

## JOINT UNION CONSULTATIVE AND NEGOTIATING COMMITTEE (JUCNC)

Minutes of the meeting held 28 May 2019 by video conferencing.

### PRESENT

Damian McAlister (Chair), Linda Moore (UCU), James Ward (UCU), Judith Hough (UNITE), Richard Young (UNITE), Professor Paul Bartholomew (PVC Education), Professor Cathy Gormley-Heenan (PVC Research & Impact), Professor Ian Montgomery (PVC Global Engagement), Professor Carol Curran (Executive Dean L&HS), Paul Davidson (People & Culture), Kelly McBride (People & Culture).

### APOLOGIES

Craig Shilliday (UNITE), Rhonda Black (UNITE), Marianne Buick (UNISON), Niamh Lamond (Chief Operating Officer), Christine Irwin (People & Culture)

- 19.04** Mr McAlister opened the meeting and welcomed all in attendance. Mr McAlister asked that it be noted in the minutes his best wishes to Craig Shilliday and hoped that he makes a full and speedy recovery.

**19.05 MINUTES OF MEETING HELD 24 JANUARY 2019**

The minutes of the meeting were approved

**19.06 MATTERS ARISING**

***IT Review***

Mr McAlister advised that the Chair of University Council has received the report of the independent review of the circumstances leading to the IT judgement and it is under internal consideration. The Chair aims to brief Council at its meeting in June.

***GBD Update***

Mr McAlister informed the meeting that going forward an update on GBD will become a standing item on the JUCNC agenda and engagement with the trade unions on GBD will intensify in the new academic year.

Mr McAlister informed the meeting that a VEAT Notice had been issued in regards additional costs to be incurred to complete the new building.

It was noted that a new Travel and Transport Manager, Mr Paul Beatty has been appointed.

**19.07 INCREASED FACILITIES TIME FOR SENIOR TRADE UNION REPRESENTATIVES (JUCNC/19/02)**

Mr Davidson presented paper JUCNC/19/02 and noted that he had met with UCU and UNITE to discuss how they wished to use their increased allocation of back-fill for senior trade union representatives.

Dr Moore advised that UCU welcomed the increase to 1FTE but noted that UCU felt that it was insufficient. UCU had initially requested that the allocation should increase to 2 FTE but as a compromise suggested 1.5FTE. Mr McAlister confirmed to the meeting that the costs of the 1FTE backfill will be met from the COO budget however, given current financial pressures this is the maximum affordable at this time. This will be kept under review.

In relation to the allocation of 0.5FTE to UNITE, Mr Young stated that the workload is the same for both unions despite the number of members. UNITE are currently considering how best to utilise their allocation of 0.5FTE.

Mr Davidson will work with UCU and UNITE to implement the arrangements for the backfill with effect from 1 August 2019.

Mrs McBride informed the meeting that staff in Employee Relations are currently reviewing this section of the People & Culture website with a view to creating a section for JUCNC agenda/minutes.

Mr Young expressed his concern that the People & Culture website does not contain trade union contacts and proposed that this should be the case with a link to the relevant trade unions. Mrs McBride agreed that she would take this forward.

## **19.08 REDUNDANCY POLICY, COMPROMISE AGREEMENTS & FIXED-TERM CONTRACTS**

Mr Davidson indicated that the University wished to open discussions with the unions in relation to redundancy compensation, compromise agreements and how best to deal with long-term fixed-term contracts. Four main issues were discussed:

### *1. Action to minimise the use of long-term fixed-term contracts.*

All fixed-term appointments in the University are linked to a 'purpose and event' justification. Where an employee has more than four years service, and has had more than one fixed-term contract, they are entitled to a justification from their employer as to why their contract should remain fixed-term. If the employer cannot provide a justification the contract automatically becomes permanent. It has been the practice at the University that the 'purpose and event' is justification as to why the contract should remain fixed-term, even where the employee has more than four years' service. The University recognises that this creates the potential for people to remain on fixed-term contracts for a long time. Mr Davidson advised that the University is considering measures to minimise the time before fixed-term staff become permanent. Two options are under consideration as follows:

- **Option One:** If a person has 4 years' service and then receives two further extensions beyond the four year threshold, if a third extension is offered the person will be offered a permanent contract even where a 'purpose and event' justification exists.

- **Option Two:** The maximum period that a person can be on fixed-term contract is 8 years. If the post still exists beyond 8 years it will become permanent even where a 'purpose and event' justification exists.

2. *Linking the level of Voluntary Redundancy compensation to duration of service.*

Currently staff who agree to voluntary redundancy receive compulsory redundancy plus 20% of the employee's gross annual salary. The 20% is fixed, regardless of duration of service. Mr Davidson advised that the University is considering two options:

- **Option One:** The 20% voluntary element is replaced by ½ week salary for each year of service.
- **Option Two:** Replace the 20% of gross annual salary with 20% of the compulsory redundancy element (the compulsory element is already linked to length of service in line with the LRA redundancy calculator).

3. *Exclusion clauses in compromise agreements.*

Where a permanent member of staff accepts voluntary redundancy the offer of voluntary redundancy is conditional on a Compromise Agreement which includes a three year exclusion clause (i.e. a clause which prevents the person from seeking employment with the University for a period of three years). Mr Davidson advised that following requests from the unions, the University is considering tapering the duration of the exclusion clause with those with longer service having a shorter exclusion period.

4. *Redundancy compensation when a fixed-term contract ends as scheduled.*

Currently where a fixed-term contract, of duration greater than 52 weeks ends, the employee is offered voluntary redundancy. Mr Davidson advised that the University is considering moving to a position where compensation will be at the compulsory redundancy level, rather than the voluntary redundancy level.

Mr Davidson stated that these four measures are being considered as a package and will only be implemented as a package (i.e. the University will not implement any one of the measures in isolation).

Dr Moore expressed concerns regarding non-disclose agreements. Mr McAlister advised that the University does not routinely use non-disclose agreements.

It was agreed that Mr Davidson would present written confirmation of the proposals to JUCNC and include some worked examples in relation to item 3 (i.e. linking voluntary redundancy to length of service).

#### **19.09 MANAGEMENT REVIEWS (JUCNC/19/03)**

Mr Davidson presented paper JUCNC/19/03, which includes a draft fact sheet to be issued to participants in Management Reviews.

Mr McAlister stated that he was keen to bring this into operation as soon as possible in order to support staff involved in Management Reviews.

After some discussion it was agreed that the document should be redrafted to include guidance on the need to progress Management Reviews promptly and on confidentiality. The re-draft will be presented to a future meeting of JUCNC

#### **19.10 2/3 STAGE RECRUITMENT**

Mr Davidson referred to the previous discussion at JNCs and JUCNC on this issue. He advised that the University is giving careful consideration to the objections raised by UNITE and UCU and will respond in writing with a decision.

#### **19.11 RECENT GRADE 6 POST IN EMPLOYABILITY & CAREERS**

Dr Moore advised JUCNC that members had raised concerns in relation to the decision to recruit a grade 6 post in Employability and Careers at Magee, following the resignation of a grade 7 and it was suggested that this was a 'soft restructuring'.

Professor Bartholomew explained that the appointment at grade 6 was to ensure consistency with the structure on other campuses. He advised that there has been investment in staff in Employability and Career, leading to more people and a slightly higher grade profile. Professor Bartholomew agreed to provide UCU with further details

#### **19.12 ULSTER UNIVERSITY PRESENCE IN CHINA**

Dr Moore informed the meeting that on Twitter there is a posting indicating that the University has established the 'Ulster College in China'. Dr Moore stated that UCU has concerns in regard to human rights and equality issue for Ulster University staff are working in China.

Professor Bartholomew confirmed that the University are not employing any staff University staff in China. He advised that it is an articulation arrangement whereby Chinese students can commence a degree in China and are given the opportunity to finish their degree at Ulster.

#### **19.13 E-TUTORS**

Dr Moore referred to a recent advertisement for e-tutors and requested clarification of the terms and conditions attached to these roles.

## **19.14 ANY OTHER BUSINESS**

### **REF 2021**

Professor Gormley-Heenan informed the meeting that she will continue to consult with UCU on the draft REF Code of Practice in advance of the submission date of 7 June 2019. Professor Gormley-Heenan acknowledged and welcomed the very helpful amendments suggested by UCU.

### **Promotion outside normal procedures**

Dr Moore indicated that members had raised concerns about individual promotions which were not progressed through the normal process. Mr McAlister advised that this can occur where there are individual staff retention issues. This is normal practice in the sector.

### **DATE OF NEXT MEETING**

Tuesday, 11 September 2019 at 2pm in Room 12G03A at Jordanstown.

Meeting End