

HIGHER EDUCATION E BULLETIN

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New Measures to Outlaw Discrimination

The Government has announced new measures to outlaw discrimination on religious grounds. Religious discrimination in employment and training has already been outlawed. The new measures will apply to direct and indirect discrimination in the provision of goods, services and facilities. The measures would also apply in cases of victimisation where someone is treated less favourably because they have complained of discrimination. Mike Robinson National Officer said “ we welcome these new measures as they will address the existing loop hole and will go some way to ensuring that protection will be fair and equal for all faiths”.

Women and Work Commission

This new commission will look at the continuing gender pay gap. The creation of the commission was announced by the Prime Minister at the end of July and will start work this Autumn, with a report due in the Autumn of 2005. The commission will examine how men’s and women’s education and skills affect which jobs they can get, career and promotion progression, women’s experiences of the jobs market before and after having children and the different experiences of women working full and part-time. The Equal Opportunities Commission has welcomed the measure and said it is pleased that the Government is taking the issue of pay inequality seriously.

Part-time College Staff Suffer Raw Deal

Part-time staff in further education and adult colleges suffer from low pay, inadequate working space and facilities and limited opportunities for training according to a recent report. The research by the Learning and Skills Development Agency highlights the frustrations experienced by part-time staff over the lack of equivalent status and support compared with full time staff. One respondent commented “most of us are doing a full-time job for part-time wages and are feeling very disgruntled”. 49% of those surveyed were not allocated any time for staff development and 56% had no effective work space. Mike Robinson National Officer said “it is a poor show when part-time workers are treated so badly. It is obvious that these workers are being marginalized and neglected. Amicus is working hard in these institutions to try to get the pay and working conditions improved for these workers and we are determined that there will be change”.

The Green Gown Awards 2005

These awards have been set up to recognise positive actions by UK universities and colleges to minimise energy and water consumption, reduce transport and waste and achieve sustainable construction and procurement. The objectives of the awards scheme are to recognise environmental achievement within the sector, raise the profile of environmental issues within the senior management of universities and colleges through peer competition, publicity and other means, and disseminate best practice examples of energy and water efficiency throughout the sector by preparing case studies and other materials based on applications for the awards. For further information on how to apply for a Green Gown award please go to www.heepi.org.uk/green_gown_awards.htm

IDS Survey into London Pay & Allowances

The recent IDS report on London Weighting Allowance has been condemned by delegates of the Amicus Higher Education National Advisory Committee (HENAC). Delegates felt that if the issue of London Weighting could be approached properly, this would then give delegates in other regions experiencing disproportionate cost of living in relation to pay rates the support and encouragement to apply for regional allowances. Amicus is committed to the concept of London and Regional Allowances as a payment premia in relation to the cost of living not purely as a tool to be used by HR departments to enable them to recruit staff for hard to fill positions.

Hefce Report on Highly Skilled Technicians in Higher Education

The Higher Education Funding Council for England (Hefce) commissioned an in-depth investigation of the supply, retention, roles, development and career progression of highly skilled technicians in English university departments. The study is primarily concerned with those technicians who work in research support roles. The study focuses on the way skilled technical support is organised and delivered, by considering evidence from case studies in higher education institutions and comparator organisations. Mike Robinson, National Officer said “ this study makes for very interesting reading and we would encourage all technicians to have a look at the study even if it is only to read the executive summary. We hope to evaluate the study over the next few weeks and will be asking our higher education reps to add their thoughts on the findings. With the job evaluation exercise in full swing across the higher education sector the study has come at a very crucial time. Amicus will be issuing a response to the study in the very near future” for further information about the study and to download a copy please go to www.hefce.ac.uk/

Early Retirement Benefits

This is an interesting case regarding the transfer of rights from the European Court of Justice (ECJ). The issue in **Martin v South bank University** was whether early retirement benefits were excluded from the scope of the Acquired Rights Directive and TUPE. Article 3(4) of the Directive states that employees ‘rights to old age, invalidity or survivors’ benefits under employers’ pension schemes are excluded from the scope of the Directive. Article 3(3) of the Directive states that transferees should continue to observe terms and conditions agreed in existing collective agreements. Regulations 6 and 7 of TUPE implement these provisions in UK law. The basis of the case is that the applicants were employed as lecturers at an NHS nursing college under General Whitley Council conditions of service. One of the Whitley Council conditions of service provided for early retirement with an immediate payment of an enhanced retirement pension and compensation in the event of employees being dismissed for redundancy or taking voluntary early retirement due to organisational or efficiency changes. The nursing college was transferred to South Bank University in 1994. The applicants were offered contracts on SBU’s terms and conditions but did not accept these terms as they were inferior to their existing contracts. They did however apply to transfer their existing NHS benefits into the teachers’ superannuation scheme. In 1997 the applicants accepted early retirement after the SBU sent a letter to all staff over 50 offering them an early retirement package. The problem arose as to whether they were bound to accept the different terms that applied in the higher education sector, which were established by statutory regulations rather than collective agreements under the Whitley Council. On a preliminary reference to

the ECJ, the Court ruled that early retirement benefits did not fall within the ambit of the exception provided by Article 3(3) of the Directive for old age, invalidity or survivors benefits and thus were transferred to the transferee. For further information on this case and a fuller explanation of the details of the case please go to www.rowley-ashworth.co.uk look under Publications then Bulletin, March 2004 pages 7-8.

Employing Transsexual People in Higher Education

The Equality Challenge Unit was established in 2001 to improve equal opportunities for all who work or seek to work in the higher education sector. The unit has produced an excellent document called Employing Transsexual People in Higher Education. The document was written partly in response to the Gender Recognition Act 2004. The Act is applicable in England, Scotland, Wales and Northern Ireland. The guide is therefore relevant to all UK higher education institutions. The document provides a guide for all managers and staff working in higher education who employ or work with people who have been diagnosed with gender dysphoria, or are in the process of changing gender, or live in a gender other than the one they were born with. Employers now have a legal responsibility to protect the rights of such a person. The responsibility includes ensuring that the person does not suffer from any direct or indirect discrimination, and that the employer supports the person in any process of transition. For more information about the guide and to download a copy please go to www.ecu.ac.uk/

New Employment Laws Encourage better Communications

New laws to improve the way individual employment disputes are handled in the UK came into force on 1st October 2004. The Employment Act 2002 (Dispute Resolution) Regulations 2004 make it mandatory for every UK employer to have in place statutory disciplinary and grievance procedures, and to use them correctly when workplace disputes arise. The new regulations set out a basic three-step statutory procedure that should be followed before a case can be heard by an employment tribunal. The regulations hope to encourage better workplace communications and encourage people to try to talk through disputes when and where they occur, using employment tribunals as a last resort. Failure by either party to follow the procedure will mean they could incur financial penalties if the dispute goes to an employment tribunal. In a dismissal case where the employer has failed to follow correct procedure, the dismissal will automatically be found unfair. The employee has a statutory right to be accompanied to a workplace dispute/disciplinary meeting by a trade union official or work colleague. Clarifications to the role of companion in these meetings are laid out in the Employment Relations Act 2004 which also came into effect on 1st October 2004. For further information on the new Regulations, changes to the Employment Tribunal Service procedure and the role of companions in dispute/grievance meetings please go to www.dti.gov.uk/er

National Minimum Wage

The national minimum wage is to rise to £3 an hour for 16-17 year old workers. The adult worker's rate rises from £4.50 and hour to £4.85 and hour and the youth rate, for 18 to 21 year old workers rises to £4.40 an hour. These rises came into force on 1st October 2004. An IDS report on the national minimum wage has highlighted the fact that the rises in the minimum wage especially benefit women and in particular those who work part time.

This bulletin has been produced by Janet Golds, Higher Education Research Officer

If you have any news items you would like included in the e-bulletin, please contact Janet Golds on janet.golds@amicustheunion.org