



## OXFORD UCU GUIDE TO EMPLOYMENT RIGHTS FOR STAFF ON FIXED-TERM AND OPEN-ENDED CONTRACTS

### ***Know your rights***

You have the right to be treated equally when compared to permanent members of staff unless your employer can 'objectively justify' doing otherwise.

### ***What does that mean for me?***

- ▶ If your employment ceases at the end of a fixed-term contract then it counts in law as a dismissal. The employer must state in writing the reason for dismissal. The reason most often given is 'redundancy', in which case your employer must inform you if there is any prospect of making you redundant and must agree, where possible, to redeploy you. You cannot simply be told that your contract has ended and you are no longer an employee.
- ▶ You have the right to redundancy payments if employed for more than 2 years.
- ▶ In other cases, your employer must consult with you – setting out in writing the reasons why you are being considered for dismissal (you cannot be selected on the grounds of your contract), inviting you to a meeting to discuss alternatives and allowing you to appeal against any decision. If they fail to do so, your dismissal would automatically be unfair.
- ▶ Your employer must ensure that you are considered for any suitable alternative work that is available and provide you with any necessary training

### ***The law also means:***

- ▶ You are now permanent if you have more than 4 years continuous service on 2 or more fixed-term contracts with the same employer or your contract has been renewed at least once.
- ▶ If you are in this category, write to the university to ask for confirmation that you are permanently employed (If you are a member, you can ask us for a form of words). The university must state 'objective justification' in writing if it wishes to keep you on a fixed-term contract, and if the justification is unsatisfactory you can challenge it.

### ***What is Oxford UCU doing?***

We have worked with the University to negotiate a new form of contract which may be offered (normally at the end of a current contract) to staff whose post is funded from an external source. This is an important development. The new contracts are open-ended and can only be terminated after a proper redundancy procedure has been followed. If it was not possible to secure further funding or redeployment for the postholder, those procedures will provide important protections. These new contracts also make it easier for members in their financial dealings, e.g. getting a mortgage.

## **Redeployment Procedures**

Redeployment procedures must include the following:

- ▶ consulting with the member of staff concerned, and with the appropriate employee representative, to advise them that redeployment is being considered;
- ▶ agreeing with the member of staff an action plan for redeployment, which must include:
- ▶ considering how the existing role could be continued and, ensure that all possible avenues for further funding are pursued;
- ▶ clarifying which University posts might be suitable alternative employment;
- ▶ ensuring that any potentially suitable vacancies within the same department are discussed with the member of staff before they are advertised;
- ▶ providing information about all University vacancies through 'Opportunities at Oxford' (the university's weekly vacancies bulletin);
- ▶ discussing any additional training needs.

Any Departments that receives an application from existing staff approaching the end of a fixed-term or open-ended externally funded appointment should give those applicants preferential consideration unless the vacancy is at a higher grade.

## **Redundancy Procedures**

All redundancy proposals must contain the following:

- ▶ reasons for any redundancy and evidence of measures taken to avoid it
- ▶ details of the selection criteria where not all staff in the pool are included in the redundancy proposals
- ▶ information on consultation with affected individuals and employee representatives

The Redundancy Committee will make recommendations to Council. UCU can make representations to the committee. As UCU will have an active part to play in helping its members in these procedures, it is crucial that you are in the UCU.

## **Current Situation**

Only a few staff out of approximately 2,500 have been put on the open-ended contracts. Oxford UCU is pushing for much greater numbers to be transferred to open-ended contracts and, wherever possible, to permanent contracts. Fixed-term contract staff make a massive contribution to our University and deserve greater recognition.

## **What you can do**

If you aren't a member, join us today. We can't help you if you aren't a member. Get involved – this is the best way to ensure that you are fairly treated. Know the law – if you are aware of the law it is more likely to be effective. Pass on this information to your colleagues. Contact us if you think you should be considered for a more secure contract. Encourage others to join – this will make us more effective

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