

anti-casualisation news



THE NEWSLETTER OF UCU'S ANTI-CASUALISATION COMMITTEE

WE'RE NOT CASUAL!



Activists have made some key achievements in the ongoing anti-casualisation campaign and we outline a number of these achievements in this edition of *Anti-Casualisation News*.

At UCU Congress, there was massive support from our fellow members on casualisation issues, detailed in this edition, and a well-attended and lively anti-casualisation fringe meeting. Following the motion on 'bank' contracts, a national ratification body has been set up to look at proposals for the assimilation of hourly-paid staff in HE.

So is this enough? An article on the anti-casualisation campaign advocates more recruitment and organisation, and warns that non-unionised staff could be used as strike breakers. With the trend towards replacing open-ended with fixed-term contracts, UCU must keep pace in terms of recruitment of casualised staff to ensure its future.

The support of fellow members on permanent contracts has always been invaluable. We need an active trade union culture with a strong upward flow of democracy – where members are seen as equal – so that all those eligible to join UCU know that they are welcome and that they will receive an equal level of protection. This will encourage casualised staff to join.

Inclusiveness is also key, as casualised members are often marginalised in the institution. There is something specific that we can all do in our branches – that is, to work for an active group of casualised members that:

- sends motions and delegates to the annual meeting
- meets all year with support from the branch
- campaigns on issues important to the casualised members in that branch and,
- brings motions and issues to branch meetings.

Jean Crocker, Co-Chair
UCU Anti-Casualisation Committee

UCU SHOULD RECRUIT AND SUPPORT CASUALISED STAFF

At the 2008 Congress, I successfully moved a motion to support an anti-casualisation campaign. The campaign was duly launched in December of that year with some enterprising publicity and recruitment exercises in some institutions.

Since then, the campaign has been ongoing although not admittedly always high-profile. Nevertheless, the Anti-Casualisation Committee has made significant inroads into organising agency staff, spoken up for the rights of casualised staff at the TUC and fought some vigorous battles in FE colleges in London.

However, the committee needs the support of all UCU members to build on its achievements. I would like to take this opportunity to stress why it is important to support casualised staff.



Firstly, such workers are the most vulnerable and poorly-treated section of the workforce and the union therefore has a moral duty to protect them. There are pragmatic reasons too. As more and more established staff retire early – because of employers' redundancy programmes – casualised staff are going to be used more and more to fill the gaps. If the union does not recruit these workers, membership levels will terminally decline.

In addition, when members are forced to take industrial action, the union will not want non-unionised staff being used as strike breakers. In other words, the recruitment and organisation of fixed-term, hourly-paid and agency staff is in everyone's interests.

I am therefore asking all members to consider how they might recruit and organise casualised staff in their institution. I also ask branch officials to include such staff on their committees. Employers are not blind to the fact that casualised workers are less likely to be unionised. This makes them more attractive to employ! So strengthen your union by welcoming them aboard.

Steve Funnell

NO TO 'BANK' CONTRACTS IN HE

Some universities have been seeking to use 'bank' contracts with no guaranteed hours when assimilating hourly-paid staff to the pay scale under the framework agreement. A permanent contract with no, or hardly any, job security makes a mockery of the fixed-term regulations. It is to be hoped that tribunal cases will eventually show that such contracts are untenable. In the meantime, the trade union strengths of organisation and solidarity are essential.

At UCU Congress in May, anti-casualisation activists, with excellent sup-

port from fellow members, brought an emergency motion to the higher education sector conference, after it became clear that managements were acting in concert. This called for a signing-off procedure for agreements on hourly-paid staff.

The motion received strong support and has led to the setting-up of a national ratification body for assimilation proposals for hourly paid staff. Many local implementations of framework agreements did not fully resolve the question of hourly-paid assimilation, so this has been happening separately and more recently

in some institutions. Ratification is intended to strengthen the position of local negotiators, as they can tell management that zero hours and similar contracts will not be agreed. The full information can be found at: www.ucu.org.uk/circ/html/ucuhe35.html

Among agreements that do not use 'bank' contracts are those at Leeds, which was discussed at congress, and at Northumbria, where anyone teaching over 80 hours a year, or teaching for at least a year, was made pro rata.

Jean Crocker

SETTING UP AN AGENCY WORKERS' BRANCH

At Congress 2009 a rule change was passed allowing for a UCU agency workers branch to be established. Such a branch would give a voice to agency workers as a group, provide a useful source of evidence in our campaign against the use of agencies and help to monitor the activities of agencies in the sector.

There are obvious questions about how such a national branch would logistically function and how effective such a branch can be when current employment legisla-

tion provides so little protection for agency workers.

The new rule does not exclude any agency worker from belonging to all, or any, local branches at their place of work, while also being an officer of the Agency Workers' Branch (although they would need to nominate the Agency Workers' Branch as their main branch if they wanted to hold office within that branch).

It is clear to those arguing for the strongest implementation of the directive that we need a political campaign. Such a cam-

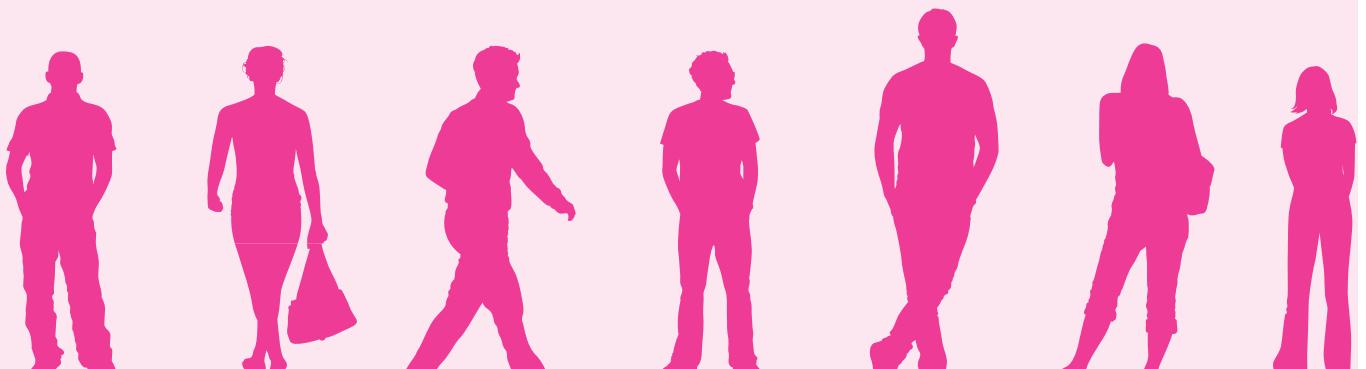
paign requires case studies, the experiences of workers, in order to negotiate and implement any as yet unwritten collective agreements, both local and national.

The branch requires a motivated activists organisation, of which we have a kernel, to become a mandated branch able to assist UCU and the labour movement more widely to pressure government to restrict the exploitative practices of these agencies. However, the task of reaching out to agency workers is not an easy

one. The threat of dismissal without explanation is a reality – this has effectively prevented many workers from knowing their rights or indeed that their rights may soon be significantly improved.

It is unlikely that this newsletter will be read by very many agency workers unless you, the branch officers at universities and colleges, find and recommend it to them. Only then can the dialogue with those already campaigning for change begin.

Ben Jones





FIXED-TERM STAFF RIGHTS



The law is largely on our side as far as the treatment of fixed-term and 'hourly-paid' staff is concerned.

UCU members involved in recruiting staff are reminded of the following:

- It is unlawful to treat part-time staff less favourably than comparable full-time staff: most 'hourly-paid' staff are part-time.
- It is unlawful to treat staff on fixed-term contracts less favourably than comparable staff on permanent contracts: fixed-term/'hourly-paid' staff have the same rights to job security as their permanent colleagues.
- To avoid redundancies, colleagues at risk of dismissal (due, for example, to their current post ending) are increasingly being transferred to suitable vacant posts.
- Most staff prefer redeployment to redundancy.
- Staff who have been employed for more than four years on more than one fixed-term contract (including 'hourly-paid' staff) may be entitled to a permanent contract.
- The employer is equally responsible for its entire staff – regardless of the job they do, the number of hours they work, and the source of funding for the post they occupy.
- Unequal treatment of staff is discriminatory, divisive and demoralising.
- All staff are equal – some are NOT more equal than others – and so are entitled to equal treatment.

As UCU members, we stand by each other in the campaign for job security for all.

Pam Clarke



A member consults a Thompsons solicitor at a legal advice surgery held by Liverpool UCU on the anti-casualisation day of action

STOP PRESS AGENCY WORKERS

Following the success at UCU Congress when motions were passed highlighting the need for action on agency workers' rights, quite a lot has happened here in the West Midlands.

With the help of UCU officials, we have organised a local campaign to target both FE and HE establishments with high levels of agency workers. The campaign aims to initiate branch-level campaigns in specific colleges, to persuade them to transfer agency workers onto college or university contracts wherever possible, and to increase recruitment and organising among agency workers within the target institutions.

We did get a rule change at Congress that enables the establishment of agency workers' branches, but we have decided to try this other path for now.

UCU figures of full-time-equivalent agency workers teaching in FE in England, suggest a significant decline – from 11,298 in 2003-04, to 2,172 in 2007-08. The hope is that agency lecturers are being moved onto direct contracts, preventing wholesale exploitation of marginalised colleagues through the system of bogus self-employment.

Unfortunately, not all the news is positive. We understand that some of the agencies working in post-16 education may have managed to side-step many of the elements of the proposed protective legislation.

However, we continue with the important work of keeping agency worker issues on the agenda. There is still much to do, but with a committed UCU behind us we can continue our struggle.

Kate Clayton

STOP PRESS FRACTIONALISATION AT CONEL

The College of North East London and UCU have reached an agreement on the progressive fractionalisation of hourly-paid lecturers. All hourly-paid lecturers and variable-hours lecturers who meet the four-year qualifying criterion for permanent contracts and who work on a contract of 0.5 FTE or more will be entitled to transfer to a fractional contract.

The agreement follows a collective grievance mounted by the local branch and negotiations with the UCU regional official. The named claimants have been transferred to fractional posts, and a minimum of five FTE posts will be transferred each September between 2009 and 2015.

By 2015, all qualifying hourly-paid and variable-hours lecturers will have had the opportunity to transfer to a fractional contract.

Mike Barton

CROS ONLINE SURVEY

Researchers in 51 higher education institutions (HEIs) completed the latest Careers in Research Online Survey (CROS) in spring 2009. CROS gathers anonymous views of researchers in UK HEIs about their experiences, employment, career aspirations and development.

The results of the survey are at: http://vitae.ac.uk/CMS/files/upload/CROS_2009_October.pdf. If your institution took part they should be sharing the results with you and working with UCU to make improvements for research staff.

Jane Thompson

TEACHING ASSISTANTS ORGANISE AT GLASGOW



A new policy on hourly-paid staff has been imposed at Glasgow University. Unfortunately, it enshrines the kind of inequality in employment against which UCU is actively campaigning. The university calls it an 'atypical worker' policy: teachers are employed on an 'ad-hoc' basis in their first year, only 'progressing' to a zero hours contract after one year (and earning £2,000 per annum). Staff are only eligible for a fractional contract after four years of continuous service and an income of £5,000 p.a. Although it had been hoped that a new policy would reverse years of severely underpaying teaching assistants, in October many discovered they had actually received a pay cut.

Fortunately, teaching assistants (TAs) – mostly postgraduate students – have responded by organising. They held three open meetings in September and October, each with between 50 to 80 hourly-paid staff and UCU reps in attendance, and agreed on a set of demands to present to the university with the support of UCU. A network of TA departmental reps has been set up across two of university's largest faculties.

In response, the university has begun to meet with UCU and the TAs to negotiate a better deal. TA organising has also led to improvements in the pay and hours that they are being offered in several departments. In some departments, pay for marking had involved a completely unreasonable number of essays per hour, and TAs were only paid for 20 minutes to prepare for an hour's class contact (which in some cases was reduced to 1:1 after the first hour of teaching).

Since September, 60 TAs have joined UCU. More TAs are becoming involved with the UCU branch, and in negotiating improvements in the policy.

An Open University associate lecturer regional reps' committee meeting has resolved the following:

We fully support the struggle for better pay and conditions for hourly-paid teachers, TAs, demonstrators, student helpers and other hourly-paid staff at Glasgow University. Unfair rates of pay, zero hours contracts and non-employee status are unacceptable.

This is strongly endorsed by the Anti-Casualisation Committee.

Penny Howard and Jean Crocker

UCU/NUS POSTGRADUATE EMPLOYMENT CHARTER

The joint NUS/UCU Postgraduate Employment Charter sets out the rights of postgraduates who work on a casual or part-time basis for institutions where they carry out their research. The charter is accompanied by a good practice guide in preparing postgraduate students to teach. This year, NUS and UCU are collaborating to refresh the employment charter, using data gathered from a survey on the experience of postgraduates in employment.

Since 2000, the last time such a survey was undertaken, postgraduate research numbers have expanded, and the employability of researchers has come to the forefront of the policy agenda. Many postgraduate research students undertake a range of roles across their institutions, including research assistance, technical roles, academic administration and teaching of undergraduates. These roles provide much-needed income, experi-

ence of employment, and skills development. In particular, teaching experience is a necessary and valuable step to an academic career.



Most postgraduate research students take on some teaching for their institutions

University employment should be a positive experience for postgraduates, and they should have the level of support they need to carry out the job effectively, while still maintaining sufficient time for their own research. Postgraduate students are particularly vulnerable to unfair employment practice. For example, student teachers may be paid by the contact hour, not according to the

hours spent teaching and preparing to teach. The Postgraduate Employment Charter sets out the rights of postgraduates, including the right to a contract and job description, equal access to job opportunities, training, and the right to belong to a trade union.

In addition, NUS has an interest in how institutions assure the quality of undergraduate degrees. Proper support for, and supervision of, postgraduate teaching ensures a quality learning experience for both undergraduates and postgraduates. Students' unions have a role to play in representing the interests of all students. The new Postgraduate Employment Charter will include a guide to the charter, showing how local students' unions and branches of UCU can work effectively together to campaign for improved conditions for postgraduate teachers.

Debbie McVitty
NUS Research and Policy Officer
(Postgraduates)

UCU TRAINING – DON'T MISS OUT!

Whether you are new to UCU or an experienced activist, it is worth visiting UCU's activists' training web pages (www.ucu.org.uk/training) to see the courses we have on offer. Delivered on a regional basis, UCU's comprehensive programme of rep and activist training will help you to increase your knowledge, and give you the skills and confidence you need to effectively represent and support UCU colleagues at work. Our courses also offer you an invaluable opportunity to network with members from other branches and local associations within your region, and learn from each other's experiences.

Courses on offer include:

- UCU union reps programme
- UCU safety reps programme
- UCU learning reps programme
- UCU green reps programme
- UCU equality reps programme

All of our training courses are TUC-accredited and are open to members who are new to being a UCU activist. In addition, members working in FE can count attendance at UCU training as part of their 30 hours' contractual CPD entitlement. If you would like to book a place on any of our courses, or if you have any questions about the training on offer, please visit our website: www.ucu.org.uk/training or email Kate Cook, training administrator: kcook@ucu.org.uk.

Kate Cook



UCU 2009 Congress UCU 2009 Congress UCU 2009 Congress UCU 2009 Congress

AN HISTORIC EVENT

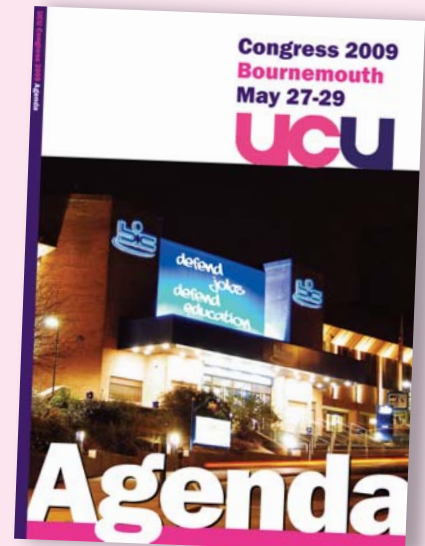
Congress 2009 marked an historic achievement, not only for the work of the UCU Anti-Casualisation Committee, but for all non-full-time and non-permanent workers in further, higher, adult and community education. The main congress, as well as the higher education and further education sector conferences (HESC and FESC respectively) and fringe meetings, gave massive support to fixed-term, hourly-paid, part-time, temporary, agency and research workers.

Many interesting debates took place, and several motions were carried to:

- improve support for colleagues
- engage members in collective grievances
- direct the UCU to actively campaign against unequal pay, poor terms and conditions, job insecurity and exploitation of those listed above.

There were many positive actions agreed by congress and sector conferences including:

- rule change to enable the setting up of agency workers' branches/local associations (LAs) to improve involvement and representation
- branches and LAs to campaign in support of hourly-paid staff and their move to fractionalised contracts
- a strategy to organise and pursue collective grievances for fractionalisation of staff and parity of conditions
- organisation of a series of national and regional briefings for branch officers and representatives to promote collective grievances,
- support for the European Agency Workers Directive, and equal pay and pension entitlement for agency staff
- introducing a signing-off procedure for agreements on hourly-paid staff in HE, to oppose zero hours or variable contracts and no access to redundancy rights, producing model guidelines to improve, pay, terms and conditions and strategies for involving and supporting colleagues
- providing resources to achieve success in campaigns, providing support and using the law to secure rights for workers (HESC)
- asking the HE Committee to conduct a survey of members on fractional contracts, and drawing up model guidelines to support such workers (HESC)
- working with all bodies to develop objective and transparent promotion processes for research staff, and to ensure that they have equal access to training, support, development and remuneration (HESC)
- opposing any unfair/unlawful dismissal, termination of contracts, and attempts by employers to refuse assimilation under the framework agreement (HESC)
- campaigning for equal rights and terms and conditions, and using the law to support workers who are directly or indirectly discriminated against or suffer any detriment because of their employment status (FESC)
- campaigning for agency staff to have access to the teachers' pension scheme and,
- opposing the use of contracts for



services for staff in FE (FESC). Further details are available on the UCU website.

The anti-casualisation fringe meeting was a massive success. It was well attended, and delegates asked and answered many questions and engaged in useful debate. Many members of the AC Committee were present at the fringe meeting and at congress.

All the movers of our motions and speakers supported our aims and objectives to achieve equality of opportunity, and access to equal and fair contracts (including pay and conditions), and to support colleagues who are threatened by redundancies, and reductions to hours and pay.

Congress 2009 reflected the hard work carried out by the Anti-Casualisation Committee, lay representatives and UCU officials. We all have a duty to continue to build on this success, starting with promoting membership and activism at all levels within the workplace and UCU.

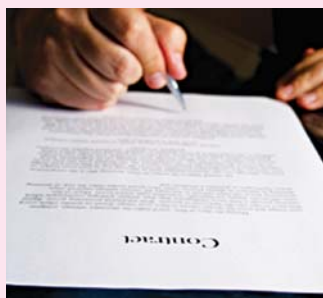
Jim Thakoordin

UCU 2009 Congress UCU Congress

HIGHER EDUCATION SECTOR CONFERENCE

There were a good number of motions in support of issues affecting hourly-paid, fixed-term, and other casualised staff in higher education.

Our motion HE15 supported the moves towards assimilation of hourly-paid staff in HE, and for this work to continue until the aim is met of assimilating hourly-paid staff into the pay and grading structures, and moving them onto permanent, pro-rata, contracts. Specifically, we included action points for the HE Committee, for national support – for campaigning and negotiating, for legal advice, and where necessary for industrial action – and for national negotiations.



The goal: moving hourly-paid staff onto permanent pro-rata contracts

Three motions raised the continuing lack of career paths for research staff. Despite the fixed-term regulations and the

Aberdeen employment tribunal judgment, many institutions have hardly changed their practices. Motion HE20, from the University of Manchester, argued that ‘contract’ researchers often find themselves in a ‘redundancy pool of one’ when funding ends. A revised model is needed.

Our motion HE18 calls for the NEC to work with employers and funders to develop research careers which are more secure and have the same development opportunities enjoyed by other academic staff.

Finally, HE21, a composite from the Open University and University College London (UCL), opposed the use of ‘contracts for services’ for academic and related staff, and for assimilation of hourly-paid ‘contracts for services’ staff under the framework agreement. UCL considered an amendment allowing an exception where staff wish to remain on such contracts. We are glad that this amendment was withdrawn; we should not support academic and related staff ‘choosing’ to give up their hard-won legal rights.

Philip Inglesant

RECESSION, REDUNDANCIES CUTS... YOU NEED YOUR UNION



One look at UCU website is enough to tell anyone that the national jobs situation is very serious, with institutions across the FE and HE sectors seeking to cut their budgets by making staff redundant. Even in places where management has not sought to impose compulsory redundancies, staff cuts are likely to be underway by other means, including ‘natural wastage’ or voluntary redundancy. Furthermore, there is no doubt that the situation would be worse if colleges and universities seeking compulsory redundancies were not meeting the opposition of UCU branches.

Staff on casualised contracts, including fixed-term, agency, and hourly-paid staff are likely to be particularly vulnerable in the current situation. If you are not already a member of UCU, please consider joining us, to support our struggle against job cuts, and for proper contracts and job security for casually employed staff. If you are casually employed, we are more likely to be able to help you if you join in good time, rather than waiting for the axe to fall.

If you are a UCU member on some form of casualised contract, or even without any written contract of employment, and your employment is threatened, you should seek the advice of your UCU branch reps, or make contact directly with your regional officials, whose contact information is given at: www.ucu.org.uk/2057



*Join your union now:
don't leave it too late!*

Lesley Kane

TUC 2009 SPEECH ON TEMPORARY AGENCY WORKERS

It was a huge privilege to attend the TUC as a delegate. On Wednesday, the day after Gordon Brown spoke to Congress, I was called to speak on a composite motion in the Environment and Energy section, on temporary agency workers. The following extracts are taken from my speech:

Promises, promises ... Thanks Gordon for telling us that the Agency Workers Directive will be on the statute books soon... but we all know not to plan the party yet.

The Prime Minister didn't tell us yesterday why we have had to wait seven years for this, why the Labour politicians tore up the Warwick agreement of 2004 once they were re-elected.

I have been a member of a teachers' union for over 40 years and have enjoyed the benefits from many hard won battles. What I fail to understand is that today, in 2009, 1.5 million agency workers are being exploited, approximately 60,000 of them in education.

The answer is usually that employers need the flexibility of agency

workers, and that agency workers choose this path for the greater rewards of self-employment...

No, I didn't choose bogus self-employment. No, I didn't choose to have the same job, in the same college for six years, with no rights but all the responsibilities of teaching on a level 4 diploma course. I didn't choose to have the same hourly rate for six years or 18 termly-contracts.

It was 'take the work or leave it'. Since speaking on this issue, I haven't seen another contract. I'm out of the college door.

Please go back to your union branches, and make sure agency workers are on all your agendas. Visit your local college, ask the questions about their policies on agency workers, ask for the statistics on pay, and talk to your tutors.

This is 2009 - not 1909. Let's end inequality and the exploitation of these workers across all our industries. Stop the dilution of basic employment rights.

The motion was carried unanimously.

Kate Clayton

ANNUAL MEETING FOR CASUALISED STAFF GET NETWORKING!



The annual meeting for staff on casual contracts (including fixed-term, hourly-paid and agency staff) is taking place on Friday 26 February 2010 at UCU headquarters in London.

The meeting will be a mix of presentations, motions and workshops, with plenty of networking opportunities. Travel costs will be paid and lunch is provided.

If you wish to attend please contact your local branch or local association - they will be receiving a formal calling notice in the new year.

Jane Thompson

The Anti-Casualisation Committee would like to thank Jim Thakoordin and Pam Clarke for their hard work putting together this issue of Anti-Casualisation News. Please contact Jim at the email address below if you would like to contribute to future issues.

MORE INFO

If you would like to get in touch with the Committee please contact the Chair, Jean Crocker, at: j.f.crocker@durham.ac.uk

If you would like to contribute to the newsletter please contact Jim Thakoordin at: jthakoordin@sky.com

For more information about UCU's work on anti-casualisation please visit our website at www.ucu.org.uk

If you have a problem or query please contact your local branch or association in the first instance. Contact details can be found at www.ucu.org.uk/contacts. For more information about the Anti-Casualisation Committee go to: www.ucu.org.uk/2973

