## Unite the Union.

**Workplace Representatives Course.**

|  |  |  |  |
| --- | --- | --- | --- |
| Candidates Name: |  | | |
| **Address:** |  | | |
| **Telephone Number:** |  | **Email** |  |
| **Name of Tutor:** |  | | |
| **Date of Course:** |  | | |
| **Course Code:** |  | | |

Accreditation Pack Stage Two

April 2022 TQUK v1

**Why do we need a Workbook?**

**This course is accredited through Training Qualifications UK (TQUK). This means you can achieve formal recognition, i.e., credits, for your learning. TQUK is the body that awards these credits and issues certificates. To achieve the award, you need to produce evidence of your learning.**

For each TQUK approved course you complete successfully, you will receive a certificate detailing the unit title (i.e., subjects), the level and number of credits you have been awarded. You can bank your credits, and then use them with credits from other accredited learning to achieve a qualification. You can progress to achieve higher level credits too. You can also use them to prove to an employer, or anyone else, that you have obtained new skills and knowledge.

**What are Credits and Levels?**

Your TQUK certificate will show the value of your achievements, and this will appear as credits and levels. The number of credits indicates the quantity of your learning achievements. The Level shows how demanding it was – for example, Level 2is at the same level as NVQ2 or GCSE A-C grades.

**How will my learning be assessed?**

1. You produce evidence of learning during the course through the activities you do.
2. You record this in your workbook or your notes.
3. Your tutor also observes your work and your contributions as an individual or group member.
4. Your tutor 'assesses' this evidence during and at the end of the course and then recommends to TQUK what your award/level of credits should be.
5. If you disagree with your tutor’s assessment, you can appeal to the college.
6. Each term the tutors' recommendations are 'checked' by TQUK’s ‘external moderator.’
7. An external moderator will then confirm to TQUK the number and the level of credits you have achieved.
8. Again, if you disagree with the assessment, you can appeal to TQUK.
9. TQUK issue your certificate.

**Do you qualify?**

Additional Learning Support can provide assistance, adjustments, or technology to enable you to study more effectively. Ask your tutor to arrange a confidential discussion with our support staff.

**Unit declaration**

|  |
| --- |
| **Candidate declaration:**  **I confirm that the evidence listed for these unit is authentic and a true representation of my own work.**  **Candidate name: …………………………………………………….**  **Candidate signature: …………….……………………….…………**  **Date: ……………………** |
| **Assessor declaration**:  I confirm that this candidate has achieved all the requirements of this unit with the evidence listed. (Where there is more than one Assessor, the Co-ordinating Assessor for the unit should sign this declaration.)  Assessment was conducted under the specified conditions and context, and is valid, authentic, reliable, current and sufficient (VACSR).  Assessor name: …………….……………………………………………………………….……  Assessor signature: ………….…….……………………………….……… Date:  Countersignature: (if relevant) ……………………………………….……. Date: …….…….…… |
| **Internal Verifier declaration:**  **This section to be left blank if sampling of this unit did not take place.**  I have internally verified the assessment work on this unit in the following ways (please tick):   1. sampling candidate and assessment evidence 2. observation of assessment practice 3. discussion with candidate 4. other – please state:   I confirm that the candidate’s sampled work meets the standards specified for this unit and may be presented for external verification and/or certification.   Not sampled  Internal Verifier name: …………………….…………………………………………………………  Internal Verifier signature: Date: ….………….…  Countersignature: (if relevant) ……………………………………………… Date: ………………. |

**Course Statement**

This course is designed to develop the skills and knowledge and confidence of the workplace representative it will build on skills gained from the New Reps Induction and look deeper into issues that affect members in the workplace.

It will introduce the learner to relevant employment law and give the rep an understanding of workplace rights and show how the law can be used by the rep to benefit and protect workers.

During the course, the learners will discuss a number of topics including how outside influences both economic and political impact can affect the employment relationship, collective bargaining, workplace agreements and way’s companies may choose to end the employment relationship.

It also takes an in-depth look at redundancy and the importance of the role of the rep during the process. It follows a typical redundancy process looking at consultation rights, selection criteria, member representation and support before ending by looking at how an Employee Tribunal works.

The learners will develop meeting skills and behaviours by taking an active role in formal meetings, with the aim of gaining and understanding of how they function, the roles of both chairperson and secretary, standing orders, agendas, and minutes.

The learners will also look at issues in their own workplace and develop a project which sets out a plan of how to deal with a specific issue that should be beneficial to their members.

**Resources the learners will need to bring during the course.**

* Copies of contract of employment
* Any current agreements/policies/handbook relating to T’s & C’s.
* Discipline & Grievance policy
* Redundancy policy

**Useful**:

* Own laptop, tablet, or Mobile Phone to aid topic research.
* Unite Law at Workbook (if available)
* ACAS Code of Practice number 1, Disciplinary and Grievance
* ACAS Code of Practice number 2, Disclosure of information to trade unions for collective bargaining purposes
* ACAS Code of Practice number 3, Time off for Trade Union Duties and Activities
* ACAS Code of Practice number 4, Settlement Agreements
* ACAS Code of Practice number 5, [Code of Practice on handling in a reasonable manner requests to work flexibly](http://www.acas.org.uk/media/pdf/g/r/11287_CoP5_Flexible_Working_v1_0_Accessible.pdf)
* Handling TUPE Transfers: The ACAS Guide.
* Go to the Learn with Unite Internet Site, Home Page, Reps Resources, Click Here. This will show an abundance of information for various courses including this one.

The organising cycle

**STRATEGY**

**FOR**

**GROWTH**

**ACTION**

**ORGANISE**

**EDUCATE**

**ISSUE**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Title:** | | **Employment law, employee rights and the workplace** | | **Level: 2** | **Credit value: 4** |
| **Unit reference number:** | | **Y/617/9045** | |  |  |
| **Student Name** | |  | | | |
| **Learning outcomes**  The learner will: | | **Assessment criteria**  The learner can: | | **EVIDENCE** | **LOCATION** |
| 1. | Understand the concept of employee rights. | 1.1 | **Define** the term ‘employee rights. | **Activity 2** | **1** |
| 1.2 | **Identify** and describe employment rights present in own workplace. | **Activity 2** | **1** |
| 1.3 | **Identify** a range of useful resources in relation to employee rights and explain when each might be used to inform your work as a Workplace Rep. | **Activity 2** | **1** |
| 1.4 | **Explain** the role of the union in protecting and promoting employee rights. | **Activity 2** | **1** |
| 2. | Understand union-employer relations. | 2.1 | **Describe** how the balance of power between unions and employers has evolved over the past 50 years. | **Activity 3** | **2** |
| 2.2 | **Identify** key events that have had an impact upon the balance of power between employers and unions. | **Activity 3** | **2** |
| 2.3 | **Describe** actions that can be taken by unions to address any imbalances in power and protect or increase union influence in the workplace. | **Activity 3** | **2** |
| 2.4 | **Describe** how the organisation of a union can map to the organisation of an employer, and the strengths and weaknesses of aligning the two. | **Activity 6** | **3** |
| 3. | Understand the concept of employment law. | 3.1 | **Outline** the purpose of employment law. | **Activity 13** | **6** |
| 3.2 | **Describe** how and why employment law has changed over time. | **Activity 13** | **6** |
| 3.3 | **Identify** benefits of employment law for:   * Employers * Employees. | **Activity 13** | **6** |
| 4. | Understand how UK employment law is affected by European and global influences. | 4.1 | **Describe** how membership of the European Union has influenced employment law in the UK. | **Activity 7** | **4** |
| 4.2 | **Describe** how global standards and organisations have influenced employment law in the UK. | **Activity 7** | **4** |
| 4.3 | **Identify** key principles that underpin employment law at global, regional, and national levels. | **Activity 7** | **4** |
| 4.4 | **Outline** the potential threats or benefits to UK employment law in light of Brexit. | **Activity 7** | **4** |
| 5. | Understand employment law reform. | 5.1 | **Explain** why employment law reforms take place. | **Activity 14** | **7** |
| 5.2 | **Explain** how employment law reforms affect employees. | **Activity 14** | **7** |
| 5.3 | **Describe** employment law reforms in specific areas and the impact of each on:   * Employees * Employers * Unions. | **Activity 14** | **7** |

**KEY: WS**=Work Sheet **TO/PO**=Tutor/Peer Observation **SS=Summary Sheet** **P**=Plan **O**=Other

**NB** *You do not need to write in more than 2 occasions in the Evidence column e.g., first piece of evidence, best piece of evidence*

# Level achieved \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Learner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Title:** | | **The role of the Union Workplace Rep** | | **Level: 2** | **Credit value: 4** |
| **Unit reference number:** | | **D/617/9046** | | | |
| **Student Name** | |  | | | |
| **Learning outcomes**  The learner will: | | **Assessment criteria**  The learner can: | | **EVIDENCE** | **LOCATION** |
| 1. | Understand how a Union Workplace Rep can support members with employment rights or employment law issues. | 1.1 | **Identify** situations where employment rights are being breached. | **Activity 11** | **18** |
| 1.2 | **Identify** where contractual rights are being breached and describe the steps to be taken to rectify the issue. | **Activity 11** | **18** |
| 1.3 | **Identify** sources of support for the Union Workplace Rep when applying law at work. | **Activity 2** | **1** |
| 2. | Know relevant agencies for rights compliance and how they can support individuals and Workplace Reps. | 2.1 | **Outline** the key functions, including the rights it can enforce, of the following rights compliance agencies:   * ACAS * Pay and Work Rights Helpline * HMRC National Minimum Wage Enforcement Team * Gang-Masters Licensing Authority * Health and Safety Executive. | **Activity 8**  **Activity 8**  **Activity 8**  **Activity 8**  **Activity 8** | **5**  **5**  **5**  **5**  **5** |
| 2.2 | **Describe** how each of the identified rights compliance agencies can support the Union Workplace Rep in performing their duties. | **Activity 8** | **5** |
| 3. | Understand the role of the Union Workplace Rep in employment related situations which require urgent attention. | 3.1 | **Apply** the Problem, Information and Plan (PIP) process to a specific emergency employment situation. | **Activity 25** | **16** |
| 3.2 | **Produce** a checklist of ‘good practice’ to be used when approached by a member with an employment related problem. | **Activity 25** | **16** |
| 4. | Understand the role of the Union Workplace Rep during a redundancy process. | 4.1 | **Describe** the **various activities** a Union Workplace Rep might be involved in when supporting members through redundancy. | **Activity 28** | **18** |
| 4.2 | **Identify** additional support offered to members and reps during the redundancy process. | **Activity 28** | **18** |
| 4.3 | **Select**, giving reasoning, the most appropriate methods of communication with members when communicating about redundancy. | **Activity 29** | **19** |
| 4.4 | **Demonstrate** negotiation and report writing skills in the context of a redundancy criteria for selection meeting. | **Activity 29** | **19** |
| 5. | Understand the role of the Union Workplace Rep when the union takes industrial action. | 5.1 | **Prepare** a briefing for members relating to a proposal to take industrial action. | **Activity 32** | **22** |

**KEY: WS**=Work Sheet **TO/PO**=Tutor/Peer Observation **SS=Summary Sheet** **P**=Plan **O**=Other

**NB** *You do not need to write in more than 2 occasions in the Evidence column e.g., first piece of evidence, best piece of evidence*

# Level achieved \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Learner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Title:** | | **Understanding and using collective bargaining systems and agreements** | | **Level: 2** | **Credit value:4** |
| **Unit reference number:** | | **H/617/9047** | |  |  |
| **Learner** | |  | | | |
| **Learning outcomes**  The learner will: | | **Assessment criteria**  The learner can: | | **EVIDENCE** | **LOCATION** |
| 1. | Understand the collective bargaining process. | 1.1 | **Define** the term ‘collective bargaining.’ | **Activity 16** | **8** |
| 1.2 | **Outline** the range of issues that trade unions bargain on, on behalf of their members. | **Activity 16** | **8** |
| 1.3 | **Identify** the level of management that unions bargain with. | **Activity 16** | **8** |
| 1.4 | **Describe** the bargaining structure relevant to own members and/or employment sector. | **Activity 16** | **8** |
| 1.5 | **Describe** the extent to which Union Workplace Reps and members take part in and influence collective bargaining at:   * Regional level * National level * Sectorial level. | **Activity 16**  **Activity 16**  **Activity 16** | **8**  **8**  **8** |
| 1.6 | **Describe** how individual Union Reps and members can contribute to the success of the collective bargaining process. | **Activity 16** | **8** |
| 2. | Understand the status and role of collective agreements. | 2.1 | **Define** the term ‘collective agreement.’ | **Activity 17** | **9** |
| 2.2 | **Explain** the legal significance of a collective agreement. | **Activity 17** | **9** |
| 2.3 | **Explain** the how the collective agreement and the contract of employment coexist. | **Activity 17** | **9** |
| 2.4 | **Identify** a range of issues which can be addressed through collective agreement arrangements. | **Activity 18** | **10** |
| 2.5 | **Identify** the stages involved in achieving a collective agreement. | **Activity 18** | **10** |
| 3. | Be able to plan for the collective bargaining process. | 3.1 | **Identify** employment law related to an issue suitable for addressing through the collective bargaining process. | **Activity 16** | **8** |
| 3.2 | **Produce** a plan for entering into the collective bargaining process to include:   * Overall bargaining objectives * Who will be involved? * Any union policies or guidance which exist in the chosen area * Anticipated responses from the employer. * How to communicate the plan and outcomes to members and non-members * Levers available for use during the bargaining process. | **Activity 20**  **Activity 20**  **Activity 20**  **Activity 20**  **Activity 20**  **Activity 20** | **11**  **11**  **11**  **11**  **11**  **11** |
| 4. | Understand the law relating to employer disclosure of information. | 4.1 | **Explain** legal rights relating to access to information. | **Activity 21** | **12** |
| 4.2 | **Describe** what legal rights unions have to access information in specific circumstance. | **Activity 21** | **12** |
| 4.3 | **Describe** a range of arguments that could be made in favour of disclosure of information where there are no legal rights to it. | **Activity 21** | **12** |
| 4.4 | **Explain** how a union might exert pressure upon an organisation with the aim of achieving disclosure of information. | **Activity 21** | **12** |

**KEY: WS**=Work Sheet **TO/PO**=Tutor/Peer Observation **SS=Summary Sheet** **P**=Plan **O**=Other

**NB** *You do not need to write in more than 2 occasions in the Evidence column e.g., first piece of evidence, best piece of evidence*

# Level achieved \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Learner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Title:** | | **Understanding circumstances where employment contracts come to an end.** | | **Level: 2** | **Credit value: 4** |
| **Unit reference number:** | | **K/617/9048** | |  |  |
| **Learner** | |  | |  |  |
| **Learning outcomes**  The learner will: | | **Assessment criteria**  The learner can: | | **EVIDENCE** | **LOCATION** |
| 1. | Know the different circumstances under which an employment contract can come to an end. | 1.1 | **Identify** ways in which an employee’s employment may be terminated. | **Activity 22** | **13** |
| 1.2 | **Explain,** with examples, what is meant by:   * Fair dismissal * Unfair dismissal * Wrongful dismissal * Automatically unfair dismissal. | **Activity 22**  **Activity 22**  **Activity 22**  **Activity 22** | **13**  **13**  **13**  **13** |
| 1.3 | **Define** the terms:   * Settlement agreement * Confidential conversations * Improper behaviour. | **Activity 23**  **Activity 23**  **Activity 23** | **14**  **14**  **14** |
| 1.4 | **Explain** what issues might arise during the settlement agreement process for:   * The employer * The workforce * The union. | **Activity 23**  **Activity 23**  **Activity23** | **14**  **14**  **14** |
| 2. | Understand the role of TUPE arrangements. | 2.1 | **Describe** the general circumstances under which a TUPE agreement may be appropriate. | **Activity 24** | **15** |
| 2.2 | **Identify** specific situations where TUPE applies and to who. | **Activity 24** | **15** |
| 2.3 | **Produce** a checklist of action points to be considered by Union Workplace Reps when dealing with potential TUPE situations. | **Activity 24** | **15** |
| 3. | Understand the rights of individuals. | 3.1 | **Describe** employee rights relating to:   * Redundancy Pay * Redundancy notice periods * Redundancy consultation * Time off to secure alternative employment. | **Activity 27**  **Activity 27**  **Activity 27** | **17**  **17**  **17** |
| 3.2 | **Describe** the information that must be given by the employer to individuals at risk of redundancy. | **Activity 27** | **17** |
| 3.3 | **Outline** the key steps in the process of redundancy which must be followed. | **Activity 27** | **17** |
| 3.4 | **Evaluate** the factors which an employer may consider when selecting employees for redundancy. | **Activity 27** | **17** |
| 3.5 | **Describe** the appeal rights of employees selected for redundancy. | **Activity 28** | **18** |
| 3.6 | **Outline** the process for appealing against selection for redundancy. | **Activity 28** | **18** |
| 4. | Understand the role of employment tribunals. | 4.1 | **Describe** the key stages involved in a case going to employment tribunal. | **Activity 33** | **20** |
| 4.2 | **Evaluate,** using a specific example, the positives and negatives of taking a case to employment tribunal. | **Activity 34** | **21** |

**KEY: WS**=Work Sheet **TO/PO**=Tutor/Peer Observation **SS=Summary Sheet** **P**=Plan **O**=Other

**NB** *You do not need to write in more than 2 occasions in the Evidence column e.g., first piece of evidence, best piece of evidence*

# Level achieved \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Learner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Development Plan**

**Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_ Venue: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Tutor:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
| **Describe your own current workplace representative skills.** |
| **Describe your own workplace representative skills that need to be developed.** |
| **Describe Workplace representative skills development opportunities.** |
| **Describe information about other workplace representative skills development.** |
| **Describe barriers to your own workplace representative skills development** |
| **Describe ways to overcome the barriers outlined previously.** |
| **How will I know I have reached my goal(s) for this Course?** What will I be able to do better, to discuss at the end of the course? |
| **Draw up an action plan for your own workplace representative skills development to discuss at the end of the course.** |

**Review date for this plan:** (Suggest 6 months from conclusion of course)

**Personal Skills assessment**

Please tick to indicate which of the skills listed below you are confident to do or indicate if you feel you could do with more practice or support in this area.

|  |  |  |
| --- | --- | --- |
| **Literacy skills** | **Confident** | **Practice** |
| Read and obtain information from common signs and symbols |  |  |
| Use punctuation correctly, including capital letters, full stops, and question marks |  |  |
| Organise writing in short paragraphs |  |  |
| Identify the main points and specific detail in texts |  |  |
| Read and understand a range of texts of varying complexity, accurately and independently |  |  |

|  |  |  |
| --- | --- | --- |
| **Numeracy skills** | **Confident** | **Practice** |
| Recognise and name common shapes such as rectangles, circles, cubes etc. |  |  |
| Read and understand information in simple diagrams and charts |  |  |
| Add or subtract using three-digit numbers |  |  |
| Recognise and use fractions, decimals simple percentages |  |  |
| Find the mean, median and mode and use them as appropriate to compare two sets of data |  |  |

|  |  |  |
| --- | --- | --- |
| **Computer skills** | **Confident** | **Practice** |
| Using email to send and receive messages |  |  |
| Create a simple letter from a template |  |  |
| Create a simple letter from a blank document |  |  |
| Use the internet to obtain information |  |  |
| Use office packages to create posters, presentations or spread sheets. |  |  |

**Name**

**Signature**

**Date**

**If you feel you require further assistance, speak to your tutor in private. Confidentiality will be maintained at all times.**

# Activity 1: Introductory Activity

***Learning Outcomes: - N/A***

**Aims:**

* To enable course participants to familiarise themselves with each other and explore participants’ different experiences as workplace representatives.

**Task:**

The tutor will divide you into pairs and each pair will use the questions below to find out information about each other. You will then be asked to introduce your partner to the rest of the course participants. Information needed for the introductory session is as follows:

* Your name

* Your union position(s)

* Your workplace/employer and the job that you do

* Any collective bargaining experience you have such as a significant success.

* Your initial views about what you hope to get out of the course.
* Your favourite hobby/pastime
* Review of activity since last course

**Report back to the main group.**

**Activity 2: Understanding employment rights.**

**1**

***Learning Outcomes: - Employment law, Employee rights and the workplace 1.1, 1.2, 1.3, 1.4. The role of the Union Workplace Rep 1.3.***

**Aims**:

* To help you identify sources of support in applying and reinforcing your training in employment law.
* Evaluate various sources of information for employment law.
* Relate the content and ease of use to your needs as a workplace rep.
* Explore a specific employment right from source to enforcement.
* Take a systematic approach to researching rights at work.
* Build knowledge and confidence in approaching employment law.

**Task:**

Split into small groups and discuss the following questions. Elect a spokesperson to report back to the full group on your answers. Ensure that you also make notes of your answers below in your workbook. Please take no longer than 40 minutes with your deliberations.

1. **Define** the term ‘employee rights.’

|  |
| --- |
|  |

1. **Identify** a range of information sources on employment rights? How useful are these sources of information? How would you use these sources of information in your role as a workplace rep?

|  |  |  |
| --- | --- | --- |
| **Source of information** | **Usefulness** | **Use for Workplace reps** |
|  |  |  |

1. Make a **list** of resources where you can access information on employment rights. How useful are these resources in your role as a workplace rep?

|  |  |
| --- | --- |
| **Resource** | **Usefulness** |
|  |  |

1. **Identify** different employment rights you have in your workplace? Choose one specific employment right and consider its strengths and weaknesses?

|  |
| --- |
| **Employment rights in your workplace.** |
|  |
| **One specific employment right.** |
|  |

1. **Explain** the role of the union in protecting and promoting employment rights.

|  |
| --- |
| **Explain** the role of the union in protecting and promoting employment rights. |
|  |

**Activity 3: Union-employer relations: Power and influence**

**2**

***Learning Outcomes: - Employment law, Employee rights and the workplace 2.1, 2.2, 2,3.***

**Aims:**

* To raise awareness of how the balance of power and influence of the trade unions and employers has changed over the last 50 years.

**Tasks:**

Working in groups and using the resources and your own knowledge and experience, discuss the following questions:

1. **Describe** how the balance of power between unions and employers changed over the last 50 years?

|  |
| --- |
|  |

1. **Identify** what have been the key events that have changed this balance?

|  |
| --- |
|  |

1. How has the change in the balance of power affected your workplace?

|  |
| --- |
|  |

1. If the current trends continue, what are the potential outcomes for trade unions?

|  |
| --- |
|  |

1. **Describe** what actions the trade unions can take to address any imbalance and protect and/or increase trade union influence?

|  |
| --- |
|  |

**Report back your findings to the main group**

**Activity 4: Unite Politics**

***Learning Outcomes: - N/A***

**Aims:**

* To enable course participants to understand how politics & politician’s decisions impacts on our lives

**Task One:**

Working on your own, answer the following questions as fully as you can

* How do we effect change in society?

|  |
| --- |
|  |

* Who makes the laws?

|  |
| --- |
|  |

* Who’s your MP?

|  |
| --- |
|  |

* Did you vote at the last election – discuss your reasons

|  |
| --- |
|  |

* Who are your local ward councillor[s]?

|  |
| --- |
|  |

* Did you vote at the last local election – discuss your reasons

|  |
| --- |
|  |

* Who influences how you vote?

|  |
| --- |
|  |

**Discuss your answers with the rest of the group.**

**Task Two:**

The tutor will split you into groups and allocate one of the scenarios below to each group. In your groups, devise a union strategy to address these scenarios.

Allocate one person to feedback to the main group.

**Scenario One**:

Your employer has just announced they want you all to take a 10% pay cut despite making an increased 8% net profit over the last 12 months. They are proposing to dismiss and re-engage on the new terms – Fire and Rehire.

Devise a union strategy to oppose this

**Scenario Two**:

Your children’s school is to close next year with the children being made to go to a school 3 miles away. You do not want this to happen as the current one is just round the corner from where you live. The current school has just received an excellent Ofsted report. And you would have to take them to & from the new school.

Devise a strategy to oppose this

**Scenario Three**:

The factory you work at is old and the machinery needs modernising. As part of expansion plans to secure the longevity of the site the Company wants to extend the footprint of the site by 50%. There is local opposition to this from residents at a nearby housing estate.

Devise a strategy to support the Company in its plans

**Scenario** \_\_\_\_

|  |
| --- |
|  |

**Report back your findings to the main group**

**Task Three:**

Outline Unite Political strategy and how members can get involved

|  |
| --- |
|  |

**Activity 5: Learner organised and led meetings.**

***Learning Outcomes: - N/A***

**Aims:**

* To set up a Course Meeting that will run for the duration of the course.
* To understand the reason and purpose of Standing Orders and agenda.
* To gain an understanding of the function of meetings**.**
* The tutor will lead a class/group debate to introduce the learners to this activity. The group will discuss and agree the course meeting standing orders and the weekly agenda. Finally, the group will elect Chair & Secretary for the first meeting on week two. (See resources for more information)

**Example: Course Meeting Standing Orders: -**

* Agenda (as agreed separately)
* Meeting times to be agreed by the course delegates.
* Length of meeting 1 hour
* Maximum of 2 x15 minute extensions at discretion of Chair and subject to agreement of meeting
* Chair/Secretary to be elected on a per meeting basis
* Secretary to produce meeting minutes for next meeting.
* All agenda items, including workplace/course issues, correspondence, and motions, to be notified to Secretary no later than end of a.m. break.
* Tutor to attend meeting as participant.
* Confidentiality to be maintained at all times.
* Mobile phones on silent (other than exceptional circumstances notified to Chair)

**Example: Course Meeting Agenda: -**

1. Apologies
2. Minutes of Last Meeting
3. Matters Arising
4. Correspondence
5. Workplace Issues
6. Course Issues
7. Motions
8. Any Other Business
9. Date and Time of Next Meeting

10. Election of Next Chair/Secretary

**Activity 6: Organising differently**

**3**

***Learning Outcomes: - Employment law, Employee rights and the workplace 2.4.***

**Aim:**

* To help understand how both unions and employers in different industries and sectors are organised.

**Tasks:** Working in groups, consider the following:

**Describe** how the organisation of a union can map to the organisation of an employer, and the strengths and weaknesses of aligning the two

1. How is your employer organised?

Think about how your industry or sector works. What does your employer make

and /or sell or what service do they provide?

|  |
| --- |
|  |

Think about the processes used, where materials are sourced, what utilities are drawn on. How does your employer do this?

Map out an example of the journey of a product or service that your employer provides.

|  |  |
| --- | --- |
| **Process Used** | **Materials Sourced** |
|  |  |

How is your union organised?

Think about our structure and how that maps across to the way the employer is organised. How effective (or not) is this approach?

Draw up a list of the –

* Strengths
* Weaknesses
* Influences (e.g., political, economic, social, and technological) that affect the way our union is organised in relation to the businesses we work in.

|  |  |
| --- | --- |
| **Strengths** |  |
| **Weaknesses** |  |
| **Influences** |  |

**Report back your findings to the main group**

**Activity 7: European and global context**

**4**

***Learning Outcomes: - Employment law, Employee rights and the workplace 4.1, 4.2, 4.3, 4.4.***

**Aims:**

* Build an understanding of European and global influence on UK employment law.
* Think about the role of national employment law in helping to establish minimum standards for working people everywhere.

**Task:**

In small groups discuss and make notes on:

**Describe** how employment law in Britain is/was influenced by:

* global standards and organisations (include some examples in support of your views)

|  |
| --- |
|  |

* membership of the European Union (include some examples in support of your views)

|  |
| --- |
|  |

1. What key principles can you identify that underpin employment law at global, regional, and national levels?
2. From a trade union point of view, what do you think is the importance of the European and global context for us in the UK?
3. From a trade union point of view what are the potential threats or benefits to employment law in the UK as a consequence of Brexit.

|  |
| --- |
| 1. **Principles underpinning Employment law** |
|  |
| 1. **Importance of the European and Global context** |
|  |
| 1. **Potential Threats or Benefits due to Brexit** |
|  |

**Report back your findings to the main group**

**5**

**Activity 8: Workplace Rights**

***Learning Outcomes: - The role of the Union Workplace Rep 2.1, 2.2.***

**Aims:**

Build knowledge of agencies for rights compliance.

Assess their value for individuals and for union reps.

**Task:**

**Outline** the key functions, including the rights it can enforce, of the following rights compliance agencies.

1. ACAS
2. Pay and Work Rights Helpline
3. HMRC National Minimum Wage Enforcement Team
4. Gang-masters Licensing Authority
5. Health and Safety Executive

|  |
| --- |
|  |

**Describe** how each of the identified rights compliance agencies can support the Union Workplace rep in performing their duties.

|  |
| --- |
|  |

**Report back your findings to the main group**

**Activity 9: Learn with Unite: our lifelong learning vision.**

***Learning Outcomes: - N/A***

**Aims:**

* Understand the role and function of the Union Learning Rep (ULR) and Learn with Unite
* Consider how Learn with Unite can work with the employer in identifying and meeting the educational and training needs of members.
* Use Learn with Unite as an opportunity to organise and build membership.

**Task:**

1. What is the role and purpose of Learn with Unite?

|  |
| --- |
|  |

1. What are the key benefits to members as outlined by the extract from the Director of Education in the resources?

|  |
| --- |
|  |

1. If you have experience of Learn with Unite in your workplace, describe what is happening and what the benefits are for membership and building the union?

|  |
| --- |
|  |

1. For those who have no experience of Learn with Unite, how might you use the initiative to raise Unites profile in the workplace benefit members and build the union?

|  |
| --- |
|  |

**Report back your findings to the main group**

**Activity 10: The Employment contract**

***Learning Outcomes: - N/A***

**Aims:**

• Evaluate a key concept in employment law

• Relate the concept to your own workplace situation

**Task:**

Working in groups and using the resources and your own knowledge and experience, discuss the following questions:

1. What the contract of employment consists of?

|  |
| --- |
|  |

1. What is the purpose of the contract of employment?

|  |
| --- |
|  |

1. Which people at work have access to it?

|  |
| --- |
|  |

1. Who can change the contract; how and why?

|  |
| --- |
|  |

1. What has the contract of employment have to do with the trade unions?

|  |
| --- |
|  |

1. What is the difference between Express and Implied Terms?

|  |
| --- |
|  |

**Report back your findings to the main group**

**Activity 11: Employment law and the workplace - a Unite approach**

**22**

***Learning Outcomes: - The role of the Union Workplace Rep 1.1, 1.2.***

**Aims:**

* Understand, what are employment rights
* Understand how employment rights affect trade unions
* Use your knowledge to analyse the advantages and disadvantages of employment rights
* Understand how trade unions can improve on employment rights

**Task:**

**Identify** situations where employment rights are being breached.

**Identify** where contractual rights are being breached and **describe** the steps to be taken to rectify the issue.

Work in groups and using the resources and your own knowledge and experience, discuss the following case studies and what the member’s employment rights are likely to be:

1. Maria has had a part-time well-paid job in a high-class restaurant but has not had a holiday since she started 12 months ago.

|  |  |
| --- | --- |
| **Employment Right** | **Why/Steps** |
|  |  |

1. George has worked for his employer for around two years, has had different periods of sickness absence and is having to attend hospital for tests for cancer. His employer says they have had a good trial period, but he is not really meeting the demands of the job and they should come to an amicable arrangement for him to leave.

|  |  |
| --- | --- |
| **Employment Right** | **Why/Steps** |
|  |  |

1. Mohammed has worked for a big store for 15 years delivering and setting up PC’s. He uses his own van and is given a petrol allowance by the store. His pay slips show his wages declining over the last two years as the number of deliveries has declined. He tells his employer he cannot manage on what he is being paid. The employer says he will have to find himself extra work given the state of the market – it is not his problem he is his own boss.

|  |  |
| --- | --- |
| **Employment Right** | **Why/Steps** |
|  |  |

1. Peter has just returned from a nine-day, long distance driving job. He is immediately asked to go on another. He has only been in the job six weeks and does not have any written information from his employer about this.

|  |  |
| --- | --- |
| **Employment Right** | **Why/Steps** |
|  |  |

1. Rene has had successive fixed term contracts in a call centre for the last nine months. She has been active in recruit members to her union which is seeking recognition. The supervisor offers her a better paid permanent contract but says she will have to drop her union activities if she is to focus properly on the job.

|  |  |
| --- | --- |
| **Employment Law** | **Why/Steps** |
|  |  |

**Report back your findings to the main groupActivity 12: Learner organised and led meetings**

***Learning Outcomes: - N/A***

**Activity 13: Employment law - What is it for?**

**6**

***Learning Outcomes: - Employment law, Employee rights and the workplace 3.1, 3.2, 3.3.***

**Aims:**

* Consider the purpose of employment law
* Understand how and why it has changed over time
* Build confidence in thinking and talking about employment law

**Tasks:**

Working in groups.

1. **Outline** the purpose of employment law

|  |
| --- |
|  |

1. **Identify** benefits of employment law for:

|  |
| --- |
| People at work |

|  |
| --- |
| Employers |

|  |
| --- |
| Why do you think labour in the workplace attracts so much legislation? |

|  |
| --- |
| **Describe** how and why you think employment law changes over time? |

**Report back your findings to the main group**

**Activity 14: Employment law reform**

**7**

***Learning Outcomes: - Employment law, Employee rights and the workplace 5.1, 5.2, 5.3.***

**Aims:**

* Understand employment law reforms.
* Understand how employment law reform affects workers.
* Understand the advantages and disadvantages of current employment law reforms.

**Tasks:**

Your tutor will allocate three of the reforms listed below to discuss. Work in groups and using the resources and your own knowledge and experience, make notes in your workbook on the following.

1. **Explain** why employment law reforms take place?
2. **Explain** how employment law reforms affect employees?
3. **Describe** employment law reforms in specific areas and the impact on:
4. Employees
5. Employers
6. Trade unions

**Employment law reform**

1. **Statutory sick pay**
2. **Statutory Maternity, Paternity and Adoption pay**
3. **Shared parental leave / bereavement leave**
4. **Whistleblowing (Public disclosure)**
5. **Political opinion/affiliation/dismissals (Public interest /Disclosure Act 1998)**
6. **Unfair dismissal compensatory award**
7. **Equality Act 2010 (third party harassment, Discrimination by Association / Perception / social media)**
8. **Directors’ remuneration**
9. **Employment Tribunal penalties**
10. **Health and work assessment and advisory service**
11. **Flexible working requests**
12. **Equal pay audits**

|  |  |
| --- | --- |
| **Which Law** |  |
| **Explain** why employment law reforms take place? | |
| **Explain** how employment law reforms affect employees? | |
| **Describe** employment law reforms in specific areas and the impact on: | |
| Employees | |
| Employers | |
| Trade Unions | |

**Report back your findings to the main group**

**Activity 15: Employment law case studies**

***Learning Outcomes: - N/A***

**Aims:**

* Use the contract of employment in assessing workplace problems.
* Work out options for resolving the issues involved.
* Consider the support you have and need in using the law at work.

**Tasks:**

Working in groups, discuss the following case studies identifying and noting:

1. The questions you would seek to answer when analysing the contract of employment.
2. The relevant statutory right that may apply to the case
3. Your initial steps
4. Your sources of support in understanding the application of the law at work

**Case studies:**

1. **John and overtime**

John has been with his company for four years. There has always been a lot of overtime on offer. Initially John accepted it occasionally, but gradually did less and then stopped. His manager makes rude remarks every time he refused overtime. John recently had a poor appraisal and was told he was not sufficiently committed to the job. His manager has privately told him that he is making her life difficult, she is going to be ‘on his back’ for everything he does, if he puts one foot wrong, he is out. John is very worried and increasingly stressed by the situation.

|  |  |
| --- | --- |
| Questions |  |
| Statutory right |  |
| Your steps |  |
| Source of support |  |

1. **Francesco and cleaning**

Francesco is a cleaner. He was a public sector employee for 13 years until the service was privatised, and he now works for the company that got the contract. The job he does has not changed although sometimes he must do additional tasks he did not before. He has now been told to do work in a different part of the city which is hard to get to and he does not have transport.

|  |  |
| --- | --- |
| Questions |  |
| Statutory right |  |
| Your steps |  |
| Source of support |  |

1. **Marion and teaching**

Marion has taught maths part-time at her local college for three years. There is only one course that she teaches consistently – the others are subject to recruitment, and do not always run. The college has decided that recruitment of all occasional staff will now be done through an employment agency.

|  |  |
| --- | --- |
| Questions |  |
| Statutory right |  |
| Your steps |  |
| Source of support |  |

1. **Victor and wages**

Victor has worked for his organisation for 11 years, during which time there has been a takeover and several ‘restructurings’ – the latest being six months ago. Victor complains to HR when he and other colleagues realise that they have not had their customary annual increase in salary. HR says a lot of things have changed recently and so far, as they can see there is no entitlement to an increase.

|  |  |
| --- | --- |
| Questions |  |
| Statutory right |  |
| Your steps |  |
| Source of support |  |

1. **Pam and Misha**

Pam and Misha work in the same department. Pam has been permanent part-time for nine months while Misha is on her fourth full-time, six-month fixed-term contract. Both have had several periods of sick leave, Misha due to asthma and Pam for suspected bipolar disorder. Pam has been warned that she may face the sack if she has further periods of sick leave. She complains she is being unfairly treated compared to Misha who is not a permanent employee and who had had no such warning.

|  |  |
| --- | --- |
| Questions |  |
| Statutory right |  |
| Your steps |  |
| Source of support |  |

**Report back your findings to the main group**

## **Activity 16: Understanding & using collective bargaining systems**

**8**

***Learning Outcomes: - Understanding & using collective bargaining systems & agreements 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 3.1.***

**Aims:**

To help us:

* Understand the bargaining process and develop awareness of the range of issues trade unions bargain on.
* Describe the bargaining structure relevant to your members/employment sector
* Investigate your specific role and that of membership in the process
* Extend Unites influence in the bargaining process

**Tasks**:

Working in your groups, discuss the following questions and note your key points.

1. **Define** the term ‘collective bargaining’

|  |
| --- |
|  |

1. **Outline** the range of issues on which you currently bargain with your employer.

|  |
| --- |
|  |

1. **Identify** employment law related to an issue suitable for addressing through the collective bargaining process.

|  |
| --- |
|  |

1. **Identify** the level of management do you bargain with?

|  |
| --- |
|  |

1. **Describe** the extent to which you and your members take part in, or influence bargaining at higher levels? (E.g., regional, sectoral, national)

|  |
| --- |
|  |

1. **Describe** the bargaining structure relevant to own members and/or employment sector.

|  |
| --- |
|  |

1. **Describe** how individual union reps and members can contribute to the success of the collective bargaining process.

|  |
| --- |
|  |

**Report back your findings to the main group**

**Activity 17: Agreements – Page 66 of Resources**

**9**

***Learning Outcomes: - Understanding & using collective bargaining systems &***

***agreements 2.1, 2.2, 2.3.***

**Aims:**

* Explore own workplace agreements in detail
* Assess the legal significance of collective agreements
* Appreciate the relationship between collective agreements and the contract of employment

**Tasks:**

Work in groups and using the resources and your own knowledge and experience, analyse your own workplace agreements and discuss the importance of the following in relation to the agreement.

1. **Define** the term ‘collective agreement’

|  |
| --- |
|  |

1. **Explain** the legal significance of a ‘collective agreement.’

|  |
| --- |
|  |

1. **Explain** how the collective agreement and the contract of employment co-exist?

|  |
| --- |
|  |

**Report back your findings to the main group**

**Activity 18: The case for collective agreements**

**10**

***Learning Outcomes: - Understanding & using collective bargaining systems &***

***agreements 2.4, 2.5.***

**Aims:**

* Develop the case for a collective agreement of interest to your workplace
* Work out steps to getting one

**Tasks:**

1. Working in groups, **identify** a range of issues which can be addressed through collective agreement arrangements.

|  |
| --- |
|  |

**Discuss** and agree which issue you will look at and identify the following:

1. Why parties involved should either want an agreement **or** update a current agreement.
2. How will this benefit both parties
3. **Identify** the stages involved in achieving a collective agreement.
4. Specific issues to be aware of, e.g., who would negotiate?

## **Issue: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

|  |
| --- |
| **Why parties involved should want an agreement or updating of an agreement and how it will benefit both parties** |
| **How this will benefit both parties** |
| **Specific issues to be aware of e.g., who would negotiate?** |

|  |  |
| --- | --- |
|  | **Steps or actions needed** |
| 1 |  |
| 2 |  |
| 3 |  |
| 4 |  |
| 5 |  |
| 6 |  |
| 7 |  |
| 8 |  |
| 9 |  |
| 10 |  |

**Report back your findings to the main group**

**Activity 19: Learner organised and led meetings**

***Learning Outcomes: - N/A***

**Activity 20: Planning for getting an agreement**

**11**

***Learning Outcomes: - Understanding & using collective bargaining systems agreements 3.2.***

**Aims:**

* Identify a range of issues which collective bargaining takes place
* Focus on the various stages of achieving an agreement
* Draft an outline plan for what needs to be done, by whom, when?

**Tasks:**

Working in groups, consider issues in your workplace where collective bargaining takes place.

1. **List** your issues.

|  |
| --- |
|  |

1. **Identify** and explain what employment law is relevant to those issues?

|  |
| --- |
|  |

1. **Produce** a plan for entering into the collective bargaining process to include:
2. Overall bargaining objectives (what you want to achieve)

|  |
| --- |
|  |

1. Potential time-frame – desired or imposed by others

|  |
| --- |
|  |

1. Who will be involved – locally, company/organisation level, national etc.?

|  |
| --- |
|  |

1. Any union policy/guidance exists in the chosen area.

|  |
| --- |
|  |

1. Anticipated responses from the employer

|  |
| --- |
|  |

1. Information needs and rights to disclosure

|  |
| --- |
|  |

1. How to communicate the plan and outcomes to members and non-members

|  |
| --- |
|  |

1. Issues to be alert to – status/incorporation of the agreement

|  |
| --- |
|  |

1. Levers available for use during the bargaining process.

|  |
| --- |
|  |

**Report back your findings to the main group**

**Activity 21: Workplace Rights. Rights to information**

**12**

***Learning Outcomes: - Understanding &using collective bargaining systems & agreements 4.1, 4.2, 4.3, 4.4.***

**Aims:**

* Identify legal rights to disclosure of information.
* Consider the case for disclosure where no legal rights exist.

**Tasks:**

Working in groups, you will be given a scenario from the following list.

Scenarios:

1. Communicating with the workforce, both members and non-members
2. Information for updating agreements at work.
3. Company merger resulting in harmonisation of contracts.
4. Redundancy
5. Annual pay bargaining
6. Company wishes to reduce sickness benefit.

Using the resources available, your own research and your own collective agreements consider the following questions for the scenario given. Discuss and record the findings in your workbook.

1. **Explain** legal rights relating to access to information?
2. **Describe** what legal rights unions have to access information in specific circumstances?
3. **Describe** a range of arguments that could be made in favour of disclosure of information where there are no legal rights to it?
4. **Explain** how a union might exert pressure upon an organisation with the aim of achieving disclosure of information?

Copy in the key points for the scenarios you have not discussed in the feedback at the end of the activity

|  |  |
| --- | --- |
|  |  |
| **b)** |  |
| **c)** |  |
| **d)** |  |

**Report back the key points to the main group**

**Activity 22: Ending the employment relationship**

**13**

***Learning Outcomes: - Understanding circumstances where employment contracts come to an end. 1.1 1.2.***

**Aims:**

* Explore different ways in which the employment relationship can end.
* Understand fair and unfair dismissal.

**Tasks:**

Working in your groups:

1. **Identify** ways in which an employee’s employment may be terminated.

|  |
| --- |
|  |

1. **Explain** with examples, what is meant by:
2. ‘Fair dismissal’

|  |
| --- |
|  |

1. ‘Unfair dismissal’

|  |
| --- |
|  |

1. ‘Wrongful dismissal’

|  |
| --- |
|  |

1. ‘Automatically unfair dismissal’

|  |
| --- |
|  |

**Report back your findings to the main group**

**Activity 23: Settlement agreements & dismissal**

**14**

***Learning Outcomes: - Understanding circumstances where employment contracts come to an end. 1.3 1.4.***

**Aims:**

* Consider the impact of changes to settlement agreements and pre-termination negotiations
* Explore new legal terminology
* Clarify how changes are impacting on your workplace and union

**Tasks:**

**Define** the terms.

1. Settlement agreements

|  |
| --- |
|  |

1. Confidential conversations

|  |
| --- |
|  |

1. Improper behaviour

|  |
| --- |
|  |

**Explain** what issues might arise during the settlement agreement process for.

1. The workforce

|  |
| --- |
|  |

1. Your employer

|  |
| --- |
|  |

1. Your union

|  |
| --- |
|  |

**Report back your findings to the main group**

## **Activity 24: Understanding TUPE**

**15**

***Learning Outcomes: - Understanding circumstances where employment contracts come to an end. 2.1, 2.2, 2.3.***

**Aims:**

* **Describe** the general circumstances under which a TUPE agreement may be appropriate.
* Be clear about rights conveyed by TUPE

**Task 1:**

**Identify** specific situations where TUPE applies and to whom?

1. Some years ago, your employer contracted out cleaning services and now wishes to bring them back in house. The cleaners are a dedicated team who just work for your employer.

|  |
| --- |
|  |

1. Same as 1 above, but there is no dedicated team – the cleaners cover several employers.

|  |
| --- |
|  |

1. Your school is to be transferred to Academy status and run by a Trust which runs several schools.

|  |
| --- |
|  |

1. Changes in the health services in your area mean that a group of 500 staff have been scheduled to transfer to the local authority.

|  |
| --- |
|  |

1. The bus company you work for has become insolvent and is set to be taken over by a larger national company.

|  |
| --- |
|  |

**Task 2:**

1. Write your own potential TUPE case or describe an actual TUPE situation that has happened at your workplace.

|  |
| --- |
|  |

1. **Produce** a checklist of action points to be considered by union reps on when dealing with potential TUPE situations, consider issues such as.

Looking for early warning signs

Getting real consultation

Safeguarding conditions.

Tackling pension issues

Safeguarding recognition and union membership

|  |  |
| --- | --- |
| i) |  |
| ii) |  |
| iii) |  |
| iv) |  |
| v) |  |

**Report back your findings to the main group**

**Activity 25: Responding to the unforeseen**

**16**

***Learning Outcomes: - The role of the Union Workplace Rep 3.1, 3.2.***

**Aims:**

* Explore situations which require urgent attention
* Analyse and identify issues
* Formulate some general rules when dealing with problems

**Task 1:**

**Apply the Problem, Information and Plan (PIP)** process to a specific emergency employment situation.

1. The problem
2. Whether it is urgent?
3. Which ‘rights’ if any are involved?
4. What is the Unite guidance on the issue?
5. What questions would you want to ask?
6. What would be your initial steps in resolving this?
7. What constraints on your own time/availability might there be?

**Case Studies**

1. Your union team has a meeting arranged with management for two weeks’ time to discuss the new legal provisions for settlement agreements. While in town you bump into one of your members who tells you she is leaving work next week. She had a difference of opinion with the supervisor and two days later was called into a meeting and given a letter more or less saying she was not wanted. She feels she had no option but to accept the two month’s pay on offer. She has been with the company for 18 months.
2. Last year you managed to get a reduction in 15 anticipated redundancies down to 10. The business seems to be ticking along at the moment. Another rep calls an urgent meeting and explains that a non-member came for advice as she has been asked to attend a meeting about ‘her future with the organisation.’ The rep has heard that two members at other sites have had similar invitations.
3. You arrive at work to an unusual buzz! A member of staff has a press article indicating that the organisation is being taken over.
4. You have a long-standing facilities agreement. One of the union reps is refused time off for training which is unusual. As the course is imminent you approach management. They say that the agreement is no longer relevant. The workforce has declined, business has declined, and everyone understands that savings have to be made.
5. Your employer uses agency workers. Most of them are not union members and have been difficult to recruit. One of them approaches you and says they are prepared to join the union if you will back them up against a supervisor who is not only abusive but has seen to it that those who answer back do not get re-employed. The supervisor is also a member of your union.
6. You have a big meeting today. Senior management are due in to renegotiate your dismissal procedures. You have been pressing for this for some time, in light of employment law reforms that threaten to reduce dismissal rights of a large number of people. You are a team of four for a meeting that will need a lot of care – the existing agreement is incorporated into employee’s terms and conditions. When you get into work you find a message from your most experienced negotiator saying he will not be in as he had to take his child to hospital urgently.

**Case study no.**

|  |
| --- |
| 1. The problem |
| 2. Whether it is urgent? |
| 3. Which ‘rights’ if any are involved? |
| 4. What is the Unite guidance on the issue? |
| 5. What questions would you want to ask? |
| 6. What would be your initial steps in resolving this? |
| 7. What constraints on your own time/availability might there be? |

**Case study no.**

|  |
| --- |
| 1. The problem |
| 2. Whether it is urgent? |
| 3. Which ‘rights’ if any are involved? |
| 4. What is the Unite guidance on the issue? |
| 5. What questions would you want to ask? |
| 6. What would be your initial steps in resolving this? |
| 7. What constraints on your own time/availability might there be? |

**Case study no.**

|  |
| --- |
| 1. The problem |
| 2. Whether it is urgent? |
| 3. Which ‘rights’ if any are involved? |
| 4. What is the Unite guidance on the issue? |
| 5. What questions would you want to ask? |
| 6. What would be your initial steps in resolving this? |
| 7. What constraints on your own time/availability might there be? |

**Report back your findings to the main group**

**Task 2:**

**Produce** a checklist of ‘good practice’ to be used when approached by a member with an employment related problem.

|  |
| --- |
| Checklist/Rules to follow when dealing with problems |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |

**Report back your findings to the main group**

**Activity 26: Learner organised and led meetings**

***Learning Outcomes: - N/A***

**Activity 27: Redundancy Rights**

**17.**

***Learning Outcomes: - Understanding circumstances where employment contracts come to an end. 3.1, 3.2, 3.3, 3.4.***

Aim:

* To identify and understand individual and collective rights in a redundancy situation
* Understand the role of the trade union in a redundancy

Redundancy is a form of dismissal from your job. It happens when employers need to reduce their workforce. If you are being made redundant, you might be eligible for certain rights:

**Task One:**

In groups research and **describe** your rights relating to the following points

* redundancy pay
* a notice period
* a consultation with your employer
* the option to move into a different job
* time off to find a new job

Compare your findings with your workplace policy *(\*If there is one)*

|  |  |  |
| --- | --- | --- |
|  | Legal Minimum | Workplace Procedure/Policy |
| Redundancy Pay |  |  |
| Redundancy Notice Period |  |  |
| Consultation period |  |  |
| Option to move to a different job |  |  |
| Time off to find a new job |  |  |

**Task Two:**

**Consultation Period**

In the previous you will have identified the legal minimum time period for the consultation process but what happens during this time? What are your aims and expectations?

Working in groups, consider the following.

1. What information would you expect from the company to make the consultation meaningful?

|  |
| --- |
|  |

1. **Describe** the information that must be given by the employer to comply to individuals at risk of redundancy?

|  |
| --- |
|  |

1. **Outline** the key steps in the process of redundancy which must be followed?

|  |
| --- |
|  |

**Task Three:**

**Selection for Redundancy**

Prior to any selection the employer should consult with the union over the method that they will use for selecting employees for redundancy and where possible reach agreement with the union.

1. In groups **evaluate** and discuss the types of factors the company may want to use in their selection criteria. Are these fair and objective and non-discriminatory or are they subjective (i.e., can they be influenced by an individual’s opinion)
2. What selection criteria if used could be classed as an unfair dismissal

|  |  |  |  |
| --- | --- | --- | --- |
| Criteria | Fair/Objective | Subjective |  |
| i.e., LIFO – Length of service | Service is objective as it is recorded and measurable, however measures must be in place to ensure it is not discriminatory |  | This can be used as long as it is not discriminatory against for example young people. |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Report back your findings to the main group**

**Activity 28: Redundancy process**

**18**

***Learning Outcomes: - Understanding circumstances where employment contracts come to an end. 3.5 3.6.***

***The role of the Union Workplace Rep 4.1, 4.2.***

Aside from the on-going consultation consider the role of the rep as the company goes through the redundancy process.

Aims:

* To identify and understand the role of the rep during a redundancy
* Identify sources of information and support

**Task One**

**Describe** the various activities a Union Workplace Rep might be involved in when supporting members through redundancy. e.g.

Member support

One to one meetings.

Appeals process.

Communications.

In case of possible unfair dismissal consider the importance of accurate note taking/data collecting.

|  |
| --- |
|  |

**Task Two**

**Identify** additional support offered to members and reps during the redundancy process.

|  |
| --- |
|  |

**Task Three**

**Describe** the appeal rights of employees selected for redundancy.

|  |
| --- |
|  |

**Outline** the process for appealing against selection for redundancy.

|  |
| --- |
|  |

**Report back your findings to the main group.**

**Activity 29: Communication with members**

**19**

***Learning Outcomes: - The role of the Union Workplace Rep 4.3, 4.4***

Having good, regular communications is paramount in keeping the members updated and ensuring you still have their support

**Aims:**

* Plan activity involving members relating to rights at work/redundancy
* Match communication methods with communication purpose
* Draft a communication for use with members

**Task:**

**Select,** giving reasoning, the most appropriate methods of communication with members when communicating about redundancy.

Consider:

* 1. The context and purpose of your communication
  2. How it helps to make the most of rights at work
  3. How it will be used
  4. How you will know if your communication has been effective

|  |
| --- |
|  |

**Demonstrate** negotiation and report writing skills in the context of a redundancy criteria for selection meeting.

|  |
| --- |
|  |

**Report back your findings to the main group.**

**Activity 30: Learner organised and led meetings**

***Learning Outcomes: - N/A***

**Activity 31: Redundancy Appeals**

***Learning Outcomes: - N/A***

**Aims:**

* To research and explore members rights following redundancy
* To Identify and discuss the trade union rep’s role in a redundancy appeal situation

**Task:**

Research and consider the following:

1. What rights have your members got in regard to an appeal to redundancy selection e.g. Are they legally entitled to an appeal in a redundancy situation?

|  |
| --- |
|  |

1. At what stage in the redundancy process would an appeal process be discussed?

|  |
| --- |
|  |

1. If there is an appeal, would it have more than one stage or would it be a one-shot process?

|  |
| --- |
|  |

1. How would the appeal be actioned?

|  |
| --- |
|  |

1. What role would the Trade Union Rep have in the process?

|  |
| --- |
|  |

1. What would the next steps be if at the appeal the redundancy decision is upheld by the company?

|  |
| --- |
|  |

**Report back your findings to the main group.**

**Activity 32: Considering Industrial Action**

**22**

***Learning Outcomes: - The role of the Union Workplace Rep 5.1***

**Aims:** This activity will help you:

* Review employment rights concerning industrial action
* Consider key trade union issues on industrial action

**Task:**

In groups consider the following scenario:

You have been trying to persuade management to meet you to discuss improvements to pay and conditions but, they have refused to discuss this with you. The union committee have decided that it should now consider taking some form of industrial action.

You know that some members are a little worried about the legal position on taking some forms of action. You have been asked by the committee to **prepare** a briefing for the members that deals with the following questions:

1. What possible type of action are you considering? What are your options?

|  |
| --- |
|  |

1. How can we avoid the possibility of the management taking us to court?

|  |
| --- |
|  |

1. Is there any form of action that means we will not be legally liable?

|  |
| --- |
|  |

1. Is it true that each person taking action can be liable for individual damages?

|  |
| --- |
|  |

1. Is it true that the management can sack everyone if we strike?

|  |
| --- |
|  |

1. How can we get support from the union nationally?

|  |
| --- |
|  |

1. How can we picket effectively if we are limited to six pickets?

|  |
| --- |
|  |

1. Can we take action whenever we like?

|  |
| --- |
|  |

1. Can we vote for action to put some pressure on the management, but then reconsider before we actually do anything?

|  |
| --- |
|  |

**Report back your findings to the main group**

**Activity 33: ACAS and Employment Tribunals**

**20**

***Learning Outcomes: - Understanding circumstances where employment contracts come to an end. 4.1***

**Aims:**

* Build an overview of what enforcement of rights via ET entails
* Appreciate the importance of the union role in ET’s
* Consider the advantages of prior workplace solutions

**Task:**

Working in groups.

**Describe** the key stages involved in a case going to an employment tribunal.

|  |  |
| --- | --- |
| **1** |  |
| **2** |  |
| **3** |  |
| **4** |  |
| **5** |  |

**Report back your findings to the main group**

# Activity 34: ET’s – Practicalities

**21**

***Learning Outcomes: - Understanding circumstances where employment contracts come to an end. 4.2***

**Aims:**

Explore what is involved in a case going to ET

Think about your own potential role

Assess the pros and cons of the ET process

**Task:**

Evaluate, using a specific example, the positives and negatives of taking a case to employment tribunal. (You could use the tribunal you visited as an example).

|  |
| --- |
|  |

**Report back your findings to the main group**

# Alternative Activity 34: ET’s – Practicalities

**To be used if it was not possible to visit an Employment Tribunal**

***Learning Outcomes: - Understanding circumstances where employment contracts come to an end 4.2***

**Aims:**

Explore what is involved in a case going to ET

Think about your own potential role

Assess the pros and cons of the ET process

**Task:**

Using what you have found in the previous activity and your own experience in the workplace, read the case study below:

**Case Study**

M suffered an accident at work when he slipped and hit his head. He began to have problems with his eyesight, involving sensitivity to bright light. This prevented him from driving on sunny days or at night (because of oncoming headlights) or walking in bright sunshine. As a result, he also experienced anxiety about travelling or being in a public place. He could not use a visual display unit for more than 15 minutes at a time.

As a result of his symptoms, M was off work for a substantial period. He was referred to occupational health. He was also examined by an ophthalmologist and a neurologist. No organic cause for his condition could be found. As a result of his absence record, he was dismissed.

M had brought a claim to an Employment Tribunal alleging that his dismissal was unfair and that it constituted unlawful direct disability discrimination and disability related discrimination. At a preliminary hearing, a tribunal had to consider whether M has the protected characteristic of disability.

The tribunal hear medical evidence that M was suffering from ptosis (a drooping of the eyelid) and photophobia (sensitivity to bright light), but that no physical cause for these conditions could be found by the experts who had examined him. It is M’s position that he has a physical impairment by reason of the physical manifestations of his condition. Alternatively, he argues that he has a mental impairment by reason of the psychological effects of his condition.

The respondent’s position is that M has neither a physical nor mental impairment because there is no identifiable cause or condition underlying his symptoms.

Consider the merits – or otherwise – of M’s claim going to an ET.

Things to consider are:

* What should be done first at workplace level and by whom?
* What evidence trails are likely to be needed?
* What costs are involved and for whom?
* Potential outcomes for the ACAS Conciliation
* Best/Worst outcomes from the likely ET
* Likely demands on M What do you think are the:
  + Advantages of prior workplace solutions?
  + Potential disadvantages?

|  |
| --- |
|  |

**Report back your findings to the main group**

**Activity 35: Learner organised and led meetings**

***Learning Outcomes: - N/A***

**Activity 36: Project Presentations**

***Learning Outcomes: - N/A***

**Peer Feedback**

|  |  |
| --- | --- |
| Title of presentation  Workplace issue |  |
| Quality of presentation delivery |  |
| Presentation Content |  |
| Preparation |  |
| Power Point |  |
| Areas for Development |  |

Observer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed: -\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Signing is optional)

**Appendix: Developing an employment rights project**

***Learning Outcomes: - N/A***

**Aims:**

* To share experiences and issues with other reps in your group
* Work collectively with other reps to address a workplace issue
* Identify an issue you wish to use as a project
* Identify employment rights issues
* Develop research skills
* Develop a project proposal

**Task:**

Dependant on class size. Working in pairs or small groups identify, share, and discuss issues you have in your workplace. Following the group discussion pick one of the issues discussed to develop as a project, that as a group you can work on researching employment law and a strategy to address the issue.

\*(If for any reason a learner wants to work the project on an individual basis the tutor will decide if this is acceptable)

Spend some time focusing on the issue considering the following points:

* What is the employment rights issue?
* What employment rights law is applicable?
* How you will consult/involve your members and why?
* What do you hope to achieve?
* How your research will be useful for you and Unite?
* What do you need to find out?
* What resources or information you may need?

Your group will have further opportunities throughout the course to work on, research and develop your plan.

\*The groups aim is to answer and address the above points and then prepare a 10/15-minute presentation which the group will jointly deliver on day twelve.

The presentation should cover the employment issue, the applicable law, what other information you have found, resources identified, what actions you can take and how you intend to involve your members and other reps.

**Report back your findings to the main group**

**Additional notes**

**Please reference the activity your notes are referring too.**

**Additional notes**

**Please reference the activity your notes are referring too.**

**Additional notes**

**Please reference the activity your notes are referring too.**

**Additional notes**

**Please reference the activity your notes are referring too.**

**Additional notes**

**Please reference the activity your notes are referring too.**

**Additional notes**

**Please reference the activity your notes are referring too.**

**Reflective learning journal one**

|  |
| --- |
| **The main points I have learnt from today:**  uniteLogo |
| **How I could develop my practical skills as a result of today:**  **`** |
| **How I would develop my knowledge and understanding of my new role as a result of today’s learning:** |

Student signature: …………………………………………. Date: …………….....................

**Reflective learning journal two**

|  |
| --- |
| **The main points I have learnt from today:**  uniteLogo |
| **How I could develop my practical skills as a result of today:**  **`** |
| **How I would develop my knowledge and understanding of my new role as a result of today’s learning:** |

Student signature: …………………………………………. Date: …………….....................

**Reflective learning journal three**

|  |
| --- |
| **The main points I have learnt from today:**  uniteLogo |
| **How I could develop my practical skills as a result of today:**  **`** |
| **How I would develop my knowledge and understanding of my new role as a result of today’s learning:** |

Student signature: …………………………………………. Date: …………….....................