

# When unions merge: The making of the UCU

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Abstract

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*The article examines the 2006 merger of the Association of University Teachers (AUT) and the National Association of Teachers in Further and Higher Education (NATFHE) to form the University and College Union (UCU). It focuses on the impact of the merger on the strategy and tactics adopted during the most significant pay dispute higher education has so far witnessed. In particular, it details internal relations within the dominant union in the dispute, the AUT, and suggests that these limited the effectiveness of mobilisation and go some way to explaining the outcome of the dispute.*

In June 2006, the Association of University Teachers (AUT) and the National Association for Teachers in Further and Higher Education (NATFHE) merged to form a single union, the University and College Union (UCU). The merging unions had, historically speaking, represented largely discrete memberships in a divided British higher education (HE) sector: teachers in universities, represented by the AUT, and those in the polytechnics, which were controlled by local authorities and whose teaching staff were represented by NATFHE. The rationale for separate HE unions weakened in 1992, when the polytechnics were incorporated as new universities in their own right. Although the binary divide between university and polytechnic was formally ended, there continues to be some differentiation of universities by focus, with the older ones being characterised as research intensive, and the post-1992 universities deriving most of their income from teaching funds. Within this broad divide, the fortunes of individual institutions have varied increasingly, as neoliberal policies have

commercialised and commodified higher education, increasing competition and intensifying work (Callinicos, 2006).

Differences in institutional focus conditioned the experiences of staff, but not sufficiently to diminish the attraction of merging the two unions in the face of a HE system that had witnessed significant changes. The expansion of universities has been accompanied by the relative decline of academic salaries, and by intensified pressures on staff through increased quality assurance practices, and demands for more research and more publication, orchestrated by the 'research assessment exercise', which consists of the periodic submission of research activity reports by each institution in order to determine the level of research funding it receives from the Higher Education Funding Council for England (HEFCE). At the same time, there were growing demands from greater numbers of students, carrying less funding per head. Evidence of staff concern over these issues appears almost weekly in the sector's trade paper, the *Times Higher Education Supplement (THES)*, and also serves to illustrate unions' lack of success in confronting them. Amongst the many sources of concern, the issue of salaries became a symbol of growing discontent, and the attraction of the merger was its promise of effective organisation, campaigning and action.

This article looks at the 2006 merger process and the way in which it influenced the most significant campaign for a pay rise the sector has witnessed. When Mao Zedong was asked about the impact of the French Revolution, he reputedly replied: 'It is too early to tell'. Certainly, it is too early to tell what the long-term impact of the merger will be on the elements raised in Campling and Michelson's (1997) study, namely, 'the provision of services and support, membership heterogeneity and participation, and levels of membership and density'; but there are indications that it had an immediate and distinctively negative effect on the ability of the two merging unions to conduct an effective pay campaign.

This negative effect was reflected on 6 June 2006, when the newly merged UCU suspended industrial action over pay. The suspension was greeted with anger by many of the union's members, who had been engaged in an examination-setting and -marking boycott. Hundreds of emails were sent by members complaining about the proposed settlement and the manner in which industrial action had been suspended without wider consultation. Some local associations, such as Cardiff's, demanded senior staff resignations. Even seasoned activists and analysts expressed surprise: 'The "old" university side of the union, under the leadership of the AUT and Sally Hunt, unexpectedly settled at a critical stage in the dispute' (Beale, 2006). But far from being surprising, the strategy and tactics adopted by the

dominant union, the AUT, made what was seen as a capitulation if not inevitable, then highly likely. Moreover, the strategy apparently stemmed from the impending merger and the desire of senior AUT officials to enter the merged union as the wing that almost single-handedly delivered an unprecedented increase in salaries. As the outcome showed, this calculation was sorely misjudged. In the subsequent election for the post of general secretary of the new union, Sally Hunt from the AUT emerged as the winner of a campaign that failed to engage most of the membership, resulting in a small turnout and a far from decisive victory.

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## Methodology

This article is based on documentary evidence and in-depth, taped interviews of between ninety minutes and three-and-a-half hours with senior officials in the two unions.<sup>1</sup> A total of fourteen paid and lay officials, divided equally between the two unions, were contacted for possible interview. The response from the two unions was uneven, with interviews granted by five NATFHE and two AUT officials. The response of NATFHE officials at the highest level was almost instant and positive. Gaining access to the AUT proved more difficult, with communications for the most part being simply ignored. One enthusiastic response from a key lay member ended without explanation shortly after an email informing me that the leading union official would be too busy to see me, but would nevertheless like to have a copy of the questions. I do not believe that this lack of cooperation fatally wounds the article and its argument. Indeed, the AUT's negative response to the research adds weight to the account that follows, confirming the AUT's lack of transparency and mirroring the lack of cooperation experienced by NATFHE during the dispute. Inevitably, NATFHE's experiences are privileged in the account, but the picture drawn is compelling, backed by internal documentary evidence, not all of which can be directly cited, and further validated by the AUT interviews.

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## Motives and mergers

Theories of trade union merger are not particularly helpful in explaining the reasons for the formation of UCU. In reviewing both the literature on mergers and the actual pattern in Europe, Waddington concludes that in the overwhelming majority of the merger cases, 'the decision to merge was prompted by membership

decline sustained by at least one of the merger partners, which may have been associated with the deterioration in the financial position of the union' (2006: 639). But in this case, neither of the former unions was in financial difficulties, and both were growing. The AUT's membership had reached 49,000 for the first time in early 2006 (AUT, 2006a) and, at the point of merger, NATFHE's membership had grown to over 70,000 (Baty, 2006). The lack of alternative suitable merger partners largely ruled out the consideration of political compatibility (Waddington, 1995); and nor was a degree of AUT distrust of the rather more left-wing stance of sections of the NATFHE leadership sufficient to provide a substantial barrier to the merger.

It is not particularly helpful to view the merger through the prism of Undy et al.'s (1981) categories of 'defensive' and 'aggressive' motives. Earlier aggressive attempts by the AUT under a different president — David, now Lord Triesman — to first merge with and then capture sections of disenchanted NATFHE members had largely come to naught, and neither union was threatened by other organisations. In so far as defensiveness played a factor in the merger, it was in relation to the employers. Both unions were increasingly ineffective in resolving members' workplace problems, which included growing demands on workers' time and resources, and higher levels of stress. Neither union successfully addressed its members widespread frustration with the large and growing gap between their salaries and those commanded by commensurate professions (Bett Report, 2000); and nor could they have done so individually. Nationally determined increases applied to both sets of members, with a unified pay scale — the Framework Agreement — having been driven through by the employers' body in 2004, placing not only lecturers, but all university employees below professors on a single 'pay spine'.

With developments in both employment practices and remuneration arrangements giving the merger industrial logic, it is possible to characterise the merger through Undy's third categorisation: consolidation. However, doing so reveals little of the texture of the merger and the political processes of dealing with the problems and concerns arising from it, strengthening Campling and Michelson's observation that 'anything other than a case-by-case evaluation of union mergers may be misleading' (1997: 215). Moreover, large-scale mergers also tend to be associated with 'post-merger introspection', making this period frequently more interesting than the formal processes that precede it (Carter, 1991). Paul Mackney, general secretary of NATFHE, described the period after the agreement as being 'not so much a merger as a collision'

(*Guardian*, 3 October 2006). This paper attempts to add texture to an analysis of that ‘collision’, and in doing so explain how it threatened the success of the most serious mobilisation of members in dispute that the HE sector has yet seen.

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## Background to the merger

The reorganisation of employers and funding mechanisms, the relative decline in salary levels, and increasing casualisation encouraged the move towards a merger. A meeting of sections of the two unions’ respective memberships had noted some time earlier ‘the coming together of the employers in a single CVCP, in addition to the unified funding council structures in England, Scotland and Wales’, and ‘the growth of franchising and the increased provision of FE [further education] within institutions that are predominantly HE’ (East Midlands AUT/NATFHE seminar, 1994). For these reasons, the overwhelming view of those present at the seminar was that ‘there should be one new union covering both HE and FE but with two very highly autonomous sectors’ (ibid.). In the years that followed this conclusion, the employers continued to profit from their more cohesive organisation — an advantage that was to continue throughout the 2006 dispute and settlement. Levels of government funding and the disparity of power and organisation led to a further deterioration of salaries, that was widely acknowledged by employers (Copland, 2005), official enquiries (Bett, 1999), the government (Blair, 2002) and the opposition (Blatch, 2002). As salary levels dropped, the range of problems facing staff increased and the relative effectiveness of unions declined. While national bargaining continued, pay differences between staff increased due to the use of market supplements and recruitment and retention funds, encouraged by greater mobility among a minority of staff due to the research assessment exercise (*THES*, 13 October 2006). Further variation was encouraged by local pay negotiations under the Framework Agreement. The proportion of staff on fixed term contracts rose, while the proportion of teaching-only academics on permanent contracts fell from 64 per cent in 1995–96 to 40 per cent in 2002–03 (AUT, 2004a). Restructuring and redundancies occurred with increasing frequency, especially in the post-1992 universities, alongside increasing numbers of students, heightened insecurity and the intensification of work (*THES*, 6 October 2006). The merging unions became increasingly aware of their inability to address their common problems in isolation: ‘Both unions’ negotiating teams are clear that the shifting industrial and political climate will not wait

another generation for AUT and NATFHE to get their act together' (AUT, 2006b).

A joint meeting in 2004 produced a list of the key features to be displayed by the new union: enhanced strength, stability and authority; better services to members; and a democratic structure, encouraging membership participation and based on strong workplace organisation through local branches/associations (AUT, 2004b). The need for membership participation was emphasised in the AUT general secretary's address to the 2004 NATFHE national conference:

the only way that trust can be built is not through head office apparatus, not through General Secretaries, not through those who sit on your national executive doing all the talking or the meetings. *Actually the way that trust has to be built is on the ground at branch level working in solidarity with each other, working to support each other, working to ensure that our joint agendas are ones that complement each other rather than the other way round.* (Hunt, 2004, emphasis added).

These sentiments were to be proven hollow by the actions of the AUT during the 2006 pay dispute.

## Cultures and organisation

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There was some hostility between the HE sectors of the two unions prior to merger. The AUT gave the distinct impression that the numerically dominant FE sector of NATFHE was of less importance than its HE sector, and hostility also arose as a legacy of the AUT's attempts, under the leadership of David Triesman, AUT general secretary until 2001, to annex NATFHE's HE members (NATFHE, LO2). The attempts made little headway, but they did serve to ensure that there were pockets of AUT members in universities such as Nottingham Trent that served as a constant irritant to NATFHE. As merger discussions progressed, closer working made relations slightly easier but also introduced other points of contention, especially as the dispute developed. There was, for instance, greater pressure to align policy between two unions with very different organisations, outlooks and practices. The AUT in this respect was seen as being imperious, and as believing that problems would be resolved if NATFHE adopted its views. According to one leading NATFHE lay official, 'the AUT approached the merger as a takeover' (NATFHE, LO).

NATFHE members worked under a national agreement that limited teaching hours in post-1992 universities — a result of earlier periods of industrial action. NATFHE's focus on defending the national contract built a relatively coherent organisation and a sense of solidarity between members in different institutions. Lecturers were subject to relatively more management pressure and interference within their institutions, and a more aggressive style of management implemented more restructurings and redundancies in post- than in pre-1992 institutions. The national agreement encouraged centralism, and NATFHE officials had a powerful remit to ensure that branches did not stray from the national contract. Despite that centralism, and despite a history and reputation for factionalism within the union, there was little dissent; and officials, while periodically challenged, were happy to work with activists, who were integrated into policy-making. Paul Mackney, NATFHE general secretary, set the tone of the organisation, being well liked and respected. Part of his acknowledged success in running the union came from thinking about effective internal organisation:

When I took over, all Regional Officers were managed by the General Secretary and they didn't want to give up this arrangement for two reasons: there was no real line management at all because the General Secretary did not have time; and when they did have a problem they went straight to the General Secretary. We persuaded them to give it up. The AUT still had that tradition. (NATFHE, GS)

The AUT's traditional perspective reflected what it considered its members' more professional orientation, in which a national agreement on working conditions was inappropriate.<sup>2</sup> The AUT held the view that, as trusted professionals, university staff should determine their own hours and working patterns dictated by student need and their own enthusiasm for research. A move towards a national agreement on working hours and teaching loads would be as likely to worsen conditions as improve them, with maximum loads soon developing into standard ones. One consequence of this view was that AUT local associations had a great deal more autonomy, and agreements about local pay and conditions could vary. The variation was also possible because regional full-time officials ('assistant general secretaries') were regarded more as servants of local associations — as specialist advisors, rather than as leaders promoting and enforcing national policies. The reverse side of this relationship, as was evidenced in the dispute, was that while there was much local autonomy, questions of politics and national strategy

were almost solely determined by national officials. As one NEC member characterised it, 'Officials run the union and do the industrial relations. They don't come onto our territory because we are not "political", we're "professional" educators. AUT has the odd idea — regional stuff is operational; national is political and the province of the few. The idea is that you can separate the two agendas' (AUT, ROC). The AUT, therefore, despite moving towards a more trade union orientation under the leadership of Sally Hunt, was at heart a servicing rather than an organising union (Heery et al., 2000), and this tendency was evident in, for instance, the way the dispute was organised, with very few lay people involved in decision-making.

The AUT's internal management differed from the considerably more open style in NATFHE, and this became particularly apparent during the merger discussions. According to the NATFHE general secretary's account:

I put up minutes on the website and the AUT were terribly concerned that this would stoke up problems before their big debate. So AUT members had only three weeks notice of the details of what might be happening to their union, whereas our position has always been ... that you put out the information to activists if for no other reason than they might have a good idea of how to improve it. This is not the AUT tradition — which is 'keep things close to your chest'. There is not so much member or activist involvement. (NATFHE, GS).

The reason the AUT could operate a much more closed system was, in part, its mono-sectoral nature. In NATFHE, with large FE and HE sectors as well as other areas such as prison and community education, the dominance of one centralised view was impossible. Comparing the cultures of the two unions, NATFHE's general secretary judged that 'in the AUT, nothing happened without Sally' (NATFHE, GS).

The contrast between the unions' orientations can be illustrated by their respective policies on the 2004 Framework Agreement, which was designed to place all university staff below professors on integrated pay scales following local job evaluations. A key objective of NATFHE was to ensure that all hourly paid lecturing in the post-1992 universities was placed within the lecturing scale. Subsequent annual incremental points tied to the lecturing scale would minimise the cost advantage for employers and their resistance to the granting of fractional contracts. The AUT took a different stance by agreeing on a teaching profile that sanctioned a sub-lecturer grade. As a result,

there is an incentive for employers to use more and more hourly paid teaching staff, a trend that according to a former member of the AUT's employment committee, was already growing as the cost of employing temporary staff increased through acquired employment rights (AUT, EMP). The AUT urged its branches to tie hourly paid staff to teaching scales in any local agreement but, as long as there was membership assent, those agreements that fell short of this could be signed. In the post-1992 universities, on the other hand, any branch officer who signed a local agreement with these terms would be disciplined. The rationale was that: 'the only way to end casualisation, or decrease it significantly, is to ensure that no branch agrees to create any teaching job below the level of lecturer' (NATFHE, NO).

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## The dispute

The demand for substantial increases in pay over a three-year period provided an early opportunity to prove the worth of the new union. Discussions with officials suggest that the nature of the claim was more to do with the influx of new money into the sector, especially from increased student fees, than any virility test of the new union. Indeed, the problems of running a dispute while at the same time confronting problems arising from the merger, made it 'an object lesson in when not to organise a pay dispute' (NATFHE, NO1), a view that was replicated by an AUT employment committee member. The very formation of the pay claim gave early indications that the merger would cast a long shadow over the dispute. In October 2005, officials on both sides had worked on a detailed pay claim, although discussions had been conducted largely within each organisation. The development of the claim within the AUT was the responsibility of its employment committee. The AUT revealed a one-page claim for a substantial raise to NATFHE only the day before it was due to be sent to the employers. An interviewee whose role had been central to this process explained the rationale behind the one-page claim thus: 'Previous claims were detailed with figures and charts etc., but they were normally ignored by employers. So it was a waste of our time. So this year's was a very simple claim, just one side I think' (AUT, EMP).

Whatever the formal responsibility of the employment committee for developing the claim, however, it appears that full-time officers were its principal influence. The AUT's assistant general secretary described it as a new type of pay claim, and a new way of campaigning. This style was not greeted with much

enthusiasm by key members: 'Because the claim was so official led, the timings for entering the dispute were bizarre, partly because people had not been consulted' (AUT, ROC). When it was presented to NATFHE's HE committee, its members, who mostly had experience of disputes, were less than impressed. When the other unions involved in negotiations were subsequently sent the claim, they were equally bemused: 'They thought we were mad to have the one page pay claim, they rang us up and said "we've got the cover sheet can we have the rest?" seriously' (NATFHE, NO).

Whatever the reservations from other quarters, the claim went to the employers' body, together with the threat of a dispute if there was no positive response. No positive response was forthcoming, although dates for meetings were offered and one was finally agreed for January 2006. However, this date was beyond the original deadline stipulated for a positive response. One NATFHE lay official involved in negotiations commented, 'As we had got a date we thought that no dispute would be declared until after the meeting. To our total surprise we read in the papers that AUT had announced a dispute. We thought this tactically wrong and it gave the employers the high ground — but there was no consultation with us' (NATFHE, LO2).

One central perceived weakness of the initial formulation was the absence of any figure that might galvanise aspirations. The claim stated, 'An adequate proportion of new income derived from top up fees and other sources must be used to improve pay. This proportion must be at least one third of all new income within the sector. The resulting increase in funding for pay must result in substantial percentage increases' (2006 pay claim). Much of the subsequent discussion focused on the additional income from the introduction of higher tuition fees: the claim was 'basically arguing that vice chancellors carry through their promise to use one third of top up fees to raise salaries' (AUT, EMP). Some in the AUT considered this a problem: 'At least a third of the fees income: there was no discussion about how that would work out in different places, and this was raised by other people, not just me' (AUT, ROC). Outside the AUT, some in NATFHE had reservations about the very basis of the claim, especially since members in both unions opposed the introduction of tuition fees. There was also some concern that this emphasis on uneven institutional-level income would encourage a movement towards local bargaining.

NATFHE insisted that there should be a figure in the claim. Sally Hunt was invited to a meeting of the NATFHE HE committee after the claim was submitted in order to explain why she felt there should not be a figure on the claim. 'Members listened carefully, but

eventually unanimously rejected her argument saying members would simply not go into dispute for a “substantial” claim, but would need a figure that was seen as reasonable but would act to mobilise members to close the pay gap identified by the Bett Committee’ (NATFHE, NO2). Following this reaction, a figure of ‘over 20 per cent’ was added in *Expansion of 2006 Pay Claim*. In addition to the yearly increase that would normally be expected, additional monies were claimed, drawn from the expanded income of the sector, only part of which was from student top-up fees. But the initial focus on student top-up fees allowed the employers to dwell on that aspect, countering that with the bursaries and other improvements to be financed from the same source, the amount available for salaries fell well short of union aspirations. To a degree, this had the effect of sapping the confidence of members that the claim was indeed fundable: ‘Good activists were saying throughout the dispute that maybe it [the money] is not there; or particular institutions don’t have it’ (AUT, ROC). Both the emphasis of the claim on student top-up fees and the idea that it was not necessary to develop an expanded argument, aimed as much at members as the employers, were to have a long-term effect on membership confidence.

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## Tactics

Differences about the formulation of the claim were paralleled by in differences over its prosecution. Both unions accepted that the main pressure during the dispute should be applied by action short of a strike, including boycotting the assessment of student work, but interpretations differed. Without discussion, the AUT decided not to set examinations. The head of universities at NATFHE maintains that he only learned of the tactic via an email (Attwood, 2007). Moreover, it was thought that the AUT was out of touch with many of its own members on the question: ‘we doubted they could carry it’ (NATFHE, NO). NATFHE, having experience of running six-week assessment boycotts in 2000–2001, believed that refusing to set examinations would weaken member and student support. For public-relations and practical reasons, the latter was important, and the examination boycott ‘pissed students off big time’ (NATFHE, LO2). The preferred tactic, therefore, was the non-marking of work, which the NATFHE leadership believed the majority of its membership would support. In retrospect, NATFHE’s caution proved to have been sound. For reasons of timing (many examinations had been set well in advance of the boycott date) and through lack of membership support, AUT members had little

impact on the examination process.

The different tactics adopted revealed deeper differences. The AUT envisaged a short, sharp dispute, with the maximum-pressure tactic of a refusal to set examinations resulting in a quick victory for which it would be largely responsible. The AUT's general secretary told the NATFHE NEC that the dispute would be over if not by Christmas, then by February (NATFHE, NO). This account was endorsed by AUT sources, with one NEC member saying, 'We always saw it, particularly the general secretary, as a short dispute' (AUT, EMP). This perspective may explain why the AUT did not forewarn its members (as NATFHE did) that there was a likelihood of pay docking (and even non-payment) for partial completion of contracts. This perspective contrasted with NATFHE's, which was that the dispute would certainly go on into late summer.

## Process

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So much of what has happened industrially on the AUT side over the last two or three years has been so mixed up with the merger — all that horrible stuff with profile raising of certain individuals and territory mapping for particular interests. Much of it has not been about political interests and differences but stemming from 'I've always been important in my union and I want to continue to be important'. (AUT, ROC)

If relations before the dispute had improved from historical lows, the dispute did little to further improve them. NATFHE's perspective on the way the claim had developed led many within it to privately doubt the experience and competence of the senior AUT officials. Not least of the problems between the organisations was the AUT's refusal to take seriously the need to meet and coordinate strategy and tactics. The head of universities at NATFHE is on record as saying, 'There was no real discussion of strategy or tactics throughout the campaign' (Attwood, 2007). This was not from lack of trying. One NATFHE lay officer described a series of attempts to get a joint meeting with the AUT:

The HE Committee decided to ask for joint meeting. There was no attempt to dictate who we met, but we wanted some group or sub-set of full NEC to determine parameters and policies. We got no response. Eventually it came out that we had sent it to the wrong person — the chair of the Employment Committee. But nobody told us. We did receive

a reply later informing us that one of their officials was ‘exploring the modalities of calling a meeting’ or some such pretentious nonsense. Didn’t say no then, but didn’t say yes. They eventually did say it was inappropriate for bodies to meet. (NATFHE, LO2)

In fact, it turned out in the same reply that the AUT was calling an extra meeting of the very same employment committee ‘to discuss the situation and to consider how to take issues forward’ (NATFHE, NO2). It was made clear, however, that there was little likelihood of joint meetings since the existing media and campaign strategy was judged to be proving successful. Moreover, ‘the reply stressed that the structures of the AUT had to be respected and these are coordinated by and through the general secretary’ (NATFHE, NO2). As a NATFHE lay officer pointed out, ‘We wanted joint meetings of ... the very groups forming the subsequent Transitional Arrangement Committee of the new union. There was point blank refusal: the elected leaderships were not allowed to meet’ (NATFHE, LO2).

Relations during the dispute were understandably termed ‘disastrous’ (NATFHE, NO). The unequal relations displayed in the formulation of the claim continued with the AUT’s failure to consult and coordinate during the entire dispute, which jeopardised the quality and effectiveness of action. It was not possible to run an effective campaign ‘with decisions being made by a very small clique of people’ (NATFHE, NO). From NATFHE’s perspective, it appeared that the AUT’s campaigns unit had responsibility for developing ideas, which would be signed off by the president with no wider discussion or involvement: ‘I mean running the whole bloody campaign on the basis of what the Campaigns Unit came up with was just, it was a nightmare, an absolute nightmare’ (NATFHE, NO). It is possible, however, that this view gives too much weight to the Recruitment, Organising and Campaign Committee:

We didn’t in anyway control strategy. There is so little history of lay control that most [committee members] did not see it as an issue. Our role was just to receive papers. Policy was openly the business of officials and the role of committees was to agree. If put relatively judgement free, neutrally, most people would agree that these were the legitimate roles — not even a secret cabal. It is the role of the AGS for Campaigns and the GS and maybe some staff to present and we to comment. But we didn’t have a different plan; I just don’t think there was room for that. (AUT, ROC)

In contrast, NATFHE had an elected action committee made up of members of the NEC, with additional members elected via national conferences and national negotiators. This team of seven people plus officials was charged with running the dispute, and reported back to the full HE committee. The coherence of the team meant that officials could, via email, get decisions about emerging operational matters very quickly: 'What was great about the action committee was that it contained members with different workplace experiences and political backgrounds, so we would have a good sharp debate and almost always reach a sensible consensus rooted in reality' (LO2). The different histories and cultures of the two unions meant that, in the short term, their forms of organisation did not match. One NATFHE official, comparing the unions' methods of organisation for the dispute, concluded, 'One [was] looking at something that was very quick, instant, relying on employed staff to develop the bargaining agenda and drive the campaign forward. The other union looking at more collective and participative approaches, involving lay members, senior officials to the same end, and those two approaches would never really reconcile' (NATFHE, NO). Stating it more pithily, a NATFHE lay official commented that the AUT was 'run by small clique of officials and a couple of lay members' (NATFHE, LO2)

Differences in cultures and organisations can be recognised, and compromises and changes made. There was, it appears, no will on the part of the AUT to do this. NATFHE officials and lay members felt this absence acutely. It was also recognised by some in the AUT: 'Every initiative from both sides, with lay people saying "we must get lay activists together — that's how you build a new union", was blocked. I know they were blocked from the AUT side through officials and some key lay people' (AUT, ROC). For the duration of the dispute, the leaderships of both unions were in competition, acutely aware of the forthcoming election for general secretary. One manifestation of the competition inside the AUT was the flow of separate press statements and the development of separate themes:

Key AUT officials thought that the way to preserve their territory was to be the initiators — so the press release comes out before it's been through AUT, let alone NATFHE. Every little thing is read about in THES, and people would ring up and I'd say I didn't know about it, it's not gone through the lay structures. (AUT, ROC).

As a consequence, NATFHE felt more or less forced into this competition by lack of cooperation from the AUT, and perceived the

AUT as dictating the pace and tactics of the dispute.

The development of competition by the senior AUT leadership had the apparent effect of reinforcing a narrow union identity amongst activists around them. One key lay activist noted this development:

There was no agreement [with NATFHE] on action short of a strike and its coordination, and I asked a question about it ... but even though it was obvious that this coordination had not taken place, those who previously would have pounced even harder than me, brushed the problem aside saying, that's fine. I can only read it as an assessment that their future self-interest rested with the officials. Some of the bad things that happened in the dispute were about this. Not about different political traditions but ... wanting to be identified with the new initiative which the other half didn't know about. (AUT, ROC)

Another concern was the AUT's relations with the NUS, which were close. Both unions accepted that public relations were going to be crucial in the dispute. However, as soon as the exam-setting boycott was implemented, the NUS came under growing pressure from members. Whereas at London Metropolitan University the local Student Union had stayed supportive during a long contractual dispute because the exams were set but not marked, and the situation could always be quickly retrieved, the setting boycott was more problematic. The AUT's perspective severely exposed and embarrassed the National Union of Students (NUS) leadership:

The NUS leadership were brilliant. They didn't just sit at head office but went out and argued in dozens of places for support for us. I really kicked myself when I realised that they felt they had been misled into thinking this was, and would remain, a short dispute, when it was clear that it would not be. What I regard as unforgivable was giving the NUS the impression that talks were about to settle matters when we knew they were not. (LO2)

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## Negotiations

The short, initial claim was lodged in October 2005 with a clause that said, 'We are willing and available to negotiate ... but will need to be in a position to report a positive outcome to the Executives of both unions on 2 December, at which point they will decide upon next

steps' (*Pay Claim*, 2006). NATFHE officials were impressed with neither the tone nor the content of exchanges that placed preconditions on talks, and which demanded positive responses to a claim that had not been amplified, giving employers reasons to resist and time to prepare responses. They also believed that the perspective of a short dispute was jeopardised by such negotiating tactics. Sharp email exchanges and face-to-face arguments took place about strategy and tactics. One leading NATFHE official sketched out a graph with one axis showing pressure on employers and one a timescale. Pressure on employers was at its maximum at the early stages (around Easter), but turned back onto union members as the effects of action on students confronted them, and a combination of member unease and employer sanctions loomed (NATFHE, NO2). Similarly, Paul Mackney's assessment was that 'an exam boycott is a powerful weapon, but one that gets less powerful the greater its effect, ironically' (NATFHE, GS). As time went on, employers began to put alternative arrangements into place and to take punitive action in the form of salary docking. The saving grace for the unions was that little of the internal conflict became public, and its direct affect on membership confidence was limited.

Having formally declared an industrial dispute on 6 December 2005, on 4 January 2006 the AUT notified vice-chancellors of a ballot for industrial action, five days before the full claim was lodged and a day before the first meeting with employers. NATFHE did not at this stage declare a dispute, but, feeling forced to trail behind the AUT, made it clear that if the pay claim was not met at the 10 January meeting, it intended to ballot members and recommend industrial action. The beginning of what was intended to be a unified dispute, therefore, had an inauspicious start.

The employers expressed concern that a dispute had been called before negotiations had begun, and indicated that the subsequent expanded claim was in effect a new one, since additional and costly new elements had been introduced. This approach delayed serious negotiations to the detriment of the unions. However, this is not necessarily the conclusion drawn by the architects of the strategy. According to one leading AUT member:

Unfortunately, [the action] did not overcome the employers' inertia and enabled them to state in January that they would not conduct negotiations under threat of industrial action. It is strongly arguable that this was a tactical mistake by the employers, but it is one that the academic unions had to deal with and enabled the employers to do nothing, in terms of effective bargaining until Easter. (Keight, 2006: 1)

The claim, therefore, managed not only to create tensions between the two unions but also encouraged a uniformly negative response from employers. In retrospect, the AUT position of positive non-cooperation with NATFHE was explained away in Keight's (2006) paper by the contention that because the academic unions 'each had their own distinct traditions, there was inevitably a degree of mismatch in respect of timetables and decision-making processes, which meant that their apparent tactical differences emerged from time to time' (ibid: 2). The paper adds, rather astonishingly in view of what actually happened, that 'by and large, these were remedied and on the negotiating front the impending creation of UCU meant that such difficulties were quickly addressed' (ibid: 2). A further problem with the claim was that it adopted a strategy and tactics that failed to consider the importance of other unions party to the dispute (the GMB, TGWU, UNISON and Amicus), making it difficult if not impossible to engage them in action. According to a senior national officer for Unison, 'There are tensions. Now there is a single pay spine, we should be acting as a united team and conducting single-table bargaining. Unfortunately, the academics don't see it that way. But we have our own democratic processes and we will be sticking to them' (cited in *Guardian*, 7 March 2006). The AUT managed, in effect, to raise expectations while failing to construct the necessary alliances and an effective campaign.

Following some dispute about dates, the unions called a one-day strike on 7 March, signalling the serious beginning of the conflict. The strike was described by the employers as being patchy and having 'created a minimal impact at the great majority of campuses' (UCEA, 2006b). They obviously had a vested interest in making such a claim, but despite the generally high levels of support, there were nevertheless some warning signs that active support was less than overwhelming. One NATFHE informant reflected on action at his own institution: 'There was some disappointment at the picket turn out of about 100 from 600 members. Classes were cancelled, but there was no public show. This should have been a warning sign' (NATFHE, LO2). The widespread support for the dispute found few expressions in public organisation.

As the dispute proceeded, pressure began to build on all sides for some movement towards resolution, with ACAS being involved informally from February, and convening more formal talks by May. The non-setting of examinations began to cause particular problems for the AUT. Many departments in universities had set exams before courses started, and subsequently lost control of their use. The uneven consequences of the action added to reservations that individuals had about the tactic, since when not applied universally,

the detrimental and arbitrary effects on particular students were highlighted. There is no way of collating the extent of national action, but lack of support was certainly significant enough for one NATFHE negotiator to say, 'Half the exams had already been set before the action started, and others were set by non-AUT members, and also by AUT members not following policy. It was a disaster. Employers made hay claiming only 5% of exams were disrupted. It was demoralising for members' (NATFHE, LO2).

NATFHE's tactic of not marking gave it more flexibility. Action was less irrevocable, and the pressure points came later when marks were necessary for student progression and graduation. The fact that NATFHE action was regarded as more cautious did not prevent it from being the target of more aggressive employer reaction. Its members were subject to an increasing number of deductions from salary because of action short of a strike. However, unlike the AUT, NATFHE had warned of this possibility before the vote on industrial action. Where employers were particularly aggressive, such as at Northumbria University, national support encouraged the branch to declare an all-out strike with the result that threats were withdrawn, at least temporarily. But deductions and the threat of deduction were also appearing in pre-1992 universities, placing the AUT under pressure. While in the short term, the moves towards deductions caused anger and offence, and branches reported large meetings condemning the moves, in the longer term it highlighted the need for a settlement, particularly to those not active in the dispute.

The employers' offer, at around 3 and 4 per cent per year for the next three years, was far short of what had been expected. At the very least, the AUT needed to sustain action until after its last conference in May, and its public proclamations repeatedly claimed both that employers were on the verge of cracking, and that the employers' negotiators were increasingly out of touch with the wishes of vice-chancellors. In this respect, it used attempts at local settlements as indicative of the wish to settle. Undermining this apparent confidence was the fact that offers continued to be well below the target figure, and nevertheless appeared to be gaining some support from sections of its membership.

Action did appear to be weakening throughout the period from May onwards, although this is difficult to quantify. Certainly the employers were increasingly aggressive, and students increasingly hostile to the action. On May 10, the Universities and Colleges Employers Association (UCEA) issued a circular to its members in which it reported that 'the employers' best and final offer of 12.6% (compound) over 3 years has been dismissed out of hand by the AUT

and NATFHE national negotiators' (UCEA, 2006). In late May, however, the unions thought that they had secured a serious offer that was probably acceptable. At ACAS talks on 25 May, an offer of 4 per cent for year 1, 6 per cent for year 2 and 4 per cent for year 3, with some kind of review for this last year, was held out. However, despite the confidential nature of the talks and proposals, it became obvious at a reconvened meeting the next day that the employers had been consulting vice-chancellors, with the result that the offer was effectively withdrawn. The reasons for this reversal were never clear. One opinion was that the employers did not want to hand UCU anything that looked like a victory (NATFHE, NO). It might also be that vice-chancellors thought the offer simply too generous, given that an earlier circular had revealed that 'Sally Hunt has previously signalled to Ministers and other senior figures that something in double figures or in the range 11-14% "should do it"' (UCEA, 2006). It went on to state that 'the union itself will be under huge pressure to explain why the goal posts have now moved' (ibid.). Whether Hunt had the authority to give the employers these expectations is doubtful: certainly the figures had not been conveyed to, nor agreed by, NATFHE negotiators.

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## The Settlement

Both the AUT and NATFHE conferences in late May reasserted a commitment to continuing the dispute, and rejected previous employer offers without going to ballot. The NATFHE position of not accepting anything less than 5 per cent per year for the 3 years of the proposed settlement was described as 'as an absolute bottom line' (NATFHE, NO2). It appeared to NATFHE, however, that desperation was descending on the AUT side. The mechanism for breaking the stalemate came in the form of an invitation to the general secretary of the TUC, Brendan Barber, to mediate a settlement. One participant in the subsequent June 2 meeting said, 'It was quite clear that the TUC had been given a very clear line from the AUT that the dispute had to be settled there and then, no matter what. It's not a case of looking for concessions from the employers; it wasn't a case of looking for more money; it was just a case of looking for a form of words that would close down the dispute' (NATFHE, NO).

The 'form of words' eventually came through an employer offer smaller than the one mooted earlier, and a promise to look at the size of the third-year increase again through an independent examination of the financial affordability. According to participants, the AUT reaction to the offer was instant:

Brendan [Barber] then talks about a lesser offer and says they won't improve it. Before we can discuss this, Sally Hunt announces it's a wonderful offer and that we can do business on this. Sally Hunt grabs it without the final push. We did not game play for the extra. The AUT president then went over the top in praise of the offer and how it could easily be sold. We were astounded. The meeting lasts ten hours longer, but it never got back to the idea of improvement. (NATFHE, LO2)

NATFHE believed that effective action could be continued for a while despite waning support and the possibility that action might cease in institutions where organisation was weaker. Sufficient support remained in key institutions to increase the pressure on universities in which there was a growing likelihood of students' not graduating. Certainly, there were no crowing employers' statements indicating a significant and sudden weakening of support for the action. Local sources revealed that the AUT was also facing difficulties in maintaining the action, but suggested that the leadership was now exaggerating the degree of weakness in order to justify the terms of the settlement. As seen by the leadership of the AUT, the position was that:

Employers' representatives had a mandate to go only so far. That's where we'd got to. They were prepared to stop talking at this point. We would have been marginalized nationally ... Head Office's feedback was stating that it couldn't go on much longer — either because finalists would have no exams to take, or members wanted to mark. We felt we were coming to an end and that action would fizzle out and we got most of what we wanted. (AUT, EMP).

A contrary assessment, however, was that 'Action had been uneven throughout the dispute, but it was still having an impact on a significant number of places. It was not dead in the water. I don't know how long it could continue — but there were no reports to a body that could make the call. It was rumour-filled' (AUT, ROC).

As in strategy and tactics, differences between the unions emerged in the settlement process. NATFHE was unhappy about the employers' insistence that action be called off before any settlement could be voted on by union members, and also about the weak wording of the demand for restitution of monies docked because of non-marking. The AUT did not have similar objections. The AUT's decision was partly justified by the belief that to delay suspension of action would jeopardise the settlement that included this condition,

and seriously weaken the organisation of the union. Moreover, it is also claimed that ‘we always said that when we get an offer that we can put to the members, we will call off the action. What we should have done is make this clearer’ (AUT, EMP). Many in the NATFHE leadership were unhappy both with the terms of the offer and the manner of the suspension of the action. In a more acute form, however, the NATFHE leadership was placed in the same dilemma over the final settlement as it had been earlier over the formulation of the claim and the determination of tactics. As the smaller HE section in the merger process, it would not have had the weight to keep the dispute going, and the organisational and political consequences for the merger project would have been disastrous.

These thoughts are evident, if for diplomatic reasons underplayed, in a branch circular put out by the ex-NATFHE head of universities to reflect the discussion at a consultative discussion of its former HE committee members. The circular reported an extended debate in which some argued for rejection of the offer, and others for a reluctant acceptance as the best that could be achieved in the circumstances. Amongst the points made in the circular were the following:

- At the TUC meeting it was *reported by the ex-AUT negotiators that the action was weakening in a substantial number of institutions such as to warrant the earliest possible settlement.* The ex-NATFHE negotiators were also aware that pressures on members were increasing in post 92 institutions as well.
- It was clear at the meeting that the *employers believed the unions would have difficulties maintaining the pressure across all of the sector and were therefore unwilling to make any substantial concessions.*
- *The ex-NATFHE negotiators felt that unless there was unity in sustaining sanctions across the entire sector, it could lead to individual branches and groups of members becoming isolated.* (Kline, 2006, emphasis added)

Some of these views were expressed directly by one of the negotiators, who believed that without a suspension of action there would have been ‘no offer, and disintegration’ (NATFHE, LO2). Further, the same negotiator maintained that:

it would have been easy to blame the AUT as the biggest union that took the decisions — that is correct, but wrong to pretend that NATFHE could continue to deliver action on the ground. So I was not prepared to reject [the agreement] knowing that

action could not be continued — and we didn't do this. But there were differences that we have not come out publicly about. We felt we were in an impossible position. The AUT were prepared to put the offer to members with a recommendation to accept without even a meeting of lay members to discuss it ... We said this was simply not acceptable ... Moreover we were very unhappy indeed about calling off all sanctions before balloting as that was effectively pre-empting the result. When this was explained to the AUT GS, we were told that if we voted to reject the offer or delay suspending sanctions, AUT would outvote us. (NATFHE, LO2)

One perspective on why it was possible for the NATFHE action to be called off, despite widespread opposition to the terms and to the ending of action before a ballot, was that it took place during what one lay officer called 'a dangerous interregnum' (NATFHE, LO). Between 1 June, when the new union came into being, and 9 June when the Transitional Arrangements Committee was scheduled to meet, there was effectively no decision-making body aside from the two general secretaries and two presidents of the former unions.

The immediate consequence of the calling-off of the action was a wave of anger among sections of the membership. Hundreds of critical emails were sent to the joint general secretaries, some of them extremely vitriolic. Central to these emails was a sense of disbelief that the now unified union could recommend an offer so little different from one so recently rejected. Cardiff UCU demanded the resignation of those in the UCU responsible for suspending the action (*BBC*, 2006). The official response of the union was to maintain, in rather tortuous prose, that 'it is difficult to argue that the action did not achieve a settlement substantially in advance of the employers initial bottom line' (Keight, 2006: 3). But there was also confusion at the heart of the assessment. In responding to many members' immediate disillusionment with the offer, one leading AUT member said, 'People complained that it did not deal with the erosion, but the claim was not about that — it was for a third of the top-up fees, and when the figures are added up, I think we'll be quite close to this. We motivated the claim by talking about decline, but the claim was not for this' (AUT, EMP). This is certainly not the way members understood the claim, and it is contradicted by the claim itself, which stated: 'An adequate proportion of new income derived from top up fees and other sources must be used to improve pay. This proportion must be at least one third of all new income within the sector. The resulting increase in funding for pay must result in substantial percentage increases to close the gap identified in the Bett

Report (*Pay Claim*, 2006). Nor was it the way the employers had understood the claim. Commenting on an earlier offer, they stated: 'By any measure, this is an extremely good offer and if they chose to present it positively it could easily be seen to address their "catch-up and keep-up" claim' (UCEA, 2006).

The settlement was eventually put to a ballot and overwhelmingly accepted, although a figure of about 30 per cent against was substantial in the circumstances. The ex-AUT leadership interpreted this as an endorsement of its strategy. However, in all likelihood the level of discontent with the settlement was more extensive than was reflected in the vote. Many members will have voted to accept in the knowledge that negotiators would no longer have the credibility to further prosecute the claim. Maintaining cohesion and motivating members following the release of students' marks, in a summer period in which students were absent, would have proven difficult for the most resolute of leaders. Moreover, non-acceptance might well have led to further punitive action against those groups of members who had been at the forefront of action.

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## Conclusion

There were weaknesses in both the substance of the claim and its prosecution. The AUT's dominant message was that it was time academics were given adequate salaries that both reflected their professional expertise and recognised that they had fallen behind comparable professions. But whether it liked it or not, the AUT was involved in joint bargaining alongside other unions that were alienated by the nature of its claim, which produced little likelihood of joint action. If liaison with manual and support unions was inadequate, it was even more pertinent that the AUT failed to coordinate with NATFHE, which felt railroaded over the claim and the tactics adopted to pursue it. Given that the tension between the two unions on a range of issues occurred only in private, members' confidence may not have been particularly dented by the lack of unity — but neither was it enhanced by a genuinely joint and unified campaign. Nor would employers have been unaware of these tensions — a fact that weakened the position of the unions throughout the dispute, and set the scene for the final outcome. This view is echoed by a leading NATFHE official:

I think it is a mistake to focus all attention on the final talks, which ended the dispute, as a 'sell out' ... The roots of the unsatisfactory ending lie much earlier. I think if lay members

had known how flaky the discussions on strategy and tactics were, they'd have been shocked. Maybe with hindsight we should have forced these problems out into the open but, rightly I think, the Action Committee didn't want to disclose these differences in front of the employers in the middle of a dispute. (NATFHE, NO2).

As the account of the dispute given in this paper indicates, responsibility for the lack of discussion and coordination is far from being equally shared, and is largely an outcome of decisions made by senior AUT officials, almost certainly with a view to gaining or maintaining organisational advantage in the post-merger union. Paul Mackney's inability to stand in the election for the post of general secretary of the unified union due to ill health left Sally Hunt as the favourite in a contest in which she faced a serious challenge from NATFHE's Roger Kline (*THES*, 27 October 2006). Her identification with a disappointing pay settlement will have weakened her prospects somewhat (*THES*, 1 December 2006), and the outcome and conduct of the dispute were central issues in the campaign, as reflected in hustings meetings (*THES*, 12 January 2007). More tellingly, however, was the low attendance and general lack of interest and involvement in the election. The nature and manner of the settlement, the invisibility of the major disagreements about the conduct of the dispute, and the lack of involvement of members, all took their toll on interest in the election. For many members, unaware of the real and different practices embedded in the two merging unions, the competition appeared to be one between two individuals, and issues of accountability, participation and the integration of activists did not loom large.

The result was that Hunt was elected with a majority of around 1,500 votes. Only 16,250 valid votes were cast from a constituency of over 116,000 — a turn-out of just 14 per cent. There are good reasons, therefore, to think this a less than ringing endorsement. Moreover, not only were the numbers voting and the margin of victory small, but in parallel elections for the NEC, over thirty members of UCU Left were elected, giving that group substantial influence over policy. The leadership of the union looks likely to be tested over the next period, with employers apparently set to challenge the effectiveness of the organisation both at local level through redundancies and non-recognition, in the case of London Metropolitan University; and at the national level through an insistence on single-table bargaining as a condition for the continuation of national bargaining (*THES*, 6 July 2007). Whatever

the direction of collective bargaining in the future, whether devolved to universities or retained at the national level, the conduct of the 2006 dispute will continue to reverberate within the union. Members will not be able to leave it to officials to secure improvements in salaries and working conditions, and nor will these be secured simply by strong left representation on official bodies. A strategy is needed to engage members in their organisation at the workplace level — a strategy made more difficult as a result of the experiences of the dispute and the outcome of the election.

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Notes

- 1 Union members interviewed in this study are identified by the name of their union followed by their role: lay officer (LO), general secretary (GS), member of recruitment, organising and campaign committee (ROC), member of employment committee (EMP), national officer (NO).
- 2 The term 'traditional' is used here because demand is building for the union to take up the issue of the limitation of working hours. This is reflected both in the UCU activists' internet discussion board and in the motion from Leicester University UCU Committee and De Montfort University UCU Committee, passed by the UCU HE Sector Consultation Conference in December 2006, which stated that 'the issue of workload and working conditions are relevant to, but have been overlooked in, national bargaining'. It called on UCU to make them a major focus of future campaigns.