



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

**2014/15**

**Part 2**

**Submitted 20 March 2014**

## **Background**

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

This year we see further areas of inequality that we feel need to be addressed; the issues of increasing the number of women and black workers in senior management / academic positions, issues of a two-tier workforce and impacts of outsourcing / privatisation.

## **Pay Equality related items**

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

- We are seeking an agreement to extend the top of the pay spine beyond point 51.
- We are seeking an agreement to address the equality issues faced by hourly paid staff – expressly those that are retained on Zero Hour Contracts and other forms of casualisation in the sector.
- A national agreement on Disability Leave.
- We are seeking an agreement that addresses the issues of increasing workloads facing our members.
- A national “Employment Security Agreement” to include measures to avoid redundancies.
- A national agreement to address the gender pay gap.
- A national agreement to address the issue of incorporating the Living Wage / London Living Wage into all new outsourced contracts and all contract renewals.

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

## **Extension of the Pay Spine**

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 latest data indicates that approximately 25% of academic staff in the sector is paid above the pay spine and that of this percentage a lower proportion are female employees. This now represents a significant and growing proportion of the HE workforce and the issue needs to be addressed if the NFA is to retain its integrity.

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

## **Zero Hours Contracts, Hourly Paid Staff and other forms of Casualisation**

Despite commitments from employers in the sector, there is still hourly paid employees whose pay is not linked to the national pay spine. 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.

The trade union claim is for;

- the assimilation of all hourly paid staff to the national spine
- the *conversion* to fractional contracts for hourly paid lecturers to harmonised terms and conditions that recognise the hours required to perform the job and do not make use of zero hours contracts.

## **National Agreement on Disability Leave.**

The Equality Challenge Unit (ECU) published its report 'Enabling equality: furthering disability equality for staff in higher education' in September 2011. The report identifies that higher education institutions are failing to meet their duties under the Equalities Act by failing to provide disability leave as a reasonable adjustment for disabled staff despite guidance being available since 2006.

Whilst the trade union side acknowledges the recent UCEA and union joint work on this matter, the trade unions believe a national level agreement on disability leave is the best way of achieving fair and consistent treatment of disabled staff across the sector.

## **An Agreement on Workloads and Working Hours**

A UCU survey of 14,000 higher education academic and academic-related staff, found stress levels from intense workload is considerably higher than that of the general British working population, and that many universities suffer from a long-hours culture.

The key survey's findings include:

- At 76 institutions, more than 30% of all full-time respondents reported working over 50 hours a week.
- UCU members at universities show a considerably higher average level of stress relating to the demands made on them at work, than the British working population as a whole.
- Stress levels related to work demands have risen for UCU members in higher education over the past four years.

The pressure on staff in higher education is being further compounded by funding cuts, increased workloads and rising expectations from students now paying much more for their education.

The trade union claim is for national guidance on workloads and working hours, that incorporate and builds on existing workload agreements.

## **Nationally Agreed Measures to Avoid Compulsory Redundancy**

Despite repeated attempts by the joint trade unions to press the employer's representatives for a national level job security agreement, no recent negotiations have taken place beyond the talks that led to the Higher Education ACAS Digest in 2010.

However with the recently announced government plans to exclude fixed term contract staff from collective redundancy consultations and cut the statutory minimum consultation period from 90 days to 45 days if at least 20 employees are to be made redundant, job security is now back on the agenda.

The BIS consultation document published on 18 December 2012 clearly indicates that HE employers were instrumental in lobbying government to make it easier to their sack staff at the end of fixed term contracts.

Increasing job insecurity for a large and essential cohort of HE staff has a knock on detrimental effect on staff in the sector beyond those immediately at threat of redundancy.

The trade unions claim is for nationally agreed measures to avoid compulsory redundancy.

## **Measures to address the Gender Pay Gap.**

Despite some limited improvement in recent years, the gender pay gap in higher education is still much greater than in the wider economy and across the public sector. The JNCHES Equality Working Group identified that the HE full time gender pay gap was 17.3% compared to a UK workforce average of 10.2%. In 2012 ASHE data has the gap at 17.1 %

## Gender pay (GP) gap (ASHE)

Gender pay gap (ASHE)									
Higher education teaching professionals									
<a href="#">Median@April</a>	Female	Male	F as % M	GP gap	<a href="#">Mean@April</a>	Female	Male	F as % M	GP gap
2012	40984	46715	87.70%	12.30%	2012	41,668	50,306	82.90%	17.10%
2013	41433	47138	87.90%	12.10%	2013	42653	50428	84.58%	15.42%
Further education teaching professionals									
<a href="#">Median@April</a>	Female	Male	F as % M	GP gap	<a href="#">Mean@April</a>	Female	Male	F as % M	GP gap
2012	32819	34176	96%	4%	2012	33124	35598	93.10%	6.90%
2013	33081	35074	94.32%	5.68%	2013	33794	36181	93.40%	6.60%
Secondary education teaching professionals									
<a href="#">Median@April</a>	Female	Male	F as % M	GP gap	<a href="#">Mean@April</a>	Female	Male	F as % M	GP gap
2012	36209	38638	93.70%	6.30%	2012	35210	38098	92.40%	7.60%
2013	35576	39291	90.54%	9.46%	2013	35038	38601	90.77%	9.23%

The trade unions believe that the bulk of the pay gap in higher education is due to structural issues that should be addressed through active policy intervention and enforcement measures agreed with the unions.

### **Conclusion**

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.

The HE trade unions are not against change however over recent years, it's clear that members have been be rewarded with small increases in pay that have resulted in year on year pay cuts despite working harder and longer than ever.

If the pattern of national bargaining outcomes over the last four years repeats itself in the coming years, member's pay will continue decline. With the employer's side reluctance to expand negotiations to cover pay related matters; the prospect for any meaningful agreements at a national level remains limited.

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.