

Briefing on UCU allegation to the ILO/UNESCO joint committee

UCU has submitted an allegation to the ILO/UNESCO joint committee regarding the UK's non-compliance with the **1997 UNESCO recommendation concerning the status of higher education teaching personnel**. This briefing provides an update on the allegations process, a summary of the key issues in the UCU submission and next steps with the campaign.

What is the 1997 UNESCO recommendation?

The 1997 UNESCO recommendation is an international instrument which sets out principles concerning the rights and responsibilities of higher education teaching personnel. The recommendation deals with both labour rights (e.g. terms and conditions of employment) and professional rights, in particular, academic freedom and shared governance. It covers all higher education teaching and research personnel including staff who *'provide educational services to students or to the community at large'*.

Unlike a Convention, the 1997 recommendation is not legally binding on national governments but governments are obliged to be familiar with its provisions and are encouraged by ILO and UNESCO to apply it in their respective countries.

What are the key provisions on academic freedom?

The 1997 recommendation states:

'Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies.'

In addition, the recommendation identifies a number of 'supportive elements' in relation to academic freedom such as **security of employment** (*'Tenure or its functional equivalent, where applicable, constitutes one of the major procedural safeguards of academic freedom and against arbitrary decisions'*).

The recommendation also stresses the importance of **self-governance and collegiality**, including the right of higher education teaching personnel *'to take part in the governing bodies and to criticize the functioning of higher education institutions, including their own...and the right to elect a majority of representatives to academic bodies within the higher education institution.'*

What is the CEART?

In order to support the implementation of the 1997 recommendation, UNESCO and the ILO have established a Joint Committee of Experts on the Application of Recommendations concerning Teaching Personnel (CEART). The CEART comprises twelve independent experts, six appointed by UNESCO and six appointed by the ILO and its task is to monitor and promote the application of the recommendation.

The **CEART Working Group on Allegations** also examines allegations from teachers' organisations on the non-observance of provisions of the 1997 recommendations in Member States. It issues findings and puts forward proposals for the resolution of the problem or conflict.

How does this process relate to UCU's work?

In 2017, UCU published a major **research report** on the protection of academic freedom in the UK – in a comparative context. The report highlighted firstly, the relatively weak legislative protections for academic freedom in the UK (compared to other EU nations) and secondly, a cross-national survey found that UCU members reported higher levels of systematic abuse of their academic freedom, across a wide array of measures, than their European counterparts.

One of the recommendations in the report was for UCU to submit an allegation to the ILO/UNESCO Joint Committee regarding the UK government's non-compliance with the academic freedom provisions in the 1997 recommendation. In February 2019, UCU submitted its **allegation** to the ILO/UNESCO secretariat.

What are the key themes in the UCU allegation?

Using both legislative and survey data, the allegation outlines how UK government policies such as the Prevent duty, the long-established Research Excellence Framework (REF) and the introduction of the Teaching Excellence and Student Outcomes Framework (TEF) are narrowing the parameters by which academic staff are able to undertake research and teaching without undue interference.

Combined with reductions in job security and collegial governance at the institutional level, these have led to a situation in which the UK higher education system fails to comply with key international standards in the 1997 recommendation.

In particular, the submission identifies:

- how the REF has resulted in the range of 'acceptable' research outputs becoming more narrowly defined and in greater management, control and regulation over the research process
- how the abolition of tenure and the growth of casualised employment has undermined one of the essential safeguards for academic freedom in UK higher education
- how the corporatisation of university governance means that higher education teaching personnel no longer have the determinant voice or even a prominent role in university decision-making processes.

What about the impact of devolution?

The UCU allegation recognises differences in the legislative and regulatory frameworks within the UK. For example, it highlights the improvements in collegial governance that have been adopted in Scotland as a result of the 2016 Higher Education Governance Act.

What happens next with the UCU allegation?

The CEART procedure is a long process. We are currently waiting for final written comments from the UK government to the UCU allegation and our additional observations. Once these are received, all documents will be submitted to the CEART for their consideration.

What about a wider campaign over academic freedom?

One of the other recommendations in the 2017 research report was for an awareness raising campaign amongst UCU members. For example, the UCU survey revealed a strong desire for greater information and practical advice on issues relating to academic freedom.

We, therefore, are looking into new ways of raising awareness about the issues contained in UCU allegation and how we can better link academic freedom into our ongoing campaigns on casualisation, REF and Prevent.

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