

**Date: 17 December 2021**

Dear members,

Thank you for your support and assistance with the recent pay ballot that was undertaken by GMB and our Joint Trade Union on the revised and increased offer made by TICI employers.

We can now confirm that both trade unions having concluded their respective membership ballots, the results are as set out below:

<b>GMB</b>	<b>Accept 7%</b>	<b>Reject 93%</b>
<b>Unite</b>	<b>Accept 23%</b>	<b>Reject 77%</b>

Therefore, clearly both trade unions have rejected this latest offer made by the TICI employers. Considering these results, we have now written to the Chief Executive of TICA confirming these results and calling on TICI employers to come back to the negotiating table with an improved offer and one that the trade unions would be comfortable in recommending acceptance of in accordance with the mandates both have from their respective union memberships.

Time is now very much against us in terms of the anniversary date of 1 January 2022, as even if we can convene a Teams meeting with TICI employers before the Christmas/New Year break, both trade unions would not be able to conclude their respective membership ballots before said anniversary date, should a further improved offer be made.

We have reinforced the point to the employers that, given the current further spikes in inflation figures, this places a responsibility on both sides to ensure members receive an uplift that reflects an increasing cost of living reality.

We will of course continue to update you as and when there are any significant developments.



Therefore, clearly both trade unions have rejected this latest offer. Considering these results, we would again call on TICI employers to come back to the negotiating table with an improved offer and one that the trade unions would be comfortable in recommending acceptance of in accordance with the mandates both have from their respective union memberships.

Thank you for your continuing support.

Have a restful and enjoyable break over the festive holiday period.

**Ross Murdoch** - GMB National Officer

**David McGurk** - Unite Regional Organiser Scotland

## Previous Bulletins

### 2020 Bulletins

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**24 November 2020**

**TICI**

Dear GMB Member,

First of all I trust you and your families all remain well during these difficult times.

#### **Issues with TICA**

The primary reason for this newsletter, which at this stage is for information purposes only, is that we have recently experienced a couple of very serious issues in our TICI National Joint Council (NJC) dealings with the Association (TICA). The first, in a data protection context, is around apprenticeship indenture records being destroyed and the second is over the Year 3 January 2021 pay uplift.

#### **Indentures**

We recently became aware, quite inadvertently as it happens, that there appeared to be an issue in obtaining copies of TIE apprenticeship indenture records. We couldn't understand how this could be the case, as we are aware of a long-standing process to submit a request for a copy, which usually came at a small cost. After repeated questions to the TICA Chief Executive, we finally received clarity that a decision had been taken by the association, that for reasons of data protection, to destroy all records both paper and electronic of any



apprenticeship records that contained addresses, which is effectively Schedule B of the apprenticeship agreement records which contains employer and employee details and signatures. Therefore, the only records the association now hold on apprenticeship records, is a list of names of those who have completed apprenticeships, so any future request for copies of indentures now would only be met with a confirmation of completion only. After further questions to confirm who actually took this decision, i.e. was it the Chief Exec alone or, was it a TICA Governing Council decision, it was confirmed to be the latter. As a result of the above and the complete failure of the association to consult the recognised trade unions prior to the destruction of these records, on behalf of the trade union representatives on the TICI NJC I have lodged a formal dispute with TICA as per the terms of our national agreement. We await a date for this dispute hearing to be scheduled and will keep you updated as to developments.

Subjectively it has been felt for some time from amongst many of our members, that some elements within the employer's side see these indenture records of somehow getting in the way or, to some extent devaluing the competency skills cards, therefore there is a belief there is a hidden agenda at work here. It has already been made clear to the association in advance of the hearing just how angry our members are over this action and any attempt to dilute or devalue their highly skilled trade, which our members rightly value and protect.

In the meantime, I would suggest, if you haven't already done so, that you scan a copy of your full indenture records and keep an electronic version just in case you lose your only copy.

## **2021 Pay Award**

In advance of our last NJC meeting we received a request from the employer's side to defer the final year of the last 3 year pay deal until at least September 2021. You will recall this is due to be implemented in January 2021 (2.5% Engineering and 2% H&V) and of course was an important milestone as it would set a minimum standard pay rate for TIE's of over £15 per hour.

In other industries where there are obvious COVID-19 issues that impact on employers we have acted reasonably in terms of either not pursuing or deferring pay negotiations i.e. we act reasonably where it is warranted. However, in terms of TICI business updates, other than initial difficulties over welfare facility provision due to social distancing, which appears to have been largely solved, plus some smaller company's facing difficulties over furlough support, there has been no substantial evidence presented to the trade unions of the need to defer this implementation. Therefore, the trade unions made it clear at the last NJC that we do not accept their request to defer, adding that any attempt to impose this would be met with an industrial response. We made it clear to the employers that we negotiate these deals in good faith and both sides for better or for worse must accept the terms negotiated, balloted and agreed. However, the employer's side wrote again in early November effectively serving notice that they will not be implementing this award. Therefore, after further trade union side meetings and discussions a further formal dispute will be lodged over this issue as well.

We are of course obliged by way of the TICI National Agreement to seek to resolve both these matters by way of the agreed structures. However, in the event we are not able to do so, we will need to consult with you further over both a legal and industrial response to these issues. Therefore, it is imperative that you provide us with up-to-date accurate information on your employer and workplace/site and of course your full contact details i.e. address, email



and other telephone details, all of which is of particular importance to industrial action balloting processes. We will be writing to you again in due course with a way of providing these details.

In the meantime, thank you for all your support you give to our lay activists and union officers.

Please Stay Safe!

Ross Murdoch

GMB National Officer

## 2021 Bulletins

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**Date: 24 November 2021**

Dear members,

Thank you for your support and assistance with the recent pay ballot that was undertaken by GMB and our Joint Trade Union.

We can now confirm that both trade unions having concluded their respective membership ballots, the results are as set out below:

<b>GMB</b>	<b>Accept 3.1%</b>	<b>Reject 96.9%</b>
<b>Unite</b>	<b>Accept 6.9%</b>	<b>Reject 93.1%</b>

Therefore, clearly both trade unions have comprehensively rejected the offer made by the TICI employers.

Considering these results, we have now written to the Chief Executive of TICA confirming these results and calling on TICI employers to come back to the negotiating table with an improved offer and one that the trade unions would be comfortable in recommending acceptance of in accordance with the mandates both have from their respective union memberships.

We have a trade union side national meeting on Monday 15 November with your NJC Reps to discuss next steps and await a response from the employer's side.

We will of course continue to update you as and when there are any significant developments.



Thank you for your continuing support.

Kind regards

**Ross Murdoch** - GMB National Officer

**David McGurk** - Unite Regional Organiser Scotland

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**July 2021**

Dear GMB Member,

I trust you and your families all remain well during these difficult times.

### **2021 Pay Award**

I write by way of an update on TICl employer's failure to implement in January 2021, year three of a previously agreed 3-year deal for 2019-2021. You will recall from previous newsletters and surveys that this decision formed part of a national failure to agree (FTA); subsequent to this FTA being heard and rejected by employers, we have consulted you on how to respond on this intransigence. However, there was not an across-the-board mandate to mount a national industrial response; we have also been exploring potential legal redress, which I will touch on further on in this communication.

We are now at a point where we will be submitting soon a pay claim for 2022. However, your NJC reps made it clear at the June TICl National Joint Committee (NJC) meeting, that the employers needed to first of all make good on the outstanding pay uplift that was due in January 2021 and pay retrospective back payments to this date. The employers gave a commitment that they would respond in writing on this matter. We have now received this letter and the employers have confirmed agreement to the implementation of the pay award (2.5% to engineering and 2% to HVAC) from the 1 September 2021. However, they have also confirmed that they do not intend to back date the pay award to the anniversary date of January 1 2021. This latter point is extremely disappointing, however, given there was not an across-the-board mandate nationally for an industrial response on non-implementation, we have pretty much taken this matter as far as we can industrially.

In terms of a potential legal response to this non implementation of pay. We have been exploring the potential of running ongoing unlawful pay deduction claims. Any possible success on this, would be determined by the wording of individual employee's contracts of employment, particularly if it stipulates that your pay rates and terms and conditions will be determined by the outcome of negotiations that would be set out in the TICl National Agreement. We would then need to argue that the wording of said contracts would potentially present a legal argument that would allow a transfer of intention of the National Agreement to individual employers and say that a failure to pay the rate set out in the agreement amounts to an ongoing unlawful deduction. We are still exploring this, however, now that the employers have confirmed they will be implementing the 2021 claim in September, this changes the dynamics on any potential claim, as it moves from an arguable ongoing unlawful



deduction, to one that would be time bound three months minus one day from what would then be the last unlawful deduction, which would be on 1 August 2021, effectively meaning any claim would be timed out after 31 October 2021. If you believe you have a contract of employment with wording that might lend itself to a potential legal claim, you need to make GMB aware of this, either by return or, by ringing your Regional Office.

In terms of the pay claim for 2022, I appreciate many of you may have already had discussions around this either via your GMB Rep, GMB Officer or, more likely via the GMB 'Laggers/TIE' Union Branch Structure. However, if not, then please let us have your views and aspirations for pay in 2022 before the end of July 2021, by letting us know what would you like to see GMB submit in the forthcoming pay and terms and conditions claim, anything you raise by return will be treated confidentially.

Any colleagues who are not yet in GMB, they can join online at: [gmb.org.uk/join-online](https://gmb.org.uk/join-online)

**Ross Murdoch** - GMB National Officer

