



GRADUATE UNION

AT THE UNIVERSITY OF CAMBRIDGE

Briefing Paper: University and College Union (trade Union) strike action over dispute over the USS pension scheme¹

Disclaimer: this briefing is not meant to be used as legal advice, but a background to those with no knowledge. Always seek proper advice, the Graduate Union cannot be held liable for individuals or other organisations.

Who are the UCU? The UCU are a major trade union, with 110,00 members, representing mainly teaching staff and other administrative positions at UK education institutions

What is the Universities Superannuation Scheme (USS) pension? USS is a pension scheme, originally established with government support. A member of staff pays a percentage of their salary, and this is met by contributions from the employer (Universities and other education organisations). It is one of the biggest schemes in the world, with assets of £50bn, 316,440 members – people who paid in to the scheme. Seats on the USS board are split between the UCU (3), Universities UK – which represents UK universities (4) and independent members (5).

Why is there a strike? The pension scheme invests money from employers and employees, to pay a promised pension. As they do not feel they can provide the promised pension in future, the trustees of the scheme are looking for further savings by changing the amount that is paid in, and paid out to newer members of the scheme.

Who can strike? You have to be a member of the UCU, which PG students can join for free. The legislation around strikes is very specific, and we suggest that **the UCU should be consulted before you take any action**. The University branch is in dispute with the University, but not the colleges. As some teaching is carried out by colleges; not turning up for work could lead to disciplinary procedures.

What is the Graduate Union policy on this? As the Graduate Union Council has not set a policy (our primary policy making body), the Executive Committee (made up of Union Officers) has voted in favour of supporting the lecturers' aims for a fairer pension deal. The Vice-President wrote to attendees of council electronically to give MCR and Faculty reps a chance to object ².

Fundamentally the GU Executive Committee is supporting the choice to strike, if it is legal to do so. This does not mean we are telling members of the Graduate Union to not turn up at work or to study, but to make an informed choice. For many members it may not be financially viable. For some they may not want to interrupt teaching activity. There are more than one ways of showing support and solidarity as explained in the attached documents.

¹ **Full disclosure:** the Graduate Union employees can join the USS pension scheme

² We received 9 approvals and 1 objection

Cambridge University Graduate Union
17 Mill Lane Cambridge CB2 1RX

Telephone: 01223 333313

Email: enquiries@gradunion.cam.ac.uk

Website: gradunion.cam.ac.uk

Charity Number: 1147864



Briefing Paper: Staff taking Strike Action

Some middle combination rooms or equivalent are legally registered charities, so it is important they understand their options during a staff strike.

Industrial Action and the Law

The Graduate Union cannot give legal advice, but it is important to understand the law. Strike Action and Action Short of a Strike (collectively known as industrial action) can only legally happen during a dispute between a representative trade union of staff members and an institution or company. The collegiate University is made up of a number of institutions, such as the colleges, students' unions, research institutions, hospitals etc. It is not always clear cut who the dispute is between. – Always seek advice, individual considering action should talk to their trade Union first.

Can a MCR committee support a strike?

Since MCRs are normally part of or are separately a charity, generally it has to be shown that any such support action is in benefit of your members. Hence, there is a need to show that the MCRs are achieving their objectives by supporting a strike (mainly representing students and providing them with welfare services and personal development). Supporting your teaching staff is a good example of this. Where it may be inappropriate is when it does not directly affect students – for e.g. spending money and resources to strike for a conflict in another country could be seen as a misuse of resources and not aligning with charitable objectives³.

There can be many ways of showing solidarity and supporting the staff on strike. Offering space, not crossing the picket line, assisting with banner making, emailing the senior university administration to show support or organise leafleting is an example of low cost practice. Using funds to print leaflets or supplying funds becomes a lot more complex and could be illegal.

It may be simpler to support the aims of the strike, as opposed to the strike itself. Yet it is important to be in your members' interest.

Can Students who work in the Collegiate University Strike?

If legal Industrial Action is taking place against an employer, regardless of the membership of a trade union, employees are permitted to take part. They do have legal protections, but do not have the support of the trade union.

The risk is if the people taking "wildcat" strike action or take it against the wrong employer (employed by college and not university, for example) they have no protections.

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/610137/CC9.pdf



We would signpost people to speak to UCU and consider joining to afford them the protections, should they be considering undertaking Industrial Action. The Guidance from the government says "You have the right to take industrial action and you can't be legally forced to stay at, or go back to, work (unless a ballot wasn't organised properly)."

However, there are a number of caveats, including that the ballot must have been properly organised with correct notice given to the correct employer.

We would encourage those affected to consider joining the UCU for additional advice and support and to ensure that they are eligible for protection if they took industrial action. However, non-union members who take part in legal, official industrial action have the same rights as union members not to be dismissed as a result of taking action.

We should be clear, that neither the Graduate Union, nor any MCRs are registered trade unions, and therefore cannot initiate industrial action.

What if students want to go to lectures when there is a strike?

You should tell them it is fine to, and their decision. Picket lines are generally symbolic, and there are many other ways of showing support and solidarity as mentioned above.

If my members have concerns about losing out on teaching, who can they talk to? Can they claim money back?

This can get a little complicated, so you should signpost them to the Students' Unions Advice Service (SUAS) with any worries or evidence of a broken contract or expectation.