

## Important information for UCU members at Lancaster University

Your Union on Campus

June 2011

### Redundancies Loom: New Redundancy Procedure Vote

A series of proposals for compulsory redundancies, including ones involving staff on indefinite contracts, is rippling across the campus, affecting staff in units such as the Lancaster Institute for Contemporary Arts (LICA), the Department of European Languages and Cultures, and the Facilities Division. These follow the compulsory redundancies that hit the Student Learning Development Centre, the Department of Continuing Education and the Division of Marketing and External Linkages last year. This situation brings new urgency to the proposed procedures governing Redundancy and Redeployment that the campus unions have been negotiating with management.

As members recall, management rashly, against union advice, did away with the protections enshrined in Statute 20 before having anything to replace the Statute. It has banked on the success of the negotiations of the new Redundancy and Redeployment Procedures, which ended last month when management said that it would make no further modifications to the draft procedures. If you have never before been involved in your union, you would be well advised to inform yourself of the proposals, which can be found at [www.lancs.ac.uk/users/ucu](http://www.lancs.ac.uk/users/ucu). If you have never before attended a union meeting, you should attend the Lancaster UCU Extraordinary General Meeting on Tuesday June 21 in the Elizabeth Livingston Lecture Theatre, from 1:00 to 2:30pm, where members will hear about the pros and cons of the Redundancy Procedure from the UCU negotiators and will vote on whether or not to accept it.

#### Branch Meeting Votes on Redeployment Procedure

On May 18, a branch general meeting voted on the Redeployment Procedure and resolved to accept a version of the procedure with two modifications. The branch secretary had introduced the procedure by saying it was the best that could be achieved through negotiation. Members learned of positive outcomes of the negotiations, such as management's acceptance of the need for proactive efforts to redeploy employees, rather than leaving that task entirely to the individual employee and his or her line manager.

Members raised a number of queries. Among the objections was the ambiguity in the phrase describing the period of "pay protection" for members who accept redeployment into a job at a lower grade. A member queried what the phrase "up to two years" might mean. According to the negotiators, it could mean that the norm would be two years, or that it would be anything from zero to two years, at management's discretion.

Unfortunately, management has declined to alter the ambiguous phrase. We all recognise that in negotiations there are bound to be compromises but accepting a compromise is not the same as agreeing to a poorly drafted document flawed from the start because of its ambiguity.

In addition, there was an objection from the floor to the exclusion of those who had less than 12 months' service in their current post. This might affect members who accepted redeployment into a fixed-term post after years of service – and during the negotiations management had rejected a union proposal that employees redeployed into such positions be warned about the possible consequences of doing so for their rights to redeployment and redundancy payments. Members also objected to the use of the phrase "event contract" to describe short-term redeployments because the phrase is an employers' invention that has no meaning in law.

Members voted by an overwhelming margin to accept a version of the procedure that corrected the flaws noted above. When informed of this decision, management told UCU that it would accept no changes to the proposed document, irrespective of how badly flawed or ambiguous the draft procedure was. Management also informed UCU of a new condition: that the proposed Redeployment and Redundancy procedures had to be accepted as a pair or not at all. Thus, management is allowing itself to impose novel conditions after the negotiations have ended, while refusing to allow the UCU membership to have any say whatever in the content of documents that will affect every member of the University community for the foreseeable future.

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## UCU Declares a Breach of Procedure

In July 2010, a UCU branch meeting approved new Grievance, Capability, and Disciplinary procedures. These procedures were approved by the University Council in October 2010. In the brief period the procedures have been in operation, UCU case workers and members have noted a significant number of violations by University managers. The procedures state that it is the responsibility of staff of the Human Resources (HR) Division to ensure that the procedures are applied fairly and consistently. During the negotiations, management assured UCU that there was no need to build in the safeguards the unions wanted because HR staff would always be on hand to ensure that nothing went wrong. Those assurances have proven empty.

UCU case workers have been involved in a relatively small number of cases in the period the new procedures have operated but what is striking is that every case has involved a management violation. In the last year, the breaches have included the following:

- Summarily dismissing a Grievance without holding a hearing;
- Submitting the required statement of the “Capability” case against a member two hours after the deadline for the member’s rebuttal had expired;
- Denying a member a right to review and correct the record of an interview in a Disciplinary Procedure, and entering a distorted record of the interview into evidence.

This last breach was so unprecedented that it required a meeting of the union–management Joint Consultative Committee to restore the regular practice that members were allowed to review and propose corrections to interview records.

The pattern of violations was so consistent and egregious that on May 10 the UCU executive committee passed a formal motion declaring a breach of procedure and arranged a meeting with the acting Director of HR to discuss the matter. A process of review has now been agreed but has not started yet. UCU has proposed agreeing a protocol for the implementation and operation of procedures both to prevent their misuse and to capture good practice and generalise precedents – so that we don’t have to keep correcting the same breaches over and over again.

In a message to the UCU branch secretary following notification that management had breached the agreed procedures, Vice Chancellor Paul Wellings suggested that “the review of this procedure could be done rapidly, assuming that the University and UCU can agree a specific timetable”. Optimism on this matter is not encouraged, though, by the fact that there have been as many breaches of procedure since UCU’s May 16 meeting with the acting director of HR than there were before. The new breaches include the following:

- “Suspending” a member’s right to appeal against a Capability warning, even though there is no provision for suspension in the procedure;
- Unilaterally imposing a resolution to a Grievance, even though the law entitles any employee to a hearing of their Grievance;
- Calling an employee to a meeting to appeal a dismissal decision, although no Stage 3 panel had made the dismissal decision that must precede an appeal.

Resolutions of some of the breaches were achieved after UCU case workers complained: but the point is that these things should not be happening, over and over again.



## USS Strike Action Update

On 10 May the employers forced through their proposed changes to the USS pension scheme which means that massive losses in pension benefits are forecast for all USS pension scheme members and any new scheme entrants (which includes

those who break their continuous employment record) will be placed on an inferior career average revalued earnings (CARE) scheme.

As a reminder, our pensions, our jobs, our working conditions and the future of our sector are under unprecedented attack - which is why we took industrial action at Lancaster on the 22nd and 24th March.

Most public sector (e.g. NHS, Police, Armed Forces, teachers) pension schemes are unfunded — pay as you go schemes — with no pension pots built into their system. The pension for those who have retired

is paid for by those who are currently contributing — money goes in and goes directly out again. The government, using tax payers' money, guarantees the payment of public sector pensions and takes the associated financial risks. However, the USS pension scheme is not an unfunded — pay as you go — public sector pension scheme. It is a fully funded occupational pension scheme — i.e. the funds received are invested and there's a pensions pot to pay for the retirement of those members who have contributed to it. The USS pension scheme is in tremendous financial health.

UCU members have every right to be furious about the railroading of the changes to their USS pension scheme. We, as USS members, put a proportion of our monthly salary away to create an income (pension) for when we retire. If we don't agree with how our pension pot is being carved up now for future use, then it's up to us to join forces, take action, and ensure the USS board of trustees and our employers hear us. Are you prepared to accept that the pension changes have taken place and there's nothing you can do about it? Think again.

Members are to be balloted for action to put pressure on the employers to agree changes which can go through USS. It will be a battle, but it's important for us to fight to improve USS pensions, and particularly, the CARE scheme for new entrants as it's likely that the vast majority of us will end up on it at some point in the future.

## **Precarious, Casual, Flexible**

Last year, a group of PhD students from various departments in the Faculty of Arts and Social Sciences (the same who also organised the 'University in Crisis' lecture series) got together to talk about their experiences as Graduate Teaching Assistants (GTAs), their conditions of work, wages, etc. What emerged from these discussions, apart from a number of grievances about effective pay or late processing of employment contracts, is that a peculiar kind of uncertainty is the defining feature of our status in the university system. It is a condition we share with others on the bottom rungs of the academic ladder — the casualised workforce of Teaching Fellows/Associates and those in similar positions.

Because many of us very much want, and often need, to teach, PhD students constitute a readily available and undemanding pool of labour that departments can draw on. In this case, as in so many others of precarious labour, the benefits of flexibility lie entirely with the employers: they decide how many workers they need and when they need

them — and when they let them know they are needed. For example: the amount of teaching required is only determined when enrolment numbers are known, which is a few weeks before classes commence. At that stage, PhD students who have applied for teaching jobs are notified and their contracts sent out. As a result, it will be too late to arrange alternative employment for those who are not offered teaching. And since contracts apparently take a long time to be processed by HR and Payroll, those who get teaching are only paid in November for a job they started in early October. This can cause liquidity problems, but departments generally refuse to do anything about it.

One of the greatest difficulties is that most GTAs do not think of themselves as a vital part of the academic workforce. Since many are eager to teach, the prevailing attitude seems to be one of gratitude towards their departments for being given the chance to teach. That it is legitimate to ask questions and make demands regarding work is a thought that rarely crosses GTAs' minds. Even less that their interests can and should be represented by a trade union. Many, if not most, are in fact unaware of the existence of UCU, and even fewer are aware that they are eligible for UCU membership and are thus entitled to all the benefits that come from belonging to a recognised campus union.

Among the immediate tasks are the collection and dissemination of information about the terms and conditions of GTAs across faculties and departments so as to identify issues of common concern that people can rally and formulate demands around. Awareness-raising, however, must be the long-term goal. Incidentally, an article in the 4 May 2011 edition of SCAN has now drawn wider attention to the working conditions of GTAs, especially to discrepancies that exist between faculties. Following up on that, the decision has been taken to embark on an information and awareness raising campaign with the aim of making GTAs think and talk about their situation, but also of getting the attention of the wider university public. Lancaster UCU have pledged their support.

We believe that addressing the GTA issue ties in with the goals of UCU's nationwide anti-casualisation campaign. The increased use of fixed-term contracts and the way in which PhD students are used as teachers are just two expressions of one underlying trend: the precarisation of labour in an ever more competitive

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sector. Please look out for announcements, leaflets, etc., in the months to come and help us bring the issue to the attention of the university public!

## New Reps Welcomed

We're pleased to report that Paula Burkinshaw (p.burkinshaw@lancaster.ac.uk) and Philomena Bacon (phil.bacon7@gmail.com) have been co-opted to the UCU Exec to strengthen and support activities in two specific areas: postgraduate matters (Paula) and green matters (Phil).

## Director of HR Departs; What Next?

The University leadership's experiment with bringing in managers from outside the University sector can most charitably be described as having mixed results. We are now at a crossroads and the course the institution takes may be significantly affected by the appointment of the next Director of HR: management can continue on a course of confrontation and, taking advantage of the economic climate and consequent staff insecurity, it can turn the screws on University employees; or it can aim for a restoration of the basic decencies of fairness and collegiality that ought to be hallmarks of University life. Which is it to be?

## Green Issues for UCU

For some people the 'Green' movement is a turn-off and a waste of time. For others it's a valid concern about how we can manage energy use today to safeguard the future. As a small step towards our global responsibilities, UCU is keen to engage in the collective process of advancing good practice in climate change abatement processes and to encourage positive solutions to be found for any issues arising for staff from initiatives employers may take in conjunction with carbon reduction strategies. With this in mind, UCU is encouraging the appointment of Green Reps at all local branches and we're pleased to welcome Philomena Bacon as the Lancaster UCU Green Rep. Phil's role includes identifying the impact of carbon reduction practices at Lancaster and obtaining your feedback on how such strategies are progressing. Any suggestions or concerns you might have on green initiatives at Lancaster should be sent to:

[phil.bacon7@gmail.com](mailto:phil.bacon7@gmail.com).

## Equality

UCU is strongly committed to campaigning for equality of opportunity for all members, regardless of race, gender, disability, sexual orientation, or employment status. Nationally UCU has negotiated equality agreements in both HE and FE. Here at Lancaster, LUCU has helped to develop the University Single Equality Strategy and we work to ensure that equality and diversity issues for our members are not marginalised. Our Equality Officer, Leanne Bates, is also a member of the University Equality and Diversity Committee.

If you have any concerns on an equality related issue, you feel you are being discriminated against or unfairly treated at work or you wish to become more involved in equality and diversity issues at Lancaster please contact Leanne at [l.bates@lancaster.ac.uk](mailto:l.bates@lancaster.ac.uk)

## Avoid Unpleasant Surprises

We have heard a report that a member who was invited to what they thought was an ordinary meeting with their line manager found on arrival that there was also a member of the HR Division present. The meeting then took on a character different from what the member was expecting. If this happens to you – if you turn up to a meeting and you find there is an unexpected member of HR present as well as your manager – be aware that you are entitled to be accompanied to any such meeting and to be properly notified in advance of its purpose. In such circumstances, immediately request an adjournment and written notification of the purpose of the meeting before it is rescheduled, and contact the branch so that we can arrange for a case worker to accompany you.

## July Deadline Looms for Employment Tribunal Payouts

The deadline for individuals to come forward to receive their compensatory awards from Lancaster University is 30 July 2011 – all UCU members covered by the award have been contacted and we're now tracking down the remaining handful of individuals (non-UCU members) who are entitled to receive an award payout from Lancaster University.



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