



**STAMP  
OUT CASUAL  
CONTRACTS**

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

**2016-17**



## 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 precarious work, zero hours contracts and the 'gig economy' gives us a significant 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 and hostile toward Trade Unions, there is little hope of friendly legislation from this government. However, the issue of precarious work has forced its way into political debate. In December 2016 the ONS announced that the number of reported zero hours contracts had hit 1 million. A shareholder revolt, orchestrated by Unite and the TUC at SportsDirect led to the company making a public announcement that it was abandoning zero hours contracts and would be beginning to bring agency workers into direct employment. JD Wetherspoons announced that they also would be offering staff guaranteed hours contracts.

Such is the profile of this issue that Theresa May's government has commissioned Matthew Taylor to conduct a review of work in the modern economy, to be seen to take action.

- UCU continues to work closely with the Labour leadership and the TUC to maximise support for reform that raises the desperately low floor of employment rights in Britain. But we are also exploiting the opportunities that do exist in the current situation.
- Early Day Motion 1265, tabled by Kelvin Hopkins MP, highlighted the issue of zero hours contracts in higher education and was signed by 40 MPs.
- UCU has continued to lobby the Department of Business, Energy, Innovation and Skills to ensure that there is effective public scrutiny of the use of precarious contracts as part of HE regulatory frameworks.
- UCU has also lobbied HEFCE to highlight the use of precarious contracts in HE and to urge the need for greater scrutiny and regulation.
- In December 2016, UCU submitted evidence to the Business, Energy, Innovation and Skills Select Committee detailing the increasing use of non-employee 'worker' contracts in further and higher education.
- The union has also pressed the TUC on the floor of the 2016 Congress to make good its policy commitment this year to hold a national lobby of Parliament on precarious working.

## 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.

The Guardian ran a series in November 2016 which looked at the new world of work and highlighted the precariousness of work in the UK economy in a range of sectors, including higher education.

On 16 November, the Guardian ran a front page story and features on precarious work in HE. The features included testimony from a number of UCU members in institutions across the country, a case study based at the University of Nottingham and used UCU's data from the Higher Education Statistics Agency.

The articles, which also focused attention on the powerful Russell Group Universities, caused a furore in the sector. The Guardian's letters pages were filled with similar stories, while employers' organisations responded furiously to the unwelcome profile. Some issued press statements attempting to conjure the issue away through methodological sleight of hand. UCU's general secretary Sally Hunt slammed their response in a Times Higher article, calling it the sector's dirty little secret.

Guardian stories:

- <https://www.theguardian.com/uk-news/2016/nov/16/universities-accused-of-importing-sports-direct-model-for-lecturers-pay>
- <https://www.theguardian.com/uk-news/2016/nov/16/part-time-lecturers-on-precarious-work-i-dont-make-enough-for-rent>
- <https://www.theguardian.com/uk-news/2016/nov/16/nottingham-academic-on-casual-contract-i-had-more-rights-as-a-binman> )

The same story in the The Times:

- <http://www.thetimes.co.uk/article/top-universities-accused-of-using-sports-direct-tactics-0w2l9fbnn> )

General Secretary Sally Hunt's article in the Times Higher

- <https://www.timeshighereducation.com/blog/universities-lack-fight-over-casualisation-embarrassment> )

The union also used the HE policy blogsite 'Wonkhe' to explain just why the employers had got their figures wrong

- <http://wonkhe.com/blogs/analysis-atypical-academics-and-precarious-work/> )

## 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:***

- 24 November saw UCU's national day of action against the abuse of casual contracts.
- More than 60 branches organised activities across the UK and thousands of members got involved.
- Much of the action was captured on our Live Wall here: <https://www.ucu.org.uk/anticas16>

### ***Driving change in the workplace***

Throughout 2016, UCU has worked to raise national pressure on employers, encouraging them to engage with UCU locally to negotiate collective agreements that create greater job security for staff on precarious contracts.

In January, the union wrote to universities and colleges calling on them to engage with us and stating that their response would be published in a new report later in the year.

In April, UCU published new reports on FE and HE casualisation titled 'Precarious Work'. These reports ranked the worst 50 offenders in each sector and included their replies to our letters. The initiative won widespread national and local press coverage. On the back of this, branches were encouraged to target employers who had responded positively and pursue local negotiations.

In HE, the data showed that **54% of all academic staff** in higher education institutions were employed on insecure contracts of some sort.

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.

In November, UCU repeated the exercise in HE using updated data, focusing this time on the Russell Group, winning major coverage in the Guardian newspaper.

- **You can read the April FE report here:**  
[https://www.ucu.org.uk/media/7999/Precarious-work-in-fe/pdf/ucu\\_precariouscontract\\_fereport\\_apr16.pdf](https://www.ucu.org.uk/media/7999/Precarious-work-in-fe/pdf/ucu_precariouscontract_fereport_apr16.pdf)
- **You can read the April 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](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)
- **Read our November HE report here:**  
[https://www.ucu.org.uk/media/8384/Precarious-work-in-higher-education-November-2016-update/pdf/ucu\\_precariouscontracts\\_hereport\\_nov16\\_.pdf](https://www.ucu.org.uk/media/8384/Precarious-work-in-higher-education-November-2016-update/pdf/ucu_precariouscontracts_hereport_nov16_.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>

### ***More national initiatives:***

- In FE, more and more branches are engaging with UCU's 'National Plus' strategy, whereby they have submitted a national pay claim with a second locally tailored element ('Part 2 claim'). More than 50 branches have engaged with this strategy over 2016/17, of whom 11 have included an element calling for a review of casual contracts or the transfer of hourly paid staff onto more secure contracts.
- In HE, UCU has asked all branches to submit a locally adapted version of a national model claims in relation to casualisation and the gender pay gap. The casualisation claim contains a procedural element which seeks the establishment of a regular forum for discussing, monitoring and negotiating over the various forms of insecure employment. Branches are then asked to identify a priority substantive issue on which to focus, broadly in line with UCU's key national policy priorities such as the use of zero hours or non-employment contracts, the abuse of fixed-term

contracts, or postgraduate teachers' pay. Take up on this initiative has been excellent so far.

## **Resources**

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](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](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)

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](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

- UCU's victory in the Supreme Court over the **University of Stirling** meant that an estimated 560 employees on fixed term contracts sharing out an estimated £1.33 million as a result of the cases we brought.
- The publication of the Guardian article gave a hugely valuable boost to several branch campaigns in Russell Group Universities and has assisted in the opening of negotiations and the escalation of campaigning at the **University of Sheffield** and the **University of Nottingham**.
- New campaigns have been established in both the **University of Oxford** and the **University of Cambridge**, with both branches developing plans for opening negotiations around the pay and terms and conditions of fixed-term and hourly paid teaching staff there.
- At the **University of Warwick**, an occupation by Warwick Free Education campaign has put the issue of hourly paid staff back on the agenda with the University's new management agreeing to negotiations to agree recognition for and discuss the conditions of HPLs.
- At **Coventry University**, UCU won recognition for precariously employed staff at a subsidiary company, while the public profile created by the local and national union in the context of the general discussion of precarious work has helped secure agreement on the beginning of negotiations around fractionalisation of hourly paid staff.
- At **Bournemouth University** a new agreement should give around 90-100 hourly paid lecturers the opportunity to be moved onto fractional contracts. This agreement was ratified in December.
- At **Southampton Solent University**, a new agreement should give around 50 HPLs access to fractional contracts.
- At **Anglia Ruskin University**, more than 50 associate lecturers have been transferred onto fractional contracts in the last two years, while HPLs who continue now have improved access to paid training and CPD.
- At **West Suffolk College** negotiations have produced agreement in principle on the transfer of fixed-term and hourly paid staff who have been employed for two years to permanent contracts.
- At **Lowestoft College** negotiations have begun on the transfer of fixed-term contract staff and the branch's claim for action on zero hours contracts.

- At **Northbrook College**, negotiations around the National Plus claim have included agreement to conduct a review of all hourly paid contracts.
- At **Exeter College**, negotiations have secured agreement on the conduct of a review of hourly paid contracts.
- At **Derby College**, positive discussions have begun in relation to the use of zero hours contracts.
- At **Gateshead College**, part of the settlement of the National Plus claim, which included a 3.5% pay rise, was a review of the use of hourly paid lecturing staff including agency workers.
- At the **NCG Group**, discussions are beginning to look at the use of casualised contracts across the group of companies.

## Representation and Legal support

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.

### **Become an Anti-Casualisation Rep:**

If there is not already a local anti-casualisation rep in your branch, consider volunteering to be one. Email [anti-casualisation@ucu.org.uk](mailto: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](mailto: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](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](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](https://www.ucu.org.uk/media/7442/FE-local-anti-casualisation-newsletter/doc/ucu_fe_anticasualisation.doc)



