

FREQUENTLY ASKED QUESTIONS

PRIVATE CONTRACTORS AND AGENDA FOR CHANGE

14/10/04

1. If UNISON members vote to accept agenda for change, how would it affect staff employed by private contractors, but providing services to the NHS?

Staff employed by private contractors, providing services to the NHS, have various types of employment contract. To some extent, the answer will depend on exactly what it says in a person's individual contract of employment. For example, staff who were originally employed by an NHS employer whose contract of employment incorporated Whitley Council conditions of service and who were then transferred to a private contractor, would be covered by the Transfer of Undertakings Regulations (TUPE). This means their Whitley Council conditions of service transfer with them.

As Agenda for Change would replace all the Whitley Council national agreements UNISON's position is that all staff currently covered by TUPE should be assimilated onto Agenda for Change pay and conditions.

2. What would happen to staff who have been employed directly by private contractors since the outsourcing of the contract, i.e. those not covered by a TUPE transfer from the NHS?

For these staff UNISON would need to lodge pay and conditions claims, in line with Agenda for Change, to bring all staff employed by a particular contractor together onto the same pay and conditions of service.

Ensuring all staff employed by private contractors working within the NHS are on pay and conditions no less favourable than those that exist in the NHS is what we mean by ending the two-tier workforce in health. This is a major UNISON campaign for contracted-out staff and we are producing model claims which we will present to private contractor employers before the end of the year.

For the first time, our members employed by private contractors will have a common claim to unite behind. A claim around which all our branches with members in the private sector will be able to support to end the two-tier workforce in Health. We have also established a new Private Contractors Unit across the whole of UNISON to help co-ordinate this work.

3. What else is happening in relation to ending the two-tier workforce in health?

UNISON's campaign to end the two-tier workforce received a major boost at October's Labour Party conference when Secretary of State for Health, John Reid announced :

“There will be no more cut-price, two-tier contracts signed in the NHS”

UNISON has secured agreement from the Government that they will end the two-tier workforce in the NHS within weeks. Talks are continuing at ministerial level about implementation of this commitment. However, it is likely to mean that all new contracts signed with private contractors will have to be on the basis that staff will have to be employed on no less favourable pay and conditions than exist in the NHS i.e. if accepted by our members those set out in Agenda for Change. This is based on the deal UNISON secured in Local Government on the Best Value Code of Practice in relation to Workforce Matters, which was a significant step forward in our campaign to end the two-tier workforce in the public sector.

4. What are the benefits of Agenda for Change for staff working for private contractors ?

Agenda for Change has been the subject of long and intense negotiations. At the heart of the package will be a new minimum wage of £11,135 (£5.69 per hour - £5.88 from 1 April 2005) which would be a great breakthrough for our lowest paid members, many of whom are women and many of whom work in the private sector.

UNISON is clear that Agenda for Change will deliver fairer pay for all health workers. It represents an open, transparent and more easily understood system that conforms to the principle of “equal pay for work of equal value”. It also introduces new entitlements on training and development, especially for those who have never had access to such opportunities. We are working with a number of private contractors for similar provisions around training and development.

Agenda for Change presents us with tremendous organising and recruiting opportunities for our members employed by private contractors to secure a decent living wage, better holidays, reduced working week, unsocial hours payments, sick pay in line with other colleagues in the NHS and a pay system based on equal pay for work of equal value. There has never been a better time for private contractor staff to be members of UNISON and never been a better time to get organised.

So if you work for a private contractor and do not have a local UNISON steward, maybe you could help to achieve a better deal for yourself and other UNISON members. If you are interested in either becoming a steward or even just a contact point, please speak to your UNISON branch or call UNISON Direct on 0845 355 0845. Alternatively email Colin Meech at c.meech@unison.co.uk

5. Why do UNISON members employed by private contractors, providing services to the NHS, have the right to vote in the consultative ballot on agenda for change?

UNISON is consulting all of its members who maybe affected by the potential introduction of agenda for change.

True to the founding principles of UNISON as a member-led organisation, we have ensured throughout the entire process of developing and negotiating Agenda for Change that we have not proceeded without a mandate from all of our members affected. As you can see from the above, this could be directly if you are transferred under TUPE to the private sector or indirectly, in terms of Agenda for Change shaping our future strategy for ending the two-tier workforce in health. This is why all our members working in the NHS, regardless of who their employer is, are being consulted.

As the biggest union in health and the lead trade union on Agenda for Change we are giving all of our 450,000 health members the opportunity to have the final say, in the ballot which closes on 5 November. **If you haven't received a ballot paper by 18 October, call UNISON direct on 0845 355 0845.** To ensure you have a voice, you must do this before 2 November and ensure your vote is received by us, by Friday, 5 November.



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