

Atypical And Fixed Term Workers Special

Out of the frying pan for research staff?

It is a cruel irony that just as fixed-term contract (FTC) researchers are starting to see some benefit from long years of campaigning for a fairer deal, now we all face a helter-skelter race to the bottom in which job security is set to be the first casualty. (Or perhaps the second casualty: our pensions have already been savaged by the raging dog that sees no cut too deep in the drive to make every nook and cranny of social provision a profit-making arm of big business).

To recap, in Feb 2008 [Sheffield UCU](#) wrote that an important step forward for FTC staff would be "*Making employment contracts open-ended. This doesn't magically improve job security but it does send out positive signals about our support for research as a career (and also means that responsibility for triggering redundancy moves from HR to the departments)*". Fast forward four years and it is great to be able to report that it is now possible to win this argument with HR, at least on a case-by-case basis. We know of several departments where more than ten FTC staff have been shifted over to open-ended contracts. **If you are on a fixed contract and have been at Sheffield more than four years make sure to apply to be made open-ended.**

The key advance that is still to be made, of course, is to institutionalise job security for research staff. It has long been the case that research is a career - the days of widespread progression from 'postdoc' to academic ended with the expansion of research, and it is not uncommon for departmental research staff to outnumber Faculty by two to one or more. Recognising this fact brings the obvious corollary that it is in no one's interest that in a typical 3 year project research staff spend the first year learning the job, the second year being productive, and the third year looking for another job. Better job

security could mean a 200% increase in research output!

But, to continue mixing our metaphors, many will now feel that we have even bigger fish to fry, and that opposing the swathing cuts announced by central government are top priority for FTC and faculty alike. It is no accident that the USS changes forced through last year are set to compromise the pension rights of those made redundant in 2013.



So, what now? Shall we measure the worth of our research centres by their contribution to filling the hole in public finances left by the financial crisis? Shall we tell our children not to expect higher education but to strap on the traces of hard labour for the next phase of globalised competition? I think not. **And now that fixed-term researchers are finally getting close to the mainstream - not least because of consistent long-term work by UCU - the imperative to get active in a unionised fight to protect and enhance our university system is clearer than ever.**

For more information on the University's policy on the use of fixed-term contracts, go to:

www.shef.ac.uk/hr/guidance/contracts/ftc

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Sheffield UCU
2 Hounsfield
Road

Tel: 0114 222 8976
ucu@sheffield.ac.uk

[http://
ucu.group.shef.ac.uk](http://ucu.group.shef.ac.uk)

Atypical Worker Case Studies

Case Study 1

University concedes UCU member is wrongly classified as Bank Worker

Summary

With the support of UCU a bank worker with 20 years' service succeeded in overturning the University of Sheffield's decision that she was a worker rather than an employee.

Background

In spite of having followed the agreed appeals process the UCU member had her appeal knocked back.

UCU support

Unable to take this issue any further and for the first time in 20 years not being offered work for the academic year UCU stepped in. UCU instructed Thompsons Solicitors to pursue this case through an Employment Tribunal. 3 working days before the Pre-Hearing was due to take place the University conceded this

person was an employee and agreed back-dated continuity of service.

Comment from member:

"I have spent 20 very happy years at the University and felt badly let down and disappointed the university would use such tactics in what appears to be a cost-cutting exercise.

SUCU has given me fantastic support and I would encourage anyone finding themselves in a similar position to take advantage of the resources available to fight this kind of unacceptable behaviour."

employee.

Background

Member offered part-time teaching contract at grade 6, but given job summary commensurate with grade 7.

UCU support

Following discussions with department and head of school it became apparent there was a clear misunderstanding between the line manager and the individual concerned. The member was supported by UCU to request a job description appropriate to the grade of pay. Although this took almost 5 months to achieve the UCU member now has a job description that reflects the rate of pay.

Comment from member:

"After 15 years of working at the University I have at long last been given the recognition I have asked for, that I am a member of staff.

"Thank you very much for all that you have done for me and continue to do for us all."

Case Study 2

UCU member at last given contract of employment and job description

Summary

A bank worker with 15 years' service succeeded, with the help of UCU, in overturning the University of Sheffield's decision that they were a worker rather than an

Agency Workers now have same rights as staff

Agency worker regulations became effective from 1 October 2011

- Agency workers are entitled to basic facilities (toilets/car parking/) etc. from Day 1.
- After 12 weeks they also become entitled to equal treatment as those on a contract of employment including pay/annual leave/rest breaks/ECAs and increments.

Early days yet but UCU and campus unions will be keeping an eye on this through discussions at regular Joint Union Campus meetings with our employers.

UCU will be entering into discussions and negotiations regarding the provision of contact details for this group of people to enable us to offer them the benefits of UCU membership. If you are working with agency staff please do encourage them to join UCU. Further information on how to do this can be found on UCU web link on the front of the bulletin.

A Poem For Atypical Workers

If you think you are beaten, you are;
If you think you dare not, you don't;
If you'd like to be recognised as an employee but think you can't,
It's almost for certain you won't.

If you think SUCU cannot help, think again
Often, you need others in order to rise.
You've just got to believe that there is help out there
Before you can gain the prize.

If you think you'll never need union support, are you sure?
For out in the world we find
Success often begins with the assistance of colleagues
It's all in the state of mind!

Life's battles don't always go
To the stronger or brighter man
But sooner or later the one who succeeds
Is the one who thinks he can!

Adapted from the poem by C W Longenecker

To join UCU click on the following link: www.joinonline.ucu.org

Unity is our strength. More casual workers than ever before joined SUCU in November and December!!!

Drop-in sessions for Fixed Term Staff and Bank Workers

Wednesday 22 and Wednesday 29 February from 12.30 – 2pm
Campus Union office, 2 Hounsfield Road.

We will be holding two drop-in sessions towards the end of February with Marianne Quick who is UCU Regional Support Officer. She will be pleased to meet up with you to discuss any issues you have. Whether this is about your contract of employment, workload, or any other issue relating to your work this is your opportunity to get some quick advice.

Please email ucu@sheffield.ac.uk if you would like to book a specific time or just turn up on 22 or 29th February.

If you can't make either of these two dates or have a problem you would like to ask for help with, then do look at the SUCU web pages at: <http://ucu.group.shef.ac.uk/> and click on the **Advice and Support** tab.

A group of hourly paid tutors share in a payment of over £20,000 following UCU involvement.

During the regularisation process, it became apparent that some hourly paid members who had been giving loyal service for years had never received holiday pay, nor had they ever received a written contract of employment or a statement of employment particulars, which is required by law.

SUCU supported these members over many stressful months and, with only a few weeks to go to the Employment Tribunal hearing, the university made a third, and this time a realistic, offer to settle.

Had the university provided correct transparent documentation when work was initially offered, this case, costing both parties expense in lawyers' fees, would not have occurred. SUCU is working closely with management to ensure that, in future, proper transparent documentation complying with employment law is issued to all new starters.

National Pay Award 2011/2012

You should be aware that the hourly rates of pay have increased following the outcome of the national pay negotiations which resulted in an uplift of £150 on all points on the national pay spine with effect from 1 August 2011.

A backdated amount should be paid in February. If you qualify and do not receive it, you should contact your departmental administrator without delay.

Are you a 'bank worker' teaching students, for example as a GTA?

Departments have workload formulae that include, for example, time allocated to permanent staff for seminar preparation, assessment marking, etc. Are you being given the same paid allocation of time as permanent staff?

UCU Anti Casualisation Committee, London, 9th of March

This is a great opportunity to find out what UCU is doing to stamp out casual contracts.

Please email ucu@sheffield.ac.uk if you are interested in attending.

Help and Advice from SUCU

If you would like advice on general issues relating to atypical workers or fixed-term staff, we recommend you visit our web site ucu@sheffield.ac.uk.

Members may also wish to approach their departmental contact who will be able to talk through problems informally and signpost relevant support. Alternatively members can visit the "Getting Support" section of our national UCU members' page to see what help is available. Advice can be found about the renewal of fixed term contracts.

Within the last 12 months, we have helped bank worker members to become employees and fixed-term members to secure open-ended contracts.

For support and advice about casework check out our webpage "Casework".