

A graphic of a black ink stamp, tilted diagonally, overlapping the text.

**STAMP
OUT CASUAL
CONTRACTS**

**A report on UCU's
campaign against
casualisation**

2015-16

Threats and opportunities – UCU's national strategy

The transformation of higher education funding, the cuts in Further and Adult Education and the ongoing marketisation of the sectors are all driving universities and colleges to further casualise their workforces in pursuit of 'flexibility'.

Yet at the same time, the high political profile of zero hours contracts gives us a public opportunity to highlight the workforce practices of colleges and universities.

Equally, as universities and colleges focus on increasing competition for students and learners, they are becoming more sensitive about their reputations. They are vulnerable to the charge that they are sacrificing quality by employing their staff on contracts that prevent them from being able to deliver the best for students and learners.

This gives UCU an opportunity to raise the public and political profile of casualisation in our sectors and use it to create a hostile environment for our institutions, combining this with growing campaigning and negotiating pressure to deliver collective bargaining successes that can increase job security for precarious staff.

This is UCU's national strategy, agreed by our NEC and the union's Anti-Casualisation Committee. This short report updates members on progress against that strategy.

A strong voice in the political debate

With a Tory administration bent upon de-regulation that considers its work on zero hours contracts done with the recent legislation, there is no hope of further friendly legislation from this government.

UCU is building links with the new Labour leadership and will work with the TUC to maximise the pressure to move Labour's policy in the direction of raising the desperately low floor of employment rights in Britain.

But we are also exploiting the opportunities that do exist in the current situation.

- In England, UCU has used the opportunity of the discussion about Teaching Quality to make the argument that those looking to boost quality must address the exploitation of precarious labour.
- In Autumn 2015, we have lobbied Ofsted urging them to look at the way FE colleges and Adult education employers use precarious labour.
- The union has also lobbied the department of Business, Innovation and Skills over the way in which universities exploit precarious academic labour.
- In December 2015, UCU General Secretary Sally Hunt appeared in front of the Business, Innovation and Skills Select Committee and urged them to address the way universities use casualised labour.
- As a consequence of this work, BIS has now instructed HEFCE to investigate how this might be monitored.
- In Wales, UCU has used the more favourable relationship with the Administration and Assembly to press for national agreements on fixed-term and part-time working, particularly in Further Education.
- UCU continues to play its role in raising the profile of the issue of insecure employment in the wider trade union movement, submitting motions to Education International and to this year's TUC. Our motion to the TUC called for the organisation of **a joint union national lobby of Parliament** and was successfully passed.
- To build on this success, the union's Recruitment, Organising and Campaigning Committee has endorsed a new campaign called 'My working environment is your learning environment', aimed at creating new resources to focus attention on the link between high quality provision and decent employment contracts.

Maintaining and raising public profile

The public debate around precarious employment continues to provide a valuable context for UCU's national strategy. Regular press stories around zero hours contracts and the contemporary experience of precarious work continue. Unite's highly successful targeting of Sports Direct with a Guardian expose and a public accountability campaign drove down the company's share price and forced it into an internal review of its workforce practices, illustrating the value of well-thought out accountability campaigns that attack institutional reputation.

In our own sector, UCU's Stamp Out Casual Contracts campaign won press attention in November with a feature by Mary O'Hara in the *Guardian*. UCU General Secretary Sally Hunt used a 'Comment is Free' column in the *Guardian* to argue for the need to tackle precarious employment to underpin teaching quality.

To raise and maintain the public pressure on our institutions, the union is compiling data for a new report to be published in the Spring that details what we know about the extent of the use of various forms of casual employment by all institutions in Further and Higher Education.

Recent press highlights

- 'Lecturers struggling on casual contracts, says union', BBC News, 21 May 2015, <http://www.bbc.co.uk/news/education-32811426>
- 'University lecturers on the breadline: Is the UK following in America's footsteps?', Mary O'Hara, The Guardian, 17 November 2015, <http://www.theguardian.com/education/2015/nov/17/university-lecturers-uk-us-casual-posts-food-stamps>
- 'Want to improve teaching in universities? Value those who teach', UCU General Secretary Sally Hunt, The Guardian, 11 January 2016, <http://www.theguardian.com/higher-education-network/2016/jan/11/want-to-improve-teaching-in-universities-value-those-who-teach>
- 'Insecure contracts could undermine FE provision', Times Educational Supplement 15 April 2016 <https://www.tes.com/news/further-education/breaking-news/insecure-contracts-could-undermine-fe-provision>
- 'Fixed-term contracts now the norm for early career academics, says UCU' Times Higher, 14 April 2016, <https://www.timeshighereducation.com/news/fixed-term-now-the-norm-for-early-career-academics-says-university-and-college-union-ucu>

Using our collective strength: Organising, campaigning and bargaining

In the absence of a government committed to progressive reform of employment law, our public and political work has to be geared to a strategy aimed at reinforcing our organising, campaigning and collective bargaining strength.

That means ensuring that the issue is firmly on our branches' agenda and providing as much support as possible for them in building local campaigns and negotiations.

National day of action:

UCU's national day of action on casual contracts took place on 19 November this year during the National Recruitment Week.

- More than 40 branches participated organising a range of events, mostly focused on recruitment.
- Most of the action and much more social media work was captured on our Live Blog on the day: <https://www.ucu.org.uk/anticas15>.
- Solidarity messages were sent by the Canadian AUT, the National Tertiary Education Union of Australia and the German GEW union.
- Several new branch-level campaigns were launched on the day itself.

New national offensive

In January this year, UCU launched a new national offensive aimed at encouraging more colleges and universities to engage with us over casual contracts and increasing the pressure on those who refuse.

On 21 January, the union wrote to every HEI in England, Scotland and Wales and every Further Education College in England where the union has a branch calling on them to make concrete commitments to;

- i. Eradicate any continuing use of zero hours contracts;
- ii. Complete any outstanding assimilation of hourly paid staff to national scales;
- iii. Conducting with UCU a joint review of all non-permanent academic contracts at each institution and agreeing to time-limited negotiations with the express aim of increasing job security, continuity of employment and opportunities for career progression for all staff

engaged in any forms of teaching or research.

- 32 universities engaged broadly positively with this initiative;
- 35 universities chose to ignore it by reproducing a stock letter produced for them by the national employers' body, UCEA; 72 universities failed to respond.
- 36 colleges said they were open to working with UCU to address the issue of precarious work.
- Three fifths of the colleges (146) failed to respond to UCU's letter.
- Thirty-five of the top 50 worst offenders ignored or responded negatively to UCU's request.

Every response was sent to Regional Officials to be discussed with branches and actioned. Progress against these responses is being monitored at head office.

The employers' responses were published in two new major reports on 13 and 14 April. These reports featured explanations of precariousness and aggregate national data for each sector.

In HE, the reports showed that when the use of atypical academic staff is factored in, **54% of all academic staff** and 49% of all academic teaching staff are on insecure contracts.

Staff below the level of senior lecturers and senior research fellow, who do much of the teaching and research in our universities, are far more likely to be on fixed-term than open-ended contracts, but also that problems with the way that HESA and universities collect and disclose data mean that it is almost impossible to understand the real scale of precarious work in our universities.

In FE, the national data showed that **34% of the total teaching staff** in 220 English further education colleges are employed on a range of insecure contracts.

Amongst non-lecturing staff who are delivering the curriculum, the proportion is even higher at 37%. Precarious contracts were defined here as hourly paid, variable hours and term-time only.

- **You can read the FE report here:**
https://www.ucu.org.uk/media/7999/Precarious-work-in-fe/pdf/ucu_precariouscontract_fereport_apr16.pdf
- **You can read the HE report here:**
https://www.ucu.org.uk/media/7995/Precarious-work-in-higher-education-a-snapshot-of-insecure-contracts-and-institutional-attitudes-Apr-16/pdf/ucu_precariouscontract_hereport_apr16.pdf

Access the data for your own institution

In addition, the reports featured a series of rankings of the 50 institutions with the highest levels of insecurity in their academic workforces in each sector. Alongside their workforce data was included their response to our invitation to

engage.

On the website the union posted the full datasets and rankings, beyond the top 50, enabling members, students and the general public to search them at their leisure. You can see this data here: <https://www.ucu.org.uk/stampout>

What you can do to support the campaign:

1. Review what you know about casualisation in your institution
2. Write to your management and call for:
 - a review of all insecure contracts
 - a commitment to reducing insecurity
3. Start to build your organisation among casualised staff
4. Make contact with your students organizations and start to raise the issue

Resources

1. New bargaining guidance for FE and Adult Education branches and for HE branches has been published in support of this offensive.
 - FE bargaining guidance: https://www.ucu.org.uk/media/7420/Negotiating-on-casualisation-in-further-education-a-UCU-bargaining-guide-for-branches-Jan-16/pdf/ucu_bargainingforbetterjobs_fe_revjan16.pdf (Login required)
 - HE bargaining guidance: https://www.ucu.org.uk/media/7823/Negotiating-on-casualisation-in-higher-education-a-UCU-bargaining-guide-for-branches-Jan-16/pdf/ucu_bargainingforbetterjobs_he_revjan16.pdf (Login required)
2. Advice on building local campaigns around casualisation has been distributed to all branches:
 - 'Building effective local campaigns against casualisation – a branch rep's guide': https://www.ucu.org.uk/media/7350/Building-effective-local-campaigns-against-casualisation-a-branch-reps-guide-Jun-15/pdf/ucu_buildingeffectiveanticascampaigns_jun15.pdf

Winning in the workplace

- **Sussex University** is now very near a final draft agreement with UCU for a policy that will eradicate zero hours contracts.
- **University of the Arts London** has agreed with UCU a new policy that will increase job security and the expectation of continued employment for its many hourly paid lecturers.
- Following the defeat of TeachHigher, the **University of Warwick** continues to talk to UCU over its review of the employment of HPLs
- **Nottingham University UCU** has launched a joint campaign with the local UNISON branch aimed at tackling a raft of casualisation issues along with a Living Wage campaign.
- The **University of Liverpool** has talks scheduled with the UCU branch over its use of Zero Hours contracts and the branch has regional and national support.
- The **University of Bournemouth** is in talks with UCU over union proposals to agree on the fractionalisation of hourly paid staff following on from the ratification of their long-delayed Framework Agreement last year. Talks are progressing relatively positively.
- **Southampton Solent University** has similarly agreed to a schedule of negotiations around the fractionalisation of hourly paid lectures.
- The **University of Kent** has begun negotiations with UCU over its use of hourly paid lecturers.
- The **University of Bath** is in negotiations with UCU over its use of casual hourly paid staff, including on zero hours contracts.
- The **University of Bristol UCU** has been successfully pressing for the fractionalisation of part-time teaching staff across its faculties
- The **University of Surrey** has agreed an improved fixed-term contract policy that weakens the link between the use of fixed-term contracts and short-term funding.
- UCU won an agreement with **South Downs College** in which all but 5% of the hourly paid lecturers at the college have been transferred onto fractional contracts.
- The **Manchester College** are in early stages of talks over a review of all their contracts including for sessional staff in core college and Prison Education.
- The **Open University** UCU are fighting an attempt to introduce a new policy that ends redundancy payments for staff dismissed as a consequence of their fixed-term contracts ending, while at the same time pursuing more positive negotiations over the introduction of a new Associate Lecturer contract.
- The union continues to work to organise and recruit part-time and casualised staff in the **University of Coventry's** subsidiary companies. We are building this into a campaign for better contracts and for recognition across the Group of subsidiary companies.

Representation and Legal support

'[Maria's] union also helped her in later years when the university tried to put her on a series of temporary contracts, including just paying her through expenses despite her having worked for a continuous period of four years....The union supported her to get a rolling contract that gave her more rights.'

(Quoted in Women and Casualisation: Women's experiences of job insecurity (TUC, January 2015), p. 34)

Every day our trained reps take on individual cases for casualised staff, helping them make a case for permanence, continuity of employment, fair pay and treatment or talking the abuses that come with precarious treatment.

UCU also has a record of fighting key cases for casualised staff in the notoriously difficult UK courts. Since UCU started keeping detailed statistical data on casework undertaken by full time officials, the union has recorded more than 300 cases involving casualisation issues.

Data produced in 2015 showed that **72 cases were resolved successfully internally**, while there were **15 COT3s** resulting in **£37,617 in compensation** being paid, and a **total sum of compensation for all cases of £237,411**.

Of the 53 cases where the presenting issue was the right to permanency, 11 were successfully resolved internally, and a total of £54,500 was paid in compensation to other members in their cases. Successful resolutions were obtained in 13 cases of alleged less favourable treatment and over £18,000 was paid in compensation. Only 8 cases which went to the legal panel for a decision on legal support resulted in the panel refusing legal support.

In addition, the union has **won more than £450,000 in compensation** where it has brought cases against universities for failure to consult under s. 188 TULRCA 1992 when ending fixed-term contracts.

In April 2015, UCU won a stunning victory over **Stirling University** in the Supreme Court, which agreed with us that the university had broken the law in 2009 when it refused to include staff whose fixed-term contracts expired in its collective consultation over redundancies. UCU fought this case for 6 years through four court hearings and finally won in the Supreme Court, establishing that dismissal through the ending of a fixed-term contract is a redundancy in law. The union will be using this to put pressure on the government to reverse its legislation from 2013 which changed the law to exclude expiring fixed-term contracts from the duty to consult over collective redundancies. UCU will also be putting pressure on employers to take notice of our huge moral victory and treat fixed-term contracts in the same way as any other redundancy.

Other notable legal cases taken by the union include *Carl v University of Sheffield* where the union was trying to establish the right of the part time worker to compare herself with a hypothetical comparator, *Ball v University of Aberdeen* (the right to permanency after four successive fixed term contracts), and *Tansell v Henley College Coventry* which addressed the fairness of the dismissal of a fixed term contract holder and the need for the employer to give proper reasons for it.

How do members access the legal scheme for help?

Members should always raise their request for support with their branch rep, if there is one. If the branch rep can't resolve the problem, or there is no rep, the rep/member can approach their regional office (use the regional office contacts locator on the UCU web site).

For guidance on how to access legal support, see <http://www.ucu.org.uk/legal>

Initial advice is usually provided on the papers sent in by the member, so the more complete they are the better the likely outcome. The union's lawyers can also see the member if that is necessary before initial advice can be given.

What can you do to get more involved?

Help us by starting to build a local anti-casualisation campaign.

We need to build more campaigning pressure in our branches around casualisation.

Whatever the exact issue, there are always improvements to be fought for and won through the collective strength of the union.

The most effective campaigns are those always those conducted by a **united branch**, combining active members on casualised contracts with active support from staff on other contracts.

- If there is not already a local anti-casualisation rep in your branch, consider volunteering to be one. Email anti-casualisation@ucu.org.uk or contact your local branch directly for more details.
- Consider organising a meeting of casualised staff to get started. Even a small number of active members can make a big difference.

What resources are available to support you?

UCU has a huge range of resources to support campaigning and negotiating around insecure employment and casual contracts:

- **Security Matters:** Our campaigning magazine for staff on casual contracts and branches campaigning on casualisation. Download it here <https://www.ucu.org.uk/securitymatters> Or order hard copies from anticasualisation@ucu.org.uk
- A brief guide to building local anti-casualisation campaigns, including case studies: https://www.ucu.org.uk/media/7350/Building-effective-local-campaigns-against-casualisation-a-branch-reps-guide-Jun-15/pdf/ucu_buildingeffectiveanticascampaigns_jun15.pdf
- Advice on recruiting and organising among staff on insecure contracts: <https://www.ucu.org.uk/article/3542/Recruiting-and-negotiating-on-behalf-of-staff-on-casual-contracts>
- Template newsletters for FE and HE branches:
HE: https://www.ucu.org.uk/media/7441/HE-local-anti-casualisation-newsletter/doc/ucu_he_anticasualisation.doc
FE: https://www.ucu.org.uk/media/7442/FE-local-anti-casualisation-newsletter/doc/ucu_fe_anticasualisation.doc

**PERMANENT
CONTRACT?**

QUALIFICATIONS

EXPERIENCE

WORK

COMMITMENT

SecurityMatters

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THIS ISSUE: BALANCING CASUAL WORK WITH CARE, UCU'S VICTORY AT STIRLING, WINNING BETTER JOBS IN ADULT EDUCATION, ORGANISING POSTGRADUATES, UCU'S NATIONAL CAMPAIGN FOR BETTER JOBS, CASUALISATION AND BME WORKERS IN EDUCATION, HOW DO UNIONS WIN FOR PRECARIOUS WORKERS?