



# **Stamp Out Casual Contracts**

**A report on UCU's campaign  
against casualisation 2014-15**



## Threats and opportunities

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 the high political profile of zero hours contracts and concern about 'prestige' and 'standards' are making colleges and universities sensitive to the charge of exploiting their staff and making it impossible for them to provide a quality education.

This is the context in which UCU campaigns against casualisation in our sector.

## A voice in the political debate

UCU has been instrumental in making sure that the government's consultation over zero hours contracts had a **massive response**. We have pressed the case for eradicating zero hours contracts on every possible occasion.

UCU has met with and **directly lobbied Ed Miliband** to talk about the importance of tackling zero hours contracts.

The union also **met with Ian Mearns MP** to discuss his Private Members Bill on zero hours contracts. UCU has been highly active in supporting this bill as helping to create pressure for more robust legislation to tackle the exploitation of casualised workers.

During our recent day of action on 5 November 2014, which came two weeks before Ian Mearns's bill received its brief second reading in the House of Commons, more than **1200 UCU members wrote to their MPs** urging them to back the bill.

Zero hours contracts became a major general election issue for all the political parties. The Labour party in particular hardened its position during the campaign, coming out in support of the position advocated by Ian Mearns's private members bill.

The news that **the number of zero hours contracts being reported to the Office for National Statistics has gone up again, now to 744,000** has helped ensure that the British economy's reliance on low paid, casualised and precarious employment will stay in the spotlight in spite of the Tory administration. The renewed debate about employment and the possibility of economic alternatives within the Labour Party provides unions with a useful opportunity to influence political discussion.

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.

## **A public profile and a branch priority**

### **Media highlights 2014-15**

***Academics fight hourly contracts: A day of action on Wednesday will highlight the poor pay and job insecurity of many staff at universities,***

Anna Fazackerly, Guardian, 4 November 2014

<http://www.theguardian.com/education/2014/nov/04/academics-fight-hourly-contracts>

***Lecturers campaign against zero hours contracts blight,*** Peter Lazenby, Morning Star, 5 November 2014

<http://www.morningstaronline.co.uk/a-45bf-Lecturers-campaign-against-zero-hours-contract-blight/#.VNOAoE2f7cs>

***A day of action for decent jobs in post-secondary education,*** Jonathan White, Stronger Unions, 5 November 2014

<http://strongerunions.org/2014/11/05/a-day-of-action-for-decent-jobs-in-post-secondary-education/>

***Why can't Britain create decent jobs? Meet the women struggling against low pay and zero-hours contracts,*** Yvonne Roberts, Observer, 14 December 2014

[http://www.theguardian.com/uk-news/2014/dec/14/why-cant-britain-create-decent-jobs?CMP=tw\\_t\\_gu](http://www.theguardian.com/uk-news/2014/dec/14/why-cant-britain-create-decent-jobs?CMP=tw_t_gu)

***We must crack down on exploitation of teachers by colleges and universities,*** Jonathan White, Left Foot Forward, 16 December 2014

<http://leftfootforward.org/2014/12/we-must-crack-down-on-exploitation-of-teachers-by-colleges-and-universities/>

***#DecentJobsWeek: Unions are scoring successes against casualisation,*** Hannah Reed, Stronger Unions, 19 December 2014

<http://strongerunions.org/2014/12/19/decentjobsweek-organised-workplaces-are-fighting-back-against-casualisation/>

Vulnerable and precarious employment is becoming a structural feature of our economy, leaving millions of workers trapped in low-paid, insecure jobs where mistreatment is the norm. Yet many would be surprised to learn that post-secondary education is among the most casualised sectors in the economy. Making sure that casualisation in our sector has a public profile and is high on our branches' agenda is vital.

November 5 2014 saw UCU hold its **biggest ever national day of action**, winning national press coverage in the Guardian and a high social media profile.

More than 50 branches in England, Scotland, Wales and Northern Ireland organized events as part of the November day of action.

Messages of support were sent to UCU by Frances O'Grady, General Secretary of the TUC and from the NTEU, our sister union in the Australian post-secondary sector.

Branches organized a huge range of events to recruit, organise, campaign and to put pressure on local negotiations for better contracts.

More branches than ever participated in the day of action, making it the biggest anti-casualisation event UCU has organised. Read more about the day of action here: <http://www.ucu.org.uk/anticasaction>

## **Collective strength through organising, campaigning and bargaining:**

While we push for political change, we also try to use political pressure and public profile to increase leverage in our core role, using our collective strength to win improvements that made a difference to the casualised now.

### **UCU has produced new bargaining guidance to help our branches in all sectors negotiate the end of zero hours contracts and better employment for casualised staff.**

UCU has targeted major institutions making large scale use of zero hours contracts in Further and Higher Education with the aim of building campaigning and negotiating pressure to end their use and then use these examples to build more leverage with other institutions.

We're beginning to see some progress as a result of this focus:

- The **University of Edinburgh** agreed in late 2013 to stop using Zero Hours Contracts and has now moved all its casualised teaching staff onto Guaranteed Hours Contracts. UCU continues to press the university to improve the security of these staff.
- The **University of Glasgow** has recently agreed to stop put strict limits on the use of zero hours contracts and casual worker contracts for teaching staff and has started to move staff onto more secure part-time contracts.
- The **University of Bangor** moved 30 staff from zero hours contracts onto fractional contracts
- At **Aberystwyth University**, under pressure from UCU, the university launched a review of all casual contracts and has moved many staff onto more secure contracts.

- Under pressure from UCU, **Oxford Brookes University** has introduced a new policy to enable more staff on variable hours contracts to move onto a fractional contract. The policy marks an improvement for staff on variable hours contracts but has not been agreed by the union as it currently excludes some language teaching staff and does not recognise past service in determining entitlement to transfer onto a fractional contract. UCU will continue monitoring the policy to ensure that part-time staff are able to benefit and will continue to press for further improvements.
- Negotiations are under way at **Sheffield Hallam** and **Sussex Universities** to end the use of zero hours contracts.

### **TeachHigher – fighting casualisation at Warwick University**

At the University of Warwick, the branch, with regional and national support fought an excellent campaign to persuade the University to abandon plans to move all hourly paid lecturing into a subsidiary vehicle called TeachHigher.

The branch now have regional and national support in pursuing negotiations with the University to win improvements for hourly paid staff. Informal talks are now ongoing.

Read more here:

[http://www.ucu.org.uk/socc\\_effectivecampaigning](http://www.ucu.org.uk/socc_effectivecampaigning)

### **In Further and Adult Education:**

- **Gower College** in Wales has agreed to allow zero hours contract staff working substantial hours to apply for part-time fractional contracts.
- At **Wiltshire College**, UCU negotiated the redeployment of agency staff at onto directly employed fractional contracts.
- **City of Bristol College** has moved all zero hours and variable hours contracts staff who had been doing regular work for the previous two years onto improved permanent fractional contract posts.
- At **Macclesfield College**, negotiations secured an improved contract for staff on zero hours contracts, removing an exclusivity clause and the branch continue to press for minimum guaranteed hours.
- At **Hackney Learning Trust**, UCU has been able to win an agreement that all hourly paid staff will be offered fractional contracts.

- At **South Downs College**, UCU has negotiated agreement on ruling out zero hours contracts and increasing the use of fractional contracts more generally.

UCU has also embarked on a new project to focus on casualisation in **research-intensive universities**, which employ 67% of all research staff.

Supported by research and analysis on the use of fixed-term contracts and the turnover of research staff in research-intensive universities, UCU conducted a policy audit of Russell Group universities and has produced new **updated bargaining guidance** for branches to help them negotiate around research staff.

## 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 nearly 300 cases involving casualisation issues.

Of these, **72 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.

### **Victory over Stirling University**

On 29 April this year, 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.
- Whatever the exact issue, there are always improvements to be fought for and won through the collective strength of the union.
- Talk to your local anti-casualisation rep or your branch officer or volunteer to become a rep for casualised staff yourself. Email [anti-casualisation@ucu.org.uk](mailto:anti-casualisation@ucu.org.uk) for more details.
- If you're looking for guidance and support in campaigning and negotiating over casualisation, start with our campaign web page: <http://www.ucu.org.uk/stampout>