has been resolved. The tactic would increase employers' uncertainty and reduce their ability to plan to mitigate the impact of action by redistributing missed work to other parts of their calendar.

However, changing the nature of industrial action called is pointless and potentially counterproductive without also setting aside the time and resources to increase the number of members taking part in action. Indefinite action by a minority of members or staff in a minority of branches risks demoralising members as much as, if not more than, the kind of staggered action that has been called in recent disputes.

Conclusion

If UCU achieves sector-wide progress on all of the Four Fights issues on the scale set out in our annual claim to employers, it will be the most impressive and consequential victory in an industrial dispute by any trade union in the UK for a long time – certainly since the 2016 Trade Union Act. It will arguably be the greatest victory achieved by any union representing higher education workers in the Anglophone world.

This kind of victory is achievable. UCU has made more progress towards its goals than most unions in a similar position, and successes experienced in recent local disputes provide a template and a basis to believe that we can go a lot further. But it will require a mandate and a strong commitment from sector conference delegates to set the current strategy aside and, instead of repeating it and hoping for different results, adopting the radical new strategy mapped out here and reflected in many of the motions to conference calling for change.

Appendix A: timeline and documents regarding the 2019-20 Four Fights negotiations

A timeline and summary of various UCU materials regarding the 2019-20 Four Fights dispute can be found here: <https://www.ucu.org.uk/he2019>. Below is a more detailed timeline including links to documents that have not previously been published.

November 2019

1 November 2019: UCU Higher Education Committee calls 8 days of strike action after publication of ballot results.

25 November 2019: start of 8 days of strike action.

26 November 2019: first Four Fights negotiation meeting with UCEA.

December 2019

11 December 2019: [UCU letter to UCEA](#).

17 December 2019: Four Fights negotiation meeting with UCEA. UCEA reports on its recent consultation of all 147 JNCHES employers, which took place after the 26 November meeting and therefore after the strikes had started. Over 80% of employers responded and 98% of respondents (i.e. all but 2 respondents) said they were not willing to move on pay.

20 December 2019: UCEA sends UCU a [without-prejudice written offer](#).

January 2020

10 January 2020: Four Fights negotiation meeting with UCEA. An internal UCU summary of the meeting can be found [here](#).

17 January 2020: Four Fights negotiation meeting with UCEA.

20 January 2020: [UCU response](#) to UCEA's 20 December 2019 without-prejudice written offer.

23 January 2020: UCEA sends UCU a [revised without-prejudice written offer](#).

27 January 2020: UCEA sends UCU a ['final' offer](#).

28 January 2020: UCEA 'final' offer published.

29 January 2020: rebalot results announced, leaving 14 more UCU branches in a position to join the action.

30 January 2020: special meeting of UCU Higher Education Committee calls 14 more days of strike action.

February 2020

17 February 2020: UCEA sends UCU a **letter following up on 'final' offer**.

20 February 2020: start of 14 days of strike action.

24 February 2020: Four Fights negotiation meeting with UCEA.

27 February 2020: UCEA sends UCU a **further revised without-prejudice written offer**.

March 2020

3 March 2020: UCU sends UCEA a **response** to their further revised offer.

5 March 2020: UCEA sends UCU a **response (dated 4 March)** to UCU's latest correspondence (see 3 March, above).

10 March 2020: Four Fights negotiation meeting with UCEA.

April 2020

1 April 2020: UCEA sends UCU their **final offer**.

Appendix B: central UCU GTVO support in 2021-22 (including comparisons with 2019-20)

Bargaining and negotiations and campaign work

Two important reports were published by or with support of UCU during the ballot period:

- An updated version of our comprehensive report on precarious work in higher education, reflecting the latest HESA returns:
https://www.ucu.org.uk/media/10899/Precarious-work-in-higher-education-Oct-21/pdf/UCU_precarity-in-HE_Oct21.pdf
- A report by Education Support (based on a survey circulated to UCU members) exposing the workload and mental health crisis in universities:
<https://ucu.org.uk/article/11839/Half-of-UK-university-staff-showing-signs-of-depression-report-shows?list=1676>

A range of infographics were produced by the Campaigns team for social media and email distribution, highlighting key statistics from these reports and other recent UCU research and articulating the demands made to employers.

Visits to key web pages

USS modeller: over 31,000 unique views (since it launched before the ballots, on 28 May 2021).

HE pay modeller (including options for salaried and hourly paid staff): over 14,000 unique views.

In total these and selected other pages relating specifically to the HE disputes received 47,000 unique views during the period between the announcement of the HESC decision to trigger the ballots (on 15 September) and the close of the ballots.

Physical materials produced and mailed out

In total head office staff printed and distributed:

- 205,000 A5 Four Fights leaflets
- 130,000 A5 USS leaflets

= 335,000 leaflets in total

- 15,000 A3 Four Fights posters
- 10,000 A3 USS posters

= 25,000 posters in total

- 75,000 Vote yes stickers

Membership

In the period since the ballots were announced on 15 September:

- Approx. 5,000 members in HE changed their branch/employer information
- Approx. 7,000 members in HE changed their postal address
- Up to 5,000 members in HE changed their membership status

The above figures only refer to changes which were made via MyUCU; they do not cover the large number of changes made by members via direct email or phone contact with the Membership department.

Replacement ballots, ballots for new members, and ballot exclusions

Several thousand new ballot papers were sent during the ballot period, to members who had requested a replacement and to new joiners.

GS branch meetings, political activities, diary engagements etc.

After the ballots were triggered the GS attended various meetings and spoken at various events to get support for the disputes and get the vote out, including:

- Labour Party conference, 25-28 September
- The World Transformed, 25-28 September
- Meetings with the shadow education secretary; shadow universities minister; NUS President, TUC General Council
- Branch officer briefing, 13 October
- Woburn House rally (UCEA and UUK headquarters), 18 October
- London postbox event, 26 October
- Woburn House contract event, 3 November
- Press briefing, 15 September
- Two parliamentary briefings, 25 and 26 October
- Branch/regional meetings/visits with RCA, Oxford, Plymouth, Surrey, Manchester, Manchester Metropolitan, Ulster, Reading, Dundee, Swansea, West Midlands region, Bristol, Exeter, Strathclyde, Cardiff

This is comparable with the tour of branches undertaken by the GS in autumn 2019, despite the restrictions on in-person events resulting from the pandemic.

Online events

The online event held on Friday 3 September was attended by 1000 members, making it the largest ever UCU meeting (until the event to announce ballot results on Friday 5 November, which was attended by over 1200 people).

Press and social media

UCU media coverage from 22 September to 5 November

During the GTVO period, UCU's press team secured 3.7k mentions in the press, covering broadcast, print and online.

- The main sources of press coverage were online publications: 73.1%, newspapers: 9.7%; broadcast 11.2% (TV: 0.7%; radio 10.5%).
- From ballots being announced to ballots closing, UCU press mentions were highest on 18 October, hitting a peak the day after results were announced on 5 November.
- On the day ballots opened, mentions in online publications were 227, radio: 76, and newspapers: 40.
- On 5 November, mentions in online publications hit 316, followed by 45 across radio, and 11 on TV.

Over the course of this period, the top three places where UCU was mentioned were:

- BBC (online and broadcast).
- The Times (online and print).
- The Guardian (online and print).

Social media

Through the three-week ballot period, the UCU Twitter account had 3.6 million impressions. For comparison, the account received 1.8 million impressions during the entire eight week period of the 2019 ballots.

This works out at an average of roughly 174,000 impressions per day, compared with 34,400 impressions per day in 2019.

ThruText (text messaging)

As of Saturday 30 October, 27,233 members in 87 branches had been contacted via ThruText, over two rounds of texting – one in the first week of the ballot and the other in the second week.

Just under half of these contacts with members led to conversations. Over 250 members signed up to send texts, with support from branch administrators and regional and head office staff. Two training sessions were provided, with extra support secured from the TUC.

For comparison, 7,577 members in 18 branches were covered in the 2019 HE ballots, most in one round of texting.

Appendix C: relevant Congress and HE sector conference policy

UK-wide organising and campaign strategy

2021.02.16 Congress motion 30 (University of Cambridge), **For a successful industrial action strategy**: <https://policy.web.ucu.org.uk/motion-information/?pdb=8314>

2019.05.25 Congress motion 45 (University of Sheffield), **Financial and training support for organising**: <https://policy.web.ucu.org.uk/motion-information/?pdb=8063>

2018.05.30 Congress motion 1 (NEC), **Report of the Commission on Effective Industrial Action**: <https://policy.web.ucu.org.uk/motion-information/?pdb=9267>. Link to introduction page and full report: <https://www.ucu.org.uk/CEIA#:~:text=UCU's%20commission%20for%20effective%20industrial,adopted%20at%20UCU%20Congress%202018>

'A union that cannot deliver effective national industrial action does not have a future. This means delivering not only in the sense of beating government set thresholds but also by prosecuting industrial action that is hard hitting, and if necessary, substantial.'

Recommendation 1: 'The UCU should adopt a four-pronged approach to the planning of industrial action – [1] undertake long term campaign planning, including identifying a clear strategic path to success; [2] identify issues that members think are important; [3] Begin campaigning and mobilising members in advance of any action around those issues; and [4] concentrate available resources in furtherance of the action and campaign.'

Recommendation 3: 'As part of its national strategy, UCU needs to support its UK-wide staff and branches to carry out effective industrial action. This entails committing resources and building the organisational capacity of the union. Alongside a narrative spelling out what UCU's key strategic objectives are, UCU needs to devote resources to mobilise UCU HE and FE members - in particular, marginalized and casualised members and staff groups - around these key strategic objectives. UCU should be going into workplaces to set up training sessions and events on winning industrial action and campaigns and setting up organising networks in workplace [*sic*].'

Recommendation 5: 'When campaigning around a range of issues which involve national and/or local action, the union should locate any particular industrial action within an overall consistent campaigning narrative (as with the Communication Workers' Union's 'Four pillars' campaign), recognising that while disputes may go at

different speeds they all form part of our broader industrial, political and professional agenda. This approach is characterised by long term planning, union wide consultation to establish issues that are important to members, a prioritisation of resources and a gradual mobilisation running up to ballot.'

Recommendation 10: 'Where possible, UCU should always try to co-ordinate action with sister unions.'

Recommendation 18: 'Obtaining and maintaining support from the wider community, particularly students and the other campus trade unions, is an important part of successful industrial action and as part of the union's strategic planning implicit in Recommendation 1, the union should consider how best to build the widest possible coalition in support of any action.'

Recommendation 20: 'Building for industrial action should include developing and strengthening the union, including through recruitment and recognition campaigns, the use of health and safety inspections to combat e.g. workloads, stress and bullying and campaigns on equality issues and anti-casualisation which take the lead from members of the equality strands and on casualised contracts, and recognition of the different perspectives of the devolved nations and English regions. There is also a role for strategic planning, particularly at branch level, and the union should provide training to enable branches to contribute to the planning process set out in Recommendation 1 and its implementation at local as well as national level.'

2017.05.28 HESC motion HE7 (Glasgow Caledonian University), **Winning industrial action under the new anti-trade union legislation:**

<https://policy.web.ucu.org.uk/motion-information/?pdb=9195> [emphasising the importance of shop stewards and local bargaining and campaigning for national disputes].

Multi-year bargaining

2020.12.15 HESC motion HE5 (University of Sheffield), **Multi-year pay bargaining:**

<https://policy.web.ucu.org.uk/motion-information/?pdb=8265>

2019.05.26 HESC motion HE2 (Lancaster University), **Multi-year pay settlement:**

<https://policy.web.ucu.org.uk/motion-information/?pdb=8100>

Local bargaining

2020.12.15 HESC motion HE6 (HEC), **Local agreements:**

<https://policy.web.ucu.org.uk/motion-information/?pdb=8266>