

University and College Union: Durham University

Casualisation - formal heads of claim

1. Introduction

Issues surrounding the use of insecure contracts in the higher education sector now have a very high public profile. The casualisation of the academic workforce is a national priority issue for the University and College Union (UCU), and also one for this local association at Durham University (DUCU).

We believe that DUCU and Durham University have a common interest in improving the contractual terms of employment of staff in higher education. Although a small number of people may want a casual contract, the truth is that for the majority of staff, insecure contracts have a seriously detrimental effect on their wellbeing, as well as the optimal functioning of the higher education sector.

In the 2015 UCU 'Making Ends Meet' survey of over 2000 staff on insecure contracts (https://www.ucu.org.uk/media/7279/Making-ends-meet---the-human-cost-of-casualisation-in-post-secondary-education-May-15/pdf/ucu_makingendsmeet_may15.pdf), 42% of respondents said that they had struggled to pay their bills, 35% had experienced problems keeping up with mortgage or rent commitments, and 21% said they struggled to put food on the table. This is one major reason why, whenever they are surveyed, casual staff invariably express the desire for more secure employment.

Recent research into the use of flexible labour has suggested that 'easy hire and fire' is a false economy that saves money only at the cost of organisational learning, knowledge accumulation and knowledge sharing, thus damaging innovation and labour productivity growth.

Staff on insecure contracts also tell us that their fixed-term and casual terms of employment place major obstacles in the way of them delivering the quality support their students deserve. A growing body of research indicates that any so-called 'efficiency' gains from hiring teachers on the cheap are in fact illusory. Mounting pressure on staff has thus far been mitigated by their extraordinary efforts to maintain a high standard of education. But this cannot be expected to last forever unless action is taken.

Once damaged, reputations are very hard to rebuild. Students coming into higher education deserve to know that the people that make their education possible are being employed on contracts, pay rates and terms and conditions that enable them to do their jobs properly.

At Durham, we applaud the work of 'Durham Casuals' in changing the University's attitude towards nine-month contracts for Teaching Fellows. DUCU is pleased that the University has now replaced nine-month contracts with 12-month contracts. This shows that University management can act decisively and positively in reducing casualisation and treating all of its workforce with respect and equity. This goes to the heart of Durham University's values, and dovetails with its stated commitment to promoting equality of experience and being an inclusive and diverse institution. Casualisation does not affect all groups equally. Women are disproportionately represented in the casual workforce in higher education. Data obtained from Durham University in summer 2018 via a Freedom of Information request show that there has been a decrease in the number of black and minority ethnic (BAME) staff employed by the University on permanent contracts while there has been an increase in those hired on fixed term contracts. To make applications for awards such as Athena Swan and the Race Equality Charter more than 'tick box' exercises in equality and use them for

real cultural change requires determined investment by University management to remove structural inequality. Efforts to recruit staff need to be long-term and sustainable and not driven by bureaucratic exercises. Tackling the casualisation culture at Durham is vital in this endeavour.

Durham University has no cause for complacency. Notwithstanding the shift in attitudes towards nine-month contracts, 80 hourly-paid casual staff did not get paid in October 2018. Prior to DUCU intervention, in November 2018 casual staff in Philosophy were not going to be paid for attendance at compulsory training.

Our members report numerous instances of 'interim' employment of short-term Teaching Fellows who are employed pending the recruitment of a non-fixed term academic to the same position. Those filling such posts in the short term seem rarely, if ever, to be considered for the continuing role. Alongside this, some Departments / Schools, such as MLAC, still employ Teaching Fellows on a succession of fixed-term contracts, even when it is clear that there is an ongoing need for the role.

Contract research staff are given inadequate time to apply for redeployment to other roles, with Durham University lagging behind other institutions in the sector, such as the University of Leeds, in its support for the ongoing career development of its postdoctoral researchers. Staff on insecure contracts often face obstacles to career development that are not adequately recognised, such as instances in which they are prevented from taking on PhD supervision due to the fixed-term nature of their contracts.

The pay structure is outdated and opaque: the hourly-paid lecturer / tutor rate has not increased since October 2008 (a decade ago), there is no apparent mechanism for review and negotiation, holiday accrual is not always applied, and there is a lack of clarity over what constitutes experience. How and to which activities hourly-paid rates are applied vary massively across the University, leading not only to teaching staff uncertainty but also huge administrative inefficiency, at a time when PSS is under enormous strain.

DUCU thus calls on the management of Durham University to take further swift and meaningful steps to address the inequities currently experienced by its casual staff. Let Durham University truly live its values, being motivated to effect real change, challenging itself to address issues of casualisation in a serious-minded way, and being innovative, leading UK higher education in showing that improving the working lives of staff reinforces and enhances the excellence of our institution.

2. Statement of intent

Our claim is for the University senior management to agree a joint statement that:

- Allows for a joint review of working practices;
- Accepts the need for time-limited discussions;
- Negotiates a review of relevant policies and working practices;
- Ensures that leadership across and within Departments, Schools, Faculties and Colleges is provided and sufficient resources (people and money) committed to achieve this objective.

3. Transparency in payments

The University should agree steps to:

- Disaggregate contact hours, preparation hours and post-activity work (i.e. rates should not aggregate contact time with pre/post contact activities).
- Make the amount of paid support activity (pre- and post-contact time) associated with each hour of a teaching activity (including demonstrating) explicit.
- Provide clear, University-wide rates for each teaching type (e.g. lecture, seminar, practical) and support activity (preparation, post-contact duties), listed as rates per teaching type / support activity per hour.

4. Tackling unpaid labour

The University should agree steps, including:

- Ensuring that for hourly-paid teaching staff (including research students who teach [RSWT]), the work actually done in preparation and scholarship is reflected fairly. There should be paid preparation time for each class, with a minimum of six hours of preparation time for a one hour lecture (three hours for refreshing and revising a lecture delivered by the same individual in a previous year), and a minimum of two hours of preparation time for a one hour tutorial / seminar / practical (noting that repeats of a class in the same academic year are covered under this and will not require additional preparation time).
- Ensuring that for hourly-paid teaching staff (including RSWT) delivering lectures and seminars, an additional hour of student consultation time ('office hours') for every hour of class time is paid for. This time excludes time spent marking, which should be costed separately.
- Pay hourly-paid teaching staff (including RSWT) for formative and summative marking at the tutorial rate, with 30 minutes allocated per 1000 words of prose or equivalent, and the time allocated to marking reviewed frequently by Departments and reported to HR to ensure parity across the University.
- Pay all hourly-paid teaching staff (including RSWT) the tutorial rate for attending each hour of training, lectures and teaching team / Department meetings that are connected to modules / programmes on which they teach.

5. Removing unequal treatment across roles, Departments / Schools, and Colleges

The University should agree steps, including:

- Ensuring that all hourly-paid teaching staff (including RSWT) are paid at the same rate for the same activities across all Departments and Schools;
- Ensuring equal access to incremental progression for staff on different forms of contract.
- Ensuring that (i) contract research staff are appointed at a grade / point commensurate with their experience (as occurs for equivalent teaching plus research posts), that (ii) contract research staff get opportunities for promotion, and that research grants are costed with (i) and (ii) in mind.
- Ensuring equal access to professional development opportunities and paid time to attend them for all staff, including hourly- paid teaching staff (including RSWT).
- Given that there has been no increase in the hourly teaching rate since October 2008, immediately revise the hourly paid rates, linked to the national pay scales.
- Delete the 'inexperienced rate' from hourly teaching rates and link the hourly teaching rates to the national pay scales, including at least annual cost of living increases.
- Ensure that all staff paid on an hourly basis receive contracts that specify hours to be worked, rates of pay, and duties.

6. An end to the use of ‘worker’ contracts:

Our claim is for the transfer of all people teaching via ‘worker’ contractual arrangements, whether through external agencies, subsidiary companies or ‘bank’ arrangements onto proper employment contracts and their assimilation to the national pay spine, matched to the national role profiles at the appropriate academic level.

7. An end to the use of zero hours contracts and controls on variable hours contracts

Our claim is for the University to cease issuing zero hours contracts and transfer all staff employed on zero hours contracts onto a specified hours contract (per [5] above) or a fractional contract (per [8] below) as appropriate.

8. Fractionalisation of hourly-paid lecturers

Our claim is to apply the agreed mechanism for transferring onto fractional contracts all hourly paid staff who have been working at 0.2FTE or above.

9. Reduction of the use of fixed-term contracts

We are seeking commitment to a joint review of existing policies for the employment of staff on fixed-term contracts with a view to reducing the use of fixed-term contracts and creating greater job security and continuity of employment for academic and PSS staff. The University should agree steps, including:

- There should be a three-week redeployment window and proactive skills matching coordinated by HR to facilitate redeployment of research, teaching and PSS staff.
- Staff should be moved to a non-fixed term contract after 23 months unless there is an objective justification for not doing so.

10. Training and development for staff

Along with ensuring equal access to professional development opportunities (see [5] above), our claim is for the University to commit to convening of a joint UCU-University working group to examine how to create a more stable, supportive and developmental culture at the University for those on casual and fixed-term contracts. This should include consideration of how workload modelling in Departments and professional support services can support individual CV development.

11. Agreement on provision of specific facilities time

Conducting effective negotiations on improving employment will require a significant commitment of time from DUCU representatives and in particular those on insecure contracts. Therefore our claim includes a call for agreement on a specific allocation of paid time off or, in the case of hourly-paid staff, paid time on, to allow our representatives to meaningfully participate in the processes around and within these negotiations.

12. Negotiating forum

UCU submits this claim as a matter for negotiation. This is a matter pertaining to the pay, terms and conditions of academic staff in the main. As such, we want negotiations to be held between representatives of the UCU and University management alone.

It is important that the negotiations are conducted in a timely fashion and that the objective should be to reach agreement by the end of the summer term with implementation for the start of the 2019-20 academic year.

13. Terms of agreement to be incorporated into university policies

UCU believes that the terms of agreement reached following negotiation should be incorporated into the University's policies.

14. Implementation, monitoring and review

The provisions of the agreement reached should be disseminated in a manner that provides for uniform application across the University. Managers should be fully trained on the provisions of this agreement. The terms of the agreement should be monitored and reviewed after 24 months.