

Workforce Policy & Casual Workforce Review

Michaelmas Term 2022

What we will cover today

Workforce Policy and:

- Guidance – contracts – casual workers
- Decision Tree
- Workforce Planning Toolkit

Casual Workforce Review:

- Why?
- Support
- Phased approach

Workforce Policy – Statement

The University Council and General Board approved a new policy that:

- Sets out the University's position on engaging its workforce, recognising the diverse activities undertaken.
- Uses a range of contractual arrangements to reflect the needs of Institutions e.g. using casual appointments to respond to meet a temporary need.
- Commits to providing job security and stability whilst balancing an on-going requirement for flexibility in resourcing.
- Commits to engaging all members of its workforce in a fair and transparent way, using the most appropriate contractual arrangements.
- Clarifies University responsibility to prevent illegal working; ensuring right to work checks are carried out for all forms of engagement.

The Policy applies to all Institutions across the University when engaging employees, workers and contracts for services.

Roles and Responsibilities

- **Heads of Institutions** need to be aware of this Policy and ensure that the principles are being followed appropriately.
- **Line managers** need to ensure they are aware of and adhere to the University's principles on engaging its workforce.
- **The University** will work with its Trade Unions to ensure the principles set out in this policy are being followed appropriately.

Workforce Policy Guidance

- Describes contractual arrangements available, including employment contracts, Worker Agreements and Contracts for Services.
- Sets out categories of employees and arrangements for a new Guaranteed Minimum Hours contract (GMHC) - Academic (T&S).
- Limits the use of zero hours contracts
- Arrangements for Casual Workers & Self- Employment
- Monitors contractual practices

New Guaranteed Minimum Hours Contract

- Employee is guaranteed a stated minimum number of hours of work in a defined period (the Guaranteed Hours period).
- Contract specifies minimum number of hours to be worked; additional hours may vary depending on the availability of work at any given period.
- Provides certainty and stability with possibility of additional hours.
- Allows institutions to plan their resources, based on the minimum number of contracted hours to be worked over a year, or the length of the contract.

(GMHC) Key Principles

- Available for Academic (T&S) roles on an open-ended or fixed-term basis.
- Must be a minimum of one hour and if working more than the equivalent of one day per week, a standard part-time contract should be considered.
- Employees must be paid for the number of hours stated in their contract, regardless of whether work is provided to fulfil these hours.
- Contracts stated as hours over a year, or length of the contract (whichever shorter).
- Line managers provide individuals with an annual schedule of hours
- Employees have access to the same employment benefits and entitlements (sick pay, annual and family leave) and the same management procedures as other types of contract.

Zero Hours Contracts

- Approval from the HR Division needed for use.
- Only to be used in very limited circumstances as generally they do not fulfil the key principles set out in the Workforce Policy.
- No form of exclusivity arrangements should be used - employees can decline work which is offered and can work for other employers without the need to seek permission from the University.
- Employees are entitled to the same rights and entitlements as other employees, pro rata based on the hours worked.

Casual Workers

- Casual workers should only be used where the level and regularity of work is insufficient to justify an employment contract.
- Workers are not employed by the University but are engaged under Standard Terms and Conditions for Temporary Work.
- Should only be engaged to provide short-term cover, additional support for fluctuating demands or non-permanent or intermittent services.
- Other support work should be engaged via TES.
- Employees taking on work that is different to their employment, should be engaged as a worker and issued with a Temporary Worker Agreement (paid via a CHRIS 80/82).

Casual Workers New Key Principles

- Right to Work checks to be carried out before work commences.
- Workers should be paid for all activities they are required to attend; including training and meetings.
- Induction and training must be provided including Health and Safety, Equality & Diversity and Unconscious Bias plus other training to undertake their duties.
- Workers should receive the terms and conditions of their engagement before they start work (inc. relevant handbook).
- Workers are entitled to holiday pay which should be paid for at the time when the holiday is taken. Payment for holiday cannot be included in an hourly rate.
- Workers must be given a named contact to provide guidance and support and advice whilst working at the University.

Casual Workers – Rates of Pay

- Workers are paid an appropriate hourly rate, determined by the nature of the work undertaken for the hours they are requested to work.
- Rates of pay must not fall below the Cambridge Living Wage.
- Substitute Teaching Rates (STR) set out hourly rates of pay for teaching and demonstrating roles. (Different rates due to local requirements must be recorded locally with justification).
- Individuals carrying out duties substantially similar to existing University roles should receive rates of pay aligned to those roles.

Casual Worker Recruitment

- Process must be fair and transparent and promote the principles of equal opportunity and diversity.
- Where not possible or appropriate to engage in open competition, Institutions should document reasons for deviation.
- As far as appropriate, engagement of casual workers should follow the Recruitment Key Principles, as outlined in the Recruitment Policy.

Workforce Policy Guidance Cont'd

Self Employment

Clearance must be obtained from the Tax team prior to engagement of an individual to provide services personally either directly, or through a company, partnership or agency.

Monitoring Contractual Practices

The HR Division will conduct an annual review of the contractual arrangements of fixed-term employees, casual workers and those who are self-employed.

Revised Decision Tree

UPS2 rules that **no longer** apply:

- ❖ if an individual works less than 6 hours per week they can be a worker, or
- ❖ works more than 6 hours a week, they can only be a worker for 2 terms or 8 months unless there is a break of at least one term or 4 months

New Rules

- Ad hoc/occasional work, or a short period of work (eg up to 12 weeks) where the work is not repeated – **Worker**
- Hourly Paid Lecturer – consider a **GMHC**

Workforce Planning Toolkit

Provide guidance to institutions in making workforce planning and engagement decisions.

- Ensures you have the right people, on the right contract, in the right place at the right time.
- Process of analysing the current workforce, determining future needs, identifying the gap and implementing solutions to achieve operational and strategic plans.
- Aligns institution's workforce needs with the University's People Strategy.
- Enables a proactive approach to workforce planning to ensure you can deliver operationally and strategically against your institution's academic, financial and people plans.

Workforce Planning Toolkit

Simple and practical 5-step process to encourage a more strategic and proactive approach.



Quick breather.....



Why review the University's casual workforce?

- Responding to feedback from the User Consultation Group and concerns raised in an internal audit and by Trade unions
- Casual workers who undertake ongoing regular teaching may be more appropriately engaged on employment contracts.
- 74% of Universities classed hourly paid teaching staff as employees (UCEA 2019)
- Temporary Worker Agreements offer less job security and fewer benefits than a standard University employment contract.

The Casual Workforce Review

The University has agreed:

- Institutions should review their workers who are teaching regularly and where the work is ongoing
- Workers assessed as being employees will be offered appropriate employment contracts.
- The Review will be undertaken on a phased basis, which started with a pilot during summer 2022.

Timeline of Phased Approach

- A pilot of 2 institutions took place over the summer
- Phase 2 - 13 remaining institutions in the User Consultation Group
 - Michaelmas Term 2022
- Phase 3 - remaining institutions in the University
 - Lent Term 2023

Information provided to Institutions

- Guidance for institutions in carrying out the Review
- Data Sets with lists of workers for institutions to review
- Scripts to aid your conversations with workers
- Guaranteed Minimum Hours Process Guidance inc. pay rates
- New Generic Role Templates for academic T&S staff
- FAQs

HR support

The HR Workforce Planning team will:

- Provide the documentation
- Support the review and decision making
- Answer queries
- Assist with issuing offer letters and employment contracts

