



# Employment Contracts Policy

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# Table of Contents

<b>Aim</b>	<b>1</b>
<b>1. Policy Statement</b>	<b>1</b>
<b>2. Scope</b>	<b>1</b>
<b>3. Roles and responsibilities</b>	<b>2</b>
<b>4. Operating principles</b>	<b>3</b>
<b>5. Types of employment contract</b>	<b>4</b>
<hr/>	
5.1 Permanent employment contracts	4
5.2 Fixed-term employment contracts	4
5.3 Assistant Lecturers (formerly GTA) and Graduate Laboratory Assistants	4
5.4 On demand agreement	5
5.5 Self-employment	5
<b>6. University sources of support and information</b>	<b>5</b>
<b>7. Related university policies and procedures</b>	<b>5</b>
<b>8. Equality Impact Assessment</b>	<b>6</b>
<b>9. Monitoring</b>	<b>6</b>
<b>Policy information</b>	<b>7</b>
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# Aim

The University's People Supporting Strategy sets out our ambition for a just and equal workplace with a people centred approach. The contractual arrangements that we have in place with those that work for us provide the fundamental basis for the University's relationship with its employees. It is therefore important that we all consider carefully that we have the right contractual relationship in place.

## 1. Policy Statement

1.1 This policy provides you with the essential information you need to plan and manage the employment status of individuals for whom you may be responsible.

## 2. Scope

2.1 This policy applies to all employment relationships at the University of Essex. The relationship can be created whenever someone works for us, whether we formally recognise it or give them an employment contract document. It exists where the following features are in place:

- Mutuality of obligation: there is an obligation to provide and accept work for a consideration.
- A duty to provide services personally: it is not possible for someone else to perform the work on the individual's behalf.
- Control and direction over the person's work: the employer is able to exert day-to-day control over the individual's work and to specify how and when it is done. For example, requiring someone to attend a specific meeting or conduct teaching at a particular time.
- The integration test: the degree of integration of the individual into the employer's organisation. For example, they have a University email address and phone number, are listed as a member of staff on the website.

2.2 The employment contract sets a start date, hours and pay. There are provisions for probation and notice period. The contracts also require compliance with University policies and procedures. Sample terms and conditions are on the [University website](#).

# 3. Roles and responsibilities

3.1 Employees are responsible for:

- Being aware of the contract type on which they are employed
- Understanding what their contract type means and entails
- Understanding their employment rights
- Supplying right to work information

3.2 Managers are responsible for:

- Identifying the correct contract type for the role they have in their area
- Ensuring that everyone they are responsible for is issued with a contract before or on their start date and it is the correct contract type for the role. This means ensuring the required approvals are in place and sending the appointment information to People & Culture at least 5 days before the start date
- Knowing who to seek advice from if they require contract assistance

3.3 People and Culture are responsible for:

- Sign-posting colleagues to information related to contract types
- Supporting managers to identify the correct contract for a role
- Issuing contracts before the first day of employment
- Carrying out right to work checks

## 4. Operating principles

- 4.1 We are legally required to issue anyone working with us with a contract/on demand agreement on day one of their engagement with us.
- 4.2 The contractual relationship is determined as much by what happens in practice as what may be agreed on paper. It is a matter of law and not a matter of choice. This contractual relationship also determines the use of self employed individuals and whether they should be defined as employees, workers or self employed arrangements.
- 4.3 Everyone working for the University must be clear about their rights and responsibilities as employees or workers.
- 4.4 Arrangements cannot be made locally to engage or pay people without a contract or agreement. This includes any activity where we may provide payment in kind e.g. expenses.
- 4.5 While fixed-term and on demand arrangements are sometimes necessary for business reasons, permanent contracts should be used where possible.
- 4.6 Heads of Department/Section and those with responsibility for others must ensure that the University engages those that work for us on the correct basis. This includes the offer of work that may be required to deliver aspects of externally funded projects.
- 4.7 People & Culture must be informed in good time about new starters so that contracts and right to work checks are completed **before** the first day of work and contracts are issued.

# 5. Types of employment contract

## 5.1 Permanent employment contracts

These are open ended contracts for [academic](#) (.pdf) and [professional](#) (.pdf) staff.

Academic posts fall into one of the following categories: ASER (education and research), ASR (research), ASE (education).

Professional Services posts at the University cover grades 1 to 11 (UECS Ltd and Wivenhoe House Ltd have contracts with these employers).

It is possible to have an open ended (permanent) contract where hours are varied annually, usually in response to student demand. Most of these contracts are either full or part time with stated hours of work.

The University may seek to implement annualised hours to meet a specific business need and employees may request, subject to agreement with their line manager, to work annualised hours where a total number of hours for the year are stipulated but to a pattern agreed with their line manager. For example someone may only work during term time or may vary their hours to meet times of peak demand. All requests to implement annualised hours should be balanced against the business needs of the University.

## 5.2 Fixed-term employment contracts

There are fixed-term contracts for [academic](#) and [professional](#) staff.

Contracts for a fixed period must have a [justifiable reason](#) (.pdf) why the contract is only for a fixed-term. A fixed term contract will conclude on the date stated in the contract.

Fixed-term employees have the same rights as permanent employees.

## 5.3 Assistant Lecturers (formerly GTA) and Graduate Laboratory Assistants

Contracts for student teachers and lab assistants are fixed-term (for Assistant Lecturers) and on-demand contracts (for Graduate Laboratory Assistants) that will come to an end when the student completes their studies. An umbrella contract is in place for the duration of their studentship. Assistant Lecturer work is triggered by engagements within the department(s), Graduate Laboratory Assistant work is based on demand.

All contracts must be accompanied by a job description.

## 5.4 On demand agreement

On demand agreements are open ended agreements for colleagues that allow 'as and when' engagements, with each engagement usually no longer than 12 weeks.

## 5.5 Self-employment

Self-employment means that an individual is not regarded under employment or tax law as an employee or worker, and they don't have the employment rights and responsibilities of employees. The test in [Financial Procedure Note 2 – consultancy and self-employment](#) must be completed in all cases where self-employment is considered, and in some cases means self-employed contracts are paid through the payroll.

# 6. University sources of support and information

- [Assistant Lecturers](#)
- [Graduate Laboratory Assistants](#)
- [On Demand Agreements](#)
- [Pathway to Permanency](#)
- [My Contract Information](#)
- [Recruiting Staff](#)

# 7. Related university policies and procedures

- [Flexible Working Policy](#)
- [Probation Policy](#)

# 8. Equality Impact Assessment

8.1 We are committed to meeting our obligations under the Equality Act 2010, which requires the University show no discrimination as required by law on account of age, disability, gender reassignment\*, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The University will always act lawfully and this may include taking action to support people with particular protected characteristics, including disability and sex. In addition to its obligations under the EA, the University shall adopt policies, practices, and procedures that define expected standards of behaviour and specify any additional characteristics, beyond those required by law, to which protection is provided, for example, in relation to political belief, social background and refugee status.

\*The University's policies, practices and procedures specifically extend to all gender identities including trans, non-binary and gender non-conforming people.

8.2 Our [Equality, diversity and inclusion policy](#) sets out our approach, in the context of our institutional mission, values and objectives as set out in our Strategic Plan, our People Supporting Strategy, our Education and Research Strategies and equalities legislation.

# 9. Monitoring

9.1 People, Culture and Inclusion Advisory Groups purpose is to ensure legal compliance and monitor on behalf of USG, the implementation of the University's people strategies, policies and practices, including those relating to equality, diversity and inclusion (EDI); promote dissemination of good people management practice throughout the University and draw to the attention of USG any areas of concern requiring attention.



# Policy information

**Title:** Employment Contracts Policy

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**Nominated Contact:** Develop@essex.ac.uk

**Responsible UoE Section:** People and Culture

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