



# THE UNIVERSITY *of* EDINBURGH

## **GUIDANCE – MANAGEMENT OF GUARANTEED MINIMUM HOURS CONTRACTS**

It is important that managers are aware of the principles and key features of **Guaranteed Minimum Hours** (GH) contracts.

GH contracts are contracts where an employee is guaranteed to be offered a stated minimum number of hours of work in a defined period of time – *the Guaranteed Hours Period*. GH contracts are typically appropriate where work is not evenly spread e.g. there are weeks or months where no work is available/can be offered; where the total hours to be offered cannot be reasonably predicted; and the number of hours worked is likely to vary in each GH period. These contracts are managed in two ways:

1. There is a review at the end of each GH period and the employee is notified in writing about the minimum number of hours to be guaranteed for the following GH period.
2. The GH period is the same as the duration of the employee's fixed-term contract, therefore no review is applicable if the contract ends without further extension.

The *Guaranteed Hours Period* is typically an academic year or a calendar year or matches the length of a fixed-term contract. The dates of the Guaranteed Hours Period are stated in the contract of employment.

### **Key Features:**

1. GH contracts provide greater flexibility for both the University and employee than some other forms of contracts. The University is contractually obliged to offer the stated minimum hours of work in the GH Period – the employee is not obligated to accept the offer of work. However, once the employee has agreed to work at a specified time or to a schedule of work they are contractually obligated to carry out that work.
2. The University can vary the minimum amount of hours to be offered in each GH period to fit the amount of work known to be available at the beginning of the GH period.
3. The minimum guaranteed hours specified in the contract must be based on a reasonable estimate of the hours the manager expects to be able to offer the employee in the GH period.
4. Employees on GH contracts have the same employment rights and are covered by the same University policies, terms and conditions and

benefits as all other employees on other types of contracts. Annual leave is paid as an extra % allowance on top of the employee's hourly rate, as typically there will be weeks where no work is offered. Managers must ensure that employees do not work more than 44 weeks' of the year (over all GH contracts held) to ensure appropriate periods of annual leave/rest can be taken.

5. The actual hours offered can exceed the minimum amount of hours offered in each GH period. Care must be taken to ensure the hours offered worked do not breach other policies, for example the number of hours which can be worked by a PhD student or by a Tier 4 visa holder.
6. If the minimum GH hours are not offered in the GH period (in part or in full) the employee will be contractually entitled to be paid for the hours which were not offered. However, there is no entitlement to payment where the employee declines to work the offered hours.
7. In line with the University's [collective agreement](#) with UCU, teaching and research focussed staff on GH contracts must be offered a fractional contract if they have worked more than 0.2 FTE on average (in the same role) in the preceding 2 years and it is reasonable to assume the same number of hours will be required on an ongoing basis. While this will trigger the offer of a fractional (or potentially part-time contract), there is no onus on an employee to accept and they may remain on a GH contract.

### **Summary of Managers' Obligations**

1. Each College or Professional Service Group will define the GH period or GH periods used in each area.
2. Managers must plan in advance of the end of each GH period/beginning of new GH period and ensure that each employee's minimum guaranteed hours are confirmed as far in advance as possible of the start of the new GH period. They must also make every effort to fulfil the obligations detailed in Section 4 of the University and UCU [collective agreement](#).
3. Managers must keep track of the minimum GH hours to be offered to each employee in each GH period and ensure that the stated minimum number of hours of work is offered to each employee.
4. Managers must liaise with employees who are unable to fulfil their allocated hours due to acceptable reasons e.g. period of maternity leave or long term sickness absence, to allow them to remain on the University payroll for the period of the absence.
5. Managers must ensure that the work offered to and undertaken by a GH employee is appropriate to the grade to which they are appointed.
6. Management of GH employees is required as would be appropriate for any other employee e.g. probation, objective setting, and feedback on performance.

The following table provides a number of typical situations that may occur in relation to employees on GH contracts and how a manager should typically manage the situation.

Situation	Action
<p>A Guaranteed Hours employee advises that they are not available for all of the next GH period.</p>	<p>The manager needs to understand why the employee is unavailable.</p> <p>If the employee advises they have accepted other employment, either within the University or elsewhere, and this employment is full-time or substantial to the extent that they will be unavailable for work under their guaranteed hours contract for the full GH period and/or beyond then this would effectively be considered a resignation. Similarly if the employee is not available because they wish to focus on their studies this would also be considered as a resignation. The manager must initiate the termination in People and Money. It is not normally possible for a GH contract to be retained with zero hours <i>allocated</i> for the entire GH period. The manager may ask the employee to contact them if the employee anticipates being interested/available in work in the future but should not commit to further re-employment.</p> <p>If the employee is unable to work for reasons covered by University policies (e.g. sickness absence, maternity leave) the manager should advise their local GH Administrator in order that the correct procedures can be followed. Where an employee on a Student Experience contract temporarily interrupts their studies for a period of 3 months or more the local College or Professional Services HR team should be contacted as the associated employment contract <u>may</u> be suspended.</p>
<p>The manager does not intend to offer work to the employee for a further GH period.</p>	<p>The manager should contact their local GH Administrator or to explain the reason why they do not intend to offer further work. If this is due to an actual or potential reduction or cessation of the work the employee is contracted to do, there may be a potential redundancy situation and the manager must contact their HR Partner for advice. Depending on the reason, the manager may be obligated to offer a further period of guaranteed hours if, for example, there is work still available but there were performance issues the manager has not formally addressed.</p>
<p>A manager offers some but not all of the guaranteed hours for the defined period</p>	<p>The employee is entitled to be offered all of the guaranteed hours stated for the period. If these are not offered, the employee will normally be entitled to payment for the balance of hours not offered at the end of the GH period.</p>
<p>An employee advises that they are unwell and cannot work the scheduled hours.</p>	<p>The manager and employee should treat this as normal sickness absence. Subject to normal reporting procedures being followed and entitlement to occupational sick pay (based on qualifying service) the employee would normally be paid as if the hours had been worked. Please refer to relevant <a href="#">Conditions of Employment</a> for the employee's grade.</p>

<p>A manager knows that they have a requirement for cover e.g. teaching cover, for a limited period of time.</p>	<p>The manager should request a <i>fixed-term</i> contract rather than an open-ended contract. Depending on the pattern and total estimated hours a guaranteed hours contract may be the most appropriate form of contract. Hours can be guaranteed either for the duration of the contract or for the initial defined period within the term of the contract e.g. per academic year.</p>
<p>An employee wishes to undertake work at a date which differs to that originally agreed.</p>	<p>Where a GH employee wishes to work at a different time to that originally agreed or to swap a 'shift' or work activity with another GH employee this must be agreed in advance with the manager or person responsible for organising the employee's work. Any agreed changes to work arrangements and/or hours must be managed and entered in People and Money.</p>
<p>A manager offers guaranteed hours but it becomes apparent that due to specific circumstances the employee will not be required.</p>	<p>The manager should contact their local GH Administrator to advise if an employee will not be required to work due to specific circumstances. The GH Administrator will update People and Money with the required changes. If the GH contract is fixed term to provide cover for an absent employee, the contract can be brought to an end earlier than scheduled with appropriate notice. If the contract is open-ended, there may be a redundancy situation depending on the circumstances. In this case, the manager should contact their HR Partner for advice.</p>
<p>A manager wishes to offer a current UoE student a Student Experience contract.</p>	<p>The contract will be offered for a fixed-term duration no longer than the period of time the student is expected to be a matriculated student. Managers must not offer work beyond the period of study to ensure that work is available for future students. See guidance on Student Experience contracts in Appendix of <a href="#">Fixed Term Contracts Reason Codes</a>.</p>
<p>A manager wishes to extend a Student Experience contract beyond the date the employee will also be a matriculated student of the University of Edinburgh.</p>	<p>The University aims to ensure there are sufficient and meaningful employment opportunities for current UoE students. Recently qualified PhD students wishing to pursue a career in academia should be encouraged to seek a post-doc fellowship or similar opportunity. Managers should contact their HR Partner where they wish to extend the employment of an employee contracted on a Student Experience contract.</p>

<p>A manager wishes hourly paid employees to attend a training and development session and is not sure whether this should be paid.</p>	<p>If there is a requirement for an hourly paid employee to undertake training and development (including an employee induction) then this should be paid at the employee's hourly rate. Attendance at training and development events (as with all employees) should be agreed with the manager in advance. As with any employee, the amount of paid training and development should be proportionate and directly relevant to the individual's post. There may be circumstances where a manager mandates all employees undertake training considered to be of particular importance regardless of contract size e.g. equality training. Managers must ensure compliance with Section 2 of the <a href="#">University and UCU collective agreement</a>.</p>
<p>An employee requires access to resources in the course of their employment.</p>	<p>All employees should be provided with access to the resources required to carry out their job. This would include access to office resources if these are required and the appropriate contact person to assist them with arrangements. Where it is not possible to provide access to all the resources required e.g. specialist materials, with prior agreement the employee may purchase these and claim for this expenditure in accordance with University <a href="#">Expenses Policy</a>.</p>
<p>A manager wishes to review whether an hourly paid contract is most appropriate</p>	<p>Contact your HR Partner. As a general indicator where average annual hours worked, in the same role, equate to a day or more per week over two years, e.g. 300 plus hours per annum, and have a degree of regularity/do not fluctuate greatly (or are not expected to) then an alternative type of contract may be more appropriate.</p>
<p>A manager wishes a tutor to write and deliver a new lecture.</p>	<p>Managers should ensure that work offered is appropriate to the employee's job description and grade. <a href="#">Grade Profiles</a></p>

#### **Other Relevant Guidance and Documentation**

Those who are responsible for the overall management or administration of hourly paid employees in your School or Department should normally be contacted in the first instance in relation to queries about or from hourly paid employees. HR Operations or your HR Partner can also be contacted. In addition to the guidance above and any local School or Department guidance other sources of information can be found as :

[Policy for the recruitment, support and development of tutors and demonstrators](#)

[A-Z of HR Policies](#)