

FREQUENTLY ASKED QUESTIONS = ATYPICAL WORKERS

What is a Bank Worker?

Bank workers do not have an employment relationship with the university; they undertake work on an irregular basis covering ad-hoc periods, eg where there is a high volume of work or to cover temporary staff absence. They are not entitled to negotiated holiday or sick leave entitlement. They can be dismissed without notice and have no entitlement to negotiated redundancy rights. Past work is not taken into account and they could remain at the bottom salary point on their grade throughout their employment. The department issues the documentation rather than HR.

I just teach two hours a week, is that why I have been given Bank Worker status?

No. Providing you teach on a regular basis, even for only one hour a week, you should have employee status. Query this with your line manager and if you get no satisfaction there is a formal appeals process. A specimen appeals form can be found on UCU atypical workers site.

Why have I not received a statement showing my duties?

Everyone by law should receive a statement of their duties within 2 months of commencing work. This should include:

- your name and your employer's name
- your job title or a brief job description
- the date when your employment began
- your pay rate and when you will be paid
- your hours of work
- your holiday entitlement
- where you will be working (if you are based in more than one place it should say this along with your employer's address)
- sick pay arrangements
- notice periods
- information about disciplinary and grievance procedures
- any collective agreements that affect your employment terms or conditions
- pensions and pension schemes

The university may refer you to their website or give you photocopies from their staff handbook or other documents that contain the details of your employment. If they do this you should still receive a written statement telling you what detail the photocopies or website contain. If your employer does not offer one of the terms (such as a pension scheme) that must be set out in the

written statement - they must say that it is not offered. Your employer cannot just leave it out. The written statement must be clear and correct.

What is the regularisation process?

In April 2008 the campus unions and the university signed a framework agreement to regularize its hourly paid workers as there were hundreds of individuals, doing similar jobs but paid at different rates and with different terms and conditions. The aim was to integrate these individuals fully into departments and give them proper terms and conditions. The university won first prize awarded by the Universities Personnel Association for taking this issue so seriously and recognizing the importance of hourly paid staff and the following year were awarded a top award by the Times HE for, among other things, the work done regularizing hourly paid workers..

I have not been paid for holidays. Is this correct?

No. The Working Time Regulations were introduced in 1998 which gave, among other things, holiday entitlement to all part-time workers. Query this with Human Resources..

My holiday entitlement is shown as approximately 10% of the working year. Full-timers' holiday entitlement is approximately 17%. Is this discrepancy acceptable?

No. The Part-time Workers Regulations were introduced in 2000 in order to ensure that part-timers were treated no less favourably than full-timers. Your holiday entitlement should be pro rata that of full-timers.

I enjoy working for the university and am treated well by my department. Why is the union trying to help me?

It is important that everyone is treated equally. Terms and conditions have been negotiated over many years with the expectation that all workers would be covered. We cannot condone inferior contracts for new starters which will result in a two tier workforce, and less security. The part-time workers regulations require part-timers to be treated no less favourably than full-timers.

I am a postgraduate student who teaches. I feel isolated and don't know where to go for information and where to access appropriate equipment and books. I would like a mentor and somewhere to meet my students and store their work. What should I do?

UCU has suggested a Good Practice Guide for Postgraduate students and this can be found on our atypical worker webpage. Read this and bring this to the attention of your department. The

Students Union gives this paper their support and the university is considering its implementation.

How is non-teaching time calculated?

It was agreed with the university that normally a multiplier of 2.5 would be used for those undertaking full teaching roles. The standard hourly rate shown on the website should be multiplied accordingly. Any variation from this should be objectively justified. Each department has a workload allocation model and the time allocated to non-teaching tasks should be standardized according to this.

I have been given the wrong job title. I have been called a demonstrator but I am a tutor leading a module. What should I do?

You should, in the first instance, discuss this with your line manager. If you get no satisfaction then you should appeal. Demonstrators are on a lower grade than tutors.

I have been graded 6 but I see that the university is advertising vacancies with very similar responsibilities to my own at grade 7. What should I do?

Discuss this with your HOD and with SUCU.. There is a promotions procedure – your HOD can recommend you for promotion or your can self-submit a recommendation.

I have been working for the university for over 10 years and have been given bank worker status. I have been placed on the bottom of the scale and given no credit for previous service. What should I do?

You should discuss this with your line manager and, if necessary, appeal against bank worker status and being placed on the bottom point of the scale. The Framework Agreement gives continuity of service back to 1 August 2006. Discuss this also with SUCU as it is very probable that an Employment Tribunal would give continuity of service back to the start date of employment as well as incremental progression since part-timers should be treated no less favourably than full-timers who all have incremental progression from the start date of their employment.

I am 67 years of age and have been regularised as a bank worker. Is this correct?

It is unlawful to treat people differently on account of their age. Following the abolition of the default retirement age, the university continues to employ people beyond the age of 65. If you have been regularized as a bank worker but you believe this is wrong, you should appeal. Discuss this with your HOD and/or with SUCU.

I teach at Sheffield Hallam and always receive documentation from them during July for teaching the following September. I receive nothing from the University of Sheffield and have not had a contract for some years. Why?

The issue of contracts for hourly paid staff is left to departments to organize with the assistance of an HR Adviser. Some departments issue contracts, some do not. It was hoped that the regularisation process would improve matters but as most hourly paid workers are being regularized as bank workers, departments will continue to be responsible for documentation for those who are not regarded as employees. The Registration Agreement for the University Bank is just that, a registration agreement and is not a contract of employment. Contracts of employment can be verbal or written but a good employer will ensure that staff receive full details in writing.

Can I join the USS Pension Scheme?

Yes if you are an employee. USS membership is open to all employees, Grade 6 and above.

I have been given employee status. Can I claim backdated pension contributions?

You should take legal advice. There has been a recent Employment Tribunal judgment which found that as part-time workers should be treated no less favourably than full-timers then they should be entitled to backdated pension contributions. There are strict time limits for submitting claims. If you are successful with such a claim then you would be required to pay your backdated contributions as well.

Does the break between semesters give continuity of service?

A break of up to 26 weeks is considered a temporary cessation of duties and does not affect continuity of service. Anyone employed to teach during Semester One each year will not build up continuity of service since there is a greater break than 26 weeks unless under a verbal or written contract there is a requirement to do some work during the second semester. It is useful to insist that everything is in writing.

I am a full-time member of staff and have the benefit of an open ended contract, because my employer has work for me to do today, tomorrow and for the foreseeable future. If however I am delivering a one-off lecture (or maybe even a few over a week or so), surely you wouldn't expect the university to have to employ me, only then to make me go down some redundancy process once I've finished that temporary work. Why is the union spending time representing such individuals?

Hourly paid tutors who are being regularized are not those doing one-off lectures, or a few over just a week or so, but they are delivering lectures on a regular basis during the year. Those doing one-off lectures, or a few during one week, are regarded as visiting tutors and not covered by this process. There is no reason why part-timers who have delivered lectures for years should be treated less preferentially than full-timers. They too have mortgages and bills to pay.

