

inpractice

Issue 104 | June 2019

Biodiversity Net Gain

In this issue

Biodiversity Net Gain –
Opportunity and Challenge

Better Biodiversity
Accounting

Biodiversity Net Gain –
A Scottish Perspective

Improving Working Conditions for Early Career Ecologists

Peter Lawrence MCIEEM

Associate Director of Ecology,
Land Use Consultants (LUC)

Craig Llewellyn ACIEEM

Senior Ecologist, AECOM



Introduction

Most of those seeking to become ecological consultants do so in large part due to their passion for and commitment to the natural world. Ecological consultancy provides an attractive employment option with opportunities for regular fieldwork across the UK and Ireland, varied project work, good opportunities for career progression and the chance to work in a range of companies, from multi-national engineering firms, SMEs, as sole traders and sub-consultants, to consultancy arms within charities. The majority of consultancies implement fair and progressive working practices, with excellent examples of companies leading the way to improve conditions for employees and sub-contractors, helping the growth of young ecologists and the profession as a whole.

However, through personal experience, discussions with other ecologists, and recruitment activities, the authors have regularly encountered instances of unfair and/or unsafe working practices for early career ecologists, and there is concern that such practices continue to persist today. Examples include ecologists being expected to work long and unsocial hours without sufficient breaks or the ability to recoup overtime, travel time and/or expenses; or even cases of early career ecologists 'volunteering' to gain experience, without any or adequate remuneration despite undertaking tasks which are subsequently charged to the client, improving profits for the consultancy. More recently there has been an increase in the use of so-called 'zero hours contracts', driven in part by large infrastructure projects (with

graduates increasingly expected to set-up as sole traders to resource projects rather than being directly employed by the consultancy). Although this employment model suits some ecologists subject to the contract terms if used inappropriately can offer very little for the worker and profession, presenting limited opportunities for professional development and career progression, and reducing the availability of full time contracts for those seeking to enter the profession (whilst potentially providing high profitability for employers as a result of decreased employer costs).

Some of these issues arise as an unavoidable result of the nature of the work, especially seasonal surveys with unsocial working hours; but it is possible for working practices to accommodate this, and many companies do so successfully. The relatively high occurrence of unfair working practices in ecological consultancy appears to be compounded by:

- high levels of competition for employment at an early career stage;
- financial pressures experienced by small consultancies;
- the need for young career ecologists to gain on the job experience to improve employment prospects;
- pressure of clients to drive down costs; and
- perception of low value of ecological consultancy within other professions and developers.

Overall this presents a competitive advantage to those willing to implement or turn a blind eye to unfair working practices.

This article aims to help early career ecologists working within consultancy, but is also a call to all of us to aim higher: to improve working practices across the industry, and challenge bad practice where we encounter it, with leadership from professional organisations including CIEEM being key to achieving this. This will help young ecologists and our profession flourish, and deliver stronger nature conservation outcomes.

What should you expect from your employer?

There should be:

- **A clear definition of your role and what is involved** which should follow CIEEM's *Guidelines on Providing Quality Work Experience in Ecology and Environmental Management* (see Box 1), in particular making clear payment terms, length of position (seasonal or full-time), the amount of training to be offered (including *in lieu* of payment), and level of responsibility.
- **Clear lines of communication** between you and your employer to help you understand and deliver your role, and find your feet as you enter a new career. This may be through formal line management and mentoring, possibly with the support of a HR department depending on the nature of the company.
- **Fair remuneration for work undertaken, as clearly identified in the role description** (again see Box 1). It is unacceptable for early career ecologists to be delivering project tasks (e.g. providing survey support or completing data analysis) without

appropriate remuneration (whether through pay or provision of high-quality training with structured learning outcomes). The competitive advantage this provides to the employer does the profession harm by undermining the value of ecological support whilst hindering professional development.

- **Payment or payment in lieu** truly reflecting the hours worked (including travel to/from site), allowing for the payment of overtime or TOIL (time off in lieu) provision, and the payment of all expenses (including travel, accommodation, PPE and equipment).
- **Compliance with legal requirements and best practice guidance** regarding your working hours, such as those produced by the Bat Conservation Trust relating to recommended safe working limits for dusk and dawn bat surveys

(Collins 2016). Regular rest breaks are important, particularly given the unsocial hours, varying work patterns and travel requirements for ecologists, so that overworking and fatigue are avoided.

- **Sufficient time and resources for the task**, ensuring work can be completed to a high standard, delivered against client requirements and nature conservation objectives whilst ensuring safe working practices.
- **A safe working environment (both in and out of the office)**, which is compliant with relevant UK and/or Republic of Ireland legislation. Where site visits are carried out, appropriate risk assessment procedures must be planned for, developed, communicated and followed, including contingency plans to deal with accidents and emergencies.

Box 1. Definition of Employment Terms

From CIEEM's *Guidelines on Providing Quality Work Experience in Ecology and Environmental Management*:

- **Work experience** – a period of paid or unpaid supervised work with a host organisation to better understand the role or roles available and learn/practice relevant skills.
- **Work placement** – a period of work experience undertaken as part of a degree or other programme of study, typically between 2 and 10 weeks in duration and taken as a block or one day a week.
- **Sandwich placement** – usually a six-month or one-year work placement taken as part of a programme of study, usually taken between the last two years of study for an undergraduate degree.
- **Work shadowing** – observing/working with an employee of an organisation to learn what their job entails. Typically this would be for 1-2 weeks, or on an ad hoc basis for specific activities.
- **Volunteers/Volunteering** – spending time, without pay (except for travel and other out-of-pocket expenses), helping an organisation or individual with activities to benefit

the environment or individuals/groups other than, or in addition to, close family members. The volunteering must be optional, with no obligation to offer the volunteer work or for them to carry it out. It may be over a defined period or open-ended. Host organisations still have legal responsibilities in relation to volunteers.

- **Apprenticeship** – a nationally recognised scheme that provides a combination of 'on-the-job' learning and training over a longer period (1-3 years) in order to learn a trade. Apprentices receive a wage. Usually apprentices will not have followed a relevant programme of study post-19.
- **Traineeship** – a period of paid or unpaid work experience involving formal training in a specific role over a set time period. Trainees are expected to be trained up to a specified level of knowledge and skill and this may include day release to follow a relevant programme of study.
- **Internships** – a period of paid or unpaid work experience where the individual has the opportunity to apply their learning and skills in a focused role following a relevant programme of study. Internships are typically 3-12



months in duration. An internship may be used to cover seasonal work but should have structured learning support in place.

- **Worker** – an individual who works for an employer under contract and who is entitled to some employment rights, such as holiday pay, entitlement to the National Minimum Wage and protection under anti-discrimination legislation. This term usually includes employees, agency workers and short-term casual workers. The contract may be a formal written contract or a verbal agreement.
- **Employee** – an individual who works under an employment contract. Employees generally have additional employment rights such as Statutory Sick Pay, maternity, paternity and parental leave and statutory redundancy pay.
- **Zero hours contracts** – a form of employment contract designed to enable employers to manage fluctuations in available work and therefore workforce requirements. Individuals subject to these contracts will always have worker rights (see above) and may also be considered an employee of the organisation, with the additional rights which that affords.

How does CIEEM currently encourage fair working practices?

CIEEM provides a range of guidance regarding professional standards, much of which is of potential value to early career ecologists, key items are summarised in Box 2.

What else can be done to help early career ecologists?

It is the responsibility of all of us working in ecological consultancy to drive forward improvements in working practices and professional standards. Poor treatment of early career ecologists undermines the value of our industry and creates a negative feedback loop, with clients continuing to expect unrealistically low quotes. Clients should also therefore bear some responsibility; ensuring contractors implement fair working practices and questioning unusually low costs.

Poor treatment hinders the professional development of ecologists, and therefore undermines the strength of our industry. Very importantly, when biodiversity is declining significantly and facing unprecedented pressure, it can hamper the delivery of nature conservation objectives if ecologists are allocated to a project without enough time, guidance or training provided for them to undertake work to a high standard. Addressing these issues should be our primary aim as professional ecologists.

But to help deliver improvements in working practices, we feel that there is more that consultant ecologists, employers and CIEEM can do. Examples may include:

- The CIEEM *Code of Professional Conduct* for individuals (not just the Registered Practices) should directly require compliance with the *Good Working Practices* guidance.
- All members should be aware of the *Good Working Practices* guidance and the guidance documents produced by CIEEM (Box 2). These documents need to be better publicised and should be made available more widely, for example by being accessible to non-members on the CIEEM website. Making these available to those considering becoming ecologists, and those who are not yet CIEEM members, would help improve the profession.

Box 2. Professional Standards Guidance

The below list includes a range of documents currently available from CIEEM which outline the standards expected, and guidelines provided, which help to encourage fair employment practices:

- **CIEEM Code of Professional Conduct**

– As well as other items of relevance including those relating to the upholding the reputation of the profession, Item 6 of the Code states that as a member of CIEEM:

– *I shall ensure those working for me are appropriately qualified, trained, competent and supervised and supported*

• Furthermore, the **Supplementary Notes** include the following items:

– *the requirement to demonstrate a duty of care to others when carrying out professional activities, for instance by complying with relevant health and safety standards;*

– *Members, as employers, managers or supervisors, have a responsibility to encourage and support those working for them to maintain and enhance their professional competence. As a minimum Members must take all reasonable measures to ensure that those working for them or supervised by them are competent for the*

tasks that they are undertaking and undertake those tasks safely and to the standard required.

- **CIEEMs Guidelines on Providing Quality Work Experience in Ecology and Environmental Management**

– This guidance should help early career ecologists understand the various roles available, and how to determine whether the provision of training and opportunities provided by internships or work experience for example, are appropriate or adequate.

- **CIEEM's guidance on Good Working Practices**

– This very useful guidance document sets out what employers should provide, and employees expect, in terms of good working practice, including legal responsibilities and best practice.

- **CIEEMs Registered Practices initiative**

– Although this initiative is very new and its impact cannot yet be determined, this aims to identify practices as champions of high professional standards, including requirements to comply with the Registered Practices *Code of Practice* and the *Good Working Practices* guidance.



- We should celebrate best practice, and the recognise employer contributions to improving standards in the sector. The Registered Practices scheme will help, and employees can do their part by encouraging employers to become registered. A regular section in *In Practice* could be used to champion best practice.
- CIEEM could offer an advice service for early career ecologists, helping them to determine whether employer expectations are acceptable or may be challenged.
- CIEEM's *Code of Professional Conduct* includes clauses which requires adequate support to be provided for the employees of members. However, the CIEEM disciplinary process should be reviewed to determine whether this is able to deal with employment issues. For example, anonymous complaints are not currently accommodated by CIEEM given legal implications, and this may deter early career ecologists from raising complaints (given the risk of retribution by employers). It may be that CIEEM's guidance can point employees to other legal advice services in these cases, such as the ACAS helpline.
- Specific training could be provided (e.g. by adding to CIEEM's existing webinar programme) to share best practice and help employers implement change that will raise standards and to help early career ecologists and other employees understand what 'best' should look like.



- Production of a basic 'checklist' for employers and employees, to ensure that the working environment is compliant with best practice and professional standards. This may be provided as an addition to the *Guidance on Good Working Practices*.
- Continued outreach to other professional bodies such as the Landscape Institute, CIRIA, IEMA and other partner/client organisations, would publicise the value of the ecological industry and encourage good working practices. This could help compare standards between professions and look at where improvements can be made across the board.

On the whole ecological consultancies are great places to work, providing real and diverse opportunities to deliver benefits



for wildlife and people. The majority of companies successfully support and help early career ecologists develop, addressing the challenges posed by ecological survey work. However, poor practice does exist and needs to be challenged and improved. Our profession and biodiversity will benefit as a result!

Reference

Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition)*. The Bat Conservation Trust Ltd., London.

Legal Advice

As part of your membership benefits, CIEEM can direct you towards further advice.

About the Authors



Peter Lawrence BSc MSc MCIEEM is currently on sabbatical from LUC, where as Associate Director of Ecology he managed the ecology teams in London and Bristol, delivering a wide range of development, open space and strategic projects for private, public and NGO clients.

Contact Peter at:

peter.lawrence@landuse.co.uk



Craig Llewellyn BSc (Hons) ACIEEM is Craig is currently a Senior Ecologist at AECOM, and leads Ecological Impact Assessment (EIA) for large projects for a broad range of protected species and habitats, and holds several protected species licences. He is the Convenor for the South East CIEEM Committee, and has an interest in policy engagement, and an active interest in collaboration with other environmental disciplines.

Contact Craig at:

craig.llewellyn@aecom.com