

anti-casualisation news

UCU

STAMP OUT CASUAL CONTRACTS

ISSUE 5 / Spring 2011

THE NEWSLETTER OF UCU'S ANTI-CASUALISATION COMMITTEE

Sticking together



WE are faced with enormous challenges for all staff and students in Further and Higher

Education (FE&HE). Fixed-term, hourly-paid, part-time, agency and casual staff are among the most vulnerable in the sector. This rising group of workers has historically been subjected to harsh and often unlawful treatment from employers. The UCU have made considerable progress in this area, driven by members of the Anti-Casualisation Committee (ACC) and staff. Changes in legislation within the UK and in Europe have been helpful, but there is still much to do at local branch and workplace levels in negotiating terms and conditions to protect jobs, conditions and securing fractional contracts.

Too many staff feel vulnerable, unsure of future employment, being denied facilities and opportunities similar to permanent staff. The differences are not only in pay and conditions, but also in pension rights, time off for career develop-

ment, personal and family related issues, support facilities such as office space and access to various facilities.

Within UCU the Anti-Casualisation Committee have been pressing ahead with various priorities including:

- positively supporting casual, hourly-paid and part-time staff and changing the UCU structure to ensure greater involvement and recognition
- organising and recruiting non-unionised staff nationally and locally and involving them in the UCU structure
- defending and promoting staff and students in adult learning
- creating greater awareness amongst UCU officials and branch and lay activists through publications containing statutory duties, employment rights, good practice and successful cases negotiated locally and secured through the law, as well as posting information on the UCU website
- training and supporting more UCU representatives

- supporting individual and collective grievances, legal claims and strengthening the bargaining framework.

UNITY IS OUR STRENGTH



In the difficult times ahead we need to ensure unity. Our strength would be greater if we could recruit non-unionised workers so we can all stand solid together in the face of attacks by employers. It is up to each one of us to respond to this challenge. The coalition government does not have a mandate from the public for such drastic and damaging attacks on jobs and learning opportunities in education. Equal access to education is a democratic right of everyone. Support all our staff and students and fight to defend education.

**Jim Thakoordin, Co-Chair
Anti-Casualisation Committee**

GET READY FOR ACTION!

The national union is getting ready for a number of industrial action ballots over the coming weeks.

Unless we get serious movement from the employers/minister (in relation to TPS) the following ballots will be rolled out:

mid-February – 2 March
HE ballot on job security and pay

mid-February – 2 March
HE ballot (pre-92 only) on USS

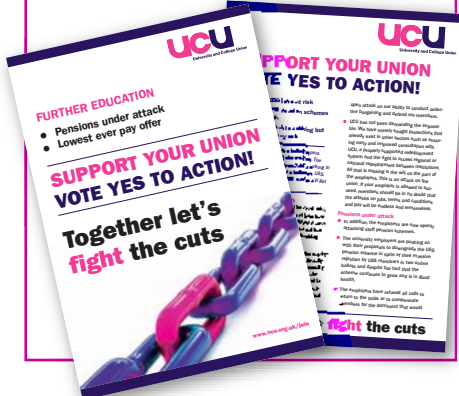
22 February – 14 March
FE & HE (post-92 England and Wales) ballot on TPS

22 February – 14 March
FE ballot on pay

Action will start on, or after, 23 March.

Please keep an eye on the Friday Campaign Update emails (if you do not receive these please contact your branch and make sure they have your contact details) and the UCU website.

'Prepare for Action' campaigning materials have been prepared and are available from our campaigns team. **Please contact Justine Stephens, Head of Campaigns:** jstephens@ucu.org.uk



JOB SECURITY FOR ALL

Redundancies – what does management mean? The loss of permanent jobs, usually. The cuts of researchers' and other fixed-term posts may not even reach the negotiating table. As ever, managers feel they can cut the hours of hourly-paid teachers as it suits, including to zero. Agency staff are cut with even more insouciance, if possible.

If management succeed in dividing members by using casualised staff as sacrifices, the fight against the cuts will be weaker, and they can go on to cut and casualise the remaining jobs as they wish.

Casualisation undermines trade union organisation and action. Hourly-paid and agency staff hesitate to ask for time off for trade union duties – will this mean no work next term? If staff on casualised contracts are not unionised, managements will aim to persuade them to act as strike-breakers.

We need to recruit new members across all contract types for maximum strength, and mount inclusive, unified action against the cuts and for job security for ALL.

Jean Crocker

Annual meeting for staff on casual contracts

UCU's Annual Meeting for Staff on Casual Contracts will be held on Friday 11 March in London from 10.30 am (registration from 10am) to 4.30pm.

The meeting will hear reports on the work of UCU in relation to staff on casual contracts, including those on fixed-term, hourly paid and agency contracts and will give the opportunity to discuss motions submitted by branches and local associations. We are also very pleased to be able to welcome Andrew James from Thompson's solicitors as a guest speaker and there will be afternoon workshops including one on working with your branch development organiser to recruit and organise staff on casualised contracts. There will also be



plenty of opportunity to network with colleagues.

Branch circular UCU310 sets out the process for registration, submission of motions and nomination to the Anti-Casualisation Committee.

If you wish to attend the meeting, submit a motion or stand for the Committee please speak to your branch. **Any queries please contact Sue Bajwa, Conferencing Officer:** [sbajwa@ucu.org.uk](mailto:sbjawa@ucu.org.uk)

Fixed-term contracts and redundancy consultation

THE law requires employers to provide information to and consult with the recognised trade unions if they are proposing to dismiss as redundant 20 or more employees at one establishment within a 90-day period. This includes staff on fixed-term contracts and hourly-paid employees, as UCU recently proved in two employment tribunal cases.

In *UCU v Lancaster University* the employer was providing lists of names of those on fixed-term contracts that were due to expire within the given period to UCU. They were also providing some other limited information and were consulting with the individual members concerned.

However, despite repeated requests, the employer failed to provide the necessary information to UCU or to meaningfully consult with UCU over the proposed redundancies.

The tribunal found that Lancaster had not met its legal obligations and made an award to the affected staff. This decision was upheld at the employment appeal tribunal. This means we now have binding case law on the duty to meaningfully consult over potential redundancies of staff on fixed-term contracts.

In a similar case, at Stirling

University, the employment tribunal confirmed that a number of fixed-term staff, dismissed at the end of their contract because their contract had not been renewed, gave rise to them being dismissed as redundant within the relevant legislation triggering the duty to consult.

UCU hopes that these cases will act as a warning to other employers and remind them of their duties in relation to redundancy consultation for all their staff.

But it is also important that branches/LAs are reminded of the need to ensure that their institutions are consulting with UCU in a meaningful way about all potential redundancies – including those of fixed-term and hourly-paid staff and that they are able to adequately respond to such consultation.

For more information see: [UCU/304 \(under branch resources /circulars on the UCU website\)](#).

Further advice on campaigning against ALL redundancies and the legal framework can be found in UCU's *Challenging Redundancies* booklet at:

www.ucu.org.uk/media/pdf/9/3/ucu_challredundancy_jun09.pdf

Jane Thompson, HE National Industrial Relations Official

SOAR SPEAK OUT AGAINST REDUNDANCY

First they dismissed the agency staff
and I did not speak out –
because I was not agency

Then they dismissed the hourly-paid staff
and I did not speak out –
because I was not hourly-paid

Then they dismissed the fixed-term staff
and I did not speak out –
because I was not fixed-term

Then they dismissed me – and by then there was no one left to speak out for me.

Based on First they came for the Jews... by Pastor Martin Niemoeller



USING COLLECTIVE GRIEVANCES

The Anti-Casualisation Committee has developed guidance for members and branches on using collective grievance procedures to tackle aspects of casualisation. Such an approach has been used successfully in a number of branches to secure fractional (pro-rata) contracts for hourly-paid staff and the guidance gives tips on using such procedures as part of a campaign against casualisation locally. The guidance can be found on the Anti-Casualisation campaign pages of UCU's website at: www.ucu.org.uk/socc_memberinfo

Know your rights!

BEING an employee means you have certain rights – the points below outline your employment rights and provide links to further information.

Written contract

You should have a contract with a full statement of your terms and conditions when you start your job: www.ucu.org.uk/writtenterms

Union membership

You have the legal right to join a union.

Equal pay

You should be paid equal pay to other members of staff doing work of equal value.

Pay for all hours worked

You should be paid for all hours worked (if you are paid an inclusive rate for teaching, this should provide pay for all the hours you need to work to deliver your teaching – if in doubt ask how your pay is calculated and seek advice from your local UCU branch/local association.)

Holiday pay

You should be given paid leave or holiday pay.

Equal treatment

You should not be treated less favourably than comparable members of staff – this applies to both contractual terms (for example the amount of leave you are entitled to, as set out in your contract) and non-contractual terms – for example access to library facilities.

Access to grievance procedure

You should have access to a grievance procedure if you need to make a formal complaint.

Equal use of agreed policies

Any complaints about you or your work should be handled in accordance with an agreed disciplinary, capability or probation policy.

Safe working conditions

Your employer has a legal responsibility for the health, welfare and safety of staff and you should have a safe and healthy work space: www.ucu.org.uk/safemembers

No discrimination

You should not be discriminated against on the grounds of your sex,



sexual orientation, race, disability, age, religion or belief or your membership of or non-membership of a trade union:

www.ucu.org.uk/equality

No unfair dismissal

As an employee you have the right not to be unfairly dismissed (after one year) and if you are made redundant and have worked for at least two years you are entitled to redundancy pay.

Possibility of a permanent contract

After four years' continuous service you may be entitled to a permanent contract under the **Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002**: www.ucu.org.uk/ftregs.

However, your right to a permanent contract will not tackle poor terms and conditions so you need to talk to your branch first.

MORE INFO

If you would like to get in touch with the Committee or contribute to the newsletter please contact the Co-Chairs:

Jim Thakoordin
(jthakoordin@sky.com) or
Alexis Wearmouth
(A.Wearmouth@dundee.ac.uk)

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

