

UCU INFORMATION

Supporting hourly-paid staff

Advice for **academic managers** employing hourly-paid teaching staff

Introduction

UCU has been asked by members who are managers of hourly-paid teaching staff to provide advice and guidance on how you, as managers, can support UCU policy against casualisation in FE and HE. This leaflet sets out what you, as such managers, can do to support UCU policy on hourly-paid contracts and to improve the working conditions of your staff. UCU members who manage have a vital role to play in our campaigns against casualisation and we hope that you will do all you can to support your union in this work.

As a UCU member you may feel you are asked as an employee to manage hourly-paid staff in a way that is contrary to the policies and aspirations of the union for its more vulnerable members. It is worth remembering that the institution is the employer, even though the culture in both FE and HE often leaves managers feeling that they have all the responsibility for hiring, dismissing and managing the contracts of hourly-paid staff.

Hourly-paid staff have legal rights, and a good employer will want to have regard to the well-being of their employees. So it is worth talking to your human resources department and seeing if they will work with you for the bene-

fit of your staff – after all it's in their interests that staff are treated lawfully and in accordance with good employment practice, and that staff morale is high.

The advice and suggestions in this briefing apply to all hourly-paid staff. This includes those who also happen to be postgraduate students at your institution – they can face particular issues arising from their dual relationship with the institution (for example they may feel less able to assert their employment rights).

The contract

UCU policy is to seek permanent fractional or full-time standard contracts for hourly-paid staff (some hourly-paid staff may currently be doing full-time hours or more).

Temporary hourly-paid contracts can leave staff feeling undervalued and marginalised, give staff no security and make financial planning impossible.

They can also cause problems for you as a manager: courses are vulnerable to staff leaving for more secure employment, and resources are wasted as staff look for alternative or additional employment.

What should I be doing?

- If you are using hourly paid contracts, try to get them converted to fractional contracts – this gives a level of security to members of staff and signals to them that they are a part of your academic team. Advice on converting hourly-paid to fractional contracts can be found on the UCU website at: www.ucu.org.uk/index.cfm?articleid=3537
- Use permanent contracts as the norm – fixed-term contracts should only be used where their use can be objectively justified. Be aware that staff on at least their second successive contract, or who have had their contracts previously renewed, and who have completed four years' service will be able to regard their contract as permanent, unless the use of a fixed-term contract can be objectively justified. However, never use permanent zero hours contracts (see below).
- If you are genuinely unable to offer a permanent contract for the same fraction of a full-time contract every year, consider using a variable hours contract with a reasonable fraction guaranteed. The guaranteed minimum fraction should be ongoing and not diminish year to year, and should be set at a good percentage of actual working patterns, high enough to offer some real job and financial security whilst allowing the institution a degree of flexibility.
- Are you forced to continue to use hourly-paid contracts for some groups of staff? If so, make sure the staff are being paid for all the hours they work, at a rate that is no less favourable than that paid to full-time staff doing comparable work. If a comprehensive hourly rate is paid for each teaching hour find out how it is broken down – how much is for class contact time and how much for other essential tasks? Once you know how much time is being paid for, make sure that the work you give to your staff can be completed in that time. If it cannot, you should make arrangements for additional pay. This may be necessary, for example, to attend meetings, to carry out administrative duties, to provide student support face-to-face or by email or to mark examination papers or where associated marking cannot reasonably be completed in the time provided within the comprehensive hourly rate.
- Make sure your staff are being paid holiday pay or have the ability to take their holiday entitlement and that the entitlement is equivalent to that of other staff on similar grades. If you find out hourly-paid staff are getting less holiday than other staff raise this with your human resources department asking them to make the necessary changes.
- In any case, never use zero-hours or 'bank' contracts. These types of contract are the worst sort of employment contract – offering no security for staff and, in theory, offering you no guarantee that you will be able to find teaching staff when you need them. If your institution uses these types of contracts challenge them and suggest they talk to the UCU branch about alternatives.
- Make sure that your staff are given proper contracts of employment and the institution is not using contracts for services (non-employment contracts).
- UCU policy on agency staff is that they are transferred to direct employment by the institution. If some of your staff are agency staff, make sure your UCU branch is aware and that staff are aware of their rights to equal treatment under the Agency Workers Regulations.
- Do not unilaterally reduce the hours of your hourly paid staff even where their contracts allow for such variation. Unexpected cuts in hours and therefore income cause huge anxiety for members and instability for your courses and students.
- When you recruit new staff make sure they are provided with a written statement of

their terms and conditions including an explanation of how their pay is calculated and how and when it will be paid.

- Make sure that your staff are all informed in writing of their right to join UCU. Hourly-paid staff can feel very marginalised and may not be aware that they can join.
- Consider asking your local UCU branch for advice and support.

The working conditions

Staff on part-time or fixed-term contracts must be treated no less favourably than comparable full-time or permanent members of staff (unless less favourable treatment can be objectively justified). Equal treatment will apply not just to contractual terms such as pay and annual leave but to any benefits afforded to full-time permanent staff such as access to facilities and ability to participate in governance and committees.

What should I be doing about working conditions?

- Make sure you provide all new staff with an induction and ensure they are included in any institution-wide induction sessions that are being run (if these fall outside their normal working hours you should arrange for additional payment for attendance at such sessions).
- Make sure that staff have access to appraisal, staff development and training opportunities in the same way as other staff. Make sure that payment is provided for part-time staff attending these activities.
- Ensure all your staff have access to your institution's facilities. This would include having an adequate workstation, access to the library, to any local intranet and to administrative support.
- Staff employed to teach students – on whatever type of contract – are employed as part of the academic team. As such all

staff in FE and HE should have provision for scholarly activity. Many hourly-paid staff are denied this opportunity meaning that they have to keep up with their subject and carry out pedagogical research in their own time so that students don't miss out.

- Let it be known that you encourage union membership and activity. The vulnerability of hourly-paid staff can lead to a concern that even joining a union might be dangerous.

Ending a contract

As courses change or are replaced you, as a manager, will need to review your staffing needs. Where you have hourly-paid staff working on courses that may not run in the future you will need to manage the situation to minimise the risk of redundancy for your staff. The institution should not select staff on fixed-term or hourly paid contracts for redundancy on the basis of the nature of their contract (the ending of a fixed-term contract will usually be a redundancy in law). That could risk legal challenge under the fixed-term employees or part-time workers legislation.

What should I be doing about staff at risk of redundancy?

- Where posts may be at risk – whether they are fixed-term, permanent, salaried or hourly paid – you should be consulting with affected staff and their trade union(s) to discuss alternative options with a view to avoiding dismissal. This should happen at least three months before the expected 'at risk date'.
- The institution, with your help, should take responsibility for making every effort to find alternative employment for affected staff, either through slotting into a suitable alternative post or through an institution-wide redeployment process. Redeployment should focus on transferable knowledge and skills, and training should be provided where appropriate.
- Provide paid time off to staff at risk of redundancy to seek alternative employment

- either within the institution or outside of it.
- Don't advertise for new posts (whether full- or part-time, permanent or fixed-term) if there are staff, including hourly paid staff, in danger of being made redundant who could do the work, with training if necessary. Check whether there are any staff under threat of redundancy first.
- Welcome redeployed staff to your area of work.
- As a last resort the institution's redundancy procedure should apply – and it should apply equally to all staff. Processes and redundancy payments should not differ between part-time or fixed-term and full time or permanent staff.
- Finally, consider joining the local UCU committee yourself to work for fair treatment and proper contracts for all members including those who are currently hourly paid.

Note: Nothing in this leaflet should be taken to be a definitive statement of the law.

