

The case for occupational sick pay for GTAs at the University of Manchester

For the consideration of the HR Sub-Committee (HRSC), by Morgan Rhys Powell, UMUCU joint Anti-Casualisation Officer.

Overview

In a meeting with Andrew Mullen and Jenny Knights on 05/11/21, representatives of UMUCU requested a change to the 2013 Supplementary Agreement with UMUCU regarding sick pay arrangements for Graduate Teaching Assistants (GTAs).

Point 12 of said agreement states that “The appendices form part of the agreement and any material changes to the appendices will be negotiated with UCU”. As outlined below, sick pay is covered in appendices 1 and 3. We are therefore requesting **material changes to both of these and the incorporation of a policy of occupational sick pay for all GTAs into the Supplementary Agreement as a whole.**

The following document outlines:

1. Concerns regarding existing arrangements
2. A proposal for occupational sick pay for GTAs
3. Precedent for providing GTAs with occupational sick pay

1. Existing arrangements

1.1 The 2013 Supplementary Agreement fulfils the University’s obligations under the provision of 6.3 of the Final Agreement relating to the use of Graduate Teaching Assistants (GTAs).

As per Appendix 3, Point 10 (‘Sickness’), regarding GTAs:

“10. 1 If you are absent from work due to sickness or injury, no payment will be made unless you qualify for statutory sick pay.

10.2 In the event of short-term absence due to illness you should attempt to arrange a for a suitably qualified colleague to undertake your teaching on an exchange or swap basis subject to obtaining verbal approval of your discipline head in order that contractual hours of work can still be fulfilled and, in these circumstances, the absence will not be treated as a period of sickness absence.”

Furthermore, Appendix 1 (‘TA Job Descriptions’ - ‘Cover’) states that:

“In the event of absence due to illness the postholder should attempt to arrange a swap with a colleague such that the contractual hours of work can still be fulfilled and, in these circumstances, the absence would not be treated as a period of sickness absence”

An exception to these arrangements was agreed in Semester 1 of 2020 and extended to Semester 1 of 2021, whereby:

“[I]f a TA was scheduled and contracted to undertake in-person teaching, they were entitled to receive sick pay in the following circumstances:

- If they had tested positive for COVID-19 and were unable to deliver scheduled teaching as a result;
- If they were self-isolating because: (i) they had COVID-19 symptoms, (ii) they were waiting for a COVID-19 test result, and it was not appropriate or possible to move the scheduled class online.
- TAs will continue to be eligible for sick pay where they are too unwell to deliver scheduled online teaching after testing positive for COVID-19 or while waiting for test results.” [1]

1.2 Our concerns pertaining to these points include:

- On Appendix 3, 10.1: the vast majority of GTAs **do not qualify for statutory sick pay (SSP)** due to:
 - Not reaching the lower earnings limit (LEL) of £120 per week
 - Not reaching the required period of sickness for 4 consecutive days due to the hourly-paid nature of our work
 - Being classed as ‘workers’ rather than ‘employees’ [2,3]
 - Subsequently, **current policy entails that GTAs are unable to access any sick pay when ill**, except in cases related to COVID-19, discussed below.
- On Appendix 3, 10.2, and Appendix 1, ‘Cover’: current policy entails that GTAs who are ill are expected to spend their own time personally arranging cover.
 - If it is recognised that a GTA is too ill to carry out teaching duties that they are familiar with, they **cannot be reasonably expected to carry out unfamiliar administrative and managerial duties** when unwell.
 - Such duties involve extensive correspondence and judgements regarding the appropriateness of an individual for a class or set of classes, while the GTA in question is suffering from illness or injury.
 - This carries the risk of **aggravating illness**, such as by contravening NHS advice on treating such illnesses as flu and the common cold through rest, for example [4]. The **expectation of additional complex and time consuming administrative procedures is highly unreasonable in any circumstances of illness sufficient to warrant an absence from teaching.**

- As things stand, this is often recognised as an **unworkable policy** within Schools. In SoSS, for example, GTAs are instead advised to inform the Departmental TA Coordinator who then proceeds to reallocate hours and arrange pay adjustments, creating no additional work for sick GTAs. [5]

- Furthermore on Appendix 3, 10.2, and Appendix 1, 'Cover': arranging to 'swap' with a colleague **effectively means that the sick GTA receives no time off for illness**, instead making up for the time that they were ill with additional teaching.
 - For GTAs who are also PGRs, this entails a **loss of time for research progression**, as they may not be able to work on their research project when ill.
 - This has the potential to impact 4-year **submission targets** for PGRs, with direct financial consequences for the University
 - Under this policy, the GTA/PGR may potentially face a **doubling** of their workload in a subsequent week.
 - This is highly likely to cause a great deal of **stress and anxiety** for PGRs, with **potentially damaging implications GTAs' mental health**.
 - This policy also does not take into account the practice of teaching workload authorisation from the relevant PhD supervisor in the case of PGRs.
 - Finally, this is highly likely to impact on **teaching quality** given the additional strain on teaching staff.

- On the current policy relating to COVID-19: this policy **recognises the need to reduce the spread of transmissible illnesses amongst the University population by encouraging those with symptoms not to enter the workplace**.
 - There is **no reason** why the same attitude should not be taken to other illnesses, **prioritising the health of students, staff, and the wider community**.
 - The University should be concerned with reducing the transmission of any virus, particularly as any such transmission contains the potential for hospitalisations and deaths amongst more vulnerable colleagues, students, and members of the wider population [6]. **By encouraging those with viral infection symptoms not to enter the workplace, occupational sick pay acts as a basic preventative measure to transmission**.
 - All staff should be supported by their employer through the difficulties of illness and injury sufficient to warrant absence from work. This is made more urgent by ongoing pandemic circumstances and subsequent implications for staff mental and physical health.
 - Given that the symptoms of the many strains of Covid-19 are continually evolving, overlapping substantially with other common viruses, and changing in their vaccine resistance and ability to be detected, we now have no clear way to distinguish between minor and

serious strains of viruses. Therefore, **all viruses should be taken seriously.**

1.3 To summarise, the existing policy means that GTAs at the University of Manchester are largely unable to access any form of sick pay and **face loss of income through no fault of their own due to illness or injury**, as well as facing additional work arranging cover while they are unwell and the loss of time entailed by 'swapping'.

The threat of losing pay whilst typically on low overall income, in combination with the prospect of having to undertake additional unfamiliar work, increases the risk that some may be tempted to ignore early symptoms and continue to teach, **putting students, the university community, and wider population at risk.**

The 2020/2021 exceptional sick pay policy regarding COVID-19 exemplifies the attitude that should be taken by the University to viral transmission in general, with **sick pay acting as a basic preventative measure.**

In addition, it is important to point out that there is a **discriminatory potential** built-in to the current arrangements, as **Disabled students are more likely to have need for sick days.** The results of the 2021 Postgraduate Research Experience Survey (PRES) found that PGRs with a disability have a less satisfactory experience across all areas of their programme and expressed the University's concern for this. [7]

2. Our proposal for occupational sick pay

As a means of resolving the above issues, on behalf of UMUCU I request that GTAs be incorporated into the University's existing Occupational Sick Pay policy and procedures for staff, with **assurance that no GTA shall lose pay due to sickness absence.**

I request that the 2013 Supplementary Agreement be changed to reflect this policy, and that GTA Terms and Conditions of Employment, job descriptions and contracts be updated to incorporate this change.

I request that this policy change is communicated in clear terms to all GTAs.

3. Precedent

Multiple universities provide occupational sick pay to GTAs. For example:

- University College London (UCL) include GTAs in the same occupational sickness pay policy as other teaching staff [8]

- The University of Sheffield supplements SSP where necessary to ensure that sick pay is the equivalent of full pay for GTAs [9]
- The University of Kent include GTAs in the same occupational sickness pay policy as other teaching staff [10]

The Greater Manchester Combined Authority's *Greater Manchester Good Employment Charter* **explicitly calls on employers to “[e]nsure that all staff have an entitlement to sick pay, with provision in place for any staff who do not meet the earnings threshold for statutory sick pay”**. [11]

The Trade Union Congress (TUC) is currently campaigning for sick pay for all who do not qualify for SSP, including **211,458 workers in the North West – a figure which, as outlined above, would include most of UoM’s GTAs**. [12]

The University of Manchester therefore has an opportunity to demonstrate that it is ahead of the curve and that it cares for the health and wellbeing of all staff, potentially generating positive publicity and reputational enhancement.

Moreover, the cost of implementing this proposed policy change is likely to bring such long-term returns as lower overall illness rates amongst staff through reduced on-campus infection and better progression for PGRs.

Notes

[1] Staffnet (2021) *Teaching Assistants temporary sick pay provisions*. Available at: https://www.staffnet.manchester.ac.uk/news/display/?id=27011&gator_td=EeCRGC9TVR9kQBLCSSCBulpriPylLqB9h5blznMg5SqlajZq4meNDCudljY1q76%2bnXepnFnMrYbO3DO5il%2fwDEyPGUKLqp7L6XEp5zZt9ppsidgykWWMzp1m%2bEPb3iFxJpCsWyyBcRBdRoxYMKem6i%2fayoGMN6Bq4XpX52bqiB8%3d

[2] GOV.UK (no date) *Statutory Sick Pay: Eligibility*. Available at: <https://www.gov.uk/statutory-sick-pay/eligibility>

[3] Trades Union Congress (2021) *Sick Pay For All*. Available at: www.tuc.org.uk/research-analysis/reports/sick-pay-all

[4] NHS (2019) *Flu*. Available at: <https://www.nhs.uk/conditions/flu/>

[5] Email from SoSS School Resources Officer to socialsciences-tas@listserv.manchester.ac.uk, 03/11/21, subject: 'IMPORTANT: FAO: All TAs - Sickness Absence & Pay Procedure'.

[6] Office for National Statistics (2021) *Influenza deaths in 2018, 2019 and 2020*. Available at:

<https://www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/influenzadeathsin20182019and2020>

[7] Student News (2021) *Postgraduate Research Experience Survey (PRES) Results*. Available at: <https://studentnews.manchester.ac.uk/2021/08/09/postgraduate-research-experience-survey-pres-results/>

[8] UCL Human Resources (no date) *Postgraduate Teaching Assistant Code of Practice*. Available at: <https://www.ucl.ac.uk/human-resources/postgraduate-teaching-assistant-code-practice#Pay%20and%20Terms%20of%20Employment>

[9] The University of Sheffield (no date) *Terms And Conditions Of Service. (Sheffield Graduate Training Contract)*. Available at: https://www.sheffield.ac.uk/polopoly_fs/1.317580!/file/TermsandConditions.pdf

[10] University of Kent (2020) *Terms and conditions - GTAs*. Available at: <https://www.kent.ac.uk/scholarships/postgraduate/terms-and-conditions-gtas>

[11] Greater Manchester Combined Authority (2019) *Greater Manchester Good Employment Charter: Pay*. Available at: <https://www.gmgoodemploymentcharter.co.uk/the-charter/pay/>

[12] Trades Union Congress (2021) *Sick Pay For All*. Available at: www.tuc.org.uk/research-analysis/reports/sick-pay-all