

Spotlight on Equality: Mental Health

Did you know?:

One in four people will experience some kind of mental health condition in the course of a year.

One in six people in employment are experiencing a mental health issue right now.

A Health and Safety Executive study concluded that teaching was the most stressful profession.

Source: 'One in four' – A UCU briefing on mental health at work'

www.ucu.org.uk/media/pdf/r/q/ucu_1in4_mentalhealthatwork_jun11.pdf

This is the first in a series of features on equality issues raised by members during casework discussions. We have chosen to begin with a discussion of mental health issues which can often be seen as the 'hidden disability'.

What do mental health issues include?

They can encompass some forms of depression, schizophrenia, anxiety, obsessions, phobias, as well as alcohol and drug related addiction. From a national UCU perspective the areas most commonly encountered through casework discussions are stress, anxiety, depression, cyclical depression and bipolar disorder.

Mental health conditions often have links with other aspects of our working lives such as the increasing pressure to deliver results in our job, a line manager who piles on the work, changes in working environments (for example, moving into an open plan office), the inability to say no to an increase in work pressures, and

external demands such as juggling family life or caring responsibilities.

From a casework perspective, we also see that issues can sometimes stem from a seemingly minor issue at work which can snowball out of control before a member contacts us for advice, or approaches other support networks.



Why is mental health a trade union issue?

Mental health and well-being is covered by the Equality Act 2010. This act was strengthened by the new offence of 'discrimination arising from disability'. The act also places greater emphasis on an employer's duty to make reasonable adjustments in the workplace to support employees experiencing mental ill-health. Line managers may not always receive sufficient training and are often unaware of the relationship between mental health and disability legislation and can risk making comments that are discriminatory. More information is available on the UCU website www.ucu.org.uk/media/pdf/2/1/Reasonable_Adjustments.pdf

UCU supports the 'social model' of disability, while legislation usually supports the 'medical model'. The medical model states that a disability is defined by an individual's medical condition that affects their ability to carry out

tasks, and that the way to resolve a disability is to treat or cure the condition in order to bring about equal access. However, the 'social model' states that it is the interaction of somebody's disability with the barriers that society puts in place that prevent or hinder people's access to the built environment, media, transport or education. UCU therefore argues that employers should promote positive mental health in the workplace. This includes tackling unmanageable workloads, bullying, promoting a culture of disclosure, and making reasonable adjustments to the employee's working conditions to enable an individual to fully engage in their job.

What are the key issues raised in our local casework discussions?

Local branch casework has revealed that our members who experience mental ill-health may:

- encounter discrimination and negative attitudes at work
- need help in negotiating adjustments to their working practices
- feel misunderstood by managers or colleagues, and be unsure of their rights or what to do
- feel unable to disclose their condition to their employer or trade union
- find themselves subjected to inappropriate disciplinary action

'I was unsure who to speak to, unclear about the role of Occupational Health and whether they report straight back to my manager. I thought that bringing the union in at such an early stage would surely exacerbate the situation, but with hindsight could have avoided a difficult situation. Be clear about your rights, but also your responsibilities too.'
(Anonymous Member)

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REF



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www.ucu.org.uk/strikefaqs

We have found that many of our members are unclear where to turn for advice, information and support. They may be unsure whether they should turn to their line manager in the first instance or refer to an HR adviser. Often members are unsure at which stage they should involve their GP and disclose a mental health issue.

The University of Sheffield is a Two Ticks employer. This means that it has committed to a) interview all disabled applicants who meet the minimum essential criteria for a job vacancy and consider them on their abilities, b) to ensure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees what can be done to make sure they can develop and use their abilities c) to make every effort when employees become disabled to make sure they stay in employment and d) to take action to ensure that all employees develop the appropriate level of disability awareness needed to make these commitments work.

The decision to disclose a disability is a personal matter, but can work in your favour if the necessary reasonable adjustments are made. The UCU website offers helpful guidelines on this topic, as do the new University guidelines on Sickness and absence by ill health – www.sheffield.ac.uk/hr/guidance/illhealth

Key messages

Make good use of the new HR website to find your way around the sickness and absence by ill health policies and procedures, which includes Disability Guidance. It was written by HR but influenced by our negotiations on policies and procedures and the implications for equality issues, and hopefully some lessons learned from our casework and campaigning. www.sheffield.ac.uk/hr/guidance/illhealth

The branch not only supports individual casework issues relating to mental health issues, but also campaigning and negotiating on this as a collective issue with the other campus unions. SUCU has put stress and its causes such as bullying and workloads on the Health and Safety agenda. We have used the findings of our membership stress survey to focus on this as one of our key areas of concern.

Sheffield UCU

If you would like to report any cases like those discussed in the article, please contact SUCU at ucu@sheffield.ac.uk
Telephone: 0114 222 8976

UCU information on Anti-Bullying and Stress
www.ucu.org.uk/index.cfm?articleid=5799

External Resources

Recourse

Recourse is the new name for the College and University Support Network

Telephone: 0808 802 03 04
www.recourse.org.uk

Mind: *Introduction to Mentally Healthy Workplaces*

www.mind.org.uk/assets/0002/3515/Resource1_Mentally_Healthy_workplace_sFINAL_pdf.pdf

Mind: *Introduction to Mental health Problems*

www.mind.org.uk/mental_health_az/8034_mental_health_problems

Mental health Foundation homepage

www.mentalhealth.org.uk

NHS Guidance

www.nhs.uk/livewell/mentalhealth/Pages/Mentalhealthhome.aspx

Sane

www.sane.org.uk/

Health and Safety Executive – Work Related Stress

<http://www.hse.gov.uk/stress/index.htm>

Permanent Contracts for Research Workers?

A spectre is haunting Europe – the spectre of permanent research academic careers!

Changes to EU law making successive use of fixed-term researcher contracts illegal have now been tested and have begun to trickle down to the real world, forcing universities and other employers to convert fixed-term staff to permanent employee status. Changes are happening at different speeds at different universities, driven by their staff. **Sheffield UCU has so far helped to convert 150 researchers to permanent staff status**, whilst other universities such as Manchester and Bristol have gone further in re-defining the roles of researchers.

Everybody knows that the 1960s-style view of PhD/Postdoc/Lectureship career progression has been dead for a long time. The majority of academic roles now are not research-and-teaching roles but are professional pure-research roles. At Cambridge for example there are 1600 research-and-teaching academics and 3,400 research-only academics – the latter are now the largest class of staff in

the whole university, and on whose work the crucial REF scores now rest.

Typically only between one in six and one in ten academics will work in a research-and-teaching role, depending on the subject. What are the rest going to do with their careers?

The answer is that research has become a professional career in itself – and is where increased public funding for academic work is now directed in the modern-day academic model, rather than at teaching. This should be a great thing – lots of money available for researchers to do their work full-time, hooray!

Until very recently though, the so-called “postdoc” model of employment has wrecked this ideal world of research careers, by tying individual employment contracts to short-term projects, routinely making researchers redundant every few years, and forcing them to move city or country or to give up their career when they start a family. A “postdoc” is a new researcher on their first project after their PhD. In the 1960s this would usually be followed by moving to a well-funded

teaching role. But most postdocs today will instead move on to being professional research academics after their first project rather than teaching, because that is where so much new funding comes from.

Until recently, management at EU universities have conspired to keep professional researchers down by treating them still as “postdocs” and firing them after each project. This has included influencing government and grant-giving bodies to think in these outdated terms, as well as attempts to create a culture around the meaningless terms “tenure” and “faculty”. (Neither of these terms has any legal employment-related meaning in the UK – the US concept of tenure was abolished here in the 1980s, and a “faculty” here is a group of departments to which *all* their staff members belong. An “academic” is anyone who works as a teacher or researcher in a university according to the OED. Using these terms incorrectly could count as discrimination in some cases.)

Management has little motivation to bother to change anything to reflect the new professional research academic model. **Change has to be driven by researchers themselves.** And in the last few years many of them have successfully started to fight back.



The 2002 EU fixed time regulations force employers to convert fixed-term staff to permanent status after four years. They also grant new rights to fixed term staff after 2 years, and prevent fixed term staff from being treated any differently from permanent staff. They were first tested by a pioneering research academic in the *Ball vs University of Aberdeen 2008* tribunal, in which Ball won and became a permanent research-only staff member having the same status as permanent research-and-teaching staff. Since 2008, a wave of similar challenges has been sweeping UK universities as more researchers and local unions learn about the new law. Sheffield UCU has been active in assisting its members to convert their contracts in this way over the last year.

In the new world, permanent research staff have exactly the same employment status as research-and-teaching staff, and as other professional researchers in industry. **This means that a university cannot fire researchers just because a project that they currently work on has completed.** Researchers are not employed by a particular project or PI, but by the university. It is the university's responsibility – like any company – to balance its finances so that its total income matches its costs. It cannot fob researchers off by saying that its “systems” do not have a way to allocate money – if this is the case then its

“systems” must change. If it fails to generate more income for a particular business area such as a research field, that should be seen as a failure by its bid managers, not by its researchers, as is the case in industry. If the employer decides – legitimately – to reduce its business activities in a **large** area such as chemical engineering, then it must go through a formal redundancy process. That means that **all** activities in that area such as teaching, research, admin, and bid management must be listed, and compared against all available current staff members' skills to make redundancy decisions. **In such a case it could be that researchers also have better teaching or**

bid management skills than other permanent staff, and so should be chosen to stay on. If the university does not follow this process then it can be taken to tribunal with the help of UCU.

Some of the more progressive universities have, to their credit, taken the new model and law on board in their management, and completely severed the link between project timing and employment. Bristol University for example officially recognises and defines career pathways for “teaching academics”, “research academics” and “research-and-teaching academics”. At least in some departments, researchers are given useful work to do between projects, such as bid management and teaching. Manchester University has defined large redundancy payouts for researchers which act to financially encourage its managers to redeploy staff between projects. These universities find that lower researcher churn enables better research and higher REF scores, especially in a competitive funding market where the more progressive universities can say “we have a team of ten researchers who have been working together in this area for ten years” to beat proposals from less-organised entrants. (Though what counts as “progressive” for universities has of course been happening already in industry for ever – even red-blooded, highly competitive

companies like Goldman Sachs, Accenture, IBM and QinetiQ consider it insane to fire their staff just because a project has completed – and they also derive the vast bulk of their income from projects just like we do. Sometimes even from the **same** projects as us!)

Sheffield UCU is working with researchers and the university to get this system enforced here. When our members are threatened with redundancy we ensure that the proper procedures are followed. **It is our view that activities such as bid-writing should be part of the everyday work of researchers and that they should be paid to do this work unless the university decides to cut back on all activity in a large business area.** We help researcher members to redeploy to other projects or to related activities such as teaching or administration. We provide training on aspects of personal career development that the university does not provide -- and perhaps does not want researchers to know about -- such as employment rights and how to write your own grants. We can also work with national UCU to influence government policy on how to fund academic work, and in extreme cases organise industrial action (a researchers strike would be silly – but perhaps a week of working to rule and spending the rest of our free time on personal career development, or writing single-author papers, would make sense if ever required.) But we need every researcher here to join up so that we can move faster – **every single researcher member counts to increase our power at the negotiating table because change is happening right now.** Sheffield researchers unite – we have nothing to lose but our expiry dates!

SUCU is currently organising talks, discussions and actions with researcher societies around the university on these issues – please contact us if you would like an event in your department. (You don't have to be a UCU member to do this.) We are also helping our members to convert their contracts and fight redundancy threats, please contact us for more details. Or drop us an email if you'd just like a chat!

REF: we want your feedback

Now that the REF submissions are almost complete, we'd like to hear members' feedback on the process. While we are aware of a number of cases where problems have arisen for individual members, we'd like to gather more feedback about what has worked well and what has gone badly. Do you have examples of good or bad practice to share? Are you happy with the transparency of the REF decision-making in your department? Are there changes you'd like to see ahead of the next round? Please get in touch – in confidence – with any information you think we should be aware of. We will use your comments to inform our negotiations around protocols and procedures for REF2020. With arrangements already being put in place to monitor 'impact' for the next census period we want to make sure we are acting promptly to resolve concerns.

What has UCU done for me lately?

It's worth remembering that 'The Union' is all of us, the members. Union policy and strategy is decided democratically, locally and nationally. And our subs pay for the officials, training, legal support and so on, who support us.

So what have we achieved recently?

Locally

With your support and with the help of local officials, we have:

- fought off a threat to our negotiating rights for academic-related staff
- negotiated a sector-leading organisational change and redundancy-avoidance agreement
- re-negotiated a host of agreements including Disciplinary, Grievance, Capability, Sickness, all of which would be worse for staff without our efforts
- negotiated an expansion of Statutory protection for academic freedom to all staff who teach and/or research, and protected the procedural protection for such staff which gives teeth to the academic freedom clauses
- ensured the University has to actively consider all job endings, including Fixed Term Contracts, winning many FTCs open ended contracts
- achieved employee status for many hourly paid teachers, and are currently working with the University towards our aim of regularising all hourly paid regular teachers
- agreed with management a proper contract for post-grads who teach, now rolled out across the University

- worked closely with the other trade unions, in particular to support our lower-paid colleagues fighting against the halving of their future pensions
- campaigned on particular issues such as bullying and harassment at work
- supported colleagues under threat in other institutions - such as Chesterfield College
- And not least, we have done an enormous amount of individual casework and advisory work. Clearly we cannot give individual details, but in the last 12 months we have received a total of 73 requests with 53 taken on and supported by caseworkers.

Nationally

UCU has:

- prevented some of the worst pension attacks, including improving the USS CARE scheme for new starters and preventing all of us being forced onto it
- fought for academic freedom and integrity
- challenged excessive workloads and stress - locally and nationally
- campaigned for a high quality education system with valued and respected staff and students and opposing the damaging 'austerity' agenda
- increased strength from national solidarity across the sector.

Monthly Subscription Rates for UCU Membership

The monthly subscription rate for UCU membership at The University of Sheffield consists of two elements:

The National Subscription (dependent on salary)

plus a local subscription (dependent on salary): £3 pcm if you earn above £40,000 pa, £2.29 if you earn £10,000 to £39,999, and nil if you earn less than £10,000.

This is the link - http://ucu.group.shef.ac.uk/index.php?option=com_content&view=article&id=6&Itemid=47

Claiming Tax Relief on UCU subs

Members can claim 67% tax relief on the total annual subscription paid to UCU - up to the last four years. UCU subscriptions start on 1st Sept each year so please take care to consider this when making your calculations.

You can download a template letter for you to send to the HMRC, with spaces for your individual info. This is available from: http://ucu.group.shef.ac.uk/documents/UCUSubs_TaxReliefLetter_UoS-1.doc

You can find more information about how to claim your tax back at www.ucu.org.uk/index.cfm?articleid=3420. This includes the National subscription rates for the relevant tax years.

You will also need to add the amount allowable against tax for the Local Sub if you were eligible to pay this, ie if your salary was £10,000 or above.

| | Annual Earnings £10,000+ | Annual Earnings £40,000+ |
|--------------------------|----------------------------------|----------------------------------|
| Year 1st Sept - 31st Aug | Total local sub/amount allowable | Total local sub/amount allowable |
| 2009/10 | £8.40 /£5.53 | £8.40 /£5.53 |
| 2010/11 | £14 /£9.38 | £14 /£9.38 |
| 2011/12 | £18.00 /£12.06 | £18.00 /£12.06 |
| 2012/13 | £25.44 /£17.04 | £25.44 /£17.04 |
| 2013/14 | £27.48 /£18.41 | £36 /£24.12 |

The HMRC will usually respond in a few weeks, giving you an increase in your tax coding so you pay less tax—quite a bit for the rest of this year if you are due a refund on previous years. They assume subs stay the same in subsequent years as for the latest year claimed, so you'll need to keep HMRC updated in future years.

This Bulletin is a campaigning newsletter published by the UCU Committee at the University of Sheffield. If you wish to comment on an item, to suggest a topic for coverage in future issues, or to contribute as a member, please email ucu@sheffield.ac.uk