



Stewards

and workplace representatives



HANDBOOK



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UNISON Stewards' & Workplace Representatives' HANDBOOK

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Chapter 1
The UNISON
workplace representative



Dear Colleague,

Welcome to UNISON's Stewards' and Workplace Representatives' Handbook



This handbook is intended for both newly elected stewards and workplace contacts and for active members who would like to get more involved in UNISON at workplace level.

The handbook is intended to be a key resource for dealing with all workplace issues. It covers organisation and recruitment, dealing with members' problems, working with the employer, health and safety, and stewards rights, as well as providing general information about UNISON.

It is also the main source material for UNISON's introductory course for stewards and for our course on grievance and disciplinary representation.

Stewards and workplace representatives are an essential part of UNISON's organisation and are usually the vital link between members in a particular workplace or department, or working for a specific employer, and the wider union. The work that you do in recruiting, organising and supporting the members you represent is vital to our work as Britain's largest trade union and one of the leading public sector unions in the world.

I hope that you will find this handbook useful and that you find your work as a steward or workplace contact rewarding.

As an official representative of UNISON you are entitled to a wide range of advice, support and training from the union. Your local branch should be able to assist you in obtaining this and dealing with most of the difficulties you encounter. Alternatively you can contact your regional office or UNISONdirect. Full details on where to go for advice and support are given at the back of the handbook.

With best wishes

Yours sincerely

A handwritten signature in blue ink that reads "Dave Prentis". The signature is fluid and cursive, with a large, sweeping "D" and "P".

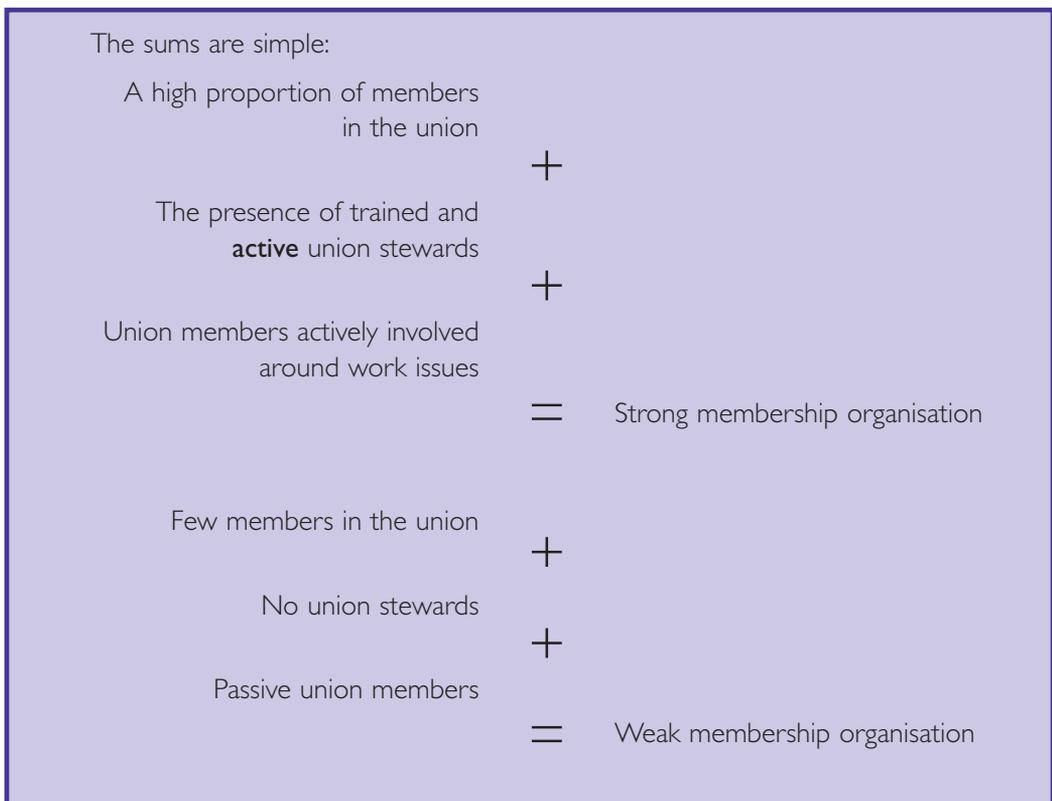
Dave Prentis

General Secretary

UNISON General Secretary
Welcome to UNISON's Stewards'
and Workplace Representatives' Handbook

Introduction

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



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 usually to inform and support negotiations. 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.

Strong membership organisation is based on sound organising principles.



The Organising Approach

UNISON is committed to an organising approach based on:

- working collectively – “What can we do about it?” and not “Leave it with me and I’ll sort it out”
- listening to members’ views
- knowing where our members are
- encouraging members to get involved
- supporting members in resolving individual problems
- promoting democracy and membership participation.

And:

- actively involving members in negotiations
- maintaining a high membership density
- maintaining a strong steward organisation
- supporting stewards, workplace and learning representatives
- making sure our stewards are accountable to the members who elect them.

UNISON is a democratic organisation which tries to put its members at the heart of everything it does. To be successful UNISON must work hard at listening to its members’ views and concerns and at asking members what their priorities are.

Members join UNISON for many reasons but particularly because they want:

- their voice heard by their employer
- advice and guidance on how to deal with problems at work
- help if they get into trouble
- involvement in decision making
- strength in numbers.

UNISON is most effective when its elected representatives work with members to meet these needs.





■ Chapter 1

The UNISON workplace representative

CHAPTER I

The UNISON workplace representative

What is a UNISON representative?

The UNISON workplace representative is the most important link between the union and its members. Workplace representatives are:

Organisers

They talk to, recruit and organise members around workplace issues, hold meetings, undertake surveys and help run ballots.

They give members information about union issues by publicising UNISON campaigns, distributing leaflets and keeping members informed about and involved in local negotiations.

Advisers and sounding boards

They talk to members about workplace problems and – if they feel confident – give advice on how to deal with these. Alternatively, they may arrange for the member to get advice or assistance from elsewhere in the union, or work with them to obtain the information they need.

Representatives and spokespersons for members in their workplace

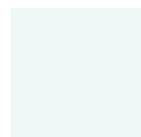
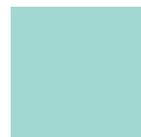
Where they feel confident and have received appropriate training, they accompany members in meetings and assist them in raising problems with managers before these get out of hand. Otherwise they seek advice and support from other union representatives. They also have an important role in ensuring that the views of the members within the workplace are represented to the wider union.

The workplace representative in UNISON

UNISON workplace representatives are an essential part of a large and powerful national organisation. All workplace representatives and members belong to a local UNISON branch which is their main source of advice and support. In turn, branches belong to one of UNISON's regions which integrate with the national structure.

This way UNISON provides strong and effective organisation for all our members and their representatives. More information about UNISON's structure and organisation can be found in **Chapter 9, Getting involved in UNISON.**





Types of workplace representative

UNISON has four types of workplace representative. This handbook is primarily aimed at stewards, but much of its content will be useful for workplace contacts and other active members.

Steward

A UNISON steward is an elected representative whose role includes organising, recruiting and representing members.

Stewards in workplaces where UNISON is recognised by the employer have rights to time off for training and to carry out their work.

Stewards have a right to be involved in how their branch is run and are the most important link between the members and the union.

Health and safety representative

Health and safety reps have the right to training and to raise issues which affect the health and safety of members.

More information about their role is available in the [UNISON Health and Safety Reps Handbook](#) and in [Chapter 6, Health and safety](#).

Some stewards are also health and safety reps.

Union learning rep

Their precise role varies according to their own circumstances but centres on raising awareness of lifelong learning among the members and helping to identify and articulate the learning needs of particular members, as well as negotiating with employers on learning issues. They have some rights to time off for training and carrying out their duties.

They will also liaise with employers about lifelong learning opportunities.

Workplace contact

Workplace contacts play a number of different roles.

They may distribute information, support a steward or carry out some tasks normally undertaken by a steward.

Workplace contacts do not have access to the same rights as stewards but can and do play an important role in enabling groups of members to organise effectively.

The role of a steward

UNISON aims to have at least one steward in each workplace and department, more in larger departments and where members work shifts.

Stewards are elected each year by the group of members that they represent and the post is open to job share.

Stewards engage in different levels of activity depending on their experience, skills and the time they are able to commit.

A UNISON steward should seek to:

- be the first and main point of contact with the union for members
- recruit and organise new members
- work with members to establish an organised workplace
- support and advise members on workplace issues, both individual and collective
- act as a spokesperson for the members they represent and inform and involve members

in branch activity

- represent members with the employer, depending on their experience and confidence
- represent members within the branch committee
- be answerable to the members they represent.

Being elected as a steward gives a workplace representative access to important rights and benefits:

- training by UNISON
- regular UNISON mailings, including *InFocus*, UNISON's fortnightly newssheet
- access to UNISON advice and information
- support from a UNISON organiser should they face serious problems at work.

Stewards working for employers that officially recognise UNISON also have rights to the following:

- paid time off for training, meetings with members and managers, and some other union work
- use of employers' telephones, email and internal mail
- access to an office and lockable facilities at work
- recognition as a UNISON representative.

More information is in **Chapter 8**, *Your rights as a UNISON rep*, and in **Chapter 5**, *Working with the employer*.

The role of the health and safety representative

UNISON aims to have at least one health and safety representative in every workplace where we have members.

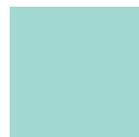
In some cases the safety representative and steward are the same person but they have two separate roles.

Safety representatives have specific duties and responsibilities and also have important legal rights. **The Safety Representatives and Safety Committee Regulations of 1977** spell out in detail the rights and functions of safety representatives.

These include:

- making representations to the employer on behalf of members on any health, safety and welfare matter
- representing members in consultation with Health and Safety Executive inspectors or other enforcing authorities
- inspecting designated workplace areas at least every three months
- investigating any potential hazards, complaints by members and causes of accidents, dangerous occurrences and diseases
- facilities and support from the employer to carry out inspections and receive legal and technical information
- paid time off to carry out the role and undergo either TUC or union-approved training.





The role of a learning rep

Learning reps encourage members and potential members into learning for their personal development;

They work with their branch to negotiate learning partnerships with employers covering issues such as time off for learning;

The reps encourage new learners to get involved in UNISON and help branches to develop by linking learning initiatives to recruitment and organising.

The role of a workplace contact

This is an ideal role for someone who is interested in becoming a steward or safety representative but would like to find out more about what is involved. It is also ideal for those groups of members who can find no-one willing to be a steward.

Workplace contacts have a more informal role than stewards or safety representatives. They can also operate as part of a network supporting an elected steward.

Workplace contacts have access to a range of benefits from UNISON. They include:

- regular UNISON information
- involvement in branch work
- some training courses
- advice on dealing with workplace problems.

How to become a UNISON rep

Any group of members can elect a workplace representative. This group is

known as the representative's constituency.

Stewards

Members should arrange a meeting or postal ballot to elect their steward. Proper notice should be given so that members have the opportunity to be nominated. It is best to contact the branch for guidance. Stewards should be elected annually, preferably before the branch annual general meeting.

Health and safety representatives

Safety representatives are appointed by UNISON, not the employer. Your UNISON branch will decide on the arrangements. Once a safety representative is appointed, the employer must be notified in writing of that appointment.

Learning representatives

The union learning rep is a fairly new position. People in this role are likely to be members who have recently completed a learning programme and are enthusiasts and advocates for learning in their own workplaces.

Workplace contacts

Members do not need to hold an election but should find some way of agreeing on who the contact should be. Stewards may wish to encourage a colleague to become a contact, either to assist with stewards' work or to encourage them to become more active at a later date.

Notify the branch

In all cases, members must notify the branch secretary of the new workplace

representative so that they can be offered training, be placed on mailing lists and, in the case of stewards and safety representatives, be issued with appropriate credentials.

Getting support

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. This includes:

Regular training courses

All new stewards are encouraged to go on an induction course, which covers all of the topics in this handbook, and on a course for handling grievances and disciplinaries. After that, stewards receive regular information on training courses on a range of workplace issues. There are also induction courses for members considering becoming more involved and for health and safety reps.

Access to advice

The first source of advice should be your branch. Most branches will make sure that reps 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 training and support through practical experience, for example, by inviting them to observe and assist in advising and organising members.

Access to information

UNISON distributes a fortnightly newssheet, *InFocus*, to all workplace representatives to

keep them informed of campaigns and new developments. Branches also send representatives regular information on local matters and can always access information by ringing the regional office, *UNISONdirect* or by looking on *UNISON's website* <http://www.unison.org.uk/activists> This website - the activists' zone - brings together the best from *InFocus*, plus a range of information, documents and useful advice.

Bargaining support

UNISON's Bargaining Support Unit produces guides and information sheets on negotiating issues. It also publishes a monthly newssheet called *Bargaining Update*, available in electronic format. This provides information and statistics that are likely to be of use to local negotiators.

Where to go for support

- Your local branch
- Colleague workplace representatives and more experienced stewards and branch officers
- Regional office – your regional organiser, regional education officer, women's officer and branch support teams are based in the regional office and can be approached through your branch secretary
- *UNISONdirect* – UNISON's phone line service is dedicated to providing an information and advice service for members and stewards. Just call **0845 355 0845** between 6am and midnight Monday to Friday and 9am to 4pm on Saturday.





■ Chapter 2

Working with UNISON members

Chapter 2

Working with UNISON members

Why is working with members important?

UNISON exists because of its members and it should be the members themselves who determine the priorities of UNISON at all levels. This is essential if UNISON is to truly represent the interests of its members and if they are to become involved and active. It is also a message to potential members that the union takes their issues seriously.

The workplace issues of any membership group should determine:

- what the union campaigns about
- what it talks to the employer about
- what issues it organises and recruits new members around.

These must of course be in line with UNISON's aims and values which are listed in the *UNISON Rule Book*.

Finding out about your members

Unless you know who and where your members are, you'll only be able to guess

at the issues that concern them. All stewards should have a constituency of members to whom they are accountable. Similarly, most workplace contacts will have a group of members with whom they work.

If you are unsure about your constituency, get in touch with your branch office or secretary. The branch should be able to supply you with a list of your members which will include the following details:

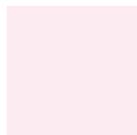
- name
- workplace
- occupation or pay code
- employer.

Where branches cannot provide this information they should be able to help obtain it from either the regional office or the employer.

Branches may also be able to obtain lists of non-union staff in the workplaces they cover so that you can identify which staff need to be approached about joining the union.

However, the most effective way of gathering this information is to talk to your members and be available within the workplace.





Workplace mapping

An effective way of finding out what you do and don't know about your constituency – and what you need to find out – is by **mapping** the workplace.

Try sketching out the department or workplaces you cover. Mark on your map each of the following, broken down according to where the individuals are based:

- number of UNISON members
- number of members by shift

- number of members of other unions
- number of potential members
- which members might be interested in getting more involved in the union
- the extent to which members take an interest in getting involved
- where there are current (or potential) workplace problems
- staff gripes and concerns.

The following examples may be of help:

A&E BLOCK - ANYWHERE HOSPITAL

Casualty

16 nurses
 4 clerical
 9 RCN
 3 non-members
High levels of sickness through stress

X ray

2 clerical
 2 Society of Radiographers
 6 non-members

Supplies

18 members
Shift reorganisation

Porters

23 members
 2 temps (non- members)
Always come to meetings

Outpatients

10 nurses
 12 RCN
 12 clerical
 No members on night shift
Problems with staffing levels.

ADMINISTRATION BLOCK

Area teams

A, B C & D
 4 team leaders
 2 liaison officers
 4 administrators
 4 secretarial/clerical
 10 non-union
Non-filling of vacancies

Reception

3 staff. all non-union

Accounts

2 managers
 8 clerks
 All members
Problems with software package

Personnel

4 advisors
 6 secretarial/clerical (non-union)
Flexi-time system inadequate
Director's Office
 4 members (including director)
 2 non-members

Working with all our members

Central to UNISON's aims and values are the themes of proportionality and fair representation.

Proportionality means that women and men are represented in proportion to the number of female and male members in the electorate. In other words, if a branch has 70% women members, 70% of branch committee members should be women too.

Fair representation means that UNISON representatives should include members from a broad range of the membership, taking into account such factors as the balance between full- and part-time workers, manual and non-manual workers, different occupations, skills, qualifications, responsibilities, age, race, sexuality and disability.

Encouraging participation in the union by members who have traditionally been under-represented in the union's structures helps to build organisation and therefore a stronger union. A broad-based union membership sends a powerful message to employers that the union speaks for the whole workforce. It also helps encourage new members to get involved and active.

The role of the steward in promoting equality and encouraging participation

All stewards have an important role to play in encouraging full participation and

promoting equality in the union by helping to make sure that:

- meetings and discussions are run in an open and friendly way so that everyone feels able to participate, and no-one is put off by procedural points and jargon
- union meetings are held at times that are convenient for people who might be part-time workers or have family commitments
- meetings are held in venues that are easily reached and are accessible to disabled members.

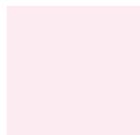
In addition stewards should:

- actively engage with under-represented groups and those members who do not speak out to ensure they have a voice and can be heard
- encourage these groups to elect their own stewards or workplace contacts and help them to get the support that they need from the branch
- support self-organised groups as a means for under-represented groups to get their message across and as a way for the union to organise and involve those members in its activities.

Involving members

Having found out where your members are, the next step is to think about ways of involving them. It is worth identifying different means of communication so you





can determine which will work best in a particular workplace.

The first responsibility of a steward is to listen to members and find out their workplace issues. You should also keep members in touch with information from the branch.

However you communicate with your members, the key thing is to encourage them to feel more involved. Not only does this mean that the branch will be better able to deal with issues, it will also be active and much better placed to retain new and existing members.

Links with the branch

The steward is a vital link between the branch and the members.

You will need to have regular discussion with your members about the following:

- what the branch is doing on key issues, such as the pay offer or workplace reorganisation
- how the branch committee has responded to issues raised by your members
- what members' views on local negotiations are and making sure that these are fed back to the branch
- information issued by the union from regional and national level, for example, details of UNISON campaigns, pay and collective bargaining, dates of relevant education courses and events, and information in *InFocus*.

Opportunities to involve members

Take advantage of opportunities to encourage members to become involved. Work with members to plan what you can do to resolve a difficulty. Encourage them to play a part in preparing a case or in organising around an issue. Every situation and every member will be different, but there will be something you can encourage members to do. Find out what their skills are and suggest appropriate tasks – talking to colleagues, or keeping a record, or helping draw up a questionnaire.

The following sorts of issues may provide opportunities for encouraging involvement:

- workplace reorganisation or a change to working conditions. How will this affect members?
- it's time to draw up the annual pay and conditions claim. What do members' really want?
- an individual is harassed or bullied at work. Without breaking confidentiality, use this as an opportunity to raise awareness around the issue and to make sure it can't happen again
- some members are being transferred to a private company. Think about working with branch officers and the members to establish a 'shadow' UNISON workplace organisation so that members can organise and recruit most effectively when they transfer
- it's that time of year. Get members together for an informal social.

More information on how to involve members when they have come to you with a problem is in **Chapter 4, Dealing with members' problems**.

Ways of keeping in touch with members

Listen to members

Take every opportunity you can to develop informal contacts with members in whatever way best suits your workplace – at breaks, changes of shifts or meal times. It is important to encourage members to feel free to talk to you about what is going on in the workplace.

The more you listen to your members the more you will understand their concerns and their willingness to become involved.

Surgeries

If you can't have regular informal contact with all your members, consider setting times and places when members know you will be available.

Make yourself available

Set aside regular times when you can be contacted in person or by phone. Try to visit some or all of the workplace at least once a week. Ensure that your members know how to contact you by phone or email.

Notice boards

These should be kept up to date and interesting. This may be the kind of responsibility which workplace contacts wish to take on.

Leaflets and newsletters

These can be an effective way of keeping in touch provided that they are relevant. UNISON produces a wide range of leaflets

and booklets on a variety of issues. You can see what is available by browsing the [UNISON Catalogue](#). Most branches also produce some type of newsletter which you can distribute.

UNISON produces a [Communicate CD](#) to help you produce your own publications. This provides templates, artwork, logos and general advice. There is also a 'How to...' range of leaflets which you may find useful. Your region may also provide training on producing branch publicity.

It is a good idea to publicise your successes within the workplace and to other stewards. Good news stories, even if they seem minor issues, show UNISON is doing a good job and help build confidence in the union. Check with your branch before producing or circulating anything in UNISON's name.

Websites

Some branches run their own websites. These can be a very effective way of providing up to date information to members. But remember that not everyone will have access to the internet. Also, an out-of-date web page is as unappealing as an out-of-date notice board.

Email

This can be a quick and easy way to contact your members. Remember that not everyone has access to email and you should ensure that printed copies of messages are sent to those who don't. Make sure that you are entitled to use your employer's email system – this can be negotiated as part of a facilities agreement if your union is recognised by the employer; see [Chapter 8](#), Your Rights as a UNISON Rep. Emails have the same status as the written word so be careful how you put things.





Workplace surveys

The branch or individual stewards can carry out surveys of members to find out what their key concerns are.

When planning a survey, you'll need to think about the following:

- what you want to know - frame the questions as clearly as possible
- who you are asking - is it an issue that might affect potential members? If so, the survey might be a way of encouraging them to get involved and to join UNISON
- ensure you get enough responses. Make it short and simple
- get members to think about appropriate questions and help distribute and collect survey returns – other members are more likely to respond to a colleague
- think about issues of confidentiality, particularly if it is a sensitive subject.

Workplace meetings

These provide an opportunity for members to exchange views and ideas on key issues. Many members find it difficult to attend branch meetings regularly.

Regular, informal workplace or section meetings enable you to organise around relevant issues and share information from the branch.

When planning a meeting, think about the following:

- try to organise the meeting around a specific workplace issue that members feel strongly about. This will encourage attendance and demonstrate the relevance of the union to potential members
- make sure that the time and venue are convenient and accessible. Be prepared to vary both to suit members' working patterns. You may need more than one meeting to cover all shifts
- check with your branch about carers' expenses for people with dependants, or travel expenses for those coming from other sites or home, and make sure participants know about them
- publicise the meeting well enough in advance and make it clear what it is going to be about
- think about offering relevant training as part of workplace meetings. Your branch education co-ordinator or regional education officer can advise. If the branch has a trained lay tutor they could help plan and deliver the training
- if the meeting is being held as part of a **consultation** process make sure you summarise views at the end so everyone knows what is being said
- including training or consultation on current collective bargaining issues may mean that you can obtain agreement from the manager to hold this in work time and/or on the employer's premises. More information on holding meetings is available in UNISON's *Code of Good Branch Practice*.

What next?

You have found out who and where your members are and what they are concerned about. But what now? The steward is not expected either to take up every issue or to deal with important issues on their own. There will be a variety of different responses, depending on what the issue is. Here are some of the options:

- if lots of members are involved organise a workplace meeting to find out more and discuss raising the issues with the employer. If this is specific to your workplace you can go ahead and raise it with the local manager. If it goes beyond your workplace you should seek advice from other branch officers
- where appropriate, work with the member to pursue an individual grievance
- represent a member who may be disciplined
- involve the branch secretary, branch education co-ordinator, equalities officer or other relevant branch officer - or pass the query on to them
- pass on information to other stewards and involve them in planning
- publicise issues at a branch committee or in a newsletter
- seek advice and support from branch colleagues or, if this is unavailable, from regional office.

Whatever happens, make sure that you keep members regularly informed of what's happening.

More information on taking up issues is available in *Chapter 4, Dealing with members' problems* and *Chapter 5, Working with the employer*.





■ Chapter 3

Recruiting new members

Chapter 3

Recruiting new members

One of the most vital jobs of a steward is to recruit new members. Recruiting and involving new members involves many of the skills covered in *Chapter 2, Working with UNISON members*.

Why recruitment, retention and organising is essential

Organised workplaces with a high density of union membership means UNISON will have:

- much greater influence with local management and with employers
- members with a stronger sense of confidence and ability to change things
- much higher chances of winning recognition in non-recognised workplaces
- greater clout with other trade unions within the workplace
- more stewards, safety representatives and workplace contacts who run the union locally and ensure that the branch is truly representative.

This means that the union will have:

- greater influence both locally and

nationally, which helps UNISON campaign to improve public services, to stop discrimination, for equality of opportunity and for better pay and conditions of service

- greater stability. The more members we have locally the greater income the branch has to provide support for stewards and members.

Remember it is particularly important to recruit young members if UNISON is to grow and be strong in the future.

Recruitment – the organising way

‘Nobody asked me!’

That’s the single biggest reason people give for not having joined a trade union. And the best people to recruit new members are the UNISON members working alongside them.

Successful recruiters can influence non-members to join when the union:

- is seen to be active
- has credibility
- organises in a workplace



- actively contacts potential members on a regular basis.

An organising approach to recruitment is more likely to succeed than telling members the benefits of joining, and promising a servicing role in which members expect stewards to solve their problems for them.

There are a number of specific techniques you can adopt to help you influence someone to take the step and join.

Remove the barriers

There are many barriers in the way of people joining a union. Effective organisers aim to remove as many of these as possible.

Consider how you present yourself to the potential member and the language you use. You need to be assertive and clear in your arguments but not pushy. A good technique is to use inclusive language such as “our union” or “your union”. Avoid union jargon as far as possible and illustrate your arguments with real life examples of how the union has been effective in their workplace.

Consider which recruitment material to use and whether you need to produce your own to supplement the national and regional materials.

The organising approach

Try the organising approach as described below:

- listen and ask questions for at least 70% of the time when you first meet a potential recruit

- identify any concerns of the non-member; don't make promises but highlight that there may be hope and find a way that you can sort it out together

- recognise that concerns about joining are real and acknowledge them. No large organisation is perfect – be honest about the union and if the potential member has criticisms address them fully. There are some suggestions about how to deal with specific comments in the section on page 23

- speak to new employees as soon as you can, make sure they know where you can be contacted. Try to talk to potential recruits more than once and get them to talk to their colleagues

- bear in mind that potential members are more likely to be recruited by colleagues they know and trust. We know that ‘like recruits like’, for example, that young people are more likely to recruit other young people

- approach recruitment and retention from the perspective that members need to get involved and understand that only by working together can their problems be resolved

- use **empathy** - a powerful influencing technique can be to explain how you joined the union and became an active member, including your experience of the union and its achievements.

Remember UNISON is a member-led union and we want members involved.



Be organised:

- keep a list of all members and potential members in your constituency
- make sure that you are informed when new employees are starting and use UNISON guidance on new starters (stock no. 2275)
- keep appropriate UNISON recruitment literature and supplies
- display UNISON recruitment and other appropriate UNISON posters in the workplace
- always carry membership application forms with you – you never know when you might need them.

Union benefits and services

The organising approach to recruitment focuses on working together to resolve problems rather than on selling the union as a provider of insurance and cheap holidays. But the union does provide valuable member benefits. The main services are listed below:

Welfare benefits

UNISON Welfare provides assistance to members and their dependants in times of financial hardship or personal difficulties such as redundancy, bereavement, illness or relationship breakdown.

Branch Welfare Officers should have further information or contact *UNISON Welfare* on **020 7551 1620**.

Education

UNISON provides a range of education courses including:

- Return to Learn and similar courses for non-traditional learners
- professional qualifications via distance learning courses
- open learning packs
- training for activists.

More information is provided in **Chapter 10, Where to go for more information.**

Personal accident helpline

UNISON gives free initial legal advice on all accidents and may provide free legal representation depending on circumstances.

If members telephone the helpline operated by *UNISONdirect* their case will be referred to UNISON's solicitors to have their injury, accident or illness assessed. This covers both work and non-work-related injury.

Call **0845 355 0845** Monday to Friday 6am to midnight, Saturday 9am to 4pm.

Member services

UNISON offers a wide range of services to its members including:

- low interest mortgages
- competitive insurance
- discount shopping
- reduced price holidays
- Croyde Bay Holiday Centre





- lower rate credit cards
- rulebook benefits (e.g. accident and incapacity benefit)
- legal advice for both work and non-work-related problems.

Don't worry, you're not expected to know about all these services in detail. The important thing is that you have some leaflets and can get further information from your branch or UNISONdirect.

More detail is given in the leaflet **UNISON Plus**. UNISONdirect can also answer questions on the full range of member benefits.

Some ideas for the first contact with a potential member

Introduction

Who you are, why you are there.

Opening gambit

"UNISON is concerned about..."

"Some people have contacted us..."

"We have been talking to some other people and..."

"We have been trying to get people together to..."

Basic information

Learn about the worker and workplace

"How long have you been working here?"

"What is your job/role?"

"How many other people work here?"

Identify issues

Anything that may be affecting the worker can be a basis for guiding the discussion towards the need for union activity and organisation.

Start by using general questions and then narrow the focus of the questions onto the details.

"How are things going here at work?"

"What has changed here recently/over the last...?"

"What is good about working here?"

"What would you change if you could?"

If you are already aware of an issue

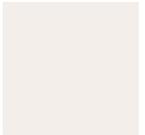
"Are you worried about...?"

"What is happening about...?"

"Who else could be affected...?"

"How do you think you and your workmates could be affected by...?"

Once you've got going, make sure your branch and other members know about your experiences. Publicise recruitment



successes in your branch publicity and newsletters. If you turn out to be a fabulously successful recruiter, let the rest of UNISON know by getting in touch with your branch or regional office or *InFocus*.

Chapter 3
Recruiting new members





■ Chapter 4

Dealing with members' problems

CHAPTER 4

Dealing with members' problems

When UNISON members face problems at work, the first person they should turn to is their UNISON steward. An important part of your role will be to support individual members by helping them take their concerns to the employer. But just as important is your ability to help members solve their problems collectively.

Types of problem

There is a wide range of problems you may be asked to deal with. Here are some of the most common types:

- **disciplinary cases** – your employer takes action against a member for their conduct at work. There should be an existing procedure which is part of your terms and conditions of employment and you should have a copy. In particular, be aware of time limits for appeals.
- **individual grievances** – a member has a complaint about pay or working arrangements. Again, there is usually an existing procedure
- **collective problems or grievances** – a group of members have a problem to be discussed or negotiated with management. These

can be dealt with through ad hoc meetings, or formal negotiating or disputes procedures

- **personal problems** – many are not the employers' responsibility, though you might still want or be able to help. However, some problems that appear 'personal', e.g. stress or childcare arrangements can and should be dealt with as employment issues and might also raise collective negotiating issues
- **health and safety** – these can be dealt with through local discussion and negotiation with your employer. You may be a safety representative as well as being a steward and be able to deal with the problem alongside the affected members. If not, you should talk to the members initially and then involve the local safety representative
- **professional issues** – some issues get referred to as 'professional' which seems to suggest they are not of legitimate trade union concern. Examples are service quality, training and qualifications. These should, however, be the subject of joint consultation and negotiation with recognised unions





- **gradings** – most employers have a set procedure for awarding grades to posts and appealing against unsatisfactory grades
- **bullying and harassment** – some employers have special procedures for dealing with harassment and/or bullying complaints, otherwise use the grievance procedure
- **discrimination** – many employers have specific procedures for dealing with discrimination. If not, use the grievance procedure
- **capability/ill health** – some employers are keen to introduce procedures that make it easier for managers to deal with poor job performance, or sickness absence.

Individual or collective?

Most problems at work are experienced as individual problems. A member who is suffering from bullying or harassment or having problems with their supervisor, will often feel that they have been singled out for unfair treatment. One of the most important tasks of a steward is to recognise when individual problems are part of a larger pattern that can be dealt with through collective action.

For example, three workers in one department have separately complained to you about the decisions of the same supervisor. However, they have never gone beyond the point of complaining to each other. You should hold a small group meeting with them so they can start turning this from an individual problem into a collective issue and agree to take action through the union.

Personal problem or collective issue?

If presented with an individual problem, try to find out if other members are affected. Here are some suggestions as to how you might do this:

- ask the member who raised the original complaint who else might be involved
- talk to other stewards in your workplace to see if workers in other departments share the problem
- ask your branch whether similar cases have been dealt with before.

If the problem does turn out to be wider than one individual:

- bring members together to discuss the problem and decide on a course of action
- get help from branch officers or other stewards if you are unsure of how to proceed
- make sure that the person who brought the original complaint is involved in whatever action the union decides to take
- don't go to management on your own to sort the problem out on the member's behalf. Even if you succeed, you will have lost the chance to build the skills and confidence of your members
- remember always to respect members' wishes regarding confidentiality.

UNISON Welfare, the union's charity, may be able to help.



Knowing your agreements

Whether the problem turns out to be individual or collective, you will need to find out whether the issue is covered by a collective agreement, precedent or management policy.

A collective agreement is an agreement, usually in writing, between the employer(s) and the union(s) covering pay, conditions of service, collective issues such as gradings and working arrangements, and procedures. For more information on collective agreements, see *Chapter 5, Working with the employer*.

Some practices and procedures are not written down but are established by custom and practice or precedent. Some are established by a management policy which has not been negotiated with the union.

In most cases your employer will have produced a written set of documents or handbook containing the agreements which apply to your workplace. If you are unsure what agreements are relevant to you, check with your branch officers, other stewards or management.

Legislation

There is a body of legislation that governs the employer's behaviour in the workplace. This has increased significantly over the past few years, with laws now covering issues such as health and safety, working time, minimum wage, rights to trade union recognition, discrimination, disability and

Legal rights

Every employee has rights to:

- a written statement from their employer setting out their terms and conditions
- an itemised payslip
- paid annual leave
- sick pay
- work in a safe working environment
- maternity leave, pay and time off for ante natal care etc.
- time off
- time off to deal with an emergency involving dependants
- equal pay for men and women
- minimum periods of notice before an employer can terminate their employment
- a redundancy payment
- be paid at least the minimum wage
- be accompanied by a trade union official or a co-worker to grievance or disciplinary hearings at work.

They have rights not to:

- have their wages stopped or part of their wages deducted
- have their contract changed by their employer without their agreement even if their employer sells his business to a new employer
- work a working week in excess of 48 hours
- be bullied or discriminated against on the grounds of race, sex, disability, sexual orientation, trade union activities or because they work part-time
- be unfairly dismissed.





rights to care for children and dependants. New laws are expected in the near future affecting maternity leave and other family-friendly measures.

In addition, there are codes of practice produced by the **Arbitration and Conciliation Advisory Service (ACAS)** which provide guidelines which employers should follow.

But remember that you are a steward, not a lawyer! Wherever possible, trade unions try to deal with problems through collective action and discussion rather than the law. Knowing your legal rights can help back up your side of the argument and many employers would prefer to negotiate than face costly legal battles.

Example: A member complains to you that she has been threatened with disciplinary action for leaving work early to pick up a sick child at school. You know that the **Employment Rights Act 1999** gives her the right to take time off work to care for a

dependant. You give the member the support she needs to bring the law to the attention of management and then discuss with the branch how to ensure that this legislation is incorporated into a local agreement.

An explanation of some of the most commonly encountered legal problems is set out in UNISON's booklet *Your Rights at Work*.

Dealing with individual problems

Some problems are genuinely of an individual nature and need to be solved using the employer's grievance or disciplinary procedures. In grievance and disciplinary hearings you will be representing one or more of your members before the employer's representatives.

You should familiarise yourself with the grievance and disciplinary procedures in force in your workplace.

Grievance procedures

Grievance procedures enable individuals to raise issues with management about their work, or about actions that affect them. Common examples include: terms and conditions of employment; health and safety; relationships at work; new working practices; organisational change and equal opportunities. Good grievance procedures:

- are simple and in writing
- provide for proceedings and records to be kept confidential
- have specified time limits
- enable individuals to be accompanied
- are made widely available to all employees

Most routine complaints and grievances are best resolved informally in discussion with the worker's immediate line manager.

Where the grievance cannot be resolved informally it should be dealt with under the formal grievance procedure. This will have a number of stages, depending upon the size of the organisation.

■ **First Stage:**

Workers should put their grievance, preferably in writing, to their immediate line manager. Where the grievance is against the line manager the matter should be raised with a more senior manager.

■ **Second Stage:**

If the matter is not resolved at Stage 1 the worker should be permitted to raise the matter in writing with a more senior manager.

■ **Final Stage:**

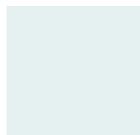
Where the matter cannot be resolved at Stage 2 the worker should be able to raise their grievance in writing at a higher level. This could include directors or in certain cases the chief executive or managing director. (This summary is based on the ACAS code of Practice on Grievance and Disciplinary Procedures.)

Disciplinary procedures

Employers should not view disciplinary procedures primarily as a means of imposing sanctions, but as a way of helping and encouraging improvement amongst workers whose conduct or standard of work is unsatisfactory. Some organisations may have separate procedures for dealing with conduct and capability, but any hearing which could result in a formal warning or some other action will at minimum be covered by the provisions on accompaniment set out in the Employment Relations Act 1999 (see Page 34)

When drawing up and applying disciplinary procedures employers should have regard to the requirements of natural justice. This means workers should be informed in advance of any hearing of the allegations that are being made against them together with the supporting evidence, and be given the opportunity of challenging the allegations and evidence before decisions are reached. Workers should also be given the right of appeal against any decisions taken.





Good disciplinary procedures should

- be in writing;
- specify to whom they apply;
- be non-discriminatory;
- provide for matters to be dealt with without undue delay;
- provide for proceedings, witness statements and records to be kept confidential;
- indicate the disciplinary actions which may be taken;
- specify the levels of management which have the authority to take the various forms of disciplinary action;
- provide for workers to be informed of the complaints against them and where possible all relevant evidence before any hearing;
- provide workers with an opportunity to state their case before decisions are reached;
- provide workers with the right to be accompanied
- ensure that, except for gross misconduct, no worker is dismissed for a first breach of discipline;
- ensure that disciplinary action is not taken until the case has been carefully investigated;
- ensure that workers are given an explanation for any penalty imposed;
- provide a right of appeal—normally to a more senior manager—and specify the procedure to be followed.

(This summary is based on the ACAS code of Practice on Grievance and Disciplinary Procedures.)

The right to be accompanied

Most employers have grievance and disciplinary procedures which provide for staff to be accompanied by a trade union representative. However, for those that do not, the **Employment Relations Act 1999** introduced a new right for workers to be accompanied to disciplinary and grievance hearings by a union representative or co-worker of their choice. This right applies even when the union is not recognised by the employer.

Under this new law representatives are entitled to address the hearing and to confer with the member during it. Your employer must give you a reasonable amount of paid time off to become familiar with the case and to confer with your member before and after the hearing. If you are not available on the proposed hearing date then the member is entitled to a postponement of the hearing for up to five working days to allow you to accompany them.

If your employer rejects a request to be accompanied to a disciplinary or grievance hearing the member is entitled to file a complaint in an Employment Tribunal.

Effective representation

As a new steward, it is likely that you will only be involved in the early, more informal stages of a grievance or disciplinary procedure. If a grievance or disciplinary case goes beyond the first stage, you should seek

to involve a more experienced steward or branch officer.

Your input in the early stages of a case is very important. You will need to know how to help your member identify their problem and prepare their case.

Interviewing the member

Interview the member to get as complete a picture of their view of what the problem is as you can. Members will naturally tend to emphasise the strong points in their favour and sometimes omit crucial details. You need to know everything including the weak points. If you do not you may find management is better prepared than you are. If possible check the facts with other members/witnesses.

There is no simple way of successfully handling members' problems. However, the following general guidelines should help you to avoid some of the pitfalls.

Listen

When a member approaches you with a problem, find a quiet place to sit down and talk. Always listen carefully. Simply 'getting it off their chest' can be quite important to the member.

Be sympathetic, firm and fair minded.

Ensure the member knows that you are genuinely concerned about their problem. Reassure them that the problem will be dealt with fairly and competently, but do not raise expectations or hold out false hopes.





Get the facts

Ask at least five key questions:

- WHO is involved?
- WHAT is the nature of the problem?
- WHERE did the incident occur?
- WHEN did it happen?
- WHY did it occur?

Make sure you get all the relevant names, dates and places.

Personal circumstances or domestic difficulties which may have a bearing on the problem could also be important.

Take interview notes so that vital information is not lost. Run through your notes before finishing the interview session to check they are correct. Explain to the member what will be done with your notes. Your branch may have a standard case reporting form that will help you.

Identify any agreements or rules which may be involved.

Check the facts

You need an accurate and complete picture before deciding on the action you take.

Check other sources of information and check your employer's procedure. It may help you assess the options.

Assess the case

Is there a case? Tell your member honestly what you think based on the evidence. If you feel you need more information, explain to your member how you propose to get it. If, at this stage, you feel you cannot take the

case up, explain why tactfully. It may be against union policy or not a genuine grievance. If in doubt seek advice from another steward or a branch officer.

Proposed action

If you feel there is a case and the member wants you to proceed, discuss what action is possible and what you feel should happen. Seek the member's agreement to this action.

As a new steward it would be helpful at this stage to talk the case through with a more experienced steward or branch officer. If the matter is serious, you may want to involve a senior steward who will take over the case if it goes on to a higher level.

Preparing your case

Before approaching management, make a plan of the case you will be presenting. This will help you to retain a clear picture of the case, your objectives and the points you wish to make.

Remember that this is your member's case. You will want to discuss with them which arguments to pursue and which not, what evidence is to be given and which witnesses should attend. Normally you will be the main spokesperson for the two of you at the hearing but the member will be expected to give evidence and to answer questions.

Your case should be based on presenting the facts; you should not lie for the member. Your job is not to get a 'guilty' person 'off'. It is to try to ensure that they are treated fairly and properly. In some cases you will



have to advise the member to admit the fault and base your case on mitigation.

Make sure that you have the correct procedure and that every one is following it correctly.

If management have not followed the procedure lodge an objection and if they go ahead emphasise it in your opening statement

Make sure you have proper time to prepare fully, to interview the member and any witnesses, inspect documents and so on. Ask for the hearing to be delayed if necessary. Register an objection if it is not.

Make sure you and your member comply with time limits for things such as making submissions, registering a grievance, and giving notice of appeal.

Do not meet management on your own. Always take the member with you. As a new steward, you may want to allow a more experienced steward to present the case while you observe.

At the hearing

Be clear about the agreements and procedures you are using, be courteous but firm.

Structure of the meeting

Grievance and disciplinary meetings fall into two basic structures:

- 1) where you put your member's case to management and they take the decision
- 2) where you and a management representative each put a case to an 'independent' manager or panel who take the decision.

Lower level grievances, disciplinaries and workplace problems taken up on an informal basis will most often fall into the first category. More serious issues will fall into the second. Remember that hearings often involve an element of 'negotiating' i.e. coming to a mutually agreed outcome through compromise.

Make your case

Whether it is a grievance or a disciplinary, make your case:

- clearly and simply
- refer to appropriate agreements, procedures and precedents
- be confident in asking your member to give evidence and answer questions
- respond calmly to management's statements/arguments
- submit written evidence and/or statements in advance
- if necessary, elaborate the case and counter management's arguments
- cross-examine management witnesses
- focus on the problem not the manager you are speaking to
- do not promote discussion for its own sake.
- put forward any arguments for mitigation





Get a decision

Make sure that a decision is made and ensure that both you and management understand precisely what the decision is. Agree on what will be done next and by whom.

Make sure there is a written record of the outcome. Sometimes this will be a jointly-agreed written record or agreement. At other times it is likely to be a letter from management confirming what was agreed as the outcome.

Keep a record

This is a useful reference when taking up similar cases or for dealing with developments from the case in hand.

After the hearing

Debrief the member. It is vitally important that, whatever the outcome, the member understands what happened and why. It is likely that your member will be anxious and worried about being involved in any meeting or hearing with management. Therefore, they will probably not be in a good state to fully take in what has happened immediately after the meeting. You should take some time within a day or so of the meeting to make sure that they do fully understand what has happened. At that time you should explain what options for further action may exist.

Remember that it is the member's problem and they must retain ownership and be jointly involved in deciding upon any next steps.

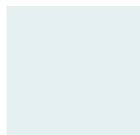
Report to UNISON

Keep members in the workplace fully informed, subject to proper discretion regarding personal information supplied to you in confidence.

Also keep the branch informed of the outcome of all appropriate cases. This is particularly important where a case may have implications for other members and their stewards or where a particular attitude or action taken by management could have implications for an existing agreement or for one that should be negotiated.

Follow through

Ensure that decisions agreed are followed through and check progress if the case is referred to another level in the procedure.



Checklist

You may find the following checklist helpful when planning and organising to deal with an issue:

- consider what advice, assistance and support you need from other stewards and the branch
- discuss options with your members
- agree a realistic aim and approach
- consider what your member could do for themselves, with your support and assistance
- be aware of time limits for registration of a grievance in giving notice of an appeal.
- if other members are concerned, think about how this would influence your plan
- consider if the issue could be taken up collectively
- consider the best way to raise this issue with management
- keep other stewards and the branch committee informed
- check that you have stayed within UNISON policy
- think about how the issue could be used to ask members to get more involved in the union
- discuss with the union how to use the issue to attract and involve new members.





■ Chapter 5

Working with the employer

Chapter 5

Working with the employer

UNISON branches and stewards have always got involved in local bargaining but now they are concerned with a far wider range of issues than a few years ago. Privatisation, contracting out and employers' policies mean that much more is dealt with at local level.

Also the focus of bargaining is changing. UNISON stewards or branch officers are as likely to find they are negotiating on contracts, re-organisation and job duties, or issues such as PFI, market testing and Best Value, as on pay.

The role of the local negotiator is an important one requiring some different skills to those you will have used in representing people in grievances and disciplinary cases. The union provides training and backup for all its negotiators, but there are some basic guidelines.

There is nothing magical about being a negotiator – all of us negotiate at different times in our daily lives.

The negotiation process

The negotiation process tends to follow a standard pattern which falls into four recognised stages:

1) *Preparation*

You need to do careful preparation and research, especially in seeking the views of members.

2) *The opening*

One side tables a proposal and the other side responds. This stage can involve adjournments to collect further information and test out arguments. It also includes identifying the relative importance of issues, fall back positions and 'bottom lines'.

3) *Trading*

Both sides trade things in order to move from fixed opening positions to an agreement:

"We'll offer x if you'll agree to y."

Again, there can be lots of adjournments to explore options, test arguments, consult, etc. This stage slowly builds consensus and narrows down the areas of disagreement.

4) *Agreement*

The stage where both parties reach agreement. This should include a phase where the final proposal is put to the members and ends with the agreement being documented for future reference.





A simple example:

Preparation ...

Mary to Paul and Lily

"You get HOW MUCH each week?
What do you have to do for that?"

The opening ...

Mary

"Mum, I want a rise in pocket money. All my friends get £10 a week and I only get £2. It's not fair!"

Mum

"You know that I've just had to buy a new washing machine, I can't afford to give you any more, I don't believe that anyone else your age has £10 per week and I think £2 is enough."

Trading ...

Mary

"Paul and Lily do. If I had more I could buy some of my clothes which would save you money."

Mum

"Aren't Paul and Lily the ones I see in the supermarket on Saturdays?"

Mary

"Yes, they do the shopping for their mum."

Mum

"So they earn their pocket money?"

Mary

"I wouldn't mind earning mine if I could have an increase."

Mum

"If you were to buy all your own clothes except for school clothes, do the shopping and the ironing I could probably manage £8 a week."

Mary

"Not the ironing! Can't it be the washing up?"

The agreement ...

Mum

"Agreed! You buy your own clothes, do the shopping and the washing up and I'll pay you £8 a week"

Mary

"OK, but shoes aren't clothes are they so you'll still buy those and I've just seen a great pair ..."

As you can see, negotiation is a common part of our daily lives. Negotiating as a UNISON representative requires the same skills, together with knowledge and understanding of some of the more formal processes of negotiation.

Stewards should not normally conduct a negotiation alone. It is always better to have back up and support and a range of skills and experience to call upon.

Many branches have negotiating teams made up of branch officers and stewards. Places on the team should be linked to membership constituencies such as departments, sites or occupational groups to ensure that the wide range of UNISON membership is represented.

Regions organise training courses to develop negotiating skills. Also, UNISON organising staff are skilled in advising on the negotiating process. Negotiating teams are ideally made up of individuals with complimentary skills, including: drafting and presentation, bargaining, research, questioning and note taking. Teams may also include, or have access to, specialists in certain areas such as equal opportunities or health and safety.

Further information on the negotiation process is provided in *Local Bargaining, A Guide for UNISON Negotiators* and in UNISON's collective bargaining course.

Issues for negotiation and consultation

It is important to understand the difference between negotiation and consultation.

Negotiation commits both parties to reaching agreement, whereas consultation is

merely a commitment to exchange views. Most agreements will be clear on what is subject to negotiation and what to consultation.

While consultation gives unions fewer automatic rights it can still be very valuable in ensuring that the views of the union and its members are progressed. Skilful negotiators are often very successful in converting consultation into negotiation.

Some employers confuse consultation with the conveying of information. It is much more than this. Most agreements and supporting legislation require employers to undertake 'meaningful' consultation.

A wide range of issues can and should be subject to negotiation and consultation and can be raised from the employer's side as well as from the trade unions'.

These include:

- pay and conditions of employment
- job grading and job evaluation
- equal pay
- equal opportunities and part-timers' rights
- working practices, new equipment and techniques
- contracting out
- service quality
- reorganisations and relocation of staff
- transfers of undertakings (and workers) to new employers
- proposed redundancies
- health, safety and welfare



- pensions
- employers' procedures on grievance, discipline, harassment and so on.

Most employers will have established procedures which govern how unions get involved in negotiation and consultation. In addition, employers have to meet legal requirements when consulting representatives of recognised trade unions on some issues, particularly transfers of undertakings and proposed large scale redundancies. Such consultation must be 'with a view to reaching agreement'.

The Information and Consultation Regulations (April 2005) could change the way that employers work and unions negotiate. Employees will get the right to be informed and consulted about their employers' current economic situation and future plans. Employers will have to take employees' views on board and try to reach an agreement. There will be new 'Information and Consultation Representatives' with rights to facility time. For more information see the Bargaining Support Factsheet on www.unison.org.uk/bargaining/conditions.asp and on the C&V section of the website.

Trade union-appointed safety representatives also have legal rights to be consulted by the employer on certain issues. Whatever the legal position, UNISON expects employers to negotiate with the union on all the above.

National and local bargaining

Many public sector employers still participate in some form of national bargaining. In these cases, it is common for a recognition agreement to be made with the

unions nationally and for this to include provision for national negotiations to take place on certain core terms and conditions, such as pay, hours of work, holidays, overtime rates, etc.

These national recognition agreements usually provide for local negotiations in some or all of the following ways:

- specifying certain terms and conditions which should be negotiated locally
- defining local procedures and structures which should be used in applying the agreement
- defining local procedures and structures for local negotiation and consultation.

Such agreements are normally written down in a Terms and Conditions Handbook and should be easily available from either the employer or the union.

The English/Welsh local government agreement, known as the 'Green Book', is a good example of a national framework agreement, as is the Scottish 'Red Book'. In addition, many health trusts apply agreements which are based on national guidelines.

Local bargaining structures

Most employers will have established structures for conducting negotiation and consultation already in place. These should include:

- a negotiating committee, made up of equal numbers of seats for management and trade unions



- a definition of the scope of the committees' powers, particularly identifying those areas subject to negotiation and those subject to consultation
- rules and procedures for how the committee conducts its business
- how the work of the committee relates to the workforce as a whole, e.g. mechanism for consultation, worker involvement and notification of decisions
- provision for working parties and/or sub-committees to deal with specific issues.

Larger employers may agree to having a layer of departmental or section bargaining structures which deal with local business under the umbrella of an employer-wide committee.

Partnership agreements

Many employers are now reaching local partnership agreements with trade unions. These provide a framework in which local bargaining takes place and emphasise the importance of the employer and unions adopting joint approaches to resolving problems. They often define how consultation takes place, emphasise the rights and responsibilities of all parties and make provision for shared learning and development.

Working with other unions

Many recognition agreements include more than one union. Sometimes agreements provide for separate internal bargaining structures for different unions, for example, teachers have a separate structure to other local government workers. In other cases different unions will sit on the same local bargaining committee. This is known as single table bargaining.

Either way, it is important for all unions to meet together, to co-operate and try, whenever possible, to agree a common approach. Otherwise the employer may be tempted to 'divide and rule'.

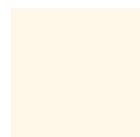
Stewards and local bargaining

In all but the smallest of workplaces UNISON will have more stewards than seats on the local bargaining committee. Where this is the case, UNISON branches must establish mechanisms to enable all stewards to remain involved in the bargaining process. These will probably include:

- regular reports and discussion at branch committee meetings
- newsletters or email exchange
- special stewards' meetings
- regular dialogue between trade union sides.

Stewards play a key role in any local bargaining process, whether or not they sit on the bargaining committee. As a steward





you are particularly important in:

- ensuring that members' views and concerns are fed into the bargaining process
- keeping members informed of developments
- enabling members' views to be properly canvassed and fed back as the negotiation progresses
- promoting widespread participation in ballots, surveys, etc.
- informing members of the outcome of any negotiations.

You should be given proper facilities and time off to undertake these duties. More details on this are given in **Chapter 8, Your rights as a UNISON rep.**

How to get involved

Your UNISON branch should explain the local bargaining structure to you when you are elected, including details on how you fit into the process. Make sure you know how to be kept informed of developments, how you should be involving your members and how you can put forward your members' views. If you would like to get more involved, or find out more, ask your branch secretary about:

- going on a UNISON training course
- shadowing a member of the local bargaining committee
- attending debriefings and preparation meetings
- assisting the trade union side on a particular issue.

Departmental and site negotiations

As a steward you may be working alone, or with a small group of stewards, in a separate department, on a separate site or within a small private or voluntary sector workplace.

In such circumstances you may need to meet local managers to discuss local issues with, and on behalf of, your members. There is nothing wrong with this. This is what UNISON wants you to do. Just make sure you follow these simple rules:

- try not to meet management alone. Always take another steward or an interested member to take notes and to confer with if necessary
- prepare for the meeting
- consult with your members before and after the meeting, and certainly before you make any agreement
- seek advice or assistance from the branch if you're not sure
- ask for an adjournment if you need to seek advice, consult with your members, or simply need time to think
- make sure any agreements reached don't undermine any reached nationally or at employer level – if in doubt, contact the branch.

Disclosure of information

The employer has a legal duty to supply information for bargaining purposes. Trade unions are entitled to information on:

- pay and benefits, including pay structures
- job evaluation systems
- earnings and hours, analysed according to work group and sex
- distribution and make up of pay
- total pay bill
- details of fringe benefits and non-wage labour costs.

For more information see the **ACAS Code of Practice on Disclosure of Information to Trade Unions for Collective Bargaining Purposes**.

Disputes and industrial action

If negotiations break down, there may be an existing procedure for referring the issue to a higher level for further negotiation, or for arbitration, conciliation or mediation. In such cases an outside body, such as the government arbitration service ACAS, will be invited to assist in resolving the dispute. You should contact your branch for advice in circumstances when negotiations break down.

When members want to consider industrial action, the branch must contact the regional office which will ensure that the appropriate UNISON procedures are followed. This may

involve further talks with the employer and members' meetings before proceeding to an industrial action ballot.

Trade union recognition

Most successful working relationships between unions and employers depend upon a clear agreement. A comprehensive recognition agreement should include:

- which trade unions the employer recognises for negotiations
- categories of employees covered by negotiations
- issues to be negotiated such as pay and conditions, working arrangements, equal opportunities, training, redundancies, disciplinary and grievance procedures, reorganisation, and so on
- negotiation and consultation procedures including dealing with disputes
- the number of trade union and management seats on the negotiating committee, the frequency of meetings, chairing of meeting and administrative arrangements
- time off and other facilities for workplace representatives
- procedures for changing the agreement.

While most branches will already have recognition with their employer, the scope of recognition agreements varies widely from one employer to another. Some apply





only to certain groups of staff or cover only a limited range of pay and conditions issues.

A good recognition agreement is one that gives you the right to negotiate the full range of pay and conditions issues for all groups of members in your workplace.

Securing recognition

If UNISON does not have recognition with your employer we will want to try to obtain it. However, we do not expect you to tackle this by yourself. UNISON can provide a great deal of support and assistance and you should contact your branch or regional office to discuss how an approach should be made.

Without the right to recognition, unions cannot operate effectively or give their members the services they require.

A voluntary recognition bid, following a recruitment drive, remains the most effective way of gaining recognition. Statutory procedures are complex and have crucial limitations. They exclude employers with less than 21 employees and apply only to collective bargaining over pay, hours and holidays. Voluntary recognition can be agreed with any employer and can cover any bargaining issue.

The right to statutory recognition was established by the **Employment Rights Act** in 1999, since then the number of new recognition agreements has risen steadily, with the majority of unions and employers favouring the voluntary route. The existence of the law has supported union efforts to secure recognition, recruit new members and strengthen collective bargaining rights.

Improving recognition agreements

It is becoming increasingly common for unions to have part-recognition for staff who have transferred employer under TUPE. It is important in such circumstances that UNISON makes approaches to extend recognition to cover all employees. Otherwise the terms, conditions and job security of recognised union members can be significantly weakened.

You should contact your branch or regional office to discuss how an approach should be made. Further information on recognition is available in UNISON's *Negotiating Recognition: A Guide*. See also www.unison.org.uk/bargaining/conditions.asp and the C&V section of the website.

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 20 in one workplace). If there is no recognised trade union, the law says that an employer should arrange for representatives to be elected. This therefore provides an 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. Suffice to say that, before there is a transfer of a business in which members work, the employer should inform and consult with their representatives. The remedy for any failure to inform and consult is for the union to apply to a tribunal for up to 13 weeks' pay for each member affected.

Similarly, when an employer proposes making mass redundancies they must consult with elected representatives. The employer should ensure that their election conforms to legislation. If there is a failure to consult, any affected employees can again apply to the tribunal. '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.

Stewards facing these problems in non-recognised workplaces should contact their branch or regional office for support and advice.

Workplace bargaining and negotiating provides a golden opportunity for creating a strong local union. Preparing claims and making agreements are great ways of recruiting new members and also getting more members involved in the union.

Local bargaining and membership organisation

The basis of your strength in negotiations is the strength of the organisation of UNISON in your workplace and no amount of clever or aggressive negotiating will make up for a lack of strong organisation. Time spent on building up the organisation is never wasted: it will be repaid at the negotiating table.

The most important routes to good workplace organisation are:

- recruiting as many members as possible
- consulting widely with your members so that you can represent their views effectively
- ensuring that all members you represent are encouraged to play a part in preparing for and supporting negotiations.





■ Chapter 6

Health and safety

Chapter 6

Health and safety

Everyone should be able to go to work without having their health damaged or made worse. Yet every year around two and a half million people are made ill because of work.

This is a huge number. Around half of these people are in pain because of injuries such as back pain, neck pain and **RSI**. A further half a million people have to take time off work because of stress.

Yet it is not work that makes people ill. Bad working practices and poor safety precautions are the cause. Almost all work-related illness is avoidable, most of it through forward planning and good safety practices.

UNISON takes health and safety very seriously which is why we aim to have at least one UNISON safety representative to cover every workplace where we have members.

While both management and the union want to reduce ill health, management's main aim will be to reduce absenteeism and prevent possible claims for compensation, while we want to ensure that our members are able to work in as safe and pleasant an environment as possible.

UNISON produces a wide range of materials on health and safety and provides all safety representatives with a separate

handbook and training course. This chapter provides a short summary of the main issues.

Organising through health and safety

Tackling health and safety is often a very good way of organising among members and potential members. Dangerous or unhealthy practices in the workplace rightly cause strong feelings which can be used positively to bring about change and improvements.

In particular it is important that we involve young members in organising around health and safety issues as they are often less likely to be aware of such problems.

The role of the safety representative

The key to good health and safety is having safety representatives, safety committees and good workplace organisation. Workplaces with trade union recognition have 50 per cent fewer accidents than those without.





Safety representatives have a wide range of legal rights and functions. These have been outlined in **Chapter 1, The UNISON workplace representative.**

Safety representatives are appointed by UNISON not the employer. Sometimes they will also be stewards.

Each branch also has a health and safety officer who will:

- act as a link between safety representatives and the rest of the branch
- co-ordinate the activities of all safety representatives
- give information and support
- co-ordinate branch-wide campaigns.

Safety committees

All UNISON members are entitled to have a safety committee within their place of employment. Legally, every employer must establish one within three months of a request made in writing by at least two safety representatives.

The employer must consult with the safety representative making the request and with representatives of any other recognised trade unions. They must also post a notice prominently, stating the composition of the committee and the work areas that it covers.

The **Health and Safety Executive's** guidance states that working out the size, shape and terms of reference of a safety committee must depend on discussion and agreement with unions.

Health and safety law

The UK has one of the lowest accident rates in the world. In part, this is because of the pioneering **Health and Safety at Work Act 1974** and the various regulations made under it. These regulations have the same status as other laws.

If all the legislation on health and safety was fully enforced the United Kingdom would be a very safe place to work. However, many of the health and safety regulations are not known about or are ignored by employers.

As a steward or safety representative you do not need a detailed knowledge of the law. However, you might come across the following acts and regulations.

Health and Safety at Work Act

This is the main piece of health and safety legislation. It puts a duty on employers to ensure the safety, health and welfare at work of their employees and to ensure their activities do not endanger others.

It also puts duties on designers, manufacturers and importers to ensure that equipment and substances are safe when used properly.

The Act also allows the secretary of state to make regulations on health and safety. This power has been used to introduce most subsequent health and safety legislation.

The Six Pack

The Six Pack is a set of six regulations all introduced at the end of 1992 following a European directive. They are:

- the Display Screen Equipment Regulations
- the Management of Health and Safety at Work Regulations
- the Manual Handling Operations Regulations
- the Personal Protective Equipment at Work Regulations
- the Provision and Use of Work Equipment Regulations
- the Workplace Health, Safety and Welfare Regulations.

In addition, there are regulations governing the supply, use and classification of all chemicals and other hazardous substances, and for the reporting of injuries, diseases and dangerous occurrences.

Risk assessment

Risk assessment is a simple concept. It is the process of identifying what hazards exist in a workplace and how likely these hazards are to cause harm to workers and others, in order to decide what prevention or control measures are needed.

Risk assessment is the responsibility of the employer. While the safety representative should be consulted, it is not a joint exercise.

The **Health and Safety Executive** have described the basic steps to doing risk assessments in a free publication **Five Steps to Risk Assessments**. UNISON's booklet, [Risk Assessment - a UNISON guide](#), will also help you with this.

Stress

Stress is one of the biggest health problems UNISON members face.

Stress can have a number of causes including long hours and shift work, lack of control, lack of job satisfaction, insecurity, fear of violence, bullying, bad relations with other work colleagues, problems with the working environment (such as noise, over crowding and poor facilities), low pay, boredom and isolation.

The levels of stress experienced will vary from one person to another and stress levels may be difficult to measure. Also, people react to stress differently. As a result employers often portray stress as an individual problem rather than one affecting the whole workplace and will often claim that it is problems outside the workplace that are causing the stress.

There is no specific law dealing with stress. However, the employer does have a duty to ensure safe methods of working.

The **Health and Safety Executive** has produced guidance on stress at work. Or you could look at [Stress at work - a guide for safety reps](#).

RSI

RSI covers a wide range of injuries to muscles, tendons and nerves. Usually hands, wrists, elbows or shoulders are affected. However, knees and feet can also suffer, especially if a job involves a lot of kneeling or operating foot pedals on equipment.

Anyone whose work involves awkward posture or grip, badly designed equipment





or workstations, repeated movements, physical force, vibration or fast pace work, could be at risk.

For more information on dealing with RSI you should look at UNISON's *RSI: Guidance for safety reps and members*.

Violence

Violence, and the threat of violence, is a major issue for many UNISON members.

Violence is not, and never can be, 'part of the job'. No member should have to endure the threat of assault or abuse by a member of the public, or a client, as a result of their employment.

Every employer must assess the risk of violence in exactly the same way as for any other hazard. In the event of there being a reasonable possibility of violence or abuse occurring, the employer must take action to remove or minimise that risk.

For more information read the **Health and Safety Executive** leaflet **'Violence to Staff'**.

Getting help

UNISON provides a range of materials to support health and safety representatives including:

- **Hazards at Work.** This is a joint UNISON and TUC publication. Every UNISON branch has been sent two copies. This is an invaluable reference book dealing with most workplace hazards including noise, chemicals, dust, machine safety, welfare provision, contractors and a wide

range of other important subjects. Your branch health and safety officer should have a copy. You can also look at it on the TUC's web site at **www.tuc.org.uk**

- UNISON publishes a number of guides and information sheets for safety representatives and stewards. These give details of likely hazards, and negotiating advice on how to deal with them. Details of all these are given in the information sheet ***Health & Safety Publications***.
- **UNISON Health and Safety Organiser.** This is a free bi-monthly newsletter sent to every safety representative.

Finally, if you have any specific problems and need help or advice, your branch health and safety officer or branch secretary may be able to assist. If they are unable to help then they may pass on your query to a regional officer or to the Health and Safety Unit at our National Office.

Accidents at work

UNISON issues the following standard guidance to members on dealing with accidents at work. If you or any member needs further advice contact UNISONdirect on 0845 355 0845.

Reporting the accident at work and to your GP

All accidents, near misses, injuries or violence at work must be recorded in the workplace accident book. It is important that you only record the facts – what happened, when the accident happened, where it happened. Do not attempt to record why the accident happened, that is for the employer to investigate.

Where possible you should always seek the advice of a UNISON health and safety representative in completing any report books or forms.

If you are ill or have to take sick leave due to an accident, injury or illness at work, you should visit your GP and ask them to record this in your medical notes and state this happened at work.

Reporting the accident to your UNISON branch

It is important that unsafe working practices which have caused accident,

illness or injury to a worker are rectified so that other workers do not suffer illness or injury. Therefore it is important to ensure that your local branch knows about any illness, accident or injury suffered through work. Relevant issues can then be raised with the employer to preventing it happening again.

Personal injury claims

If there is negligence by your employer UNISON may be able to represent you (without any charge) in making a legal claim for compensation. This service is only available to members who were fully paid-up members at least 13 weeks before the date of the incident.

Details of the case will be considered by the union's agent solicitors and where appropriate they will proceed to make a claim. If you wish your case to be considered by our solicitors please either contact your UNISON representative, telephone UNISONdirect on 0845 355 0845 or email the UNISON accident helpline accidenthelpline@unison.co.uk

Since 1999 UNISON has won more than £100 million in compensation for members involved in work-related personal injury cases. Nurses, healthcare workers and local government manual workers were





among the largest groups of workers affected.

It is important that members take up this service: an accident which may seem like a slight inconvenience today may have long-term implications on your ability to work in the future.

UNISON accident benefit

Members are eligible for UNISON accident benefit where they are unable to work due to an accident in the course of their employment, an accident while travelling to work or an accident while on union business. Members' subscriptions must be fully paid for at least 13 weeks prior to suffering the accident.

Entitlement is £2.90 per day, £14.50 per week maximum, during the whole of the period in which the member is unable to work because of the accident, up to a maximum of 30 days or £87 in any calendar year.

Accident benefit claims must be made on the **UNISON Accident Benefit Claim Form**, which is available either from your steward, from UNISONdirect on 0845 355 0845 or by email, direct@unison.co.uk

There are other UNISON benefits available where the accident results in partial or total incapacity. Further details of these benefits are available from your steward or UNISONdirect 0845 355 0845.

UNISON Welfare

There are two ways in which UNISON Welfare may be able to assist members who have suffered an accident. It may be able to offer financial assistance in the form of a grant or a loan, or to assist in providing a recuperative break or convalescence.

Applications are submitted through the branch and members must complete a form and give details of their financial situation. Forms are available from your branch welfare officer or UNISONdirect on 0845 355 0845.

To find out more members should contact UNISON Welfare on 020 7551 1620 and ask to speak to a caseworker.

State benefits

If you are off work and receive very little or no occupational sick pay you are likely to get Statutory Sick Pay (SSP) which can last for up to 28 weeks. If you do not qualify for SSP



or it stops short of 28 weeks you should apply for Incapacity Benefit (ICB) if you are incapable of doing your job. To continue to qualify for ICB after 28 weeks or move from SSP to ICB you must satisfy the DSS that you are, at that time, incapable of doing any work.

If your injury arose at and because of your work it will probably be classed by the DSS as an industrial accident. There is no need to show anyone else was to blame. It is always best to register your accident with the DSS as this may lead to you receiving Industrial Injuries Disablement Benefit (IIDB). IIDB is paid where you can show you suffer some form of

disablement because of the accident. The level of that disablement is assessed by the DSS as being at least 14%.

More long-term disablement may also mean you are entitled to Disability Living Allowance (DLA) if you need help getting around or with your personal care. Both IIDB and DLA are paid on top of other benefits or earnings if you are able to return to work.

Finally, if the accident has led to you being on a low income, you should also make full enquiries about your entitlement to means tested benefits such as Income Support.



■ Chapter 7

Campaigning

Chapter 7

Campaigning

UNISON has a proud tradition as a campaigning union, both inside and outside the workplace. The National Minimum Wage and Positively Public campaigns are two recent examples of major national campaigns in which the union has played a leading role. UNISON is also frequently involved in smaller scale campaigns to improve local services, avert cuts or closures and build community organisation.

Effective campaigns generally go beyond the workplace and involve the wider community. Users and providers of services can achieve much more when they work together to bring about change, just as workers united in a workplace have a stronger voice than one individual alone.

Why campaign?

Campaigning is an important way of gaining improvements in employment matters. Legal rights to equal pay, for a minimum wage and protection against unfair dismissal were all won through a combination of union organisation, political lobbying and public campaigning.

Campaigns can also win improvements for our communities. This is particularly important for UNISON members, many of whom provide services to the community.

Cuts in services do not just mean cuts in jobs and conditions for UNISON members, they also mean cuts in living standards for the people they work with and for their families.

Campaigning helps advance our members' interests. It also helps build our organisation - by recruiting new members, developing our activists, raising our profile and building alliances with other organisations.

UNISON campaigns

Most campaigns that stewards get involved in will have been initiated by UNISON at national, regional or branch level. You may find out about these in a number of different ways:

- from your branch - at a branch meeting or through the branch newsletter
- through *InFocus*, UNISON's magazine for stewards and branch officers
- directly from UNISON through publicity materials or adverts
- from news items or reports on television and in newspapers.





Some examples of UNISON campaigns

Positively Public

A national campaign launched in 2001, to build up public pressure on government and politicians to keep public services under public control and stop them being sold off to private companies.



Tactics involved:

■ **mass postcard distribution**

Stewards and branches were asked to distribute postcards for the public to send to the Prime Minister. Some regions and branches used this as an opportunity to get publicity for the issue.

■ **lobbies of politicians**

Regions and branches were urged to organise meetings with politicians and arrange public lobbies of conferences and council meetings

■ **activity days**

Specific days were earmarked as Public Services Days. Regions and branches were asked to work with other unions to organise media events to publicise the value of keeping public services in public hands

■ **putting forward alternatives**

UNISON presented a well-researched case proving that publicly-run services provide better quality care, and presented alternative proposals for dealing with funding problems.

■ **outcome**

Public opinion is shifting and progress is being made in modifying PFI and Best Value. The campaign continues.

Branch campaign against privatisation of council home care services

Tactics involved:

■ **research**

UNISON sought information about other areas where home care was privatised. We produced leaflets and briefings which showed that privatisation would lead to reduced standards of service

■ **involvement of members**

UNISON called members' meetings and asked them to explain our case to clients and their families

■ **lobbying councillors**

Members and service users were encouraged to write to their councillors. UNISON organised public lobbies of council meetings and councillors' surgeries



■ **publicity**

UNISON issued press releases, briefed local journalists and organised publicity stunts

■ **outcome**

The council agreed to scrap plans to privatise in exchange for having discussions with union representatives on improving service delivery.

Your part in a UNISON campaign

UNISON encourages its stewards and workplace representatives to get involved in our campaigns. Usually the information issued to branches and in *Focus* will give you enough guidance on what you can do to help, but if you need further advice ask your branch secretary or contact your regional office.

All campaigns are different, so there is no blue print for what's involved, but below is a list of the type of things that stewards might be asked to do. Don't worry if you don't want to do all of them, UNISON only asks you to volunteer for the things you feel confident about - and normally you'll be asked to do these things in a group, not on your own.

Publicising the case

All campaigns rely on publicising the arguments. Most likely UNISON will provide printed leaflets and posters for you to hand out to the public, users of the service and perhaps other union members.

Events and stunts

These are often another way to get publicity. You might be asked to participate in a demonstration, a public meeting, or a sponsored event.

Involving the public

Campaigning also means involving others in your cause, particularly members of the public who might be directly or indirectly affected. This might begin with a public meeting or several organisations meeting to exchange views. Eventually it should involve

asking members of the public to do something in support of your cause - such as signing a petition, writing to local politicians, or joining you at a public event.

Lobbying the decision-makers

The ultimate objective of campaigning is to get the decision-makers to change their minds. Often the decision-makers will be local politicians, in which case lobbying will involve writing letters to them and getting to speak to them to put your arguments. It might also involve negotiation: UNISON will agree to 'x' if you'll agree to 'y', etc.

Involving members

The success of a public campaign will depend upon how effectively you involve your members. Campaigns rely on winning widespread support in the community and UNISON members can be key in spreading the word and involving others. Also, an important spin-off from involving members is that they will probably become more interested and active in UNISON generally - campaigning is another way of building local membership organisation.

The key steps to involving members include:

Keeping them informed

Make sure members know why the campaign is important, the arguments behind it, and what activities are taking place. Give them leaflets or copies of UNISON articles if you can and keep members up to date as the campaign progresses.





Encouraging members to get involved

Ask them to help with those activities that have already been decided upon, e.g. getting petitions signed, sending letters, holding a public meeting: Ask members what else they want to do to help, or what ideas they have for other activities.

Make sure members are properly equipped

Supply them with the appropriate campaign materials and arguments before they engage with the public. Go through the main points with them and help anticipate some of the arguments against. You might want to ask the branch to produce a short handout to assist with this.

Remember that campaigning could spur non-members into joining the union

Make sure campaign posters and leaflets are distributed around the workplace and encourage non-union colleagues to get involved.

Keep your branch officers informed of what you and your members are doing.

To be effective campaigns need to be well co-ordinated. Public statements made in the name of UNISON should be authorised.

Involving other organisations

Successful campaigns are usually sponsored by a wide range of organisations, so UNISON normally tries to involve other groups where it can.

It is particularly important to try to involve other trade unions and community or user

groups who have a particular interest in the issues involved. UNISON will therefore often encourage branches and stewards to work with members of other organisations in running campaigns and will sometimes ask you to help in supporting campaigns run by outside bodies.

Initiating your own campaign

There may be times when you believe it would be helpful if you could organise your own UNISON campaign. Your members may be encountering problems at work which you feel would benefit from involving the public, or you may be approached from some outside organisation seeking the support of your members for their own campaign.

In initiating local campaigns UNISON needs to be sure that certain important guidelines are met.

You need to be aware that:

- campaigns initiated and supported by UNISON should be in line with our aims, values and policies
- campaigns involving political parties are covered by special rules
- issues affecting members in more than one branch should be co-ordinated, normally by the region
- published documents and statements made in the name of UNISON may need to be authorised.

The full set of guidelines can be found in *Democracy in UNISON*.

Seek advice from your branch or regional office before initiating local UNISON campaigns, or giving UNISON support to campaigns sponsored by other organisations.

Campaign teams and campaigning skills

Often branches which get involved with a particular campaign will set up a campaign team. This should be composed of people in the branch who are responsible for running the campaign on behalf of the branch committee. It may include representatives from other organisations or be organised jointly with such organisations. Ideally campaign teams should include people who have a knowledge of the issues involved, and some skill in working with members, outside organisations and the media. UNISON regional offices are experienced at running campaigns and will be able to offer support, advice and training on request.

Some of the skills that campaign teams will need to develop and draw on include:

Working with the media

Drawing up press releases, building links with journalists, doing press, radio and TV interviews. See UNISON Media Guidelines in Democracy in UNISON (stock no. 2076). The guidelines will assist members, branches, regions and other UNISON bodies in dealing with the media.

Publicity and promotion

Writing leaflets and newsletters, organising publicity stunts, arranging public meetings and discussion groups, drawing up petitions and questionnaires.

Building alliances with other organisations

Identifying organisations who might be sympathetic to your cause, approaching them sympathetically and setting up joint working arrangements.

Researching the issue and promoting the arguments

Where to go for information, gathering opinions, developing the arguments, producing reports, and planning strategy.

UNISON regional offices run courses on developing campaigning skills from time to time. If you would like to find out more about campaigning, or to attend a campaigning skills course, then contact your branch office for more details.

For more detailed advice on campaigning see the *UNISON Positively Public Campaign Pack*.





■ Chapter 8

Your rights as a UNISON rep

CHAPTER 8

Your rights as a UNISON rep

Stewards are entitled by law to certain arrangements to assist them in doing their job as elected representatives of UNISON members. 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 email systems
- use of notice boards
- lockable filing facilities and in some cases use of dedicated office space
- access to information.

In many cases, stewards will be covered by a written agreement made between their employer and UNISON (and possibly other unions). This will specify how these legal rights are to apply in practice and is usually known as a Facilities Agreement. Sometimes UNISON does not have a written agreement with the employer. This is common in cases where the number of employees is small, or if no one has made a formal approach. However, an accredited steward is legally entitled to facilities whether a written agreement exists or not.

Most legal rights only apply where the employer recognises the union.

Nevertheless, stewards working for employers who do not recognise UNISON have some legal rights which are covered at the end of this chapter.

Time off

Much of UNISON's work depends on stewards getting paid time off to carry out union duties, such as talking to members, representing members and meeting with management. Without paid time off it would be very difficult for the union to organise and members would lose out.

What the law says

Stewards and branch officers have the right to time off for trade union duties, training and union activities.

These rights come from the **Trade Union and Labour Relations (Consolidation) Act 1992** which sets out the basic rules governing the rights of trade union representatives to paid time off for union duties.

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**. Further information is available in UNISON's *Time to Act* (stock no. 2359).

Paid and unpaid time off

The law distinguishes between trade union work which should receive paid time off and that which may only be unpaid. Paid time off should be made available for trade union duties and training.





Trade union duties cover 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 disciplinaries 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, for further updating training in specialist areas and where legislative change may affect industrial relations.

Employers should agree to stewards taking unpaid time off to make them available for trade union activities. These include keeping members informed, attending trade union meetings, administration and recruitment. Some employers will agree to pay stewards for time off for some of these activities because they recognise that this may lead to improved industrial relations. The ACAS code encourages 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.

Requesting time off

Stewards requesting time off should provide employers with as much notice as possible and supply details of the purpose, the location and 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 want 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 day, or before or after meal breaks.

Reasonableness

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 the branch or regional office.

Facilities

Stewards are also entitled to have 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 stewards so they can perform their duties efficiently and communicate effectively with their members, fellow lay officials, and full-time officers.

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

Rights to information

Stewards in recognised workplaces have specific rights to information for collective bargaining. Another **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.

Where the union is not recognised

Stewards and workplace representatives working 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 and conferring with the member.

Strictly speaking, this is not a right to 'representation'. At the hearing the companion can address the hearing and confer with the member but not answer for them. 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 the employer is 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 will 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.

Rights to consultation

Workers in non-recognised workplaces also have legal rights to consultation over transfers and redundancies. This is covered in **Chapter 5, Working with the employer**.





■ **Chapter 9**

Getting involved
in UNISON

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Getting involved in UNISON

The branch

The first point of contact for UNISON stewards is the UNISON branch. This is the main unit of local membership organisation and also normally the main vehicle for negotiation between the union and the employer. All members belong to a branch, dependant upon the employer they work for and the area in which they work.

Sometimes a branch is made up of members working for one employer e.g. a particular hospital trust or university. More commonly, a branch covers members working for a number of employers based in a geographical area and providing similar types of services. Branches fall into one of seven service groups: local government, health care, higher education, police support staff, transport, energy, and water.

However, there is now no requirement for branches to fit within these boundaries, and they are beginning to blur as the number of voluntary and private employers providing public services grows.

The UNISON branch plays a number of key roles, including:

- ensuring effective negotiations take place with the employers it covers
- ensuring that its members are given effective advice and representation
- providing effective support for

stewards, safety representatives and workplace contacts

- being the main vehicle by which members participate in developing UNISON policy and objectives.

It is, therefore, essential that stewards get involved in their local branch as much as they are able.

Branch structure

All branches must have at least one members' meeting a year. This is the Annual General Meeting which is held between 1 January and 31 March. Some branches hold more than one members' meeting a year, and large branches are asked to have "aggregate" meetings – a series of local meetings held at different times and venues to enable more members to attend.

Branches must elect certain core officers:

- chair
- secretary
- treasurer
- equalities officer
- lifelong learning co-ordinator
- health and safety officer
- education co-ordinator
- communications officer
- international officer
- young members officer.





Branches may also create other posts according to their rules. Officers are elected either at the AGM or by postal ballot beforehand.

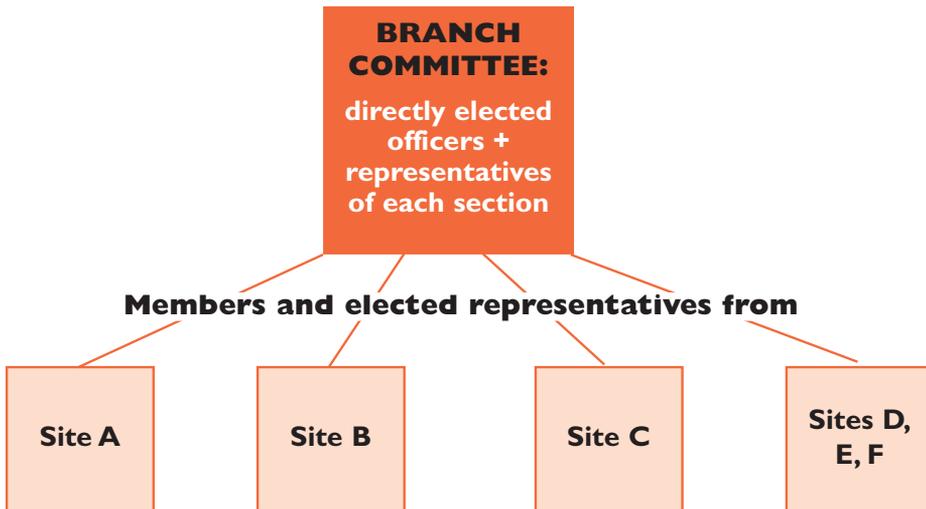
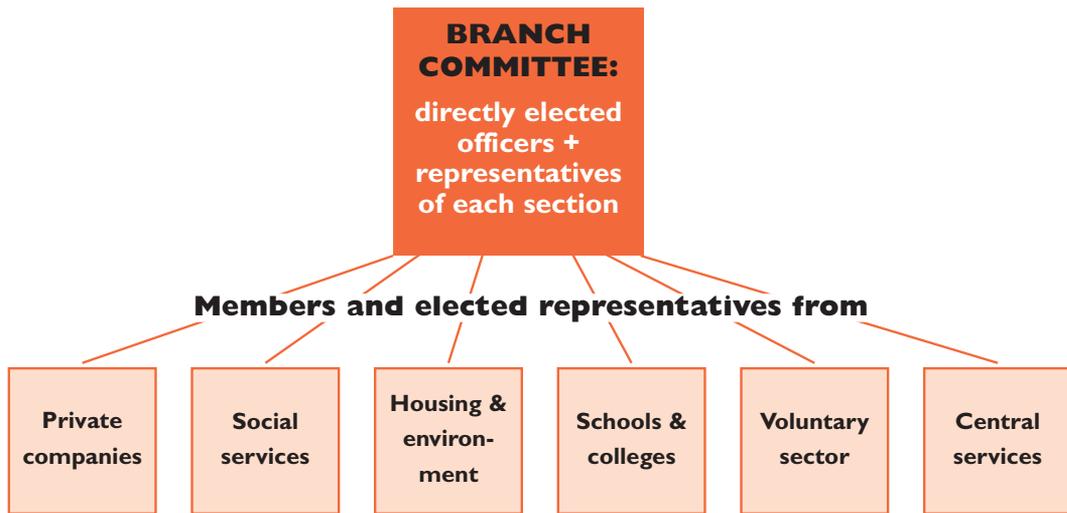
The branch officers and stewards form the branch committee. Branch committees meet monthly and are responsible for running all branch business between full members' meetings.

Normally all stewards are members of the branch committee. However, in large branches the number of stewards may need to be

limited, in which case branches must find ways of keeping the remainder involved. This is usually done through a section structure.

All large branches are expected to establish section structures which reflect the range of employers and/or employers' departmental structures so that members can organise more effectively. Stewards in each section then meet as a section steward committee and have their own representatives directly elected onto the main branch committee.

Examples of such branch structures are:



Branches are also encouraged to develop organisation among under-represented groups such as women, black members, gays and lesbians, disabled members, young members and retired members by setting up self-organised groups. These can also elect officers to the branch committee.

In addition, those members who pay into the Affiliated Political Fund (APF) can hold separate APF meetings in the branch and elect their own APF officer who also sits on the branch committee. The APF is that part of the political fund which is affiliated to the Labour Party.

Stewards and the branch

Not all stewards will be able to participate in the full range of branch activity because of working patterns, domestic commitments, travel problems, etc. Where possible try to:

- attend branch committees and/or sectional committees as often as possible
- attend members' meetings at branch and workplace level
- be the main link between the members and the branch.

In return, branches should offer as much support as possible to stewards, including:

- providing training, advice and mentoring
- being clear on who and where to go for advice
- providing information on members and potential members in the workplaces they cover
- keeping stewards informed of developments both with the employer and within UNISON
- varying meeting arrangements to enable wider attendance

- providing information on appropriate procedures and agreements relating to the employer.

More information and guidance on the role of the steward in the branch is given in *Chapter 1, The UNISON workplace representative* and also in UNISON's *Code of Good Branch Practice*.

Making policy

UNISON's policy and general objectives are decided at the National Delegate Conference. This takes place in June each year. All branches are entitled to send delegates to the conference in proportion to the size of their membership. National Delegate Conference makes policy on a wide range of issues including:

- economic and social issues
- relations with government
- international matters
- internal organisation
- bargaining principles.

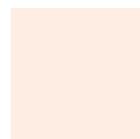
In addition, each of the main service groups and self-organised groups hold conferences to develop policy within the national framework. Similarly regions organise Regional Councils.

Members, stewards and branch officers can all contribute towards the development of policy. Branches can submit their own motions and amendments to conference, and branch delegates can speak in debates and vote. Branches should hold meetings in preparation for conference to enable delegates to properly reflect members views.

National and regional structures

Implementation of policy between conferences is the responsibility of the National Executive Council. NEC members





are UNISON members who are elected by individual member ballot once every two years and comprise:

- regional representatives
- service group representatives
- additional representatives.

The NEC meets regularly throughout the year to manage union business.

In addition, similar bodies exist for service groups and self-organised groups. These supplement the work of the NEC, particularly in the areas of collective bargaining and equalities work.

Each region has a Regional Council comprising representatives from each branch depending on its size. Regions also have regional committees, elected from regional councils, service groups and other regional bodies. Regional committees oversee the implementation of policy and co-ordination of branch activity within regions. Service groups and self-organised groups also have regional committee structures.

UNISON staff

UNISON employs staff at national, regional and branch level to support elected representatives.

The majority of staff are employed at regional level, with teams of specialist organisers trained to support branches in organisation, negotiation and representation.

As a steward you will normally access support from these organisers through the branch, but can contact them directly through the regional office(s) in emergencies and on specialist matters.

Some branches also employ staff, normally to undertake administrative duties, although some get involved in organisation and development work with smaller employers and more isolated groups of members.

A thumbnail sketch of UNISON's structure looks something like this:



Similar structures exist for service groups and self-organised groups

Service groups

UNISON has seven service groups:

- Local government
- Health care
- Higher education
- Energy
- Water
- Police support staff
- Transport

Members employed in the voluntary sector and private companies are in either the local government or healthcare service groups depending on the funding agency and the type of service their employers provide.

Self-organised groups

UNISON has four self-organised groups:

- women
- black members
- members with disabilities
- lesbian and gay members.

There are special organising structures for:

- young members (age 26 and under)
- retired members.

Regional organisation

UNISON has 12 regions:

■ Eastern

Church Lane House, Church Lane,
Chelmsford, Essex CM1 1UW
Regional Switchboard 0870 889 0373
Fax: 01245 492863
Text tel: 01245 499135

■ East Midlands

UNISON Regional Centre,
Vivian Avenue, Nottingham NG5 1AF
Regional Switchboard 0115 956 7200
Tel Text: 0115 956 7262

■ Greater London

1st Floor, Congress House, Great Russell
Street, London WC1B 3LS
Tel: 020 7535 2100
Fax: 020 7535 2105
Tel Text: 020 7535 240
E-mail: greaterlondonregion@unison.co.uk

■ North West

UNISON, Arena Point 1 Hunts Bank,
Manchester M3 1UN
Tel: 0161 211 1000
Fax 0161 661 6710
Minicom: 0161 661 6740

■ Northern

UNISON, 140–150 Pilgrim Street
Newcastle-upon-Tyne NE1 6TH
Tel: 0191 245 0800
Fax: 0191 245 0899
Text Tel: 0191 245 0898
E-mail: northern@unison.co.uk

■ Northern Ireland

Unit 4, Fortwilliam Business Park, Dargan
Road, Belfast BT3 9JZ
Tel: 0208 9077 0813
Fax: 0208 9077 9772
Text Tel: 0208 9077 0803

■ Scotland

UNISON House, 14 West Campbell
Street, Glasgow G2 6RX
Tel: 0141 332 0006
Fax: 0141 331 1203
Text tel: 0141 248 3981
E-mail: matt.smith@unison.co.uk

■ South East

Glen House,
High Street,
Banstead,
Surrey SM7 2LH
Regional switchboard: 0870 770 1112
Fax: 01737 733328
Text tel: 0870 777 9877
E-mail: southeast@unison.co.uk

■ South West

UNISON House,
The Crescent
Taunton,
Somerset TA1 4DU
Regional switchboard: 01823 288031
Text Tel: 01823 324765
Fax: 01823 336013

■ Wales/Cymru

3rd Floor,
Transport House,
1 Cathedral Road,
Cardiff CF11 9SB
Tel: 02920 398333
Fax: 02920 220398
E-mail: cymruwales@unison.co.uk

■ West Midlands

24 Livery Street,
Birmingham B3 2PA
Tel: 0121 685 4200
Fax: 0121 685 4400
Text tel: 0121 685 4410
E-mail: westmids@unison.co.uk

■ Yorkshire & Humberside

Commerce House,
Wade Lane,
Leeds LS2 8NJ
Tel: 0113 244 9111
Fax: 0113 244 8852
Text Tel: 0113 234 6911





■ Chapter 10

Where to go
for more
information

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Where to go for more information

UNISON

Branch and regional office

Advice on dealing with issues within the branch, whether it is on points of employment law, disciplinary and grievances or dealing with management, should initially be sought from within your own branch. If your branch is unable to help you then advice can be sought from regional staff. Check with your branch secretary on who you should ask to speak to and whether they or you will pursue the query. Many regions now have staff other than regional officers who provide branches with advice on organising matters.

Education and training

UNISON provides a comprehensive range of education and training for activists and members which is delivered at branch, regional and national level.

In the branch

Branch education co-ordinators will be able to talk to you about identifying members' training needs, publicising regional and national courses and developing branch-based courses with members who have trained as UNISON lay tutors.

In the region

Each UNISON region runs a regional programme of training for activists and

members on a wide range of issues, including stewards induction, handling grievances and disciplinaries, organising and negotiating skills. Some courses are also aimed at women and new members who are interested in getting more involved. Regions can also assist branches to set up their own training.

At national level

Learning and Organising Services (LAOS)

designs and delivers a national programme of courses linked to regional provision. LAOS delivers courses for national service groups and self-organised groups and produces course books, tutors notes and other materials for use on all branch-based and regional courses. LAOS is involved in developing and encouraging lifelong learning, on-line learning and the lay tutor training programme. For more information contact your branch education co-ordinator or your branch secretary.

Communications Unit

The *UNISON Communications Unit* produces a wealth of information on all sorts of issues relevant to members and stewards. Copies of the full catalogue of publications are regularly sent to branches and stewards, and can be obtained from the Communications Unit at National Office or from UNISONdirect. The catalogue can also be viewed on the UNISON website.





Items from the catalogue can be ordered online, by post, or through a telephone hotline. Alternatively, UNISONdirect may be able to provide you with one copy if you need it urgently.

The Communications Unit can be telephoned direct on **020 7551 1455**.

Website

The **UNISON website** contains detailed information and news on everything to do with the union: campaigns, health and safety, conference decisions, information specific to each service group, legal briefs, member services, activist education and many links to other useful websites. Through the website you can also access UNISON and **LRD (Labour Research Department)** databases. UNISONdirect can provide you with the passwords to access these databases.

The address of the UNISON website is www.unison.org.uk

Bargaining Support

UNISON's Bargaining Support Group provides useful material to assist in negotiations. Many of their publications are also available via the UNISON website, the publicity catalogue and UNISONdirect. The bargaining support group also provides two monthly mailings: **Bargaining Update** and **Key Negotiating Statistics**. These can be sent to workplace representatives either by post or email. To add yourself to the mailing list email bsg@unison.co.uk or phone **020 7551 1155**.

UNISONdirect

UNISONdirect is UNISON's own call centre for members and stewards.

If you have checked the above sources of information and still have an unanswered query, UNISONdirect may be able to assist

you by trying to get the answer for you or pointing you in right direction. Sometimes this may take a day or two as information is checked with staff who specialise in the area you are asking about.

UNISONdirect can be contacted on **0845 355 0845**.

All lines are freephone and open Monday to Friday 6am to midnight and Saturday 9am to 4pm.

Textphone 0800 0 967 968.

UNISON Welfare

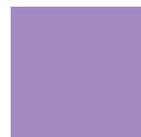
The union's registered charity, which provides confidential assistance to members and dependants in times of financial hardship, redundancy, bereavement or illness. Please contact your branch welfare officer or call 020 7551 1620.

UNISON publications

- Accident Benefit Claim Form (stock no. 1133)
- Bargaining Update - mailed by BSG by request
- Code of Good Branch Practice (stock no. 0717)
- Communicate CD (stock no. 1912)
- Democracy in UNISON (stock no. 1702)
- Focus - mailed to branch officers, and workplace representatives.
- Health and safety organiser
- The Health and Safety Rep's Handbook (stock no. 1684)
- Health and Safety Publications information sheet (intranet or H&S website)
- Key Negotiating Statistics - mailed by BSG on request
- Local Bargaining, A Guide for UNISON Negotiations (stock no. 1801)
- Negotiating recognition: a guide (stock no. 12029)
- Positively Public Campaign Pack (stock no. 1966)
- Risk Assessment - a unison guide booklet (stock no. 1351)
- RSI: Guidance for safety reps and members (stock no. 1057)
- Stress at work - a guide for safety reps. (stock no. 1725)
- Time to Act (stock no. 2359)
- UNISON catalogue (stock no. 0844)
- UNISON Plus (stock no. 0711)
- UNISON Rule Book (stock no. 0834)
- Your Rights at Work (stock no. 1696)
- UNISON Welfare Application for Assistance Form, pack of five (stock no. 1955)

These are available from the catalogue, the website or from the communications unit at national office tel. 020 7551 1455.





Where to go to find publications or information supplied by outside organisations

Advisory Conciliation and Arbitration Service (ACAS)

Brandon House
180 Borough High Street
London SE1 1LW
020 7396 0022

- Code of Practice on Grievance and Disciplinary Procedures
- Code of Practice on Disclosure of Information to Trade Unions for Collective Bargaining Purposes
- Code of Practice on Time Off for Trade Union Duties and Activities

The Health and Safety Executive

Library and Information services
Broad Lane
Sheffield S3 7HQ
0114 289 2345

- Five Steps to Risk Assessment
- Safety Representatives and Safety Committee Regulations 1977
- Stress at work - a guide for safety reps
- Violence to Staff

The Stationery Office

020 7873 0022
www.clicktso.com

- Employment Rights Act 1999
- Health and Safety at Work Act 1974
- Trade Union and Labour Relations (Consolidation) Act 1992

Other organisations that may be helpful

British Library

Euston Road,
London WC1
020 7636 1544

Campaign for Press and Broadcasting Freedom

2nd Floor,
Vi & Garner Smith House
23 Orford Road,
Walthamstow,
London E17 9NL
020 8521 5932

Careers and Occupational Information Centre

Moorfoot,
Sheffield S1 4PQ
0114 259 4564
www.dfee.gov.uk

Central Office of Information

Hercules Road,
London SE1 7DU
020 7928 2345

Commission for Racial Equality

Elliot House,
10-12 Allington Street,
London SW1E 5EH
020 7828 7022
www.cre.gov.uk

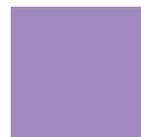
Department for Work and Pensions

Richmond House,
79 Whitehall,
London SW1A 2NS
020 7238 0800

Disability Rights Commission

DRC Helpline,
Freepost MID 02164,
Stratford-upon-Avon CV37 9BR
Textphone 08457 622644,
08457 622 633
www.drc-gb.org





Chapter 10
Where to go
for more information

Equal Opportunities Commission

Arndale House,
Arndale Centre,
Manchester M4 3EQ
0161 833 9244
www.eoc.org.uk

Labour Research Department

78 Blackfriars Road, London SE1 8HF
020 7928 3649
www.lrd.org.uk

Liberty (NCCL)

21 Tabard Street, London SE1 4LA
020 7403 3888
www.liberty-human-rights.org.uk

Local Government Information Unit

22 Upper Woburn Place,
London WC1H 0TB
020 7554 2800
www.lgiu.org.uk

Low Pay Unit

9 Arkwright Road, London NW3 6AB
020 7435 4268
www.lowpayunit.org.uk

MIND (National Association for Mental Health)

15-19 Broadway, London E15 4BQ
020 8519 2122
www.MIND.org.uk

Stonewall

46-48 Grosvenor Gardens,
London SW1W 0EB
020 7881 9440

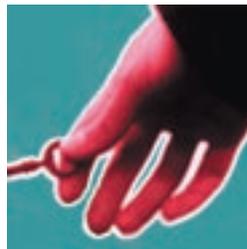
Trades Union Congress (TUC)

23-28 Great Russell Street,
London WC1B 3LS
020 7636 0632
www.tuc.org.uk

Working for Childcare

77 Holloway Road, London N7 8JZ
020 7700 0281





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