



Important information for UCU members at Lancaster University

Fixed-term contracts issue

October 2009

Welcome to a new academic year and to the Lancaster University and College Union (LUCU) October 2009 newsletter.

With almost 120,000 members, UCU is the largest trade union for lecturers, researchers and academic-related staff working in further and higher education in the UK.

As the main political parties vie with each other this autumn to cut public expenditure, we are at a crucial juncture for trade unions in the public sector. UCU has been at the forefront of lobbying government and universities to invest in education and to avoid compulsory redundancies wherever possible. In some cases, most recently at Tower Hamlets College in September 2009, it has been successful. A strong local branch backed by a committed national union has been central to defending high quality education and decent working conditions.

Whether you have been thinking about joining UCU for a while and just have not got round to it or are considering it for the first time, we urge you to join here today: www.joinonline.ucu.org.uk/

In this issue of the newsletter we focus on colleagues working on fixed-term contracts (FTCs). Academia is the second most casualised sector after hospitality, and Lancaster UCU has been working as part of a nationwide campaign to stamp out casual contracts. We also update you on the latest developments regarding the university's proposed new employment procedures as well as LUCU's involvement in the restructuring taking place on campus.

UCU is a member organisation. To be effective we need active members. If you would like to get involved please complete the form on the back page of this newsletter. We wish you all a healthy start to the new academic year and look forward to building a stronger union on campus that represents your interests.

Fixed-term contracts: A UCU priority at Lancaster

Since the introduction of new legislation in 2002, colleagues on fixed-term contracts have gained new rights in several important ways.

YOUR RIGHTS... YOUR RIGHTS... YOUR RIGHTS

To a permanent contract: Any use of a fixed-term contract must be justified by the employer. Anyone who has been employed continuously on two or more contracts for a period of four years should be made permanent, unless the employer provides written, valid justification for why the contract remains fixed-term.

To equal treatment: Staff must not be discriminated against on the basis of their contractual status. Less favourable treatment can appear in a variety of guises and we know that job insecurity, vulnerability, inequalities and stress are often closely linked to fixed-term contracts. We believe it is in everyone's interest to campaign against casualisation in higher education and the damaging effects it has on colleagues' wellbeing and the work of our sector.



Surrounding the redundancy process: The end of a fixed-term contract is only a potential redundancy and must be handled in the same way as any other potential redundancy. This means that the university should try to avoid the redundancy in the first instance. If this is unavoidable they should show fairness in the way in which the post is selected for redundancy, in the handling of any redundancy, and in the conduct of any appeal investigation and hearing.



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To a redundancy appeal under statute: UCU has evidence to suggest that the university is handling fixed-term redundancy appeals in a way that breaches the statute that governs redundancies for academic and academic-related staff (Statute 20). This is a very serious situation and UCU is currently challenging it formally. We cannot allow the university to dismiss colleagues unfairly or make people redundant in ways that are in breach of statutes designed to protect members of the university.

Some facts about redundancy

- The ending of a fixed-term contract is a redundancy just like any other redundancy.
- It is no longer legally acceptable for a redundancy to be justified simply because a fixed-term contract is ending.
- The first duty of an employer during a redundancy situation is to try to avoid the redundancy.
- If your post is made redundant, your employer has a duty to attempt to redeploy you.
- You are entitled to a redundancy payment if you have been employed for two years or more.
- Some colleagues have a strong case for seeking an enhanced redundancy payment.
- You have a legal right to appeal against your redundancy.
- UCU members who are classified as academic and academic-related have a right for the redundancy appeal hearing to be called according to Statute 20.

So what does this mean for you?

There are still colleagues at Lancaster who should be permanent but who remain on fixed-term contracts. Are you one of them? You have a right to challenge your fixed-term status. Contact UCU so that we can help you do this.

Are you facing a potential redundancy? Did you know that you have a right to appeal against your redundancy? You don't need to be a UCU member to appeal, but if you are, we will support you through this process. You can also apply for legal help.

Have you witnessed or experienced treatment or policies within your department or faculty that discriminate against colleagues on the basis of their contracts? If so, UCU would like to know.

What is UCU doing for colleagues on fixed-term contracts at Lancaster?

Since the fixed-term regulations kicked in, Lancaster UCU has been working on behalf of colleagues individually and collectively:

INDIVIDUALLY

We are representing members on fixed-term contracts who are making a case for their contracts to be acknowledged as permanent.

The first step in this process is very simple. If you have been continuously employed at Lancaster on two or more contracts for at least four years, you can write to HR stating that you believe that your contract should be permanent, in accordance with the 2002 regulations. Under these regulations, you can request a statement confirming your permanent status – and the employer must respond to this request within 21 days. You do not need to be a UCU member to make this request, but if you are, we can guide you through this process and, if necessary, help you challenge the response.



Guidance is also available on the UCU website:
<http://www.ucu.org.uk/index.cfm?articleid=3545>

We are enabling members to challenge proposals for their posts to be made redundant, helping them gain substantial extensions to their contracts or permanent positions.

COLLECTIVELY

The UCU branch is seeking to negotiate fair redundancy and fixed-term procedures within the university. Officers have spent many days with the university management negotiating a set of policies which, if implemented, will affect how fixed-term contracts are used and how redundancies are handled at Lancaster. While this process has seen an

improvement in the original policies proposed, the university still needs to make further changes to ensure that fixed-term employees are treated fairly. Unfortunately the university is refusing to negotiate further and UCU has very deep concerns about the last draft and will continue to fight on members' behalf.

Each month many of our fixed-term colleagues' funding comes to an end and they could be made redundant. Such large-scale and frequent redundancies require the employer to engage in collective consultation with your trade union.

UCU has been attempting to initiate such consultation for many months and only after the intervention of our union solicitors has the employer now agreed to engage in collective consultation with us on these potential redundancies. After many discussions with the university, UCU, along with the other campus trade unions, have an agreed forum for discussions known as the redundancy negotiating committee, a subcommittee of the union-management joint consultative committee.

The role of the committee is to allow the university to consider ways to avoid, reduce and mitigate any redundancies. In these discussions we will be seeking to discuss an active redeployment policy, alternative ways to manage researchers, bridging funds, and other issues.

Contact: For help with any issue relating to fixed-term contracts, contact David Pearson (davidpearson@lancaster.ac.uk) or any member of the local UCU branch executive.

UPDATE... UPDATE... UPDATE... UPDATE...

Employment procedures negotiations

Regular readers of the UCU newsletter will have heard of the negotiations that started about 18 months ago about the new employment procedures that management proposed.

These cover the grievance procedure, the capability and disciplinary procedures that management uses in response to a staff member's supposed performance or conduct shortcomings, redundancy, redeployment, and the management of fixed-term

contracts. Some of these procedures can involve the termination of your contract and therefore we all have an interest in ensuring that the procedures are fair, that there are reasonable protections for employees, and that the procedures are not open to abuse.

The procedures will not apply solely to union members. They will apply to all staff, but unless you have attended the union meetings where the negotiators have reported back, you will have heard precious little discussion. You deserve a voice at the table, and the more staff who stay informed and involved, the more likely it is that the union negotiators' views will carry weight.

Midway through the negotiations the draft policy on fixed-term contracts was drastically revised – not as a result of the negotiation but as a response to an employment tribunal ruling that said, in essence, that a staff member on a fixed-term contract was entitled to no less favourable treatment than any other staff member.

The implication is that potentially a member of staff in the same department could be dragged into the 'pool' of staff considered for redundancy when a fixed-term staff member's contract expires.

Lancaster University management said that they would reconsider whether it was a good idea to have the unusually large number of fixed-term contracts here at the university – but so far no new policy departure has resulted.

Every employee has an interest in reducing the number of fixed-term contracts used here at the university, which are onerous for the individual employee and destabilising for everyone. ➤➤



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Whether you yourself are on an FTC or not, take control, join the union, and make sure that management gives the issue the right attention.

At this point in time campus unions have indicated that they are not in a position to make a decision on the draft procedures, pending developments nationally around job security in higher education. Moreover, the newly appointed director of human resources at Lancaster has indicated he might want to take a fresh look at the draft procedures to assess whether they are fit for purpose.

UPDATE... UPDATE... UPDATE... UPDATE...

Restructuring

Lancaster UCU has raised a number of concerns with management about the many different restructurings taking place around campus and the impact these will have on staff.

The dissolution of three departments, Philosophy, Politics and Religious Studies and their reformation into one entity was discussed at Senate last week.

The union is involved in ongoing discussions along with the other campus unions about Lancaster Environment Centre (LEC) and there are other restructurings on the horizon.

Last week we were told of plans for yet another restructuring involving a merger of two departments. LUCU and the other campus unions asked for the introduction of a seventh university policy, on the management of restructurings, to sit alongside the other six that we have been negotiating.

After initially responding positively, management have seemingly dropped the matter. The plethora of restructurings taking place across the institution makes such a policy imperative. If you have any comments about these changes that you would like the union to put forward please contact us.



YES, I CAN HELP TO MAKE MY UNION STRONGER

If you would be willing to help the UCU branch or need help, please fill in the form below, detach and return it in the internal mail to Rory Daly, UCU Branch Secretary, Department of Continuing Education, Ash House, Lancaster University, LA1 4YT. Please tick box/es or delete as applicable.

- I can help distribute UCU materials within my area
- I can help write/produce a newsletter/website (delete as appropriate)
- I am interested in becoming a member of the case-work team
- I would like to find out more about becoming a department representative
- I am facing possible redundancy and would like someone to contact me about the appeal process
- I am on a fixed-term contract and would like someone to contact me to discuss making a case for permanent status

I am willing to help/need help in the following ways:

Name:

Department:

Location:

Email:

THANK YOU FOR CHOOSING TO GET INVOLVED WITH YOUR UNION. WE WILL CONTACT YOU SOON

UCU

professional contracts
for professional people
end casualisation

