



**University and College Union**  
**Undeb Prifysgol a Choleg Cymru**

A close-up, slightly blurred image of a clock face, showing the numbers 8, 9, 10, 11, 12, 1, 2, and 3. The clock hands are visible, and the overall image has a purple tint.

**PART TIME  
HOURLY PAID  
WORKERS  
NEWSLETTER 2013**

## Fraction Vs Hourly Paid



### **The contracts:**

There are generally two types of part time contracts operated by employers, fractional and hourly paid.

**Fractional part-time staff** are employed on a fraction of the full-time post and are entitled to pro-rata pay and terms and conditions of service.

**Hourly paid part-time staff** are employed and paid by the hour, usually on termly or annual (nine month) contracts.

### **What does this mean for the workers?:**

Well, for starters, those employed on fractional contracts have a level of security that those on hourly paid contracts don't; their hours are regular and not subject to change without consultation and negotiation, whereas a PTH contract can be increased or decreased with minimal notice, providing very little security for the employee.

The type of part time contract workers are on also has implications for their pension arrangements. For instance, members of Teachers Pension Scheme contribute at the same percentage of their pay, whether they are full time, part time fractional or part time hourly paid. However, PTH employees can only accrue pensionable hours **on the hours spent actually working**, whereas those on a PTH contract accrue pensionable hours on a **pro rata basis for the whole year**. This means that someone on a 0.5 PTH contract accrues 414 hours, whereas someone on a 0.5 PTF contact would accrue 1274 hours. That makes a significant difference to the pension you can expect! For more detailed information please visit:

[http://www.ucu.org.uk/media/pdf/l/h/pensions\\_tpsptime\\_mar08.pdf](http://www.ucu.org.uk/media/pdf/l/h/pensions_tpsptime_mar08.pdf)

Finally, the salary for those on fractional contracts can be taken into account for financial transactions, such as securing a mortgage or loans, setting up bank accounts, etc. Many financial institutions will not take PTH earnings into account because they are not 'regular' and as such are subject to fluctuation.

### **What do members on PTH contracts say to UCU about this?**



Many members tell us that they are unhappy with their hourly paid contracts:

They are worried and frustrated by the lack of security - it is difficult to plan ahead because they cannot rely on the hours they are allocated from contract to contract.

They feel their PTH contract is a detriment to their personal aspirations - one member who works full time, but on an hourly paid contract, is frustrated because he cannot obtain a mortgage as a result of the casual nature of his contract.

Members also say that they feel undervalued by their employer - they are fulfilling the same role as full time and fractional colleagues, but their hard work and loyalty has not been rewarded by the issue of a more permanent and secure contract

### **Why do employers use PTH contracts?**

Employers argue that they need the flexibility that PTH contracts give them, such as, having workers on PTH contracts means that if a course is undersubscribed, they can adjust the hours of the Lecturer running the course accordingly. The same with new courses, where they are not sure what the take up will be, etc. Employers are also using PTH contracts to 'top up' fractional contracts in many institutions. This means that an employee may have a 0.5 fractional contract but actually work full time with the other 0.5 contracted on a PTH basis.

## What does UCU say about that?

Whilst UCU understands that there are occasions where flexibility is necessary, we are increasingly concerned about the number of workers who remain on PTH contracts when regular hours have clearly been established. For instance, if a worker has been issued with a Part time hourly contract schedule for the same hours over a number of academic years, then clearly those hours are regular and established and we would expect the employer to consider issuing a fractional contract instead, or, in the case of those having their hours 'topped up' on an hourly paid basis, an increase to their fractional contract

The difficulty with the use of hourly contracts is that, whilst they may be unfair, they are not illegal. So unless there is an issue of less favourable treatment (see Part time Workers and the Law) they cannot be challenged legally. However, UCU is challenging the use of PTH contracts collectively, and as with any collective negotiations, the more members we represent, the louder our voice!

For several years now, UCU Cymru has been campaigning for employers to sign up to an agreement to review hourly paid contracts after an agreed period of time. This would mean that once a worker had been employed on a PTH contract for the relevant number of years, the employer would look at the average hours the worker had been allocated and convert those to a fractional contract.

UCU Cymru is also encouraging individual branches to get hourly paid contracts firmly on the agenda for meetings with management and is providing support for branches that are attempting to tackle this issue on behalf of their members.

We are also asking branches to elect a PTH Representative to their branch committees, to ensure that this group of workers is represented in the branch decision making process.

**What is UCU  
doing for PTH  
workers?**

However, UCU cannot do it alone. We have already established that this is an issue that has to be addressed collectively and to do so, we need your support. It's quite simple really; the more PTH members UCU represents, the stronger we are when it comes to campaigning and negotiating on your behalf! When you join UCU, you are not only standing up for yourself, but for your colleagues who also suffer the injustice of being employed on a Part-time hourly paid contract.

## Part Time Workers and The Law

**What rights do I have as an hourly paid worker?**

The Law offers some minimum rights to part-time and hourly-paid workers. The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 introduced the right

for part-time workers not to be treated less favourably than full-time workers in the same institution. This legislation became law at the end of June 2002. Similarly the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations introduced under the Employment Act 2002 does the same thing for fixed-term employees.

Guidance on these regulations may be found at [www.dti.gov.uk/er/pt-info.htm](http://www.dti.gov.uk/er/pt-info.htm) and [www.dti.gov.uk/er/fixed/fixed-pl512.htm](http://www.dti.gov.uk/er/fixed/fixed-pl512.htm)

Part-time and hourly-paid staff are now entitled to all the benefits that permanent staff receive including:

- the same equivalent hourly rate of pay
- sick pay
- maternity pay
- parental leave
- holidays and
- access to staff development and training

**Part-time and hourly-paid workers are now entitled to all the benefits that permanent workers receive**

Other rights include the right to redundancy pay and the right not to be unfairly dismissed. This may occur when, for example, if part-timers are selected before full timers for redundancy.

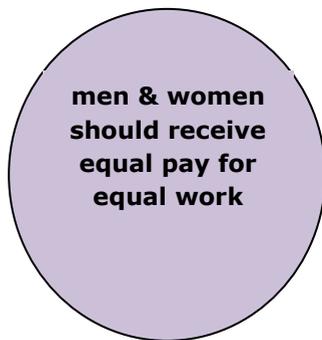
In order to claim equal treatment in law, part-timers must compare themselves with full-time workers, who have the same employer, are employed on the same type of contract and who do broadly the same work.

In assessing whether the work is broadly similar, the employment tribunal will look at what the part-timer and the full-time comparator actually do, not what they could be required to do under the contract of employment. It may be less favourable treatment to prevent a part-timer carrying out the full range of duties performed by full-timers.

Many part-timers are women and in some cases a claim can proceed on the basis of not only the part-time/fixed-term regulations, but also the Sex Discrimination Act 1975 and the Equal Pay Act 1970.

### **Equal Pay Audits**

There is evidence to suggest that women make up the majority of the part time workforce, whereas men make up the majority of the full time workforce. As a result, it may be possible for part time hourly lecturers to use legislation such as the Equality Act 2010 to challenge any discrepancies between the terms and conditions, pay and benefits between hourly paid and full time lecturers.



### ***Contractual benefits – benefits contained in a contract of employment – Equal Pay***

The basic principle of the legislation is that men and women should

receive equal pay for equal work. Where they do equal work, and, if the contract does not provide for this, the disadvantaged worker will be able to bring a claim. In order to demonstrate equal work a woman needs to show:

- Like work to that of a man – the same work or broadly similar
- Work rated as equivalent to that of a woman – through a Job Evaluation Scheme or similar
- Work of equal value – that demands made of her such as effort, skill, decision making are equal

### ***Non Contractual Benefits – benefits which do not form part of the contract of employment – Sex Discrimination***

Where there is not parity in relation to non contractual terms and conditions or where there is an offer of employment, which had it been accepted would have had less pay the sex discrimination provisions will apply. Non-contractual terms could include, but are not limited to lack of promotion or progression, access to training and development and less favourable discretionary pay rises.

### **What can you do?**

UCU Cymru is looking for members who would like to formally challenge their College on the different treatment of hourly paid and full time workers.



If you feel that you are being treated differently to your full-time counterparts and would like to take this further contact your Branch in the first instance. It would be helpful if you could collate evidence that would support your claim, if you cannot do this don't worry, Branches will provide guidance and support to members who feel that they are being treated differently.

## What can you do if you are not a member?

### Join UCU today

UCU is the largest union in the UK representing academic and academic-related staff.

#### *Higher Education*

UK wide we negotiate annual pay increases for PTH staff on agreed national pay spines and hourly rates of pay for those who have yet to be assimilated to agreed pay spines. We negotiate terms and conditions of employment both nationally and locally.

In Wales, PTH members in higher education have been assimilated on to the agreed paid spine in all but one institution and negotiations will continue until assimilation is achieved here also.

#### *Further Education*

In Wales PTH members in further education are paid at the same rate as those in full time employment as a result of the National Pay Agreement for Part-time Lecturing Staff negotiated by UCU and the joint trade unions in 2005. The National pay scales brought about pay parity for lecturers with school teachers.

UCU is also in the process of negotiating a national contract in FE to ensure parity of employment terms and conditions in colleges across Wales.

### Hourly-Paid Staff – A Priority for UCU

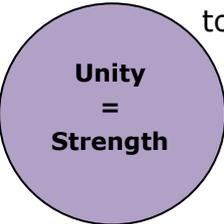
Hourly-paid staffs are a priority for UCU. We campaign for greater job security for hourly-paid staff by moving them to permanent pro-rata contracts and onto agreed pay and grading structures. Terms and conditions should be the same as for other teaching staff.

Why Join  
UCU?

We are also campaigning for equal treatment of hourly-paid staff in relation to pay, pensions, sick pay, maternity leave, access to facilities and inclusion in decision-making. UCU has been instrumental in lobbying for, and monitoring the implementation of, the part-time workers' and fixed-term employees' regulations, which prohibit part-time and fixed-term staff being treated less favourably than their full-time permanent colleagues.

## Representation & Advice

You are not alone. If you have problems at work you can contact your branch for advice, representation and legal help. Experienced local officers are supported by full-time regional and national officials. However you need to join before encountering a problem – that's why it is important to join us today. We represent the views of our members on professional issues to ministers, MPs and organisations within the sector and outside. As a member you also have access to the services of The College and University Support Network which offers 24/7 support by phone or online, from confidential counselling to financial assistance. Hourly paid staff are represented on a national committee that influences UCU policy.



Unity  
=  
Strength

### You are Better off in a Union

Research has shown that union members are likely to be better paid, have more annual leave, better sickness and pension benefits, have safer workplaces and are more likely to take advantage of flexible working. You will benefit from a range of financial products at discounted rates and you can claim back income tax relief for part of your membership subscription.



How much does  
it cost to join  
UCU?

Membership of UCU is not determined by the number of hours you work or the type of contract you have: many of our members work on a part-time or hourly-paid basis and UCU is committed to ensuring that membership is accessible to all, regardless of whether you work in full time or part time employment.

This commitment is reflected in our subscription rates. UCU does not believe in all members paying a flat rate for membership, instead contributions are calculated on a sliding scale based on income, so that membership is affordable for all. And though the subscription rates may differ, your membership does not! You may work part time, but you are a full time member of UCU!

Current national subscription rates are:

<b>Annual Salary</b>	<b>Monthly National Subs</b>
£40,000 or above	£19.07
£30,000-£39,999	£17.34
£20,000-£29,999	£16.36
£10,000-£19,999	£9.97
£5,000-£9,999	£4.52
Below £5,000	£2.58

If you work at more than one institution the level of your UCU subscription is determined by adding together all the part-time income from different institutions.

Some Universities in Wales also have local association subscriptions that they collect from members to fund activities locally, please ask your local branch about this.

The quickest way to join UCU is via the website at:



<http://www.ucu.org.uk/index.cfm?articleid=2283>

## **UCUPlus services and benefits**

UCU offers a range of membership benefits and services in addition to employment, education and campaigning support. By making full use of these benefits, offered through recognised suppliers, you could save the cost of your subscription many times over.

### **Financial**

[Financial advice from Endsleigh](#)

[Insurance for teachers and lecturers from Endsleigh](#)

[Car and home insurance from Aviva](#)

### **Legal**

[UCU legal scheme - employment and related issues](#)

[Accident Aid - cost free compensation scheme](#)

### **Professional**

[Recourse](#)

[Journal of Further and Higher Education - discounted subscription](#)

[UC: membership magazine - FREE](#)

### **Privacy**

UCU takes the protection of your information very seriously. We never sell membership lists to an outside organization

**For more information on UCU,  
please visit the UCU website at:**

**<http://www.ucu.org.uk/>**