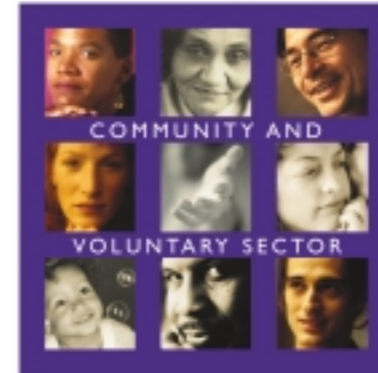


UNISON



Workplace Organisation and the UNISON Workplace Representative

UNISON



CONTENTS

INTRODUCTION	4
GETTING ORGANISED	5
UNISON WORKPLACE REPRESENTATIVE	5
YOUR RIGHTS AS A UNISON REPRESENTATIVE	7
SECURING RECOGNITION	10

INTRODUCTION

UNISON's ability to support and represent its members with their employer is very much dependent upon the strength of membership organisation.

Strong membership

organisation = *a high proportion of staff in the union*

+ *presence of trained and active union stewards*

+ *union member actively involved around work issues.*

Weak membership

organisation = *few staff in the union*

+ *no union stewards*

+ *passive union members*

UNISON is much more likely to be able to get good results where it has strong membership organisation. This is because most union work is done by negotiation and discussion with the employer. The law can help – but normally by informing and supporting negotiation. Few union successes are achieved by legal means alone. Most are won because the union has good arguments, articulate representatives, is presenting members views – and because the employer knows we mean business!

This is particularly true in the community and voluntary sector, where UNISON may only have partial recognition - or no recognition at all. Even where UNISON has secured the right to negotiate on pay and conditions this will often have to be done locally, and good results will depend upon strong membership, organisation in the workplace, and effective membership involvement in the bargaining process. Strong membership organisation is based on sound organising principles.

UNISON is committed to an organising approach based on:

- working collectively –
'what can we do about it' not 'leave it with me and I'll sort it out'
- listening to members' views
- knowing where our members are
- members actively involved in negotiations
- high membership density
- strong steward organisation
- support for stewards and workplace representatives
- encouraging members to get involved
- supporting members in resolving individual problems
- promoting democracy and membership participation

GETTING ORGANISED

The starting point for organisation is to increase the number of UNISON members in your workplace. This can be done by:

■ **mapping the workplace.** Talk to your colleagues - find out who is in the union and who isn't, what are their workplace gripes and concerns? what do they want the union to do? Map out the results on paper. Your UNISON branch or the employer might help on giving information on who is in the union.

■ **call members meetings** to discuss your concerns, and how you could raise these with the employer. What are the important issues? What types of solutions are available? How should things be raised and by whom?

■ **set up an organising team** made up of UNISON members to work from the map to organise a planned campaign to approach non-union members to ask them to join.

■ **recruit new members** by talking to them about their concerns, and explaining how the group of UNISON members is already working together to try to get problems resolved. Encourage them to start thinking about how problems can more easily be dealt with collectively. Listen to their concerns. Invite them to meet with other UNISON members to see if there are ways of working together to raise them with the employer.

■ **get support and advice** from UNISON. Your UNISON branch should be able to give advice and support in raising issues with the employer. If not, your regional office will help. Don't worry if UNISON hasn't got recognition with your employer. This might limit your options, but UNISON should still be able to advise on what to do.

■ **elect a UNISON workplace representative.** Elect a team of representatives if you can. This could be based on the organising team mentioned above. Again, don't worry if UNISON is not recognised. Stewards and workplace contacts in non-recognised workplaces have more limited powers than in recognised workplaces (this is explained later) but UNISON still supports and advises them.

■ **notify UNISON** of the details of the workplace representative using the form included in this pack.

UNISON WORKPLACE REPRESENTATIVE

UNISON is much more able to support groups of members in workplaces in which you have elected one or more UNISON workplace representatives. This is because we can provide more effective support through:

- regular information mailings
- fast track access to advice and assistance
- streamlined communication
- access to training
- structural support for negotiation and representation with your employer

UNISON has three types of workplace representatives. Stewards, health & safety reps, and workplace contacts. The differences in roles are outlined below. UNISON encourages all work groups to elect a steward where possible, but some may prefer to elect a workplace contact to start with.

Stewards

A UNISON steward is an elected representative whose role includes organising, recruiting and representing members. In workplaces where UNISON is recognised by

the employer stewards have rights to time off for training and to carry out their work. Stewards are involved in how the local UNISON branch is run and are a crucial part of UNISON's organisation.

Health and Safety Reps

Some stewards are also health and safety reps. Health and safety reps have the right to training and to raise issues which affect the health and safety of members. More information about becoming a health and safety rep is available in the UNISON health and safety reps handbook.

Workplace contacts

Workplace contacts may play a number of different roles. They may distribute information, work to support a steward or carry out some tasks normally done by stewards. Workplace contacts do not have access to the same rights as stewards, but can play an important role in enabling groups of UNISON members to organise effectively.

UNISON support for workplace reps

UNISON realises that workplace representatives need and deserve considerable back up and support. The union tries hard to give workplace representatives a range of support including:

- **regular training courses.** All new stewards are encouraged to go on a basic introductory course which covers a range of topics including organisation, recruitment, working with the employer, and representation skills. After that, regular training courses covering a wider range of workplace issues are available at regional level. There are also induction courses for members considering becoming more involved, and a wide range of courses for health and safety reps.
- **access to advice.** The first port of call for advice should be the branch. Most branches will make sure that representatives have details of local union officers who will give prompt advice and guidance. Advice is also available via regional offices.
- **support in the workplace.** Most branches can give workplace representatives practical experience, for example by inviting them to observe and assist in advising and organising members, in meetings with management, and by setting up meetings of new and more experienced stewards.
- **access to information.** UNISON provides a fortnightly newsheet, Focus, to all workplace representatives to help keep abreast of campaigns and new developments. Branches also send representatives regular information on local matters, and representatives can always access information on specific topics by ringing the regional office, UNISONdirect or accessing UNISON's website <http://www.unison.org.uk>.

Where to go for support:

- local branch office
- colleague workplace representatives
- regional office
- UNISONdirect can provide information on a wide range of issues. It is open in the evenings and weekdays. Telephone: 0800 5 97 97 50.

YOUR RIGHTS AS A UNISON REPRESENTATIVE

a) Where UNISON is Recognised

Stewards working for employers which recognise UNISON are entitled by law to certain working arrangements to assist them in doing their job as elected representatives. These are often called 'facilities' and usually include the right to:

- reasonable time off for undertaking trade union duties, and for training
- access to telephones, computers and e-mail systems
- use of notice boards
- lockable filing facilities, in some cases the use of dedicated office space
- access to information

In many cases stewards will be covered by a written facilities agreement made between their employer and UNISON (and possibly other unions). This will specify how these legal rights apply in practice, UNISON does not always have a written agreement with the employer. This is common in cases where the employer is small, and is often because no one has made a formal approach.

However, an accredited steward is legally entitled to facilities whether a written agreement exists or not.

Time Off

Stewards and branch officers have the right to:

- paid time off for trade union duties
- paid time off for training
- time off for union activities

These rights come from the Trade Union and Labour Relations (Consolidation) Act 1992.

Practical guidance on how the law should apply is laid down by the Advisory, Conciliation and Arbitration Service (ACAS) in their Code of Practice on Time Off for Trade Union Duties and Activities.

The law distinguishes between trade union work which should attract paid time off, and that which may only be unpaid.

Paid time off should be made available for:

- trade union duties
- training

Trade union duties are all matters relating to collective bargaining and individual representation and therefore include:

- meetings with management to discuss terms and conditions, reorganisation and redundancy, work allocation and duties, grievances and disciplinarys etc.
- preparation for these meetings
- keeping members informed about negotiations, discussions with management, terms and conditions, etc.

The ACAS code stresses the importance of employers giving paid time off for stewards to be trained as soon as possible after they have been elected, and for further updating training in specialist areas and where legislative change may affect industrial relations.

In addition, the Code says employers should agree to stewards taking unpaid time off for trade union activities.

Examples of trade union activities include:

- keeping members informed
- attending trade union meetings
- administration
- recruitment

Some employers will agree to pay stewards for time off for some of these activities as they recognise that this may lead to improved industrial relations, and the ACAS code supports this.

Often facilities agreements will state when stewards are entitled to paid and unpaid time off, and sometimes specify a fixed amount of time that is available each week or month.

Stewards requesting time off should provide employers with as much notice as possible, and supply details of:

- the purpose for the time off
- the location
- the amount of time required

If you are requesting time off for training you should give the employer a few weeks' notice. Employers can insist on seeing a copy of the syllabus. Contact your branch or regional office if this happens.

When stewards are wanting to call meetings of members in working time or on employers premises they should also advise managers which groups are to be involved. The ACAS Code suggests holding these towards the end of a shift or the working week, or before or after meal breaks.

Requests for time off must be 'reasonable'. There are no strict guidelines on this, but employers may be legally entitled to refuse time off if:

- they have difficulty providing a service or maintaining production
- safety and security could be affected
- the amount of time or frequency cannot be justified

Stewards who are regularly refused time off should seek advice from their branch or regional office.

Facilities

Stewards are also entitled to access to facilities such as meeting space, telephones and use of notice boards to help them represent members properly.

The ACAS Code recommends employers consider making facilities available to workplace reps so they can perform their duties efficiently, and communicate effectively with their members, fellow elected representatives, and full-time officers.

The Code suggests that where resources permit facilities could include:

- accommodation for meetings;
- access to a telephone and other office equipment;
- use of notice boards; and
- the use of dedicated office space (where the volume of work justifies it)

Again, details of the facilities available to stewards may be laid down in a facilities agreement, where one exists.

Rights to Information

Stewards in recognised workplaces have specific rights to information for collective bargaining. The ACAS Code of Practice on Disclosure of Information to Trade Unions for Collective Bargaining Purposes gives guidance on what information employers should be prepared to disclose to union representatives.

This includes information on:

- pay and benefits
- conditions of service
- staffing
- performance
- financial matters

In addition, the union has the right to be consulted over issues of redundancy and reorganisation.

Employers should make information available as soon as possible, and present it in an understandable form. Where information cannot be provided, employers should explain the reasons to union representatives. If an employer refuses to provide information, the union can complain to the Central Arbitration Committee (CAC), an independent standing arbitration body.

b) Where UNISON is Not Recognised

Stewards and workplace representatives who work for employers who do not recognise UNISON do not have access to comprehensive legal rights to time off, facilities, etc. However, there are some limited legal rights which do apply in these circumstances, and which can be used to help build workplace organisation in non-recognised workplaces.

Representing members in hearings

The Employment Relations Act 1999 gives all workers the right to be accompanied to grievance and disciplinary hearings by a fellow worker, or 'companion'. Stewards and workplace contacts can therefore volunteer to act as a companion for members even when they are not recognised as UNISON stewards by the employer.

The companion then has the right to time off for:

- preparation
- attendance at the hearing
- conferring with the member

Strictly speaking, this is not a right to 'representation', though: at the hearing the companion can address the hearing and confer with the member but not answer for the member. If the companion is not available on the date of the hearing and the worker suggests another date within five working days, the employer has to postpone it.

The companion has the right not to be victimised.

Protection against dismissal and victimisation

Stewards and workplace contacts have rights as trade union members not to be victimised or dismissed on union grounds. This is especially important for stewards in

workplaces where the union is not recognised because they may be organising trade union activities in workplaces where employers are openly hostile.

A steward may be able to take a case to tribunal if the employer victimises them for taking part in trade union activity. This can be quite complicated, and success would depend upon UNISON being able to demonstrate that the employer committed a specific act whose purpose was to prevent or deter trade union activity. Stewards must therefore seek advice from the regional office before pursuing such a claim. The legal protection, such as it is, *only* applies to trade union activity being pursued in the stewards' own time, i.e. breaks and outside working hours.

Protection against dismissal, including selection for redundancy, on union grounds is stronger. This is automatically unfair and there is no need for any qualifying periods of service. 'Union grounds' means that the reason, or at least the main reason, was union membership or activities. It is not necessary to prove that the employer is anti-trade union - the tribunal will only look at what actually caused the employer to dismiss. For example, if an employer dismissed because an employee is spending too much time on union business, this could be automatically unfair.

Stewards should seek advice from the regional office if they need further guidance on how the law works in these circumstances.

Consultation when no union is recognised

Recognised trade unions have the right to be consulted over various things, like the transfer of a business or mass redundancies (i.e. more than twenty in one workplace). If there is no recognised trade union, the law says that an employer should arrange for staff to elect representatives who also have to be consulted on such matters. This provides another opportunity for stewards to step in and volunteer to represent members when the employer does not recognise them for other purposes.

The law in this area is very complex and here is not the place to discuss it at length. Suffice to say that, before there is a transfer of the business in which members work, the employer should inform and consult with their representatives who can be elected for the purpose in a ballot. These representatives have the right not to be victimised and any dismissal on that ground is automatically unfair. The remedy for any failure to inform and consult is for representatives to apply to a tribunal for up to thirteen weeks' pay for each member affected.

Similarly, when an employer proposes making mass redundancies, it must consult with elected representatives. The employer should ensure that their selection conforms to the legislation. If there is a failure to consult, any affected employees can apply to a tribunal for what is called a 'protective award'. 'Redundancy' in this context has a much broader meaning than the normal one and can include termination of contracts followed by the immediate re-employment of the same people.

Again, stewards should seek advice before pursuing matters to a tribunal.

SECURING RECOGNITION

Clearly UNISON members and their workplace representatives will benefit if it is possible for UNISON to secure recognition with an employer. If your employer does not recognise UNISON then you may find the guides to Statutory Recognition and Negotiating Recognition helpful. These are available in the Voluntary Sector Contacts Pack and from UNISONdirect on 0800 5 97 97 50.

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