

Survival guide for hourly-paid staff

**HELP AND ADVICE FOR HOURLY-PAID EMPLOYEES IN
ADULT, FURTHER AND HIGHER EDUCATION**



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Introduction

Hourly-paid staff make a huge contribution to the education sector and many institutions could not function without them. Despite this, these staff are undervalued by their employers – the vast majority are low paid with no job security or career progression.

Hourly-paid work is widespread in adult, further and higher education. Reliable figures are difficult to find and often the data is not available.

However, in 2018 we sent a Freedom of Information request to every FE College in England which showed that of the 51,720 teaching staff working in FE: 18.5% were employed on fixed-term contracts, 11.7% were employed on zero hours contracts, 12.8% were on hourly paid contracts with minimum guaranteed hours and 4.5% were employed through an agency.

In higher education the Higher Education Statistics Agency (HESA) figures (17/18) indicate that there are nearly 30,000 teaching ‘only’ staff on fixed-term contracts, the majority on an hourly basis. In addition, there are nearly 69,000 ‘atypical’ academic staff; overwhelmingly hourly paid teachers, employed on the lowest contract levels and many of them employed as ‘casual workers’ with fewer employment rights.

We believe that only the hotel and catering sector employs a greater percentage of staff on temporary contracts.

These professionals deserve equal rates of pay and working conditions equivalent to those of full-time, permanent staff. The issue of casualisation and the treatment of hourly-paid staff in particular is an issue for all employees.

Hourly-paid members have contributed to this guide and their comments and experiences are quoted in each section. The aims of the guide are:

- to recognise the current working conditions for hourly-paid staff
- to explain what UCU is trying to achieve
- to outline the rights of hourly-paid staff and what they can expect from their institutions
- to offer practical advice on how to survive difficult employment conditions and suggest ways in which to seek improvements.

If you are a UCU member, it is always best to consult your local UCU branch before taking action. The branch can offer advice and sometimes it is wise to allow the union to front the issues to the employer. Others may also be affected by the problems you are experiencing and it is often more effective if they are dealt with collectively. If you aren't a member, please have a look at the information on how to join UCU at the back of this guide, or on the UCU website.

As an hourly-paid staff member you are in a vulnerable position and need the protection of your union. Your union also needs you. The more hourly-paid members we have, the more we can achieve for you.

As you will discover in this guide, there are many ways in which you can seek to improve your working conditions.



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



Your contract

HAVE I GOT A CONTRACT?

Employment is no guarantee that you will receive a written contract from your employer – despite legal obligations on them to provide you with certain information (which we detail below). This does not mean, however, that you don't have a contract, and you are entitled to payment, within a reasonable time, for work that you have carried out.

However, filling in timesheets, submitting disclosure checks and passport photocopies for a series of short-term contracts and the associated bureaucracy can lead to constant delays in getting paid.

If there is any unreasonable delay in payment being made to you then you should contact your branch straight away.

All employees who have been employed for one month are entitled to receive a written statement of their terms and conditions not later than two months after the start of employment.

This statement should include:

1. the names of the employer and the employee
2. the date the employee's employment began
3. the date the employee's period of continuous employment began
4. if employment is not intended to be permanent, how long the employment is expected to last or the date when it is to end
5. the scale or rate of remuneration (pay) or the method of calculating it
6. the intervals at which remuneration is paid
7. any terms and conditions relating to hours of work (including normal hours)



Familiarising yourself with the details of your contract will put you in a better position if you wish to raise any concerns

8. any terms and conditions relating to holidays, including public holidays, and holiday pay (sufficient to enable the employee's entitlement to be precisely calculated). This should include entitlement to accrued holiday pay on termination of employment
9. the employee's job title or a brief description of his or her work
10. the employee's place of work or the locations where the employee is required or permitted to work and the address of the employer
11. if an employee is required to work outside the UK for more than one month, the period for which the employee is to work, the currency in which remuneration is to be paid, any additional remuneration and benefits, and any terms and conditions relating to the employee's return to the UK.

You should also have information easily available to you about the following:

- any terms and conditions relating to incapacity for work due to sickness or injury, including provision for sick pay
- any terms and conditions relating to pensions and pension schemes
- any disciplinary rules applicable to the employee
- any disciplinary appeals procedure.
- the length of notice the employee is obliged to give and entitled to receive in order to terminate his or her contract.

If you do not receive this information, contact your human resources department. If this doesn't resolve it, contact your local UCU branch.

Keep any documents relating to your employment including your contract, letter of appointment and other correspondence safely for future reference.

Reading your contract of employment and any relevant policies will put you in a stronger position should you wish to raise any issues.

As an hourly-paid member of staff you may have a permanent or open-ended contract, or your contract may be for a fixed-period of time. Your contract may specify the number of hours you will be required to work or this may vary.

If your contract allows for a variation in hours it should at least guarantee a realistic minimum number of hours. In FE, the national agreement states that such contracts should always specify a guaranteed minimum of contracted hours. It is UCU policy that variable hours should only be used in exceptional circumstances and only where there is a reasonable guaranteed minimum.

The contract should not allow for hours to be reduced below the minimum guaranteed number without triggering the obligations on the employer that arise in a redundancy situation. Employers may try to use contracts that allow them to reduce hours year on year until there is little left – and little redundancy pay if the hours are eventually reduced to zero. This gives managers power to treat different groups of staff unequally – to the detriment of hourly-paid staff.

In some cases you may have a contract that guarantees no work but specifies what you will be paid if you accept work that is offered. These types of contracts are known as zero-hours contracts (they may also be called ‘as and when’ or bank contracts). UCU has a firm policy against the use of such contracts as they offer no security of income for members and can lead to exploitation. ‘Permanent’ zero-hours contracts actually enshrine job insecurity and make access to real job security under the fixed-term regulations difficult.

If your contract is a variable-hours contract or some sort of zero-hours contract then please make sure that your UCU branch and regional office are aware of this – it is important for UCU to know where these types of contracts are being used.

What **YOU** said

We never got a contract and sometimes had difficulty getting paid.



Starting work

YOU SHOULD HAVE AN INDUCTION

Inductions are an important way of finding out about your institution's policies and procedures. It's also a really good opportunity to make friends, meet your colleagues and build networks that will help you in your work.

The induction process is standard practice for other groups of staff and you should be treated no differently. Contact your line manager if you haven't had an induction. It's also a good idea to ask colleagues if they have had one and to let your branch know about this as it might be an issue to take up for all hourly-paid staff.

If you have been employed for several years and don't feel you need an induction you could still ask for the information that is made available at these events as there may be something you haven't been told about.

Networks are a vital way of getting support. Getting to know colleagues – both full-time and part-time – helps you find out about your rights and your employer's policies.

What **YOU** said

I wished I had asked: 'Do I get any preparation time besides my teaching hours? Do I get holiday or sick pay? What resources can I have access to when I am preparing – desk space, storage space etc?'

Hourly-paid staff should be entitled to the same induction process – I wasn't when I started.

Try to establish some kind of routine (however brief) and claim some shared space, preferably with, or near, a permanent member of staff. Don't always rush off after teaching. Spending five minutes talking to permanent members can pay dividends in many ways.

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Pay

Pay is one of the key issues for hourly-paid staff. Rates of pay can be appallingly low and are often much less than those of full-time, permanent colleagues doing similar, or even the same, work.

In some institutions hourly-paid teaching staff are paid a comprehensive teaching rate for every hour of teaching that is supposed to cover other duties such as preparation, marking, administration and attending meetings.

In some cases institutions include holiday pay and have even argued that sick pay and pension contributions are included in the hourly rate.

Taking into account all the work that is carried out by hourly-paid staff, the hourly rate is usually inadequate. After spending many extra hours carrying out these other responsibilities, some members have calculated earnings to average £4 an hour – less than the national minimum wage.

The under-calculation of hours worked and the fact that pay for hourly-paid staff is often not linked to the pay of colleagues carrying out similar work gives rises to serious concerns over equal pay.

What **YOU** said

Most importantly, there is an 'equal pay for work of equal value' issue. In my case, with a PhD and past teaching experience qualifications, I was carrying a workload of teaching and administration for which my full-time colleagues were paid at a rate approximately six times higher.

Hourly-paid staff need to know how to work out a fair rate for the job. They also need to know that they can reasonably refuse a 'no notice' teaching observation.



It is important to know how to calculate the equivalent fraction of a full-time contract

WHAT SHOULD HOURLY-PAID STAFF BE PAID?

It is UCU policy that hourly paid-staff in FE, HE and adult education are given permanent fractional standard contracts – or indeed full-time standard contracts, since some ‘part-timers’ do full-time hours or more.

The correct rate of pay can be determined by working out what proportion of a full-time job is being carried out and paying accordingly. There is advice on how to do this on the UCU website:



<http://bit.ly/gP9de2>

If you don't know your grade, ask your human resources department. If large numbers of hourly-paid staff are not on an identifiable grade, it could be a collective issue, and you could approach your branch or regional official to discuss how to tackle this.



What **YOU** said

It is important to know how to calculate the equivalent fraction of a full-time contract. Besides helping in negotiating a fractional contract it also affects your eligibility for fee reduction when you decide to take a postgraduate degree.

Where staff remain on hourly-paid contracts there needs to be a proper mechanism for determining the hourly rate of pay that meets the objective of equal pay for work of equal value.

Once an appropriate hourly rate is established it is equally important to ensure that pay is provided for all hours worked. If you are paid a comprehensive rate for teaching you need to know how many hours are added to each paid teaching hour for associated duties. Again, if you are unsure, ask – or ask your UCU branch to ask for you. You need to know what duties you and your colleagues are expected to carry out for each hour's pay. You then need to look at the actual amount of work you do. Are you being paid for all the hours you work – including time spent on preparation, marking, student support, administration, training, and attending meetings?

Working for more hours than you are paid not only leads to unequal pay and unfair treatment but can also affect your work-life balance and cause stress.

The part-time worker regulations (see page 12) were used by UCU member Sue Birch to challenge her hourly rate of pay. Sue was doing similar work to that of a full-time lecturer, but earned £10,000 less than her full-time colleagues. Sue's employer, Leeds Metropolitan University (now known as Leeds Beckett), settled the case after the court agreed that Sue could compare herself to a full-time lecturer. She was awarded compensation and offered a full-time permanent contract.

What **YOU** said

Keep a time sheet for all administration, preparation and marking. Inform your course leader if the work cannot be done in the hours allocated to you.

It wasn't made clear about the amount of preparation I would have to do on top of the student contact time; also the amount of marking. It was assumed that I would attend meetings to sort out the overall programme for nothing.

Students and full-time colleagues assume that we will respond immediately to emails etc whereas we are only contracted to and paid for that particular course for perhaps three hours per week, and have other commitments elsewhere and very little administration time.

If you are working more hours than you are being paid for, contact your UCU branch. Chances are there will be others in the same boat and the branch may be able to take it up as a collective issue.

Pay rises awarded to hourly-paid staff are often far less frequent than those received annually by permanent, full-time members of staff. Even where national agreements have been reached on the annual pay award these do not always get applied locally to the hourly rates of pay.

Ask your branch to request written confirmation from your employer that any nationally agreed pay awards will be reflected in an increase in the hourly rate of pay.

Incremental progression through a pay grade is also often denied to hourly-paid staff. Again, if your pay does not provide for incremental progression, raise it with your UCU branch.

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Other terms and conditions

Hourly-paid staff should be provided with terms and conditions comparable to staff carrying out broadly similar work.

Under the *Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000*, part-time workers have the right to be treated no less favourably than comparable full-time workers. Less favourable treatment does not only apply to contractual terms, but to any benefits offered to workers.

This means that part-time staff should be entitled to the same equivalent hourly rate of pay, sick pay, maternity pay, parental leave, holidays, access to IT facilities, staff development and training enjoyed by full-time staff.

The employer may try to justify any difference in treatment between you and your full-time colleagues so you need to identify a comparable worker (ie someone carrying out broadly similar work).

The legislation does give you the right to challenge such difference in treatment and if you think this may apply to you, contact your branch.

Remember, you are unlikely to be the only person affected, so find out if any of your colleagues are being treated in the same way. More information on the regulations can be found at:



<http://bit.ly/ftvtqK>

In *Sharma v Manchester City Council* the regulations were used to challenge the ability of the employer to reduce the hours of one group of part-time workers to make cost savings. Other groups of part-time staff were not so affected and the employer sought to argue that being part-time was therefore not the reason for the less favourable treatment and therefore the regulations did not apply. The tribunal disagreed, ruling that being part-time

need be only one of the reasons for the less favourable treatment to trigger the regulations.

Like the legislation for part-time staff, the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 also prohibit less favourable treatment unless it can be objectively justified. This time, the comparator is an employee doing similar work on a permanent contract. For more information on using these regulations to challenge less favourable treatment please see:



<http://bit.ly/ePqmLJ>

It is difficult to imagine what sort of less favourable treatment might be justified and if you think the regulations apply to you please contact your branch to discuss it with them.

Hourly-paid teachers had no vote and no voice in an election for a member of teaching staff to be a college governor at Gateshead College in July 2008. UCU HPL members protested to the governors and contacted UCU.

The governors took legal advice. There had been no intention to exclude people on zero-hours contracts. The election is to be re-run for other reasons, and this time all current teaching and training staff will have a vote.

Equal pay provisions include any aspects of your terms and conditions that affect pay including holiday entitlement and overtime payments.

There is also a positive duty on colleges and universities to promote equality in relation to race, disability, gender, age, gender reassignment, pregnancy and maternity, religion and belief and sexual orientation. Your institution is legally obliged to address the need to eliminate discrimination, harassment and victimisation as well as advancing equality of opportunity. The specific duties of the PSED (Public Sector Equality Duty) differ in Scotland and Wales. The legislative framework in Northern Ireland is also different. Please check the UCU guidance.

There is also a duty to annually report on gender pay gaps on all employers with least 250 employees.

Because women and BAME staff are often disproportionately employed on hourly-paid contracts, these equality duties can be useful in challenging the treatment of hourly-paid staff.

UCU has produced information and guidance on equality issues at:



<http://bit.ly/f4AjcU>

Other useful resources

Black Members Survival Guide www.ucu.org.uk/blackmem

UCU's reasonable adjustments guide for disabled workers

www.ucu.org.uk/2306

HOLIDAYS/HOLIDAY PAY

Workers are legally entitled to 5.6 weeks paid holiday a year. This includes agency workers with irregular hours and workers on zero-hours contracts. However an employer can include bank holidays as part of the statutory leave entitlement. For full-time staff this amounts to 28 days a year. For part-time staff, this would be calculated pro-rata.

For part-time and hourly paid staff, holiday pay is often paid in lieu of taking paid holiday. If your employer does this, they **MUST** clearly show what proportion of your pay is holiday pay or risk breaching the law. This must be calculated against a legal minimum of 12.07% of your pay over a working year. If your contract or your payslip do not make clear what proportion of your pay is holiday pay, contact your branch officers for advice.

However, hourly paid staff should get the same holiday entitlement as full-time salaried staff doing comparable work. Such staff are likely to have more than the statutory holiday entitlement.

As mentioned above, if hourly-paid staff are provided with less holiday (or are paid a rate which equates to less holiday) than other comparable staff on full-time or permanent contracts, or with other staff carrying out work of equal value, then this can be challenged.



What **YOU** said

I am rarely paid to attend meetings, get no holiday/retainer pay and only get paid for a limited amount of training.

FACILITIES

A common concern for hourly-paid staff is that they get very little access to facilities afforded to other staff. One UCU member couldn't even use washrooms because only permanent members of staff had security passes which enabled access. Staff need to know what facilities are available and be given the support they need to do their job properly.



Without travel allowances some jobs are not feasible for hourly-paid staff

Such inequality of treatment should be raised with your branch – they may not know about the poor treatment of hourly-paid staff if no such members are active in the branch – so please let them know.

What **YOU** said

Not being given keys unless you teach a certain number of hours a week leads to students waiting in the corridor while teachers look for someone with a key, affecting the crucial first minutes of a lesson.

TRAVEL ALLOWANCES

Whereas some staff will be entitled to travel allowances, hourly-paid tutors often don't get any contribution towards travel.

It is important that allowances paid to full-time and or permanent staff also apply to hourly-paid staff. If that is not the case at your institution please contact your branch for advice.

What **YOU** said

Hourly-paid workers, typically on very low pay, need to have their travel costs paid for by their employer as they can be a substantial portion of their pay – sometimes making work unviable.

CALCULATING LENGTH OF SERVICE

Length of service is often important in determining what you are entitled to, so it is important that you know how it is calculated.

All consecutive periods of employment at an institution must be counted in calculating total length of service. It doesn't matter if you have changed departments or jobs within that period, as long as you have been working for the same institution.

An employee may be regarded as having been continuously employed even where there is a gap between successive contracts (for example, the summer months). Whether or not service is regarded as continuous in such cases would have to be determined on a case-by-case basis.

Length of service is particularly important in determining whether an employee is entitled to redundancy pay and how much they are entitled to.

For those in post-92 universities and FE colleges, unbroken previous service in other post-92 institutions, FE colleges and some schools may count towards the overall length of service for the purpose of redundancy payments.

Staff who have been transferred to a new employer under TUPE will also have their service with their old employer preserved.



All consecutive periods of employment at the same institution should be taken into account when calculating length of service



Job security

Hourly-paid staff are often on fixed-term contracts which run for only one academic year or on contracts that provide no guarantee of work from one year to the next.

As such, hourly-paid staff are often unsure if there will be more work at the end of summer. Even if there is, they will often be given very little notice.

Changes to contracts or working patterns are often made without consultation about the classes to be taught or the hours to be worked. Institutions depend on hourly-paid tutors, but hourly-paid tutors cannot depend on the institutions to support them and many have to hold down more than one job.

The use of fixed-term contracts, contracts that guarantee no hours (zero-hours contracts), and term-time only contracts mean that there are periods when hourly-paid staff aren't getting any pay.

The worst time is usually the summer months when sessional hourly-paid staff often receive no money for three months or more. This can cause financial difficulties when there are bills to be paid.

What **YOU** said

One of the most stressful factors is that contracts are only signed at the beginning of the academic year. This leaves a stressful period of uncertainty over the summer months.

It is a priority for UCU to improve the security of hourly-paid staff with a major objective of getting hourly-paid staff onto pro-rata permanent contracts. Speak to your branch about any local campaigning in this area – be prepared to offer to help in any local campaign in whatever way you are able.

In many post-92 universities, hourly-paid staff have been assimilated to the pay spine on permanent pro-rata contracts.

At Northumbria University all those with more than 80 hours formal scheduled teaching a year, or whose work is likely to continue beyond one academic year, must be offered the option of employment on a fractional lecturing contract.

Campaigns at Capital City Group led to an agreement on conversion to fractional contracts for staff with two years' service teaching at least 12 hours a week.

At Newcastle College (part of NCG) the agreement negotiated with UCU means that staff will be moved from zero hours contracts after a maximum of eight weeks and will be made permanent after a maximum of two years.

At Edinburgh University UCU has negotiated for the transfer of staff to fractional contracts if they have worked more than 0.2 FTE over the previous two years. The university have also agreed to phase out 9/10 month contracts by the start of the 2020/21 academic year.

Industrial action at Bradford College led to an agreement to offer pro-rata contracts to all hourly paid teaching staff after two years' service.

And we are continuing the campaign and negotiate with a range of employers in both FE and HE.

What **YOU** said

I moved onto a fractional contract with the support of my union and then HR transferred all colleagues in my position to pro-rata contracts.

Even when teaching resumes in September, hourly-paid staff can be told at short notice and without being given a reason that their class is being taught by someone else and that their hours are being cut.

What **YOU** said

Classes I had been teaching successfully for three years were taken from me by less experienced colleagues.

When budget cuts occur we are the first to suffer and are rarely told in advance.

Many hourly-paid staff are also on fixed-term contracts. These are contracts with a specified end date.

The European union sought to limit the abuse of issuing successive fixed-term contracts and, in the UK, this led to the *Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002*. The regulations provide for employees to regard their position as permanent if the following conditions are met:

- the employee is on at least their second contract with the same employer or the contract has been previously renewed, and
- the employee has at least four years' continuous service, and
- the use of a fixed-term contract is not justified on objective grounds.

The four years' continuous service must be with the same employer.

It does not, however, affect your rights if you have worked in different departments or had changes to your contract in that period.

Some breaks in service may be regarded as a temporary cessation of service and not a break in contract. This will be determined on a case-by-case basis but seek advice from your branch or regional office if you think this may apply to you and your colleagues (for example, if your contract terminates every June and a new one is issued every September).

Whether or not the use of a fixed-term contract is justified on objective grounds will be determined for each individual case. The regulations do not define 'objective justification', leaving this open to interpretation by employers.

It is important to be aware that your right to a permanent contract will not tackle poor terms and conditions. Also be aware that having a permanent contract is not a protection against redundancy. However, securing a permanent contract can be a positive first step in improving the security of your employment.

If you believe that you have the right to a permanent contract you can request a written statement from your employer that your contract is no longer fixed-term and that you are now a permanent employee. For more details and a pro-forma letter see:



www.ucu.org.uk/stampout

However, members are advised to talk to their branch before acting. A campaign supported by all members of the branch and fronted by branch officers on behalf of all hourly-paid staff – who are actively informing the branch and asking them to do this – would be the best way forward.

In 2008 the UCU won an important tribunal case (*Ball v Aberdeen University*) where the tribunal found, that fixed-term funding, for example, from a research council, could not be used as a blanket objective justification for the use of fixed-term contracts beyond four years.

AVOIDING DISMISSAL

When any contract comes to an end, even a fixed-term contract, there will have been a dismissal for the purposes of statutory employment law. When an employer dismisses an employee it must be for a fair reason.

Redundancy is, in law, a fair reason for dismissal. However, selection for redundancy should not be based purely on your contract type and the employer must meet their legal obligations to consult.

If the work done by the person made redundant in fact continues and is being done by someone else, there may be an argument that this was not a redundancy, and therefore possibly an unfair dismissal.

The employer has a duty to consider ways of avoiding employee redundancies – for example by looking for redeployment opportunities for staff. It is worth identifying any current or upcoming vacancies that you believe you could slot into rather than be dismissed.

It is important, if your contract is coming to an end, to talk to your branch as soon as possible.

If you have been working for two years, and your contract ends without any written guarantee of future employment you may be entitled to redundancy pay, or to genuine attempts at redeployment, or in some cases a tribunal claim.



Employment rights

Universities and colleges use a variety of different forms of contract to pay their casualised staff. While many are employees, others will be classed as workers, agency workers, or even self-employed.

This is important because different classes of workers have different employment rights. This is a complex area but in basic terms employees have the most employment rights, workers have fewer and self-employed have the fewest.

A COMPARISON OF RIGHTS OF EMPLOYEES AND WORKERS

Rights available to workers

- wages (covered by national minimum wage legislation)
- hours of work stated, including working time and rest breaks
- annual leave
- an itemised payslip
- information about deductions allowed from wages
- health and safety rights
- sick pay
- terms and conditions
- the right not to be refused work because of union membership
- the right to be accompanied to a discipline or grievance meeting by a co-worker or a trade union rep of your choosing
- legal protection from being badly treated for speaking out about conditions of work (whistle blowing)
- the right, as a part-time worker, to be treated no less favourably than a comparable full-time worker

Rights available to employees

Employees have all the rights of workers plus the following:

- the right to statutory minimum notice or notice pay
- protection from unfair dismissal
- parental leave rights
- the right to request flexible working
- the right, as a fixed-term employee, to be treated no less favourably than a comparable permanent employee
- the right to a permanent contract after four years
- various statutory rights to time off including for trade union duties and training where a union is recognised
- medical suspension pay
- protection in a TUPE transfer
- important implied contract terms such as the duty of mutual trust and confidence
- redundancy rights and pay.



If you are considered to be self-employed you have far less rights in law than an employee

HOW DO I KNOW IF I AM AN EMPLOYEE OR A WORKER?

Employment tribunals have helpfully established that the real test of whether you are an employee or a worker is not just what it says on your contract. It is what it says on your contract, taken together with the reality of your working relationship. Employers sometimes write things into contracts to attempt to class people as workers who in fact have employee relationships.

In order to ascertain whether someone is a worker or an employee, a court would take into account a range of factors about your working life, including:

- the extent to which the employer decides what tasks the individual does and how they do them
- the extent to which the individual is part of the organisation
- the extent to which the employer is required to offer the individual work and whether they are expected to do it
- whether the individual can decide when they do the work
- whether they can send a substitute to do it in their place
- the extent to which the individual bears any financial risk.

If you are in any doubt about whether you are an employee or a worker and what rights you have available to you, contact your local rep in the first instance for advice.

Kaye Carl fought a long case for employment rights and succeeded in demonstrating that, although on a contract for services, she was in fact an employee. For more information, see:



<http://bit.ly/fRY24p>

It is UCU policy to ensure that staff undertaking work for an institution are issued with a contract of employment which offers them the maximum legal protection.

If you are unsure about the type of contract you are on please contact your branch for advice. You might find the government advice on this useful:



<http://bit.ly/ht2vMO>

Hourly-paid lecturers employed as agency workers in further education are likely to be asked by the agency to sign a contract to provide services and are regarded by these agencies as self-employed. These agency staff are likely to be regarded as workers under UK law. UCU policy is for agency workers to receive equal pay and employment contracts.



Part of the academic team?

As has already been stated, hourly-paid staff are extremely undervalued. The unequal treatment they receive is evidence of this as is the fact that they are often the first to be dismissed when cuts are made. This may well be counter to the legislation concerning rights of part-time workers' (see page 12). It is contrary to legislation to select for redundancy on the basis of having a part-time (or fixed-term) contract.

What **YOU** said

Institutions depend on hourly-paid tutors but hourly-paid tutors cannot depend on the institutions to support them.

The main problem was feeling like a second-class citizen. Even though I had been there longer than most of the full-time staff I felt that I was treated completely differently to the people I was teaching alongside.

The above quotes demonstrate the frustration felt by hourly paid staff. However, these staff are valued by UCU and are an important part of our membership.

We have a national Anti-Casualisation Committee on which a number of hourly-paid members sit and an annual meeting for staff on casual contracts.

Tackling casualisation, including the use of hourly-paid contracts, has been a priority for the union for many years.

Past experience shows us that whenever jobs and conditions are under attack, as they surely are at the moment, it is staff on casualised contracts who are likely to bear the brunt of the onslaught. This makes it all the more important that the voice of staff on fixed-term and hourly-paid contracts is heard in our union, and that the concerns of casualised staff are kept at the forefront of our campaigning agenda. Alan Whitaker, former UCU President

It shouldn't be too difficult to make hourly-paid staff feel included yet many institutions fail to address this issue. This makes staff feel excluded and uninformed about their institution.

What **YOU** said

I was never invited to meetings or put on the mailing list for minutes. I never felt well informed on any subject to do with the university, and found out most of what was going on from the students.

If decisions are made you may not be told until you walk in on the day and changes have been made without you; it can feel very isolating at times.

That is why it is so important to have a strong union in your workplace so that you can receive support from colleagues and have the backing of a national union. Most importantly, this gives you the means to join together to collectively take steps to improve your employment conditions.

In addition, members have made some suggestions to help hourly-paid staff assert their rights to be treated as professional members of their team.

Several members emphasised the importance of training to developing their careers in teaching. As the popularity and funding of subjects can vary, some members suggested diversifying to increase the chances of continuing to be employed. Another tip is to focus on the principles of education and why you teach. By taking an interest in new developments and attending meetings, you will get yourself known, build up contacts and this can only benefit your career.

What **YOU** said

Assume that you are included unless someone specifically tells you otherwise – I missed out on lots by assuming the opposite. It is worth asking for more pay when asked to do more.

Join a union – for support, information and a network. By being active you can gain skills, knowledge and contacts. Make sure your students know that you teach part-time and what your world is like. Often they won't have realised that you are part-time, so subtly let them know.



Health and safety

Your employer has a legal responsibility for your health, welfare and safety. You should have a safe, healthy and adequate workspace that takes into account seating, lighting, ventilation and temperature. You are entitled to a rest break of at least 20 minutes if you work more than six hours at a stretch and to an annual period of paid leave. See:



<http://bit.ly/i324uy>

Your employer's responsibilities for your health extend beyond your physical environment to include your mental well-being. They should ensure that you are not at risk of stress-related illness – for example as a result of overwork. If you feel you are at risk, please see your doctor. Notify your local branch as they often advise members who are suffering from stress. Your employer should also provide support. The Education Support Partnership can also offer advice. See [page 44](#) of this guide.

BULLYING

Bullying can take a number of forms but the effect on people's lives can be severe. Hourly-paid staff can be dependent on a particular individual for work and this can lead to a culture of bullying and make it difficult for hourly-paid staff to complain.

If you think you are being bullied seek support from your union and make notes of any incidents. Your employer has a duty of care towards you to ensure that you are treated properly at work. If you are being bullied or know of someone who is, see the health and safety section of our website:



www.ucu.org.uk/safemembers



What YOU said

Management bullies can vent their nastiness on HPLs because they know they can be disposed of at a moment's notice if they complain.



Pensions

It is never too early or late to think about your pension. It is difficult when you don't earn much, so think carefully before you make choices and seek advice. UCU members can get a complimentary consultation with Lighthouse.



<https://www.ucu.org.uk/financialadvice>

STATE PENSIONS

UK state pension depends upon National Insurance contributions, they also count for sickness benefit, parental pay and unemployment benefit. Individuals who work in more than one post have their national insurance applied to each job and, if they do not reach more than the appropriate earning threshold of £166 per week in 2019/20, they will not be building any earned service to credit their national insurance account.

National Insurance Credit is available – you might be eligible for National Insurance credits, for example if you're on Working Tax Credit, Universal Credit or Carer's Allowance, or claiming child benefit for a child under 12. This will count both toward your state pension.

You will need 35 years contributions to obtain a full state pension, but after you have 10 qualifying years, whatever contributions you have will be used to provide some state pension.

The Department of Work and Pensions (DWP) should contact you if you have a broken contribution record and you can purchase a voluntary contribution that will count toward your state pension. If you are not sure how much pension you are likely to get, you can ask for a forecast.

WHEN CAN I DRAW MY STATE PENSION?

Currently the pension age is 65 moving to 66 in October 2020. By April 2028 it will have moved to 67. For men and women born after 6 April

1970 the state pension age is rising further so check your state pension age on:



<https://www.gov.uk/contact-pension-service>

STATE PENSION

There is a single state pension. There is only one pot and it will not be less than £168.60 per week. But not everyone will get this.

You will have to have 35 qualifying years to get the full amount (up from 30 years) and you will have to have at least 10 years to get any pension (up from one day)

OCCUPATIONAL PENSIONS

Depending on the size of your employing institution and your earnings, you may be auto-enrolled into a pension scheme. In Post-92 universities this will be Teachers' Pensions or Local Government Pension Scheme in the main, possibly USS in the pre-'92 sector.

Your pension scheme will be indicated in your contract of employment. If you are intending to remain in education for longer than two years it is well worth ensuring you are a member of the main scheme. Remember, your employer pays contributions of at least 20.7% of the value of your salary in the core schemes. Some hourly-paid staff in the pre-'92 sector will be in other schemes because they are on short contracts as less than two years in a defined benefit scheme like USS, TPS or Scottish Teachers or LGPS, generally means a refund of contributions.

Many university employers offer salary sacrifice but if you are likely to end up with two years service you would lose any contributions. If you pay normally with less than two years service you will be offered a refund of your contributions or service without employer contributions. This is because of rules around all such defined benefit schemes. UCU are trying to work with the schemes to improve this situation.

In some occupational schemes your benefits on retirement will be less if you are hourly-paid than if you are paid on an equivalent fractional

contract. That is another reason that UCU is campaigning for all part-time staff to be offered suitable fractional contracts.

However, if you are employed via an agency, you are not eligible to join any occupational pension scheme in teaching.

NOT EARNING MUCH?

Even if you are not earning much it might be well worth paying into your occupational pension scheme.

Not only will you be building a pension, but there is also a life insurance element. If you are eligible for the Teachers' Pension it is three times your full-time equivalent salary – not three times your earnings.

In Teachers' Pensions and LGPS, the contributions are based on tiered contributions related to the full-time equivalent salary, so you may pay different contribution levels on different employment. At the moment USS contributions are 9.6% for all.



If you are intending on working in education for longer than two years it is well worth being a member of your employer's main scheme





Particular groups

PART-TIME STAFF IN FURTHER EDUCATION

A national agreement reached with the employers' body, the Association of Colleges, on the employment of part-time employees in further education should ensure that colleges meet the requirements of the part-time workers regulations. See:

 <http://bit.ly/fGzTg7>

National agreements must be agreed and implemented locally at a college. Branches are encouraged to gain further improvements on the national agreements where possible, so it is important to check the details of any agreements and policies in your college with your branch officers.

The national agreement on part-time staff in FE colleges in England recommends the use of fractional contracts of employment (in other words, a contract where pay and conditions of service are expressed as a fraction of those received by a comparable full-time employee) for all part-time work. If they don't, contact your branch for advice. We have had many successes in moving staff from hourly paid (sometimes zero hours contracts) to full time or fractional contracts as part of our strategy of submitting 'Part 2' local claims in FE colleges. For some examples please see:

 <https://www.ucu.org.uk/socc-casestudies>

We have separate bargaining arrangements in FE in Wales and Northern Ireland.

In Wales we have a Joint Agreement for the Employment of Part Time Hourly Paid Lecturers; see:

 <http://tiny.cc/8wwbjz>

The joint agreement in Northern Ireland can be found at:



<http://tiny.cc/3dxbjz>

HOURLY-PAID STAFF IN HIGHER EDUCATION

Since the introduction of the Framework Agreement in 2004, hourly-paid staff posts should have been subjected to the same role analysis and job matching process as non-hourly-paid staff, and should be paid on the same grade. Since that time, local UCU branches have been trying to negotiate for the conversion of hourly-paid posts to permanent fractional positions with proper career progression and annual increments.

In Brighton, the UCU branch negotiated for the conversion of hourly-paid lecturing contracts to fractional contracts in all but specified cases.

At Hull University the branch got agreement that an offer of a permanent contract would be made for any member of staff on a fixed-term contract with three years' service unless there was objective justification to continue using a fixed-term contract. This would be fractional for hourly-paid staff.

In Sunderland University there was recognition of the need for comparable holiday pay that fully takes account of leave entitlement, bank holidays and closure days.

At the University of East London the branch secured agreement that where contracts are converted to fractional contracts, the comparator for working out the appropriate fraction will be the 550 hours teaching requirement of full-time staff.

However, we need to remain on guard against attempts to introduce permanent zero-hours or near-zero-hours contracts, sometimes called bank contracts, as part of this process. These types of contracts enshrine casualisation by allowing the employer to take away or reduce work while removing the teacher's right to claim unfair redundancy or unfair dismissal. In some cases these bank contracts also deny employee status. UCU has a clear policy against all these types of contract.

At Sheffield University we have reached agreement that all scheduled teaching will be carried out by staff on an employment contract.

There is a national ratification panel for the assimilation of hourly-paid staff to the pay and grading structures, one member of which is elected by the Anti-Casualisation Committee.

ADULT AND COMMUNITY LEARNING

Adult and community education (ACE) covers a wide range of learning designed to help people gain a new skill, get back into learning, develop their interest in a subject and prepare for higher level study. Designed to be accessible to people of all backgrounds and abilities, this type of learning is often non-accredited which means that learners are not working towards a formal qualification.

Also referred to as community learning, it is primarily delivered by further education colleges, local authority education services, and voluntary and community organisations, and is funded through the adult skills budget.

Not only has the budget for adult skills has been cut in real terms since 2009, the removal of the ring-fence for community learning means that it now has to compete with government priorities such as apprenticeships.

Adult and community learning services based in local authorities are also under pressure from cuts to local authority funding.

UCU ACL branches typically cover a local authority area and include full-time and fractional salaried staff and hourly-paid part-time tutors. Most teaching in ACE is undertaken by part-time tutors. Many of these are at risk of having work cancelled at short notice and having not guaranteed income. There are no national salary agreements or conditions of service. UCU ACE branches negotiate these at local level with the assistance of UCU regional officials.

We have managed to negotiate some agreements for ACE members, for example, at Leicester City Council we have an agreement that temporary and sessional tutors will, although paid by the hour, will be treated in the same way as fractional Tutors when it comes to contractual rights and obligations, including holiday entitlement, sick pay and professional development time. The agreement also provides for some level of compensation for cancelled classes.

POSTGRADUATES EMPLOYED BY THEIR INSTITUTION

Thousands of postgraduate students are employed in higher education, usually in teaching roles. It is important that they are treated in the same way as other employees and are fully supported as members of staff.

UCU – in conjunction with the National Union of Students (NUS) – has revised the Postgraduate Employment Charter and Good Practice Guide which can be found at:



<http://bit.ly/hpBFT2>

The charter affirms that postgraduates who are employed at their place of study, even if for only a few hours per week, are undertaking a professional activity which is an important aspect of continuing professional development. Post-graduates are members of staff and must be integrated into the social and academic life of departments as valued colleagues and members of a professional community.

They should be assimilated to the pay and grading structures along with other hourly staff and paid at the appropriate point on the scale.



Agency staff often don't have ready access to basic office equipment such as computers and photocopiers

AGENCY STAFF

Hourly-paid staff employed through employment agencies often experience the greatest insecurity of all hourly-paid staff – not knowing from day to day when or where they will be working.

UCU believes that staff should only be employed through employment agencies in very limited circumstances to provide emergency short-term cover for unplanned absences. In all other circumstances staff should be provided with work through a contract of employment directly with the institution.

However, many colleges, and some universities, rely on agencies. Their terms and conditions are very different from those of hourly-paid staff with direct employment contracts. Agency workers either have – or feel as if they have – two contracts, one with the college and one with the agency. Many have to pay for their own insurance, CRB check and CPD. Often they won't have straightforward access to basic office facilities.

What **YOU** said

Agency contracts are very vague – ‘required to do what the college stipulates’ – without saying what those stipulations are.

I would not encourage anyone to work through an agency. I do not see any advantages. In fact I have two lots of contractual obligations, with the college and with the agency. I have all the usual deductions made for tax and NI, but I also have to pay for my own professional indemnity insurance and annual CRB check. The systems between the college and the agency are inefficient and I am always the loser, the one in the middle.

The Agency Workers Regulations offer some protection though there are problems with the definition of who is covered by the regulations.

Agency workers are entitled to all the basic statutory rights and benefits of workers. The Agency Workers Regulations give agency workers ‘day 1’ rights. These give access to facilities and amenities provided for directly employed workers such as access to the canteen or childcare, and information on job vacancies at the hirer’s workplace. After 12 weeks in the same job with the same hirer, there are equal treatment entitlements. These include key elements of pay (basic pay, overtime, holiday pay and unsocial hours payments) and annual leave. However the right to equal treatment with directly employed staff does not extend to contractual sick pay, pensions, maternity, paternity or adoption pay or redundancy pay.



www.ucu.org.uk/index.cfm?articleid=3809





Getting involved

We include below a number of suggestions for achieving change. However, hourly-paid staff can feel quite vulnerable – especially if management views them as union activists. It can be a good idea to work within your UCU branch where you are less visible but can still achieve positive improvements:

1. Join UCU. Find out who the representative is for hourly-paid, or fixed-term, or postgraduate staff and get in contact with them. There will often be a university-wide committee for hourly-paid or fixed-term staff that you can join for support.
2. Find out who the UCU rep is in your department. They can help you locate other allies in the department.
3. Decide if the conditions you want to improve at your work affect only you, or a wider group of people. If they only affect you, UCU can support you through a personal case, if you decide to take that route.
4. If the conditions affect a group of staff, then it is important to talk to as many affected people as possible. The UCU branch can help you make posters and organise a meeting. You may want to invite the department rep or other members of the local committee to show people the support that they have.
5. If you are one of only a few UCU members in your group of staff, advertise the meetings as UCU meetings to which everyone is invited. At the meeting, explain that UCU is supporting this campaign and can negotiate with the FE or HE institution concerned. Encourage people to join UCU and circulate copies of this guide.
6. Seek the support of UCU members on permanent contracts. Often they will not know how bad the situation can be for hourly-paid staff. Their own terms and conditions are being undermined by keeping you on inferior contracts.

7. Put a motion to a general or branch meeting. At Newcastle University, hourly-paid members gained support by reporting at a general meeting on the various problems they faced as hourly-paid teachers.
8. Seek the support of staff on fixed-term but not hourly-paid contracts, eg researchers, or lecturers on two- or three-year contracts. They are your natural allies. Offer support for their campaigns on their issues.
9. Ask the branch officers to call a meeting of fixed-term, hourly-paid and agency staff. At the meeting, elect delegates to UCU's annual meeting of staff on casual contracts.

You can also pass motions to send to the annual meeting – this gets the issues heard at national level. The delegates put the motions and their expenses are paid by UCU.

A third thing you can do is nominate a candidate for the national Anti-Casualisation Committee. Their annual meeting is usually in February or March. Find out more on the UCU website and ask your branch committee to help. It is important that the meeting is called officially by the branch so that any members on casualised contracts can attend.

10. Ask for a UCU hourly-paid group or anti-casualisation group to be officially recognised within the branch, and meet on a regular basis.
11. Stand for the branch committee or canvass support for other hourly-paid members of UCU to be elected. Ask for a position of hourly-paid rep to be officially included in the list of positions on the committee.
12. A survey is a good way of getting people involved. Ask hourly-paid colleagues to calculate the number of hours they put into teaching compared to the hours they are paid for (or where preparation and marking is bundled into an hourly rate, the equivalent hourly rate). They will often be shocked at the results. Compare the hourly rate staff are paid to the salary of those doing the same job in other parts of the institution.
13. Distribute information about the work UCU is doing to challenge casualisation such our 'Making a Difference' stories on our 'Stamp Out' campaign pages:



<https://www.ucu.org.uk/stampout>

- 14.** If people want to campaign about a particular issue (eg grading, pay or training), find as many allies as you can. Ask UCU contacts in your department to help make your case to course co-ordinators and department heads. In many cases they will be very sympathetic and want to help, and are acting under guidelines and restrictions set by HR departments or those much higher up the administrative ladder.
- 15.** Often the student union can be an ally, particularly where post-graduate student staff are concerned. They will also be supportive if you are campaigning on issues that affect the quality of education that students receive – for example the number of students in classes or tutorials, or if hourly-paid teachers are being denied staff development on the same lines as other members of staff. Student union officials often sit on committees that oversee the quality of education.
- 16.** Your UCU branch is likely to have regular meetings with your management to discuss the pay and conditions for all staff. Because of the vulnerability of hourly-paid staff, you may prefer to be active in the union and allow the branch officers to front the negotiations with management. In some situations hourly-paid reps may prefer to be directly involved in negotiations to improve their employment conditions.
- 17.** Your UCU branch can support you in filing a collective grievance against the university. Collective grievances have been very effective in improving pay and conditions for hourly-paid workers. At Tower Hamlets the branch used a collective grievance procedure to secure fractional contracts for their hourly-paid members.

FINDING HOURLY-PAID STAFF

Some of the above points require knowledge about where hourly-paid staff are located, how to recruit them and what types of meetings might be more successful.

A recognised union has the right to know who its potential members are. Ask your branch to ask your employer for contact details of hourly-paid staff. A model letter can be found here:



<http://bit.ly/gK9Klq>

At Glasgow University the branch, and in particular the postgraduate members, have been working with their branch development organiser to recruit and organise hourly-paid staff and to negotiate improvements to the working conditions for graduate teaching assistants. They have held stalls, run a petition, held a number of general and departmental meetings and have organised meetings with management and HR. This has led to some improvements for postgraduates.

Some employers struggle to produce an accurate list or any list at all. You might need to ask each department. Or the branch can say that they understand the list will not be fully accurate but would like to see it as a guide, and can offer to help the institution correct it.

In HE there are often large numbers of hourly-paid staff teaching English for academic purposes, other languages, lifelong learning classes and education. In FE, they are especially concentrated in certain curriculum areas, particularly basic skills and ESOL (English for Speakers of Other Languages). Try asking your members for information on hourly-paid colleagues.

RECRUITING HOURLY-PAID STAFF

Some staff on casual contracts will not have easy access to email so maildrops can be useful. Use posters and word-of-mouth invitations to invite staff to meetings, especially until the branch can obtain a list of hourly-paid staff and others on casualised contracts. There are materials on the Campaigns/Stamp Out part of the UCU website which can be adapted for local use:



<http://bit.ly/f3r878>

PROBLEMS WITH MEETINGS

Many hourly-paid and other casual staff are in the college or university part-time and are occupied with teaching when they are there. Some teach at the times other teaching staff and lecturers do not, eg lunchtimes, Wednesday afternoons, evenings. Some will hesitate to be seen going to a UCU meeting in their department.

IDEAS FOR MEETINGS

- Have an advertised drop-in session in a college or university café over several hours.
- Where the departmental management is sympathetic, attend a departmental meeting or training day and give a presentation.
- Ask UCU departmental reps to speak to hourly-paid staff and other staff on casualised contracts.
- Ask UCU department reps to call a meeting for staff on casualised contracts and make it clear that management supports the meeting.
- Alternatively, hold a meeting away from the department.
- Find out when activists can come to a meeting and arrange it for that time, inviting other staff on casual contracts as well.
- Hold the same meeting at consecutive hours, eg 12 noon, 1pm, 2pm.



Summary

However if teaching is your passion then go for it. Many lecturers have said how rewarding the actual teaching is and, despite the difficulties, they make a real success of it. But it often takes collective union effort to make sure that hourly-paid staff are being treated properly, and an active group of hourly-paid members within the branch can do a lot to inform and encourage the officers who negotiate with management, even if you do not get directly involved in negotiations.

The law provides you with rights but legal remedies are a last resort and issues are best dealt with at local level first by experienced UCU branch officials. That is why it is vital to have a strong local union to ensure laws and agreements are implemented and members are supported.

Where we are organised we aim to negotiate agreements with the local employer to establish equal pay for work of equal value and equal treatment for part-time staff. These issues can be resolved. Hourly-paid staff should be converted to pro-rata contracts, receive good administrative support and have facilities necessary for the job.

Being made to feel part of the team is vital. Being included in all communications and the infrastructure can easily be achieved with commitment from management. This would prove that hourly-paid staff like yourself really are valued and provide a long overdue reward for your commitment. Change is achievable and will benefit staff, students, the institution and wider society. However change is far more likely to occur if you are active in the union and help in whatever way you can to make it happen.

HOW COULD WE IMPROVE THIS GUIDE?

We are keen to make the next survival guide for hourly-paid staff even better. What else should be included? Which parts would you like to see improved? Please email: anticasualisation@ucu.org.uk

About UCU

The University and College Union (UCU) represents more than 120,000 academics, lecturers, trainers, researchers, managers, administrators, computer staff, librarians and postgraduates in universities, colleges, prisons, adult education and training organisations across the UK.

UCU is the largest post-school union in the world: a force working for educators and education that employers and the government cannot ignore.

Hourly-paid staff are a priority for UCU. There is a long-standing and urgent need for these professionals to be treated fairly. You can keep up to date with our campaigning for hourly-paid staff as part of our anti-casualisation campaign.

There is an annual meeting in London for members on casual contracts usually held early in the year. Notice about this meeting is usually sent to branches in December but you can find information on the UCU website and/or contact your local committee if you wish to attend. Delegates to the meeting can claim expenses.

To contact the Anti-Casualisation Committee, email: anticasualisation@ucu.org.uk.

JOIN UCU

If you aren't already a member, join UCU. You can then contact your local branch and ask to be put in touch with other hourly-paid members.

By joining us and getting involved, you strengthen our ability to achieve improvements. Being a member means you can have a say in how your union negotiates better conditions for hourly-paid staff. Join online at:



www.ucu.org.uk/join



Appendix 1

As a member you have access to advice and representation from experienced branch officers supported by full-time officials.

UCU provides an excellent legal service for members – covering employment rights and personal injury. We are an active, campaigning union. Local branches collectively negotiate improvements and nationally, as the voice of your profession, we make sure your views are heard by politicians and professional bodies.

We can help you in your career. UCU offers free CPD courses in a range of areas including classroom management and voice care. We also provide free downloadable guides:



<http://cpd.web.ucu.org.uk>

As a member you also have access to the services of **Education Support Partnership**, an organisation which offers support 24/7 by phone or online to all FE and HE staff and their families, including:

- confidential counselling on personal and workplace issues
- advice on stress management, and dealing with difficult people
- a needs-based grants and loans programme

All these services can be found at:



<http://bit.ly/1J4zfR1>

or accessed through a 24/7 telephone support line, on 080000 562 561 (Helpline) or 07909 341 229 (text)

However it's important to join UCU before you encounter a problem – that's why it's important to join us today. National subscription rates depend on how much you earn.



<http://bit.ly/1ldzdYc>

Most members can claim tax relief from 67% of their membership subscriptions.



www.ucu.org.uk/taxrelief

Further information

Please follow the links below for more detailed information on some of the issues raised in this guide.

UCU'S ANTI-CASUALISATION CAMPAIGN

www.ucu.org.uk/stampout

GETTING ACTIVE WITH UCU

Become a local UCU contact:

<http://btu.web.ucu.org.uk/volunteer/>

UCU MATERIALS

For anti-casualisation campaign posters, leaflets and other resources:

www.ucu.org.uk/socc_materials

WORKPLACE RIGHTS

For general information on rights at work go to the TUC website at:

<https://worksmart.org.uk/work-rights>



STAMP OUT CASUAL CONTRACTS – UCU CAMPAIGN PACK FOR FURTHER, ADULT AND PRISON EDUCATION BRANCHES

<http://tiny.cc/ni5bjz>

NEGOTIATING ON CASUALISATION IN FURTHER, ADULT AND PRISON EDUCATION

<http://tiny.cc/jo5bjz>

STAMP OUT CASUAL CONTRACTS – UCU CAMPAIGN PACK FOR HE BRANCHES

<http://tiny.cc/yp5bjz>

NEGOTIATING ON CASUALISATION IN HIGHER EDUCATION

<http://tiny.cc/cr5bjzf>

Know your rights

Being an employee means you have certain rights. We outline here your employment rights and provide links to further information:

- You should have a contract with a full statement of your terms and conditions when you start your job: www.ucu.org.uk/writtenterms
- You have the legal right to join a union.
- You should receive equal pay to other members of staff doing work of equal value.
- 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).
- You should be provided with paid leave or holiday pay.
- 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. You should have the same access to work facilities as other members of staff including computing facilities, photocopying and secretarial support. If you don't and the reason is because you are part-time or fixed-term (or hourly paid), then the union may be able to challenge your employer.
- Union negotiators may be able to get something better for you and your colleagues. Inform them and build up support in the branch for work on hourly-paid issues. You should have access to a grievance procedure if you need to make a formal complaint
- Any complaints about you or your work should be handled in accordance with an agreed disciplinary, capability or probation policy.
- 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

- You should not be discriminated against on the grounds of age, disability, gender identity, pregnancy and maternity, race, religion or belief, sex and sexual orientation, membership or non-membership of a trade union.



www.ucu.org.uk/equality

- As an employee you have the right not to be unfairly dismissed after two years in most cases but seek advice. If you are made redundant and have worked for at least two years, you are entitled to redundancy pay.
- 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

- Be aware, your right to a permanent contract will not tackle poor terms and conditions so you need to talk to your branch first.
- Using the law is always a last resort. It is often better to have a strong UCU branch that negotiates collective agreements and has hourly-paid members represented on the committee. Hourly-paid staff are vulnerable, and it may often be wise to be active within the union, but let the union front the issues to management.

