



Update on HUCTW's Contingent Work Policy

In the first week of March 2019, new policies took effect setting limits on the use of unbenefited, contingent workers in Harvard schools and departments. The intent of the new rules is to ensure that unbenefited employment categories are used only for truly short-term projects, or for tasks that require very minimal weekly hours. Essentially, the revised policy aims to make certain that staff doing regular jobs on a regular basis have the benefits and protections of regular Harvard employment. This communication from the Harvard Union of Clerical and Technical Workers (HUCTW) is meant to provide an update on the implementation of these policy changes, and more important, discuss the reasons behind them and how they benefit the members of our community.

Contingent Work: Not Just a Harvard Problem

Members of the Harvard community who work for the University as temporary workers (**Temps**) and less-than-half-time workers (**LHTs**) have no health insurance or retirement benefits, no paid time off for vacation, holidays, or illness, and no tuition reimbursement or other basic benefits. If these workers are carrying out regular job functions at Harvard on an ongoing basis, it is critically important—as a matter of basic fairness—that they receive the benefits and protections that we and all of our colleagues enjoy.

Efforts on our campus to ensure that all employees doing regular work have fair pay and benefits are connected in an important way to troubling trends in the wider US economy. As described by Brandeis economist and former Department of Labor official David Weil in his recent book, "The Fissured Workplace: Why Work Became So Bad for So Many and What Can Be Done to Improve It," far too many American workers struggle in temp agency, contractor, or outsourced roles where they lack access to important benefits and stability that come with regular employment. He notes that although low wage workers have been the most affected by these trends to date, those with college and graduate degrees are now being affected as well. The Wall Street Journal recently conducted an analysis of US company growth, which showed that 5 of the top 20 global employers in 2017 were companies that specialize in outsourcing and "workforce solutions"—in contrast to 2000, when only 1 of the top 20 companies derived substantial revenue from outsourcing. Over the last several years, large companies like Apple, Amazon, and Pfizer have hired thousands of workers as contractors or temps in place of traditional benefited employees. And since 2016, the National Labor Relations Board has reversed multiple Obama-era decisions and policies, clearing the way for companies to hire more unprotected contingent workers.

A New University-Wide Policy

During 2018 negotiations on a new HUCTW-Harvard Agreement, Union negotiators raised the issue of excessive reliance on contingent workers after identifying a significant rise in the use of unbenefited temporary and LHT workers at Harvard over the past 10 years. HUCTW research has documented sharp increases in Harvard departments' utilization of Temp and LHT workers in all sections of the University. Analysis of data provided during last year's negotiation showed both marked increases in non-compliance with existing Harvard-HUCTW policies and heavy use of work-arounds and loopholes in the old rules. The most common loopholes involved regularly scheduling LHT workers for weekly hours of 17.25—just 15 minutes below the limit that would make them eligible for benefits—and frequent cycling of individual employees back and forth between LHT and Temp status, increasing or reducing their hours every three months to avoid having to provide them with benefits. HUCTW negotiators made it a high contract priority to apply stricter limits, close loopholes, and establish stronger mechanisms for monitoring and enforcement **in order to encourage workers in these longer term roles to be hired into regular benefited positions.**

The revised rules that took effect on March 3, coming out of those 2018 negotiations, still allow Harvard units to employ contingent workers in very time-limited temporary or part-time roles. However, if a department wants to continue staffing ongoing job functions for longer than three months or for more than 14 hours per week, they will need to place those employees on the regular staff payroll with full benefits. In addition, new negotiated understandings that took effect last month require the University to provide HUCTW with detailed data about the employment of temporary and less-than-half-time contingent employees in all Harvard units on a monthly basis. A newly-formed joint Union-Management committee is reviewing those reports in order to monitor compliance and oversee enforcement of the stronger limits taking effect.

Impact of the New Policy on Our Community

The new policies have presented significant challenges for Harvard units that, up until now, relied heavily on contingent labor. Departments that previously employed Temps and LHTs in a regular, long-term way may find that they need to reevaluate their staffing models to comply with new limits. Specifically, there are many situations across the University in which Harvard departments will likely need to convert contingent workers to regular benefited payroll status if they plan to continue to carry out those job functions.

Some University departments have already begun converting contingent employees into regular benefited positions. For the months of March and April, HUCTW identified 42 newly-hired regular staff positions filled by employees who had previously worked for a significant

time as LHTs or Temps. We know that many departments have lighter staffing needs in the summer and many of the current Temp assignments will not run their course until the beginning of June, so we anticipate seeing more Temp and LHT positions being converted to benefited positions in September.

An Opportunity for Positive Change

Beginning this spring and continuing into the fall, HUCTW members and our managerial colleagues will have the opportunity to play a part in efforts to make the Harvard workplace more equitable and supportive for everyone who contributes to it. Temporary and less-than-half-time employees who work at Harvard on an ongoing basis are doing the same integral work as regular benefited staff, and they deserve a workplace that honors those contributions with appropriate benefits and compensation. As University departments face decisions about how to rearrange staffing for compliance with new limits on contingent work, HUCTW leaders will be encouraging administrators to convert LHT and Temp jobs into regular benefited positions wherever the work calls for it. We recognize that this may be a challenging transition for some departments, and union members and department managers should feel free to reach out to HUCTW organizers if they would like assistance or advice. There are many ways that jobs with benefits can be established flexibly – including as part-time, term, or seasonally variable positions, where appropriate, and HUCTW organizers are happy to help strategize about different solutions.

The new policies setting limits on employment of contingent workers represent an important, positive change for our University as a workplace and a community. HUCTW leaders are eager to participate in a broad and creative conversation about the advantages of increased stability and regular employment benefits. Please write or call at huctw.info@huctw.org or 617-661-8289 if you have ideas, questions, or concerns. You can find a copy of the new contract language here: <https://huctw.org/contract-language-contingent-work>

Thank you,
HUCTW