

## The Case for Targeted Action and a Summer Marking Boycott to Maximise Our Leverage at the Bargaining Table



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We have been heartened to see the ongoing debate about UCU's industrial action strategy and hope that this marks the beginning of a shift in the union away from partisan infighting towards honest, substantive and constructive discussions about *how we can win*. This piece is offered as a contribution in this vein and responds to the question of whether the union should prepare for a marking boycott, indefinite action or some other form of action – and if so, when.

We are strongly in favour of a strategy that builds towards a summer marking and assessment boycott. We are also in favour of a strategy that targets universities' recruitment activities, here adopting escalating tactics. Conversely, we believe that indefinite action beginning in Semester 2 (i.e., late January or February 2023) will damage our position in bargaining.

We consider strategic, financial and organising dimensions and explain why we believe that a strategy centered on indefinite action from the start of Semester 2 falls short on each of these – and why escalating towards a summer crescendo is preferable. To make our argument, we draw on evidence from recent major academic strikes in the United States, as well as historical evidence from UCU. We will conclude with some remarks on democratic process in the union.

## **A Strategy That Works: Maximising Our Leverage through Exploiting Key Employer Vulnerabilities**

**Effective industrial action strategy begins with an assessment of employer vulnerabilities and the forms of worker power that can be utilised to exploit these vulnerabilities.**

All trade union action depends on *associational power* – the power that workers possess by virtue of their collective organization. But only some groups of workers possess *structural power* – the power that comes from a group of workers' position in the broader economic system, the state of the labour market or the organization of production in their workplace or industry. Rail workers and nurses, for example, have a high degree of structural power because shutting down a trainline or a hospital imposes significant economic, social and political costs that are felt immediately, far beyond their direct employer. University workers do not generally possess this form of structural power as the broader impacts of our strikes are typically felt indirectly or over a much longer period of time than the action itself.

Yet, the rhythm of the academic year provides university workers in strategic positions with a high degree of structural power at key moments. As we know, the university workforce is stratified along the lines of income, access to professional credit, security, ability to plan for the future, and division of labour of people in the same union. Yet, this division of labour provides our union with unique opportunities to exercise leverage because of the value that senior management put on particular aspects of the work. It follows that we should therefore develop a differentiated industrial action strategy to maximise its overall effect across the sector. Chief among

these are, first, the summer marking and assessment period, and second, the various moments of new student recruitment and admissions.

Though we fully reject the commodification of higher education in the UK on principle, we must accept that this is the current context of our organising efforts and act accordingly. In the current context, what university leadership care about above all else are finances and metrics. Examples are myriad and infamous — from insisting students occupy university accommodation during the pandemic that was quickly and predictably locked down, or from VCs' preference for shiny new infrastructure projects over staff, putting buildings before brains. So we need to hit our employers where it hurts: their pocketbooks.

Employers will 'blink' at the bargaining table when we threaten their 'bottom line' — the ability to successfully deliver their main product, university degrees, to fee paying students — and to attract more fee-paying students in the future. For this reason, while we agree with **Dinnen and Eastwood's argument** that 'universities rarely grind to a halt during time-limited strikes' because 'most critical functions of the university are redistributed to non-strike days', we disagree with their reasoning that this necessarily implies that an indefinite *term-time* strike is the best alternative. In a nutshell, even if all teaching 'events' were cancelled, this would not necessarily disrupt our employers' financial flows.

In fact, we have seen through multiple rounds of industrial action during the semester that employers do not view term-time action as a sufficient threat to their bottom line, as evidenced by minimal movement at the bargaining table. Though employers are required by the state to meet 'student learning objectives', we have yet to see meaningful penalties imposed and have also seen that employers have found workarounds to undermine our leverage in this regard. This suggests that as long as the final product — degrees — are delivered in a timely fashion, employers remain unconcerned about disruptions at other moments of the teaching and learning 'production process'.

Universities in England are responsible not only to their fee-paying students, but also to the Office for Students, creating additional pressure to deliver degrees in a timely manner and thereby amplifying our structural power during the summer marking period. Every registered provider of higher education in the England must report to the OfS, demonstrating its financial sustainability, the 'quality' of its academic provision, that it is delivering 'positive student outcomes', and so on. Amongst these indicators are student progression and graduation rates and in September 2022, the

OfS announced 'new expectations' of universities, 'set[ting] minimum expectations for the proportion of students on higher education courses who continue on their course, graduate, and go on to further study or find a professional job'.

Evidence from recent widely publicised academic worker victories in the United States at Columbia, the New School and the state-wide University of California support the argument that industrial action during the marking period provides workers with the greatest leverage in bargaining. While in all three cases, academic workers engaged in indefinite strike action during the semester – six weeks in the case of the University of California and ten weeks in the case of Columbia – it was only when they reached the end of term marking period that they saw substantial movement at the bargaining table. (Because marking is done on a semester to semester basis in the US, the summer marking period is no more significant than the winter marking period, in contrast to the UK.) In the United States, the system of industrial relations provides workers with little control over the timing of strikes. In the UK, however, workers largely have the freedom to determine when to strike. We should use this freedom to our advantage and strike when we have the greatest leverage: the summer marking period and during recruitment/admissions activities.

Crucially, we must also take note that UCU's last major victory, in 2006, was the result of a **marking boycott**. That particular boycott began in March and was resolved in June with a deal worth 13% over three years. The UK's inflation rate at the time was a little over 3%.

For VCs – who must keep creditors happy and frequently manage by metric – the concern regarding increasing student numbers is pressing. Twenty-odd new international enrolments are necessary to pay the VC's own salary; a further dozen or so and the VC can afford to employ the deputy who will do so much to lighten their own burden of leadership. Targeting recruitment and admissions activities can therefore provide substantial leverage in bargaining. Yet, this tool must be used carefully and in a differentiated manner to ensure that risks do not fall disproportionately on employees of institutions that are already vulnerable to low recruitment.

To mitigate such disproportionate risks, we suggest an approach that is devolved to local branches, with stronger branches in larger high-status institutions that recruit heavily in international 'markets' and which have historically over-recruited (often at the expense of lower-status neighbours) expected to take the lead. Tactics here could include local strikes to coincide with open days (and preparation for open days), campus

demonstrations on open days (drawing in resources from neighbouring branches), with such activity escalating to a national strike on the three days of Clearing in August. **Targeting recruitment in this way would complement action around the summer period of marking and assessment and amplify our power at the bargaining table.**

### **Financial Realism: Additional Funding Is Available But Not Unlimited and Must be Used Strategically**

A number of arguments have been put forward to the effect that UCU has the available reserves to support a lengthy period of action – or that additional money could be raised through fundraising. We believe these arguments should be treated with caution. **James Brackley has calculated** that UCU ‘has cash reserves of upwards of £30 million’ and that paying out strike benefits to all UCU’s higher education members in a national strike would cost the union a quarter million pounds a day. The strike fund could potentially be topped up from the union’s annual surplus or from budget underspends in other areas, but the likely effect is to extend strike pay by weeks, not months. The bottom line is that Brackley’s figures, if correct, strongly suggest that UCU would not have sufficient funds for a continuous national university strike from the beginning of Semester 2 through the summer marking period.

Employers will be keenly aware of this. We know that Universities UK, UCEA, USS and the Russell Group are all dominated by hardliners, who would like nothing more than to destroy our union. We know that these hardliners have many allies in the media and in government – and that we could not even rely on the support of the Labour opposition. Whilst we were draining our strike fund, employers would be saving between £500 million and £1 billion from their wage bill. There is every reason to think that these hawks would relish the chance to brazen it out, attempting to outlast the strike past the point when benefits are being paid out to members. In short, we believe that striking indefinitely from the start of Semester 2 will play directly into the hands of our employers, severely depleting our union’s finances – which our comrades in prison education, adult continuing education and further education also need in order to support their own struggles – and risking our associational power too through inevitable attrition of participation in lengthy action.

Contrary to overly optimistic arguments by some UCU activists that an indefinite strike will quickly bring the employers to the table for an agreement, indefinite strikes tend to be lengthy and difficult to sustain. Employers bank on the – often correct – calculation that their far greater



financial reserves will allow them to outlast the workforce in normal times. Sharp drop offs in strike participation as time passes put substantial pressure on leadership to reach concessionary agreements. At Columbia and the University of California, workers did hold out for a long time – ten and six weeks respectively, as we've noted – but the numbers of workers on the picket lines did indeed drop over this period. They were able to ride out the falling participation because they started from a much higher level of organization, with substantial majorities of the total workforce on the picket lines. In other words, they had a much higher degree of associational power than in UCU, where the union represents approximately one out of three eligible workers. (Even so, the University of California bargaining team ultimately 'blinked' first, reaching a tentative agreement and calling off the strike before the final exam deadline was reached — despite the fact that the mostly PGR bargaining unit had continued to receive pay throughout the dispute! However, the decision followed six weeks of action with no substantial movement from employers and declining participation. Many dissident union activists in California have argued that continuing through the marking period would have resulted in a stronger agreement.)

**The lesson here is that while ongoing strike action can act as a recruitment tool, drawing in more workers, the opposite can also be the case!**

This may be compounded by the fact that while university leadership clearly care no more for students than train operating companies care for rail passengers or the health secretary (whoever it is this month!) cares for patients, lecturers and other university staff certainly do care about our students. While we believe that indefinite strikes in higher education are ethically defensible, conversations with many members and non-members since 2018 have made clear that a large proportion of staff feel reluctant to impact students' classroom education more than is absolutely necessary in the current context of commodification. A marking boycott, rather than an indefinite strike during term-time, resolves this dilemma to some extent by enabling educators to continue to educate while instead withholding the 'final product' – student marks – until workers' demands are met. This strategy of a summer marking boycott, therefore, will not only be more effective in increasing our leverage at the bargaining table than indefinite action during term time but will also be a more effective organising tool to increase participation.

Finally, we are very sceptical – particularly at the current time, because of both the cost-of-living crisis and the strike wave – about the frequently-argued-for potential to raise substantial additional sums for our strike fund through fundraising. Our allies in the wider trade union movement are

financially strapped supporting their own members in strike action – many of whom have wages far lower than our own. Support for workers in unions like the RMT that have not received strike pay since the summer, and support for low-wage workers on strike, are understandably being prioritised. In other words, we need to be realistic and ‘live within our means’ when it comes to available strike funds. Industrial action should be planned on this basis.

### **Credible Organising: Members Get Involved When They See a Viable Plan to Win**

A final set of arguments in favour of taking indefinite action in Semester 2 concerns the need to keep up the organising momentum, particularly in the context of the current strike wave, and a certain amount of anxiety voiced about the possibility of UCU winning another strike mandate of comparable magnitude. While there is always risk involved in any ballot, this is not sufficient reason to take action that depletes our strike fund when our leverage is low. In addition, we are concerned that an indefinite strike during term time, which we believe will be lengthy with little movement from employers at the bargaining table, as explained above, will weaken, rather than strengthen, our momentum.

In fact, there are better ways than indefinite term-time action to build momentum over the winter and spring of 2023, in the lead up to a summer marking boycott. A limited winter marking boycott and targeting of recruitment activities, for example, would put employers on notice that the union is prepared to use this weapon in the summer and capable of doing so. It would also help branches to assess where to concentrate organising efforts over Semester 2 in order to build the most effective marking boycott possible in the summer. Additionally, or alternatively, a limited number of strike days could be authorised for key moments in the bargaining calendar as a show of strength. And we could regularly embarrass VCs by targeting university award ceremonies, VIP visits and the like with action.

We must also consider how research staff can exercise power at strategic chokepoints. Precarious RAs and Postdocs have in previous strike rounds raised concerns that withholding their labour primarily damages their careers, rather than the university. However, PIs — who are mostly established academics — could put spokes in the wheels of funding streams if there is an organised respite and delay on outputs, reporting, and the next round of funding application. Additionally, we should consider potential strategic choke points that could be exercised by professional

services staff, particularly those in key roles in the university, such as IT services, administration, and admissions/recruitment.

Targeted activities in Semester 2 would, crucially, give us the time to build for an effective summer marking boycott by targeting organising efforts to maximise participation among current members and recruitment of non-members who have been assigned marking for the summer, as well as professional services staff engaged in administrative work related to marking. Doing so would substantially increase our associational power in order to exercise our structural power as effectively as possible. The three days in November 2022 when UCU, Unite and Unison all took simultaneous strike action were joyous and crucial for developing and deepening our associational power. For UCU branches that had not exceeded the turnout threshold in previous disaggregated industrial action ballots the opportunity to participate in strike action was particularly important. We must take note, however, that not all UCU branches experienced vibrant picket lines and strong participation on 24, 25 and 30 November. Also, even where pickets were well attended, many branches could be far more disruptive in their strike day activities. For all of these reasons, we need to take seriously the need as a union to do the unglamorous day to day work of building up our membership and activist bases in order to ensure that whatever course of action we follow in 2023 is as successful as possible. Taking the position that 'people join unions when they take strike action' – rather than taking seriously the need to engage in routine organising and recruitment efforts – is not sufficient to build a sustainable and participatory organisation with strong associational power.

In addition, in order to build as strong a summer marking boycott as possible, the union should seek support from the NUS in the form of a national campaign by students and their parents to demand refunds when marks are not delivered on time. While some in UCU have been reluctant to take such a step, arguing that it somehow endorses the current reality of commodification of higher education, we believe this concern is misplaced. We and the NUS and our students need not walk back our position on abolishing university fees in order to take the position that under the current fee-paying system, students should be refunded when employer intransigence in bargaining prevents them from receiving their marks (and degrees) on time. **[At the recent New School strike in New York, a threatened lawsuit by parents was instrumental in reaching an agreement.](#)**

Finally, we hope that this semester and beyond, the union will take seriously the need to develop a strategic leverage team that can conduct in-



depth research on key decision makers on the employer side and their vulnerabilities in order to carry out targeted direct actions outside of the workplace to maximise power at the bargaining table. This supplementary strategy has proved quite effective for unions at the cutting edge of the trade union movement who have utilised sophisticated research on employer finances and the networks of key leaders in the sector to organise actions ranging from protests at shareholder meetings to mass disruption of public events to vigils outside the homes of key decision makers to demand change.

## **Democratic Process in the Union: Unions Work Best When Decisions Are Taken by the Membership**

It is our impression from conversations with co-workers that there is not a strong appetite for indefinite action among the membership in Semester 2. Yet we are aware that – just like everyone else in the union – we do not have oversight of the entire membership and can only speak from our experiences in our workplaces. For that reason, we are glad to see that branches are being asked to pose questions of strategy (indefinite action, marking boycotts and timing) to the membership directly. While long-standing critics of the General Secretary have faulted her for proposing an alternative strategy of industrial action to that decided by the higher education committee, we believe that it was neither good democratic practice nor sound from an organising perspective for HEC members to vote for indefinite action without a clearly expressed desire by the membership to do so. After all, it is the members who will need to carry out any such actions, who will risk an indefinite loss of pay, and who therefore need to feel confident in the strategy and willing to engage.

We hope that the union will move increasingly towards a model of branch-based direct democracy in the future as the basis for a much stronger, more participatory union better attuned to the needs, desires and will of the membership. And we hope that the HEC members will respect the outcome of the branch consultation and that all union activists and leaders will unite behind whatever plan emerges.

*This guest post can also be found as a pdf attachment on [Katy's wordpress blog](#).*

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 **higher education, Industrial Action, Strike Smarter, UCU Commons, UCU Democracy**

 **Strikes, UCU, UCU NEC, Union democracy**

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