

Policy statements

Published December 2014

The Chartered Institute for Archaeologists is a company
incorporated by Royal Charter.

Miller Building, University of Reading, Reading RG6 6AB

Policy statements

Equal opportunities in archaeology	3
Health and safety	4
The use of volunteers and students on archaeological projects	5
Environmental protection	8
Self-employment and the use of self-employed sub-contractors	10
The use of training posts on archaeological project	12

EQUAL OPPORTUNITIES IN ARCHAEOLOGY

Equal opportunities is an issue integral to every aspect of archaeological work. It is an aspect of human resource management concerned with the provision of equal access in staff recruitment, selection, training, promotion and retention, and equal opportunity for a positive work experience and environment. While structural inequalities are not specific to archaeological practice, the Chartered Institute for Archaeologists takes responsibility for formulating policy on archaeological standards, and thus equity issues are implicit in its *Code of conduct*.

- 1.1 The Chartered Institute for Archaeologists is committed to a policy of equal opportunities in archaeology, and its implementation through a programme of positive action.
- 1.2 This policy aims to heighten awareness of equity issues amongst the membership of the Institute, and to encourage employers to adopt guidelines ensuring that no job applicant or employee receives less favourable treatment or access to opportunities for training and development on the grounds of age, gender, marital status, disability, race, religious belief, ethnic or national origins, sexual orientation, or any other grounds not relevant to employment practice.
- 1.3 The Institute will observe this policy in relation to its own employees, and will consider the policy applicable to its membership. According to the Institute's Code of conduct, all members must practice ethical and responsible behaviour in archaeological affairs (Principle 1), and in dealing with employees and colleagues (Principle 5). Appropriate professional conduct includes refraining from discrimination and harassment. Such behaviour may lead to allegations of improper conduct requiring an investigation conducted in accordance with the provisions of the Institute's Disciplinary regulations.
- 1.4 The Institute is committed to equality of opportunity for representation on its committees, working parties and Council, and in the validation process leading to membership.
- 1.5 The Institute will observe a policy of non-discriminatory language in its by-laws, administration, publications, presentations and annual conference.
- 1.6 Through its Professional Development and Practice Committee the Institute is committed to a programme of positive action to make this policy fully effective.

HEALTH AND SAFETY

- 1.1 The Chartered Institute for Archaeologists recognises its individual members' responsibilities as regards Health and Safety. This is reinforced in the note on Rule 5.2 of the *Code of conduct*, as ratified and adopted as a by-law by Annual General Meeting in 1985. Responsibilities are further defined in individual *Standard and guidance* documents.
- 1.2 It is recognised that all archaeological work should be undertaken in accordance with current Health and Safety legislation. CifA accepts that both employing/organising bodies and individual employees/workers have a duty of care to those working for them, to each other, and to the general public. Archaeologists' attention is therefore drawn to the Health and Safety Executive's publication *Successful Health and Safety Management* HS(G)65, which points out the need for all employers, regardless of the size of the organisation, to have in place an effective Health and Safety policy.
- 1.3 CifA will treat any complaint against a member regarding non-fulfilment of Health and Safety obligations as a breach of the *Code of conduct*, and will act accordingly.

THE USE OF VOLUNTEERS AND STUDENTS ON ARCHAEOLOGICAL PROJECTS

1 INTRODUCTION

- 1.1 Through its *Code of conduct* and published standards, ClfA insists that *inter alia* archaeologists shall only undertake work for which they are adequately qualified (Rule 1.4); shall comply with all applicable laws (Rule 1.6); shall have due regard for terms of employment and career development (Rule 5.6); and have a duty, not only to observe the code but to encourage others to do likewise (Rule 1.12).
- 1.2 At the 1986 Annual General Meeting a resolution was passed which regarded the system of 'paid volunteers', under which full-time archaeologists were employed without reasonable pay and in disregard of their individual statutory rights, as unethical and contrary to ClfA's professed professional standards.
- 1.3 Community engagement both fosters public understanding and support for the historic environment and adds value to development-led archaeological work. It may include providing talks and presentations, guiding walks, arranging conferences, exhibitions, open days and living history events, providing school project work and learning resources, offering work experience and volunteering opportunities, and supporting community archaeology projects.
- 1.4 ClfA acknowledges the continuing, invaluable contribution made to archaeology by volunteers and recognises the necessity for students to gain experience in field techniques. Furthermore, it believes that the following guidelines offer a framework for the involvement of such individuals in such a way as to avoid misunderstanding and accusation of unfair practice.

2 GLOSSARY OF TERMS

- 2.1 **Volunteer** someone who by agreement does not receive either a wage or salary.
- 2.2 **Student** someone who is pursuing an organised course of tuition in archaeology.
- 2.3 **Employee** an individual who works under contract (implied, oral or written) with an employer, and who normally receives proper remuneration for work done.
- 2.4 **Professional** pertaining to the standards of work promulgated by ClfA and confirmed through its validation procedures.
- 2.5 **Personal research** investigations which do not normally result from the requirements of a development control authority. Such research may be sponsored or grant-aided.
- 2.6 **Development-led projects** work which is a direct consequence of planned landuse change, such work may be in compliance with government guidance or may be required by a controlling authority.
- 2.7 **Commercial work** work undertaken as part of the business of a client or contractor and for which payment is usually axiomatic.

3 GUIDELINES

- 3.1 ClfA wishes to encourage the participation of as many people as possible in archaeology and recognises the need to give students practical experience. However, this cannot be done at the expense of professional standards or risk to the limited archaeological resource.
- 3.2 When landuse change (for example development, road construction, forestry, public utility services etc) is proposed, any requirement by a statutory advisor or authority for archaeological response, in which suitably qualified and experienced employees will be used, is appropriate for development-led projects.
- 3.4 It is normally inappropriate for organisations to bid for commercial work if there is the expectation that they will use staff who will not be paid a proper wage or be appropriately contracted.
- 3.5 Employers will not use volunteers and students in place of employed staff when funding is agreed for the latter, as this would be tantamount to exploitation.
- 3.6 In development-led projects, greater public benefits may be achieved by means of community engagement and participation both during and after the project. Health and safety, public liability or commercial confidentiality considerations may dictate the form of engagement that is possible, but in all cases it should be demonstrated that the potential engagement of the community has been fully considered.
- 3.7 So as to avoid misunderstandings, ClfA recommends that on every occasion on which volunteers or students are to be used, and especially when competitive tenders are sought for a commercial contract, the full extent of their activities in respect of the services offered must be declared and included in the submitted written project proposals. The implications (for example financial, timetable, insurance, competence etc) must be full explained so that both the client and curator can satisfy themselves that requirements can be discharged satisfactorily.
- 3.8 Personal research should also be conducted to the highest standards and in accordance with published ClfA standards. With prior agreement of the sponsors or grant-aiding agency, it may offer opportunities for voluntary or student participation.
- 3.9 All archaeological work, especially where there is the likelihood that the resources will be eroded, must be adequately supervised to ensure that professional standards are met whatever the funding arrangements.
- 3.10 All archaeological work must be carried out in accordance with the relevant ClfA Standards and guidance. It is the responsibility of the archaeologist directing the work to ensure that this is the case and of ClfA to investigate alleged cases of breaches of the *Code of conduct*. For this reason, it is recommended that the archaeologist directing the work should preferably be an accredited member of ClfA. Where it falls under their jurisdiction, national or local curator may also monitor archaeological work to ensure that it is carried out to an appropriate standard.
- 3.11 Organisations working with voluntary and student participants are encouraged to develop suitable policies with due regard to ClfA's *Code of conduct* and 1986 resolution, to recognise the positive contribution made by them, to offer reassurance that their

efforts form an integrated component of the organisation's overall activities and goals, and to clarify working arrangements.

- 3.12 No archaeologist will denigrate valuable contributions made by volunteers and students.

ENVIRONMENTAL PROTECTION

1. Introduction

- 1.1 The archaeologist has a responsibility for the protection of the archaeological heritage (*Code of conduct*, principle 2). Our environment has been shaped over millennia by human activity, and the Chartered Institute for Archaeologists recognises that its members' professional responsibilities to the built heritage extend to the environment more generally.
- 1.2 The archaeologist shall adhere to the highest standards of responsible and ethical behaviour in the conduct of archaeological affairs (*Code of conduct*, principle 1). Archaeological activities have the potential to affect the environment, and ClfA recognises its members' ethical responsibilities to care for the environment.
- 1.3 This policy aims to heighten awareness of environmental protection issues amongst the membership of the Institute, and to encourage archaeological organisations and individuals to adopt and implement environmental protection policies. A model policy is appended for the use of ClfA members: ClfA does not require its members or registered organisations to use this form of words
- 1.4 The Institute will observe this policy in relation to its own activities.
- 1.5 The ClfA will treat any complaint against a member of non fulfilment of environmental protection obligations as an allegation of a breach of the *Code of conduct*, and will act in accordance with the provisions of the Institute's *Disciplinary regulations*.

2. Model policy for organisations and individuals

- Conscientious protection of people and the environment is an integral part of this Company's working practice.
- It is this Company's intention that all work be carried out in accordance with the relevant statutory provisions and should seek to exceed them where possible. All reasonably practicable measures will be taken to avoid and/or ameliorate potential damage or nuisance to people and impact on the environment.
- Avoidance of nuisance or damage is the first objective. Where this is not practicable, the second objective is to ameliorate the impact by appropriate methods.
- In particular, this Company will seek to minimise its impact on the environment by reducing waste, pollution and emissions, by promoting recycling and by taking into account environmental and ethical considerations when sourcing products, supplies and equipment wherever possible. Further information on the action taken by the Company in order to achieve its commitment to minimising impact on the environment will be issued from time to time.
- This organisation's management and supervisory staff are responsible for implementing this environmental policy throughout the Company, and must ensure that, subject to requirements of Health and Safety, environmental protection has a high priority in planning and day-to-day supervision of work.

- All employees, sub-contractors and visitors are expected to cooperate with the Company in carrying out this Policy, and ensuring their own work, in so far as is reasonably practicable, is undertaken without risk or nuisance to themselves or others, or to the wider environment.
- X has particular responsibility for environmental matters, and reference should be made to that person in the event of any difficulty arising in the implementation of this Policy. Appropriate external advice will be sought where necessary.
- The operation of this Policy will be kept under review and monitored by the management and staff of the Company at all permanent and temporary workplaces.
- This statement of Company Policy will be displayed prominently at all sites and work places and all staff will be issued with a copy.

Signed

Dated.....

Position.....

SELF-EMPLOYMENT AND THE USE OF SELF-EMPLOYED SUB-CONTRACTORS

1. Introduction

- 1.1 ClfA recognises that its members and Registered Organisations use a range of different business models and employment types. ClfA does not have a remit to dictate how its members should carry out their business. However it does have a role in ensuring that members and Registered Organisations work to recognised standards and in a manner which does not contravene the ClfA *Code of conduct* or ClfA Standards and guidance. Specifically, self-employed status may in some circumstances raise ethical issues of good practice, within the remit of ClfA. This policy statement clarifies the ClfA position.
- 1.2 Self-employment provides an appropriate model for many ClfA members, particularly those working as individual specialists. However, being self-employed brings with it responsibilities that those working for an employer do not have. Moreover, whether or not someone is self-employed is not simply a matter of choice or contract, it is a matter of UK law. There is no clear legal definition of self-employment for the purposes of determining tax and National Insurance contributions. Sub-contracted individuals and those whose work is offered through an employment or temporary work agency need to take particular care to understand their employment status. Cases may be decided in court on the basis of a number of factors. More information about employment status can be found on the HMRC's website at <http://www.hmrc.gov.uk/employment-status/index.htm#1>.

2. ClfA position

- 2.1 An example of where self-employment might be considered by ClfA to conflict with ethical practice would be when self-employed workers are used as a way of cutting costs by avoiding the employers' obligation to provide benefits such as paid leave, sick pay, provision of personal protective equipment etc. Engaging self-employed workers for this purpose is considered to be a contravention of Principle 5 of the ClfA *Code of conduct*. For members and Registered Organisations this could lead to investigation under ClfA disciplinary or complaints procedures as appropriate.
- 2.2 In contrast, there are circumstances where it will be entirely appropriate to engage self-employed archaeologists. An obvious example would be a self-employed finds specialist sub-contracted to a principal contractor as part of a wider project.
- 2.3 A potential grey area is the increasingly common practice of sub-contracting fieldwork either to an individual or a group of self-employed archaeologists.
- 2.4 Where questions are raised regarding the use of self-employed archaeologists in this way, either through an allegation or a complaint as part of the disciplinary or Registered Organisation complaints procedure or during the Registration process, ClfA may require the member or Registered Organisation to provide an opinion from an HMRC Status Inspector or a report from the online Employment Status Indicator tool as confirmation of employment status. Again, more information can be found on the HMRC website.

3 Responsibility of ClfA members engaging subcontractors

- 3.1 Regardless of the circumstances, ClfA expects Registered Organisations and members engaging the services of sub-contractors who are not themselves members or registered

with the Institute to ensure that the sub-contractors are made aware of the responsibilities of membership or Registration with regard to the ClfA *Code of conduct* and ClfA standards and guidance. Members and Registered Organisations should satisfy themselves that their sub-contractors

- are able to meet the appropriate standards
- are adequately insured and
- are remunerated in line with ClfA minimum salaries

4. Responsibility of ClfA self-employed members

- 4.1 In order to meet ClfA minimum salaries, self-employed members should remember to include the appropriate uplift to the minimum salary for their grade to compensate for lack of sick pay, paid annual leave and employers' pension contribution.

5. Further information

- 5.1 Further guidance for ClfA members seeking to work on a self-employed basis will be produced in due course. In the meantime, discussion and useful information on costing projects and charge out rates for specialists can be found in TA 77 (discussion piece on the benefits of self employment), TA 63 (guidance on charge out rates for specialists) and TA 59 (Costing the Earth? Discussion and guidance on costing archaeological work). Further information and advice for self-employed workers can be found on the HMRC website at www.hmrc.gov.uk/selfemployed and on Business Link www.businesslink.gov.uk.

THE USE OF TRAINING POSTS ON ARCHAEOLOGICAL PROJECTS

1. Introduction

- 1.1 ClfA recognises the importance of on-the-job learning in all aspects of archaeology. Training positions can be a valuable way for archaeologists to gain skills and experience in real work situations. However, this cannot be done at the expense of professional standards or risk to the limited archaeological resource. ClfA issues the following guidance to ensure that opportunities for training exist while at the same time promoting the highest standards of ethical and responsible behaviour.
- 1.2 Through its *Code of Conduct* and published standards, ClfA insists that *inter alia* archaeologists shall only undertake work for which they are adequately qualified (Rule 1.4); shall apply with all applicable laws (Rule 1.6); shall have due regard for terms of employment and career development (Rule 6.6); and have a duty, not only to observe the Code, but to encourage others to do likewise (Rule 1.12).

2. Guidelines

- 2.1 All archaeological work, especially where there is the likelihood that the resources will be eroded, must be adequately supervised to ensure that professional standards are met. The ratio of experienced staff to trainees must take into account the nature and complexity of the work undertaken.
- 2.2 It will be the responsibility of the relevant curators to monitor and control archaeological work to ensure that professional standards are attained, and of ClfA to investigate alleged cases of breaches of the *Code of conduct*.
- 2.3 So as to avoid misunderstanding, ClfA recommends that on every occasion on which trainees are to be used, and especially where commercial tenders are sought for a commercial contract, the full extent of their activities in respect of the services offered must be declared and included in the submitted written project proposals. The implications (for example, financial, timetable, insurance, competence, etc.) must be fully explained so that both the client and curator can satisfy themselves that requirements can be discharged satisfactorily.
- 2.4 In some instances, it may be appropriate for trainees to be paid at rates below ClfA minimum salary level which would apply were the full responsibilities of the post being carried out. In these circumstances, organisations should ensure:
 - that the post is clearly advertised as a training position
 - that a training plan for the post is in place, preferably linked to National Occupational Standards
 - that the training period is of finite duration with clearly defined learning outcomes and automatic progression to (or above) the appropriate ClfA minimum salary once they have been achieved.