# **Collective grievance from UCU, Unison and Unite regarding annual leave 06/08/2020**

Members of all three unions are concerned about recent announcements about annual leave which are both contrary to the university’ s annual leave policies and contrary to government guidance. The three unions have had many discussions with HR about this but the substantive issues still remain and we are now submitting a collective grievance.

All three unions agree people should generally take their leave during the year (and in many cases the university should reduce our workloads to allow us to take our leave). Annual leave allows employees to take paid time off from work to rest and relax, unwind, travel, spend time with family and friends and enjoy leisure activities. The unprecedented circumstances of the pandemic has curtailed most of this. Within the University, employees have rapidly transitioned to new ways of working, struggled with the challenges of working at home or risked coming onto campus to ensure the integrity and continuance of essential work. Some staff have been personally affected by the trauma of COVID and all staff have felt the anxiety that an unknown potentially lethal disease creates. Resting and re-energising in these circumstances has been difficult even when staff have taken precious time off. To only allow staff the ability to carry over unused annual leave into future leave periods in exceptional circumstances and if it suits the University is unfair and not the actions of an employer who strives to be seen as an employer of choice. To withdraw university employees’ holiday in the manner proposed will leave a bitter taste in many staff’s mouth affecting their motivation and their willingness to go the extra mile as they have done during the beginning of the pandemic. Many staff are already suffering from stress and the prospect of being able to take time off when things improve is vital to their overall wellbeing.

It is not acceptable to issue edicts which are not in the policies, not in line with law and outside what would be expected of a good university employer. These issues are causing worry and upset to many of our members. Many feel angry that they have been working incredibly hard to keep things going during the pandemic, only to be forced to take annual leave when it’s not appropriate for their work, and then docked pay when they do take that leave.

Our specific concerns are:

1. Many staff have been told to give notice of intention to take their remaining annual leave within specific time frames (initially by 17th July). There is no specific notice period for leave specified in the university policy, only that leave will not be unreasonably withheld if adequate notice is given and operational requirements permit.
2. Recent announcements have referred to staff only being allowed to carry five days’ leave “in exceptional circumstances”. That restriction does not exist in the university policy. It is a normal right of our contracts to be able to carry five days leave which the head of school or service should not unreasonably object to. Custom and practice in most parts of the university is that up to five days carry-over is the norm
3. The annual leave policies state that carry forward should be agreed by the head of school or service but members should expect a good reason if there is an objection; ie there should not be an unreasonable objection. A blanket ban on carry forward, within a school or department or university-wide, is not reasonable.
4. Also staff are being told that they can only carry-over holiday if they are not able to take it within this leave year because of university business needs – this isn’t stated in the policy.
5. The university’s new stance on annual leave seems unduly harsh when many universities and very many large employers in our region are allowing employees to carry forward annual leave which they have been unable to take due to the pandemic.
6. The government’s Working Time (Coronavirus) (Amendment) Regulations 2020 state that up to 4 weeks of unused leave can be carried into the next 2 leave years where the impact of coronavirus means that it has not been reasonably practicable to take it in the leave year to which it relates. This is undoubtedly the case for many university staff, so refusing to allow the normal five days’ carry forward is doubly unacceptable, and we believe that the University should be acting in accordance with the spirit of the regulations.
7. For many staff, carrying over up to 5 days or more of annual leave will have little impact on others and for managers to object to that notification of intent would be unreasonable.
8. Staff who are or have been on overseas holiday and are obliged by law to quarantine on their return are being told, that if they cannot work from home, that they will have to take annual leave, bring forward annual leave from next year, or take unpaid leave to cover the quarantine period. This is unfair, and discriminatory because staff who can work from home are not being penalised in this way.
9. There must be an Equality Impact Assessment of this quarantine arrangement.
10. Obliging staff to take unpaid leave to cover quarantine is effectively a pay cut.
11. The quarantine arrangements involve the employer instructing an employee to take leave. However the Working Time Regulations specify that employers must give notice of any requirement to take holiday which is twice the length of the holiday imposed. It is not possible for the employer to give 28 days’ notice when someone returns from a country and has to quarantine for 14 days.”
12. The announcements about changes to annual leave arrangements are changes to staff terms and conditions which have not been negotiated with the trade unions. These changes represent a fundamental change to employees’ conditions of service. Recognition agreements with the unions specify that matters for negotiation include pay and leave. You have not given notice of this change and the recognised campus unions have not agreed to the change. Individual members have not accepted this imposition.

Note: The Working Time (Coronavirus) (Amendment) Regulations 2020 are at <https://www.legislation.gov.uk/uksi/2020/365/made> and government guidance on Holiday entitlement and pay during coronavirus (explaining this law) is at <https://www.gov.uk/guidance/holiday-entitlement-and-pay-during-coronavirus-covid-19>

Desired Outcomes

* As a minimum, the unions expect that the University will abide by the wording and customary practice of its existent agreements (as was its frequently stated position in conversations about leave arrangements in the early days of the pandemic lockdown). Further though, we would hope that the University would see that it is being unduly harsh, when viewed alongside comparable regional peers and thus allow a carryover of up to 10 days for the next 12 months.

* On the question of the quarantine announcement, the unions ask that it be withdrawn as it is needlessly punitive to a staff that has worked over and above normal expectations in a difficult period, to maintain the good practice and good order of the University, especially given the university’s drive to encourage staff to book leave before the end of September. We remind you that staff caught up in this were following the government’s advice at the time: a position the University has stated repeatedly for its decision making during this period.

* That the University properly negotiate and/or consult (guided by the procedural agreement) with TUs on matters of staffing and not just issue them with UEG decisions and ask for comment / feedback. We should be integral to this process, not an afterthought.

## **Appendix – university policies on annual leave**

The policy for academic and academic-related (professional and managerial) staff includes this about carrying over leave:

Unused leave entitlement may not normally be carried over from one year to another except that **up to one week's leave (pro-rata) may be carried forward** for up to 3 months after the end of the leave year by agreement with the Dean of Faculty/Head of School.

The policy for support staff includes this about carrying over leave:

If you don’t use all of your allowance, you can ask your Head of School/Service if you can add up to a week (pro-rata) onto your next year’s allowance, but this must be taken by 31st December.

Tim Goodall, UCU Branch Secretary

Jo Westerman, Unite Branch Chair

Nick Allen, Unison Branch Chair

 