

3 August 2023

37, 42 hour and OMEC contracts in MOD

Three contracts in MOD causing issues and division, as predicted by PCS in 2021.

In the MOD there are three sets of contractual hours. The oldest 42-hour contracts, the 37-hour contracts brought in after 2016 and the latest MGS OMEC contract. These contracts have different hourly rates, that ensure each member receives the same basic salary according to Band before allowances or overtime payments.

History

PCS opposed the introduction of the new 37 contract in MOD in 2016 and vehemently opposed the introduction of the disastrous OMEC contract which sought to accelerate the race to the bottom in security on sites. The UK permits an employer to introduce new contracts for new employees with only two limits, they must pay the minimum wage and they must not exceed 48 hours per week. OMEC took MOD to a new low, of maximum hours and minimum pay.

PCS has opposed the introduction of the new contract in MOD in 2016 and vehemently opposed the introduction of the disastrous OMEC contract which sought to accelerate the race to the bottom in security on sites. The UK permits an employer to introduce new contracts for new employees with only two limits, they must pay the minimum wage and they must not exceed 48 hours per week.

Recently the differing contracts have led to issues in MOD with staff on OMEC being clearly treated worse than all other civil servants, and staff on 37 hours having their overtime rate incorrectly applied then causing discontent with the 42 hour cohort who watched colleagues get their back pay based on an error from DBS. PCS want MOD to get this right. OMEC is wrong and introducing new contracts causes issues. To put this right PCS requires you to join and you can see why you need to.

MOD and DBS made an error in calculating overtime payments for 37 hour contracted staff. Overtime was paid at the incorrect 42-hour rate, less than the

37-hour rate. Both rates are based on the same annual salary divided by 52 weeks then by your contracted hours to give the hourly rate.

This issue only affected PCS members that joined defence after 2016 on 37-hour contracts. If you are on 42-hour contracts, then you are not affected by the mistake DBS made, MOD states that you got the correct overtime pay over the last 7 years.

PCS opposed OMEC (NEP) on the following basis

- It is divisive, it is never good to have two duty systems running together
- It will affect recruitment; MOD can't recruit enough staff for MGS as it is
- It will reduce security if there are not enough Guards
- It will reduce incentives and pay
- it will increase hours worked raising issues around fatigue and security
- It will reduce the incentive to gain promotion leading to inexperienced staff seeking promotion too early as it will be the only way to increase their pay
- This change is brought in at a point where security is at a high state of alert.

PCS opposed OMEC's introduction with DIO and MOD. We entered formal disagreement to the Chief Operating Officer of MOD in spring 2021. OMEC still represents a very real threat to MGS guards and security. PCS opposed the OMEC on behalf of all MGS guards whether PCS members or not. All MGS staff must join PCS the only recognised trade union able to negotiate pay terms and conditions for you and can represent you fully.

[In December 2020 we wrote in Defender](#) (the DSg magazine) that "This divisive proposal would see all allowances and premium rates removed from new joiners and those who seek promotion, who instead will be expected to work a 48-hour week for little more than the minimum wage in return. This will lead to existing staff and new starters doing the same job but on vastly different rates of pay and conditions and is effectively the worst part of the 2019 pay offer brought back for new starters in the MGS." We were right.

"The MoD clearly does not value or appreciate the work that our PCS members do in the MGS as they protect UK defence sites around the clock, especially during the pandemic where these staff have remained on sites throughout."

In December 2020 we wrote to Mike Baker the Chief Operating Officer MOD:

"We believe insufficient consideration has been given to the security and deliverability implications of the proposed NEP. We raised in our stage 2 appeal the very clear advice from the Centre for the Protection of National Infrastructure.... the government authority for protective security advice to the UK national infrastructure. The[y] protect national security by helping to reduce the vulnerability of the national infrastructure to terrorism and other threats.

CPNI warn against the risk of employing people to do the same job on different terms and conditions. This point has not been mentioned in [your] response....it has not been considered...the Ministry of Defence has been down this road before, with the establishment of the Military Provost Guard Service (MPGS)....an effort to save money, [with] significant impact on the MOD Guard Service as sites were re-designated with the consequent loss of around 1,000 MGS posts."

The MPGS project failed, MGS was asked to take back control of many of these sites, as well as others guarded by the private sector. MGS was fully aware of lessons from this exercise, there is no evidence lessons were applied to OMEC. We had major concerns that a programme aimed at reducing employment costs by increasing the hours worked and cutting the total package paid to guards, will have serious consequences on recruitment and retention; we were right. PCS believes this proposal at best is unworkable and at worst dangerous. It puts at risk the security of thousands of people on MOD sites across the country and will damage the MGS relationship with its "customers" when it is inevitably unable to meet their requirements.

Action to take now

- Encourage your workmates & all new starters to [join PCS](#) the only recognised union for MGS staff.
- Let them know PCS challenged OMEC to the top of the shop in MOD
- Organise your workplace, become a PCS rep or advocate
- Email to DSG@PCS.org.uk to update your details and let us know you work for MGS not simply MOD
- Send up to date email address and mobile number so we can contact MGS members to update you on the campaign
- Sign up to [PCS digital](#)
- Read all PCS emails and engage with the ongoing [PCS campaigns](#).