



# **Joint Higher Education Trade Union Pay Equality Claim**

**2015/16**

**Submitted on 18 March 2015**

## **Background**

In addition to pay, as part of the national negotiations over recent years the trade unions have expressed a desire for the employer's national representatives to address a number of serious issues relating to inequality in the sector including; closing the gender pay gap, extending the pay spine, transparent and fair senior pay arrangements, issues relating to the extensive use of zero hours contracts and fractionalisation of hourly paid staff.

These matters remain of central importance to the trade unions' equality agenda's and again they form part of this year's claim.

In some respects this equality claim seeks to develop further some of the themes and issues that have emerged during the joint work within the two New JNCHES working groups covering HE gender pay and hourly paid and casual staff.

At the time of submitting this claim the work of both groups has not yet been completed and the final reports have not been agreed with the trade unions.

The trade unions believe that the equality elements in this claim should be progressed by a combination of jointly agreed national measures and through active policy intervention and enforcement agreed with the unions.

The trade unions are seeking a response from the employers on the following issues that are related to pay equality.

## **Pay Equality Claim**

The HE trade union side are seeking;

- To further develop some of the gender pay issues that emerged out of the work of the New JNCHES working group and the employers to undertake positive UK wide action to address the continuing gender pay gap in higher education.
- Joint work leading to national guidance based on the New JNCHES gender pay gap working group research targeted at gender pay differentials for professors and senior staff above spine point 51, to provide greater transparency of pay and criteria for pay progression.
- Mandatory biennial equal pay audits (by gender, race and disability) in all HEIs.
- To investigate the extent of hourly-paid working and structural proposals on the assimilation of hourly paid staff to the national pay spine and transfer to fractional contracts.
- An agreement to extend the top of the pay spine beyond point 51.
- Proposals for the provision of enhanced training and development opportunities for hourly-paid staff.
- Joint work on workforce planning in respect of a sample of HEIs that employ staff on casual contracts. The aim being to provide national guidance on workforce planning to ensure adequate capacity to meet institutional objectives and provide staff with reasonable workloads and job security.
- Developing further some of the themes and issues emerging out of the hourly paid and casual working group, further joint work covering a sample of HEIs that both do not employ staff on zero hour contract or that have agreements with local branches that regulate their use and provide minimum guarantees; and collection of data on the use of zero hours contracts.

## Gender pay gap

1. Further develop some of the gender pay issues that emerged out of the work and report of the New JNCHES working group, and the employers to undertake positive UK wide action to address the continuing gender pay gap in higher education.

The terms of reference for the gender pay working group are;

- To build on data from the New JNCHES Equal Pay Survey 2013 with qualitative information on gender pay, with a view to identifying and actively promoting good practice.
- To collect qualitative examples from within and beyond HE, in order to understand better the nature of gender pay gaps where they exist, the possible reasons for these, and the types of measures being taken to address them.

The trade unions acknowledge that the work of the group is yet to be completed and agreement on a final report has not yet been secured however we are seeking positive proposals that build on the working group's research on identifying good practice that has made a material difference in institutions leading to the closing of the gender pay gap. Our demand is that such good practice forms the basis of sector wide action. The data below makes concerning reading from an HE perspective;

### **ASHE averages earnings 2011 – 2014**

#### **Higher education teaching professionals**

<b>Median @ April</b>	Female (F)	Male (M)	F as % M	GP gap*	<b>Mean @ April</b>	Female (F)	Male (M)	F as % M	GP gap*
2011	40,568	46,229	87.8%	12.2%	2011	41,559	50,329	82.6%	17.4%
2012	40,985	46,715	87.7%	12.3%	2012	41,688	50,306	82.9%	17.1%
2013	41,433	47,138	87.9%	12.1%	2013	42,653	50,428	84.6%	15.4%
2014	42,690	48,073	88.8%	11.2%	2014	44,044	51,933	84.8%	15.2%

#### **Further education teaching professionals**

<b>Median @ April</b>	Female (F)	Male (M)	F as % M	GP gap*	<b>Mean @ April</b>	Female (F)	Male (M)	F as % M	GP gap*
2011	31,647	34,481	91.8%	8.2%	2011	32,204	35,774	90.0%	10.0%
2012	32,819	34,176	96.0%	4.0%	2012	33,124	35,598	93.1%	6.9%
2013	33,081	35,074	94.3%	5.7%	2013	33,794	36,181	93.4%	6.6%
2014	33,135	35,259	94.0%	6.0	2014	33,573	36,095	93.0%	7.0%

#### **Secondary education teaching professionals**

<b>Median @ April</b>	Female (F)	Male (M)	F as % M	GP gap*	<b>Mean @ April</b>	Female (F)	Male (M)	F as % M	GP gap*
2011	35,777	38,287	93.4%	6.6%	2011	35,048	38,881	90.1%	9.9%
2012	36,209	38,638	93.7%	6.3%	2012	35,210	38,098	92.4%	7.6%
2013	35,576	39,291	90.5%	9.5%	2013	35,038	38,604	90.8%	9.2%
2014	35,966	38,814	92.7%	7.3	2014	34,692	38,320	91.0%	9.0%

- The mean gender pay gap for Higher Education teaching professionals remains above 15% and the median gender pay gap is 11.2%.
- Both the mean and median gender pay gap for Higher Education teaching professionals is significantly larger than for other teaching professionals. The median gender pay gap for further education and secondary teachers is 6.0% and 7.3% respectively, and the mean gender pay gap is 7.0% and 9.0% respectively.

### **Transparent and fair pay arrangements for senior staff**

2. Joint work leading to national guidance based on the New JNCHES gender pay gap working group research targeted on gender pay for professors and senior staff above spine point 51, providing for greater transparency of pay and criteria around pay progression.

Pay transparency and fairness are key principles of the National Framework Agreement. When these principles are implemented via agreed job evaluation and fair reward practices they allow institutions to operate equality proofed and open practices. However both principles and practice become opaque beyond point 51 as many institutions have devised and operate their own progression and reward strategies for these staff.

The latest data indicates that approximately 25% of academic staff in the sector are paid above the pay spine and that female employees are underrepresented among senior staff. This now represents a significant and growing proportion of the HE workforce.

The trade unions are seeking an agreement on joint work leading to national guidance targeted at gender pay gaps above spine point 51.

### **Pay Gap by Grade - Professors**

<b>Academic Professional (academic contract)</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
BME	39,386	43,735	41,926
White	42,346	48,755	45,837
All	41,807	47,849	45,152
<b>Professor (academic contract)</b>			
BME	72,084	76,358	75,534
White	72,365	77,094	76,041
All	72,445	77,104	76,094
<b>Not a Professor (academic contract)</b>			
BME	38,497	40,223	39,479
White	40,310	42,375	41,370
All	39,955	41,912	40,984
<b>Non-Academic Manager (academic related)</b>			
BME	47,162	50,852	49,070
White	48,173	51,806	49,926
All	48,069	51,694	49,831
<b>Non-Academic Professional (academic related)</b>			
BME	31,967	32,974	32,402
White	31,648	32,628	32,030
All	31,688	32,679	32,080

The table above presents average pay for staff in UK HEIs in 2012/13 by gender and ethnicity. The following points focus on the gap in pay between female and male academic staff:

- Female professors were paid an average of £72,445 per year, £4,659 (6.0%) less than the average of £77,104 paid to male professors.
- Among all academic staff, including professors, the gap is much more pronounced, at 12.6%, a difference of £6,042 per year.
- According to HESA data from 2012/13, 22.2% of professors are female, and only 5.2% of female academic staff are professors. By comparison, 15.2% of male academic staff are professors, proportionally three times the total of female professors.

The trade unions are seeking an agreement on joint work leading to national guidance targeted at gender pay gaps above spine point 51.

### **Mandatory equal pay audits**

3. Mandatory biennial equal pay audits (by gender, race and disability) in all HEIs.

It is the trade unions view that equality pay audits are essential means by which an institution is transparent about its commitment to fair and equal pay for all staff.

We are seeking an agreement that establishes a two year process of mandatory equality auditing. This will influence organisational behaviours and introduce actions that we believe will have a positive impact on gender race and disability over time.

### **Hourly paid staff**

4. To investigate the extent of hourly-paid working in higher education and to produce structural proposals on the assimilation of hourly paid staff to the national pay spine and transfer to fractional contracts.

The trade unions are seeking to agree joint work with a view to agreeing proposals in respect of hourly paid employees whose pay is not linked to the national pay spine. It is our view that even where the link exists, the calculation of comprehensive hourly rates, detrimental terms and conditions and the use of zero hours contracts continue to leave HE staff in an unfavourable position compared with their full time salaried colleagues.

Such joint work must address the assimilation of all hourly paid staff to the national spine and the conversion to fractional contracts for hourly paid staff to harmonised terms and conditions that recognise the hours required to perform the job.

### **Extending the top of the pay spine**

5. An agreement to extend the top of the pay spine beyond point 51.

Pay transparency and fairness are key principles of the National Framework Agreement. When implemented via agreed job evaluation and reward practices these principles enable institutions to operate equality proofed and open practices. However both principles and

practice become opaque beyond point 51 as many institutions have devised and operate their own progression and reward strategies. The trade unions are not convinced that the appropriate checks and balances to ensure pay equality based on gender are taking place. This has the potential for unfair and unequal pay structures, which could expose institutions to equal pay claims.

The Prondzynski Review of HE Governance in Scotland has recommended that the New JNCHES salary spine be expanded to cover all University employees. Such a move could be introduced relatively quickly and would aid transparency, accountability and equality by building on the existing arrangements. The latest data indicates that approximately 25% of academic staff and an increasing numbers of non-academic staff in the sector are paid above the pay spine and that of this percentage a lower proportion are female staff.

The trade unions' claim is for an agreement to extend the pay spine beyond point 51 based on the agreed principles of fairness and transparency.

### **Training and development for hourly paid staff**

6. Proposals for the provision of enhanced training and development opportunities for hourly-paid staff.

The case study data from the hourly paid and casual staff working group highlights the different approaches taken by institutions to the management, training and development of staff on casual and hourly paid contracts. It is the view of the trade unions that staff on these contracts should have the same expectation and entitlement to be developed and supported as colleagues on permanent open ended contracts. We are seeking to develop positive sector wide proposals that address this matter.

### **Workforce planning for staff on casual contracts**

7. Joint work on workforce planning in respect of a sample of HEIs that employ staff employed on casual contracts. The aim being to provide national guidance on workforce planning to ensure adequate capacity to meet institutional objectives and provide staff with reasonable workloads and job security.

The case study data from the hourly paid and casual staff working group has highlighted the consistent lack of workforce planning in the sample institutions. The case studies identify a relationship with poor workforce planning and the prevalence of casually employed staff delivering a range of front line teaching and support work.

It is the trade unions' view that effective work force planning will enable institutions to deliver more efficiently for students. It will also allow them to operate with certainty and flexibility and at the same time give regular patterns of work and decent terms and conditions for staff on various forms of flexible and casual contracts.

## **Zero Hours contracts**

8. Developing further some of the themes and issues emerging out of the hourly paid and casual working group, further joint work covering a sample of HEIs that both do not employ staff on zero hour contract or that have agreements with local branches that regulate their use and provide minimum guarantees and collection of data on the use of zero hours contracts.

The data from the recent trade unions Freedom of Information requests have highlighted the wide spread use of zero hours employment within HE. For example the 2013 UCU data request showed that in total, 75 (52.8%) of those institutions responding stated that they did use zero hours contracts for teaching, research and / or academic related staff and 67 (47.2%) stated they did not.

Although the pre-92 sector had a slightly higher incidence of the use of zero hours contracts (58.3% use compared with 48.8% in the post-92 sector) there appeared to be no discernible pattern on the use of zero hours contracts across the sector.

The data from the hourly paid and casual staff working group indicates that the use of insecure casual contracts for support staff is wide spread. However there is a real need to get a fuller picture in order for this to be understood, and the problems and best practice to be identified.

The trade unions are seeking further joint work on this important matter focused on those institutions that do not use zero hour contracts or that have agreements with the local trade unions that provide minimum guarantees for staff such as guaranteed pay rates and hours for staff on casual and flexible contracts.

## **Conclusion**

This pay equality claim is both timely and necessary and much of it emerges from the joint work that has taken place recently under the New JNCHES machinery.

The trade unions have an unambiguous commitment to equality and the protection and improvement of our member's terms and conditions based on that principle.

This pay equality claim seeks to move that agenda forward and also to offer the potential to work jointly with the national employers on a range of significant matters that could result in real changes and positive outcomes for staff and employers alike.

Higher Education is going through a period of almost unprecedented and rapid change. There are increasing expectations from government, employers and students that all HE staff will continue to deliver excellence in teaching, research and support. It is the trade unions view that pay inequality and precarious employment should not be part of the means by which these demands are met.

The trade unions believe that our claim is reasonable and justified for the reasons given above and we look forward to a positive response to the claim.

We are seeking to negotiate an offer on both pay and pay equality matters that we can recommend to our members.

