



EURO WORK

Social Dialogue:
Towards the Europe of Work

SUGGESTIONS FOR A COURSE IN SHOP STEWARDS TRAINING

This project was carried out with the support of the European Commission
under the Leonardo da Vinci programme.
Its content does not necessarily reflect the Commission's position on this subject.

SUGGESTIONS FOR A COURSE IN SHOP STEWARDS TRAINING

STAGE ONE

1. WRITING IT DOWN

Union representatives need to be able to communicate clearly and easily, both with their members and with management. This ability to communicate must be conveyed either by word of mouth or in writing.

Often trade union reps shy away from putting things down in writing and rely upon committing information to memory. It is important, however, to get used to putting things down in writing so that we can

- Record decisions
- Relay information
- Keep information for later reference
- Get your own views over at meetings at which you cannot attend

There are a variety of written materials you will use in your job as a rep, the most important of which are

- Letters
- Notes
- Minutes
- Reports
- Files and records

Let us look at each of these in turn.

Letters

Letters are perhaps the most important way of requesting and sending information. Writing a letter allows you to be clear about what you want to say before you commit yourself. Letters are also valuable records of what you might have said – telephone conversations do not do this so it is important to confirm any decisions made over the phone in a follow-up letter.

Here are some guidelines that, if followed, should enable you to write better letters.

- Prepare a rough draft of the letter before you write the final letter – this allows you to amend the text of the letter (if necessary) further to consultation with your colleagues
- Use the union's headed notepaper (if you have any). This increases professionalism and, after all, all letters are official union communications. If you do not have headed notepaper, be sure to write the name of the union and the local address & telephone number at the top
- Use today's date
- ALWAYS include the name and address of the person you are sending the letter to – this ensures that there should be no confusion about who the letter went to

- Start the letter with a heading, summarising what the content is. This helps the reader to be clear what the letter is about
- Keep all letters to a single topic – if you have more than one issue you should draft separate letters for each one. (This also helps for filing purposes).
- Write clearly, using short sentences and simple words, and try to avoid using argon & abbreviations that may confuse the reader
- Start a new paragraph for each section of the letter – this breaks up the page and makes it easier to take in. If you want, give each paragraph a heading but also make them brief and to the point – you can always expand upon key points at a later meeting or discussion.

You should always state clearly your **aims** (why you are writing the letter); **what action you want taken as a result of the letter** (usually as a conclusion); **be brief** (very important); and **keep a copy and file it**.

Making Notes

Being able to make notes at meetings is an important skill for all trade union representatives, as they will help you to

- Remember to do things you've promised or agreed
- Report back to members
- Keep a record of what is said when you interview a member
- Remember what was agreed between you and a supervisor/manager
- Prepare a report/minutes of a meeting
- Remember what was said (or what you want to say) during a telephone conversation

Making notes at meetings with management shows them that you are taking their comments seriously and are recording them. It will also show that you are being professional and keeping a record of what was agreed during the meeting.

On this course you will need to make notes, and this should help you work out a way of note taking that suits you in your union work. As an aid, here are some guidelines, although it should be born in mind that there are no firm rules regarding note taking – you must do what you feel comfortable doing:

1. Background details. You should include the subject, the people involved, the relevant dates and times, the place, the name of the committee etc.
2. Record key points only – do not attempt to draft a detailed word-for-word account of meetings and interviews. Concentrate on the essentials
3. Make a special note of any conclusions reached and/or actions agreed upon
4. You will occasionally need to take down parts of a meeting word-for-word (or as near as possible). E.g. when taking a statement from a witness to an accident or noting the exact wording of an agreement with management. If people are talking too quickly, ask them to slow down or repeat themselves when necessary
5. As with letters, break up the notes using paragraphs, headings and numbers
6. Highlight key points using underlining, block capitals, coloured pens etc.
7. Leave plenty of space – you do not want to crowd the page, as this helps you read the notes at a later time

8. Number pages for easier reference

When you have finished making the notes put your manuscripts somewhere safe where you'll remember how to find them!

Preparing Reports

Union representatives often have to give reports, either to members, union committees, branch meetings or to Trades Councils.

The preparation of a report is probably the most part of its composition, so it is useful to spend some time mulling over the issues you want to raise. Ideally, you should ask yourself five questions:

- Who am I giving the report to?
- What is it about?
- When will I be asked to give it?
- Where the meeting be?
- Why am I doing it? What are my aims?

The answers to each of these questions will have a bearing on the final report, as they will give you some idea of who much detail to include, what level to pitch, what time constraints you are working under etc.

If you plan your report carefully, you will find that it will be easier to give the report – and (hopefully) easier for your audience to understand. As a rule of thumb, divide your report into three parts:

- i. **Introduction** – say who you are, why you are speaking and what you are going to talk about
- ii. **Main Points** – put your information in logical order, such as the order of time and order of importance
- iii. **Conclusions** – sum up your main points and make recommendations.

One should always attempt to make clear notes as *one should never read notes word for word*. These guidelines should be helpful in your quest to make clear notes:

- Lay out your notes so that the main points stand out
- Underline your headings
- List the main points clearly under each heading
- Note down any relevant documents in case you need to refer to them in discussion

Good notes should have a logical order so you may have to rearrange them after jotting down your first thoughts. You should make sure that the report is as long as you need (no one is likely to thank you for a report that's too long). Following is a template for report notes.

Name of Report Giver, Workplace and Audience to which the report is being given
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<i>Introduction</i>

This should include a brief outline of the report, including the grievance (if any), wider concerns that could arise from the case (e.g. infringements on the union's position re: the employer and possible courses of action)

<i>Main Body of the Report</i>

This should include:

- | |
|---|
| <ul style="list-style-type: none">• The background to the problem, including the viewpoint of the union and the employer• The union case, including mitigating circumstances the infringements of rights etc.• The union aim – what the union wants to achieve from any procedures undertaken• Union action – the course of action the union intends to pursue |
|---|

Conclusion

This should include a summary of the case and also recommendation for further action
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One should always be clear about the aims of any report, and so it might be useful to canvass opinion before drafting and presenting the final version. If you are conveying information in the report, make sure that it is clear and to the point – waffling is something to be avoided at all costs as it obscures the message and bores the audience. Remember, if you are trying to persuade people make sure that you tell them clearly and briefly what you want to make them to do and why.

Writing Minutes

Minutes are a record of what went on at a meeting. They may include a summary of reports, debates and information. **Most importantly, minutes must contain a clear note of decisions taken at the meeting.**

To make good notes you need clear and concise notes of the main points of the meeting (see the section above about *Making Notes*). It is better to write the final copies of the minutes while the details are fresh in your mind, so it is advisable to write them as soon as possible after the meeting.

The question of what to include is always a thorny one to answer. The most important thing to remember is that taking minutes does not mean writing down everything that was said – minutes are meant to be more of an *aide-de-memoir* than a complete transcription. Usually, meetings at which minutes are taken will have an agenda and it is sensible to base minutes around this. Start off by noting down the time, place and attendance. You can, if you wish, list the people who came to the meeting as well as any apologies from people who were unable to attend.

The ability to summarise is an most important skill for the minute taker. One should only record the main points of reports and debates – the aim is to help members and officers to understand the basic points later on. *E.g.* if there is a long discussion following a decision, you do not need to quote the entire discussion, just note that

‘Following a discussion, it was agreed that

(noting, where applicable, any dissension’s that have requested to be noted).

The noting of decisions is the most important part of minute taking. *Note the exact wording of all motions and amendments as well as the names of the movers and seconders.* One should also note the results of any voting: those for, those against and those who abstained. (Do not worry about holding up the proceedings of the meeting, as it is important to make accurate recordings).

Minutes are, as a rule, put to the next meeting to be approved. Once they have been agreed upon as an accurate record of what took place (be prepared for certain people to quibble about them), the Chairperson will sign them. Always leave a space at the bottom of the minutes for them to be signed and dated. Also, make sure to keep all minutes as you will need them if someone refers to a discussion or a vote that took place at a previous meeting.

Keeping Files and Records

Union representatives need files to help them store information in a logical way and to find information easily and quickly when you need it. Following are some suggestions on how to store your records productively:

- Ask management to provide a filing cabinet (or buy one if the branch fund can afford it)
- Decide on the main subjects you want your files to cover; for instance, branch minutes, union circulars, correspondence, health & safety issues, etc.
- Label all files clearly, and arrange them in alphabetical order
- Keep all papers in each file in chronological order – especially important for minutes and correspondence
- If you have a new document to file which doesn’t fit into your subject, do not shoehorn it in anywhere, create a new one
- When a file becomes too big, break it down into separate parts; for example, a Meetings with Management file could be broken into
 - discipline cases
 - health and safety
 - equal opportunities
 - annual pay claim
 - individual grievances

2. SPEAKING UP FOR YOURSELF

Union Meetings

Union representatives will find themselves involved in many kinds of meetings. These can include talks with members in your workplace, union committees, branch meetings, Trades Council meetings, regional and/or national conferences. The main aims of this section is to help union representatives to

- feel confident about taking part in meetings
- practice speaking in a meeting
- understand how meetings are run

Union meetings – of whatever level – need to be run professionally and efficiently.

Meetings can be either informal or formal. *Informal meetings* can be as loose and free-flowing as you want and are useful as they allow representatives to find out about problems; keep your members in touch with what the union is doing; build trust between people; get your members thinking about union issues. *Formal meetings* are usually much more structured affairs. The order of business will be set out in an agenda and there will be rules about when people can speak. There will also be procedures for getting through the business and for making decisions. (These rules and procedures will usually be set out in the *standing orders* of the union).

It might be useful to spend some time reviewing and discussing the current state of your union branch meetings. Working in small groups, discuss the following questions:

In formal meetings

- How do you feel in the union meetings you attend?
Bored? Or interested?
Clear? Or confused?
Involved? Or put off?
- Do you have difficulty understanding the jargon that is bandied around or are you put off from contributing by the way the meetings are run?
- In what ways do you think union meetings could be improved upon to make them more interesting and easier for everyone to have their say?

Formal Meetings

Union branch meetings, committee meetings, conferences, Trades Councils – all of these meetings will be run along formal lines. There are a number of reasons for this.

- There are (or one should hope that there are) too many people in attendance to run the meeting on an informal basis
- A lot of business has to be dealt with
- There is limited time
- There may be disagreement in the meeting which will need to be debated and reconciled

- Decisions made at the meeting will affect all relevant members of the union
- Decisions will have to be reported to other meetings

As has already been touched upon, formal meetings are run according to rules of procedure, the standing orders, which are similar in all unions. Many of these rules are common sense – e.g. only one person can speak at any time. Some rules are more complicated and contain confusing jargon. The most common jargon (all of which correspond to sections of a meeting) used includes

- The Agenda
- Minutes
- The discussion
- Points of Order
- Motions

The Agenda of the meeting is the list of things that will happen or will be discussed, and it is usually drawn up Chairperson and the secretary before the meeting. Between them they will (hopefully!) have a rough idea of how much time should be spent on each item on the agenda and will attempt to keep the meeting to these timings. Any member of the union can ask for an item to be put on the agenda. Usually there will be rules about how long before the meeting you need to give notice to the Secretary that you want an item included. Important business should not be put at the end of the agenda – otherwise there might be enough time to discuss it. If there is an important item or an emergency issue that needs to be discussed then the Chairperson can be asked to ‘suspend’ the usual rules and deal with this first. Depending upon the tenor of the meeting, the conventions of the union or the importance to the matter, either the Chairperson or the meeting as a whole (by way of a vote) will make this decision. The agenda is usually copied and circulated to members in advance.

A typical agenda

<u>AGENDA</u>	
1.	Apologies for absence
2.	Minutes of last meeting
3.	Matters arising
4.	Correspondence
5.	Reports
6.	Motions
7.	Any other business (a.o.b)
8.	Date of next meeting

Minutes, as has already been stated, are a brief record of the discussion and the decision reached in the meeting. *Matters Arising* from the minutes is a chance to ask questions about the last meeting. These should be genuine questions and not an attempt to resurrect old discussions and arguments.

Discussion will be controlled by the Chairperson (be it of the union or of the session), and people wishing to speak at the meeting will be expected *to speak through the chair* – that is, they should not speak out of order or without the Chair's agreement.

If there is a lot of business to be ploughed through – or if there is not much time – the Chairperson might stipulate that speakers can only contribute once on any item; the Chair might also impose a time limit on each contribution or even on the length of time devoted to a particular issue. To save time if there is a consensus on a motion, the Chair will call for any speakers against, rather than have a lot of speeches saying more or less the same thing. It helps the discussion immeasurably if speakers stick to the subject at hand and avoid repeating what others have said or turn their contributions into more wide-ranging sermons.

Points of Order deal with the conduct and the procedure of the debate. Anyone in attendance is within their right to say *point of order* if they believe that

- There has been a departure from the subject under discussion
- An objectionable form of speech is being used
- There is a breach of the rules of debate or the meeting's own, agreed, rules

The Chairperson will then decide whether the complaint is justified. The Chair's decision is final. *Points of order should not be used to waste time, delay decisions or disrupt business.*

Motions are formal proposals to make a decision, which usually involve a vote of those present at the meeting.

Making Decisions

Most proceedings have rules about when motions have to be tabled (that is, handed over to either the Chairperson or the Secretary), usually before the agenda is issued, so that everyone in attendance knows what issues are to be debated. However, this is not always possible – in such cases, an emergency motion can be tabled during a meeting. As soon as a meeting starts to deal with a motion, several things can happen.

1. The Chair will ask for a *proposer* and a *seconder* for the motion. If no one is willing to put their names to the motion, it will *fall* (that is, it will not be dealt with), and the meeting will progress onto the next motion for discussion
2. Once a motion has been proposed and seconded, the Secretary will record it in the minutes, along with the names of the proposer and seconder
3. The Chair will then ask the proposer and seconder to support the motion – they will say that they support it and why they think other people should support it
4. The Chair will then through the motion open to discussion
5. At the end of the discussion, the proposer has the right to reply to the debate – he or she will then deal with points raised during the discussion, although no new points can be introduced
6. Finally, a vote will be taken. If a majority of votes are cast in favour of the motion, it becomes a *resolution* of the meeting

Amendments are alterations to the original motion, and are tabled in the same manner as motions. Amendments that might distort the original motion should not be proposed (new motions should be made in such cases) as the chair is unlikely to accept it. If the mover of the original motion accepts the amendment, it will automatically become part of the motion; otherwise it will have to be voted on. Once it has been agreed upon, the amendment becomes part of the *substantive motion*.

Voting on motions can tend to be confusing, especially if amendments are involved. The amendment should be voted on first. If the voting goes against the amendment, then discussion can continue for the original motion. If the amendment is voted for, the motion, as amended, is voted on. To avoid any confusion, the Chair should have the amended motion read out to the meeting. The Chair has a casting vote and is reserved for when there is a tied vote. Otherwise, the Chair does not possess a vote.

Drafting motions is a precise skill. ALL motions should be carefully written, and each word used judiciously, because

- They may become statements of union policy, or
- They could commit the union to industrial action

It is sensible to write any motion that you wish to submit down in advance. There are four guidelines worth following when drafting a motion:

1. **A motion should only deal with one topic.** Multi-faceted motions should be avoided as you might find that people only want to support parts of your motion. Also, if you try and include too much information then the motion and the discussion will become too complicated and will get bogged down
2. **Be clear about your aims.** Work out what you want to achieve in advance, what you want to happen and who should be responsible for making it happen. Tactics are important too. It might be better to get the meeting to agree to a general principle before getting it to agree a course of action the next time it meets. (Obviously this depends upon the luxury of time – if you are working within narrow time constraints then you should try and get the meeting to agree to as much as possible)
3. **Think carefully about the words you use.** Your motion should be clearly worded and easy to understand. Suggest the course of action to be taken if the motion is passed and, importantly, put a time limit on any such action. Make motions as short as possible – don't try to put your whole case over in a motion as you will have opportunity to expand upon it when you speak at the meeting
4. **Work out where to send the motion if you want support or action from other bodies** – otherwise the action called for will never happen. E.g. a motion to change union policy should be directed at national conference; a motion on changing the format of branch meetings will only need to be referred to the branch committee

When drafting a motion put it together in a number of sections, including who the motion is from; a brief outline of the reasoning behind the motion; a suggestion as to who should take action; and an outline of what action should be undertaken and by what date it should be carried out.

For example:

Who from?	This Conference
Action by whom?	Calls on the National Executive Committee
What action?	To negotiate a minimum annual holiday requirement of 25 days as part of this year's national wage claim

Or

Who from? & Action by whom?	This branch
What reason?	In order to protect its members from the possible effects of new working conditions
What action?	Should negotiate a new health & safety agreement

3. HANDLING MEMBER'S PROBLEMS

One of the main jobs of any union representative is to deal with his/her members problems. These can include:

- Discipline issues – such as complaints about unfair treatment
- Changes at work – such as problems with new work methods or equipment, or changes imposed by management
- Pay and hours – such as bonus errors, incorrect pay, maternity pay, hours and overtime etc.
- Working conditions – such as health & safety, noise levels, pollution, dangerous working practices, stress and sexual harassment

In most cases, members will bring their grievances before you, although you must also look out for problems which members might not be fully aware of, e.g. threats to jobs or health. You must also remember that some members might not raise issues because they are not aware of their rights.

In this section we will be looking at the main stages of dealing with member's problems. These are:

- Interviewing members; getting the facts and proposing action
- Deciding how to deal with the problem. What information will be useful? What are your aims?
- Meeting management – putting your case and getting a fair decision
- Reporting back – explaining what happened and why, saying what will happen next, seeking support from members, keeping a record

Interviewing Members

Interviewing skills will help you make sure that you get all the facts from your members when taking up a case. The three main points are:

- **Put your members at ease.** Your members might be upset or angry because of what's happened and you may need to calm them down before you can sort out the facts. In such circumstances, it is important to find a quiet place in which to conduct the interview where you can sit and talk without interruption. You also need to put your members at ease – try and avoid giving the members the idea that you are cross-examining them. You are on their side.
- **Get the facts.** You need to ask five basic questions – *when?* (the date and time of any incident); *who?* (names of those involved); *where?* (place of incident); *what?* (nature of the problem); *why?* (the member's explanation of why the problem has occurred). The 'why?' question is the most difficult. It is to be expected that members will want to give a favourable view of their case, but if you are going to take the matter up you need to know the weak points as well. You also need to be aware of all relevant background information.
- **Proposing action and reporting back.** You need to be careful what you tell your members. You need, above all, to be honest with your members whilst also being sympathetic. You must make it clear to them that you will do your best without

making promises or raising false hopes. The members also need to be told exactly what you intend to do, who you are going to approach and how long the whole procedure may take. Finally, you should always arrange a time to report back to members.

Deciding how to handle a problem

Again, when deciding how to deal with the problem at hand, it is useful to set up a three-point plan of action:

- **The Problem.** Is there a genuine grievance? In some instances you may feel that there is no case for the union to support and you should tell your members so, explaining your reasoning as tactfully as possible. Any representative would be doing the union a disservice if he/she were to pretend that a weak case could be made to stand up under close scrutiny from management.

Many problems that you deal with will involve your employer, e.g. unfair treatment, health & safety, equal opportunities, wages, unreasonable workloads, lack of training. Some problems need advice rather than negotiation with management, such as problems with taxation or National Insurance. There are also going to be occasions where intra-union problems arise, e.g. the time of union meetings, the quality of union representation

Whatever the nature of the problem, *always check the facts*. When you have interviewed all those involved in the case, be sure to re-examine the information and the evidence you have gathered in. You need to piece together the most objective version of events so that you do not come unstuck at some point further down the line. You also need to decide whether or not the problem *is a one-off complaint*. All cases have both immediate problems and underlying causes, and you will need to decide which one to stress when you take up the case. It may be easier to settle individual cases but negotiations that take on broader issues may improve the general situation in the long term. A judgement call is needed to determine which route you take – usually this will be dependent upon the strength of the case and also the strength of the union vis-à-vis the management.

- **Information.** Once you have pinpointed the problem and have decided that the union is in a position to help, you need to find relevant information to help you resolve it. There are a number of things that you will need to check:
 1. *Your agreement.* This needs to be checked so that you are readily aware of matters such as pay, hours, holiday, sick pay, maternity leave, pensions etc. Always keep a copy of your agreement ready to hand.
 2. *Custom and practice.* If there is no written agreement in your place of work then you have to think how similar cases might have been dealt with in the past and you should quote them to your manager as precedent. Other union representatives should be able to help you.
 3. *Union policies.* Sometimes your union will have a local or a national policy which helps you to solve a problem, e.g. refusing to work with a particular chemical, restricting overtime, promoting equal opportunities.
 4. *Legal rights.*

5. *Ask for advice.* All unions employ full-time staff to help representatives deal with problems. Full-time officers are a valuable resource when you have reached a deadlock in any work-place negotiation – they are independent of your employer, can call on the resources of the wider union and can give advice based on their training and experience.

- **Plan.** Once you have gathered in all the information you need, you must work out a strategy for overcoming the problem. *You need to define your aims* – work out what you want in each case you deal with. *Work out your fall-back position* – work out the minimum you are prepared to accept. Bargaining is about reaching a compromise. *You need to decide what issues you want to take up* – use your disputes or grievance procedure for getting things done. *Do not forget the tactic of union pressure* – if you fail to agree with management about solving a problem then you may need to think about applying union pressure. **This is not a course of action to be taken lightly however.** Industrial action depends upon the willingness of your members to go on strike, so you should never bluff about the strength of members feelings; if you make threats that you cannot carry out your credibility with both the union and with management will be damaged.

CHECKLIST FOR HANDLING MEMBERS' PROBLEMS

Problem

- What are the facts?
- Is it a grievance?
- Is it an individual case or a broader problem?
- Can I settle it locally?

Information

- What do my agreements say?
- What does union policy say?
- Do any legal rights apply?
- Who should I ask for advice?

Plan

- What are the union's aims?
- How should I take up the issue?
- How can I bring about union pressure and involve the members?

Meeting Management

When you are handling members' problems you will often have to take them up with you manager or supervisor. Again, you need to plan carefully before meeting management and the following tips should help you do this:

- Keep your aims in mind. Remember both what you have set to achieve and also your fall-back position
- Put down your case simply and clearly, stating your aims
- Get management talking – wait for a reply

- Put forward your supporting information and arguments
- Try and work out an agreed decision which meets your aims. Look out for offers that management might make and *remember* that bargaining is about reaching a compromise. If you fail to agree, make it clear that you will be raising the problem with the union
- Keep a record, making clear notes of what has been agreed

Reporting back to members

Explain what happened, describing both sides of the case and explaining the reasons for the outcome. You also need to set out the next steps. Where necessary, explain to your members what you intend to do next. If you do not reach agreement explain how the matter will be taken up further with the union, ensuring that any further action is carefully arranged. Remember to keep a record. Below is an example of what to do:

Date and time
Name of Member
The Problem
Union Aim
Action Taken
Decision
Further Action Required

4. INVOLVING MEMBERS

For many union members their first contact with the union is through their union representative. As such, it is important for you to make a good impression. This will not happen automatically. It means:

- Being easy to get hold of
- Listening carefully when members talk to you
- Taking up their problems speedily and effectively
- Keeping them informed of what is happening in the union
- Encouraging them to become involved in the union
- Making sure they know what the union is trying to do and getting them to support union policies

Good communication is essential. Always keep the branch membership abreast of new developments – be it on a site, company or union level. Be proactive – hold regular meetings and listen to the concerns and views of the members. Also, think of different ways to disseminate information, e.g. leaflets setting out union policy in a particular case or grievance; posters setting out the national position of the union on such issues as health and safety and equal opportunities.

In many senses, good communication and attempts to involve the membership in the activities of the union on a branch level provide the oxygen that union's need to breathe and prosper. If you not involve the membership – or, perhaps more importantly, you do not provide members with an incentive to get involved with union – you should not be surprised if people lose interest and the strength of the union begins to wither away.

5. FINDING THINGS OUT

In this section we look at a couple of ways of finding things out. Solving trade union problems always requires both information that is relevant to the issue at hand, and knowing how to obtain it – information won't always arrive neatly packaged from your union office. As such, we will be looking at two further skills:

Using the telephone
Finding information

Using the telephone

Getting information by using the telephone can be a quick and efficient way of helping you to solve problems. It can also be frustrating and time wasting. Here are some hints to help you make the best use of the phone in your union work.

1. Always keep a notebook handy. You will need to jot down names of the people you contact and their extension numbers, as well as the details of the information you are looking for.
2. When you are phoning a large organisation ask the switchboard operator for the name of the person who can deal with your query. Do not allow yourself to be put through to an extension number without knowing who you will be talking to.
3. Most large organisations have information or public relations departments. Ask to be put through to them if you are not sure whether the organisation can help, or if you want to be sent information or literature.
4. Be clear why you are making the call. Jot down brief notes to remind you of the details you need to get. Tick them off or cross them out as you get answers.
5. When you get through to the person who might be able to help with your query, say who you are and why you are calling. When you have finished check with them that you've got their name right.
6. Keep a list of phone numbers of contacts and useful organisations and get into the habit of updating it as you come across new sources of information.
7. When you receive a telephone call, first check that they are speaking to the right person in the union. If not, re-direct them. If you are, and you feel unready to respond to their questions, tell them that you need to refer to the appropriate file and promise to call them back. Always make sure that you do. If you don't it might either undermine your credibility as a union representative, or they may keep trying to catch you again you'll be unprepared to speak to them.

Finding Information

Where to look:

- Your own union
- Trade union umbrella groups (TUC?)
- Socialist Party Research Department
- Local Government
- Government Departments

- Health & Safety organisations
- Trades Councils
- Public libraries

SUGGESTIONS FOR A COURSE IN SHOP STEWARDS TRAINING

STAGE TWO

1. AGREEMENTS & COLLECTIVE BARGAINING

Any discussions that the union might have with management (at least, any formal discussions) are usually structured by agreements and procedures. These set out, in some detail, what employees can expect from the employer in return for their labour. Once such an agreement has been made it will usually cover everyone. *It is the union representative's job to ensure that management keeps its side of any bargain agreed upon.*

Union members will also have a responsibility to abide by any agreements – as such, it is always important to let your members know what the agreements cover so that they can raise problems via the union.

There are a number of different types of agreements – workplace, local and national. It is important for you to bring together any agreements which cover your members at work. (National and local agreements should be readily available from your regional offices or, if they are not, can be found in the agreed minutes of meetings with management. See Stage One for more on minuting). Your agreements may cover

- Wages and conditions – including pay, holidays, sick pay, maternity/paternity leave etc.
- Grievance and dispute procedures
- Discipline
- Facilities – including time-off and union representation
- Equal opportunities
- Health and safety
- Recruitment and training of staff

All of these areas are negotiable – it is up to the union, be it on a workplace, local or national level, to approach the employer about all aspects of employment to try and get an agreement. These negotiable issues can be divided into substantive and procedural agreements. **Substantive Agreements** cover money matters and conditions of service, e.g. basic pay and holiday entitlement, whilst **Procedural Agreements** deal with relations between the employer and the employee, e.g. grievance and disciplinary procedures.

As has already been stated, it is vitally important that union members are kept abreast of all agreements as, ideally, they should all be aware of, and also understand, their rights. **It is your job to make sure that members have all the information re: their rights that they are need.** In an attempt to keep your membership informed, try and get your employer to issue a staff handbook outlining the current position. Also, make an effort to talk to new employees and also attend induction courses and training days.

Collective Bargaining

There might be a disagreement between unions and employers about the use of financial resources – should higher wages and better working conditions come before higher dividends for shareholders? The dialogue between union and employer is, at almost every level, one which seeks to reach a compromise between often conflicting priorities; e.g. Here are some typical examples of differing priorities:

<i>Employer</i>	<i>Union</i>
Profits	Wages
Dividends	Pensions
Investments	Holiday entitlement
Redundancies	Jobs
Productivity	Shorter working hours
Flexibility	Safety

Collective bargaining is, essentially, an attempt to resolve these conflicts of interest to the satisfaction of both union members and the employer.

By joining a union and persuading management to recognise the union, people at work are able to exert influence over their employers. *Where injustice has been done, collective action puts pressure on employers and may mean a fairer settlement.* Employers also benefit from collective bargaining, allowing them to approach union representatives about things which affect the workforce – it is easier for an employer to the union about what members want than to approach individual members. Despite this benefit, some employers may try to ignore the unions and just deal with individual workers directly. This can isolate people and undermine union organisation. **The right to defend union members must always be defended.**

How Does Bargaining Work?

Collective bargaining is a process of joint decision making. It involves the negotiation of terms and conditions of employment by employers and trade unions. For collective bargaining to work well there are certain conditions which must be met. These include:

- Unions *must be recognised* by an employer to represent their members' views and influence decision making
- A forum in which both sides can communicate. This could mean having a joint negotiating committee with regular meetings to discuss a range of issues. It may also mean having ad-hoc discussions when the need arises
- A willingness to negotiate to reach an agreement, often through compromise

Bargaining can take place at a national, regional or local level; how and when it happens will vary. The bargaining process could involve industry-wide talk between unions who represent thousands of workers and a large group of employers (e.g. engineering, local government). At the same time, negotiations might only involve a single union representative and supervisor discussing something that affects just one worker. Whatever the scope of the process, if an issue involves getting an agreed solution it involves collective bargaining.

ACTIVITY	
Bargaining: Your Role as a Representative	
Aims	To help you: review how bargaining takes place think about your role as a rep practice giving reports
Task	Are there regular meetings between union representatives and management at your workplace? If so, how frequently do they take place? Who is involved? What issues are discussed? How are members kept informed? How are union representatives involved?

Distinctions need to be outlined between consultation and negotiation. Consultation gives management the chance to find out workers' views before a final decision of some sort is taken, and under such circumstances the employer will reserve the right to decide, even where there is disagreement. As such, the prime aim of the union should be to influence decision making through negotiation. This means getting employers to accept that decisions should be made in tandem with the union – **there should be no change in members' jobs or conditions without arrangement**. Only joint decision making through negotiation provides some defence against arbitrary changes to patterns of work and conditions of employment.

There will, inevitably, be issues on which the union and the employer will fail to agree. When this happens, the union might try and resolve matters by recourse to

- An appeal to more senior management
- Taking out a collective grievance
- Going to arbitration

If there is still no agreement the union might consider industrial action. *This is, and should always be, the last resort.* Local union branches would need to involve senior union representatives and officials before any decision to invoke industrial action could be taken. Union members would also have to be convinced that negotiations had broken down leaving no alternative but to go on strike.

2. NATIONAL AND LOCAL BARGAINING

Most agreements and procedures are made either at local or national level, although it is not unknown for discussions to take place at a regional or district level. The aims of this section are fairly straightforward:

- examining how national bargaining works
- looking at the move towards local bargaining
- discussing the benefits of your bargaining arrangements.

National Bargaining

Where national bargaining exists, unions are usually in favour of keeping it. There are a number of advantages to national bargaining

- All workers in a company, service or industry are covered by national agreements. National claims also have more strength behind them as they involve the whole union membership
- National agreements give workers of the same grade or skill the same pay and conditions regardless of where they work
- Members in weakly organised workplaces can benefit from the bargaining power of their better organised brethren. A national agreement may give them more than they could hope to negotiate locally

In many industries unions have combined national agreements with local bargaining. This has given added flexibility as national agreements provide a minimum upon which local negotiations can improve.

Local Bargaining

There has been a trend over the past decade or so towards more local bargaining, particularly in small-medium industrial concerns and in the public services. This has mirrored a shift in managerial practice, with many businesses moving away from a top-down, heavily centralised command structure, passing on greater control over budgets and staffing to local managers. While some of these changes may have undermined the pay and conditions of some trade union members, the trend towards local bargaining is a new challenge which must be met. Local bargaining allows unions to deal direct with managers who have greater authority than before, can take decisions on the spot and who are open to trade union influence at a local level

Local bargaining – whether it is new or already in place – means that union members can be more involved in negotiations between their union and employers; always a good thing.

CHECKLIST
Agreements, Procedures and Bargaining

Do you have:

- Access to a complete set of agreements covering your members?
- Copies of union policy statements on improving agreements?
- A way of keeping up to date with amendments and new agreements?
- The chance to talk to new workers about their rights as members of the union?
- Ways of keeping your members aware of any changes to their existing agreements?
- A framework for negotiating (or preferably two – formal and informal) with management?

3. REPRESENTING MEMBERS

In this section we will look at what are arguably the five most important areas in which union representatives look after and stand up for the rights of their members, namely

- Handling members' problems
- Grievances
- Discipline
- Equal opportunities at work
- Health & safety

Handling Members' Problems

Union representatives must be prepared to deal with a wide range of problems and grievances, ranging from complaints about unfair treatment to problems with new work methods, queries about wages and hours to issues involving safety in the workplace. In many cases, your members will bring problems before you. But often you may need to look out for problems which members are not fully aware of, e.g. impending threats to jobs or status.

To begin with, you need to define whatever problems fall into your lap. Many problems involve **complaints about management**; e.g. pay, conditions, safety and harassment are issues which management is responsible for putting right, and can usually be dealt with by reference to your existing agreements or by recourse to the relevant grievance procedure. This said, some issues might arise that are not covered in your agreements – in such circumstances you may need to prod the union into adopting new policies and eventually approach management for discussion. Other problems may involve **complaints against fellow workers** – in personal disputes the union can be used as a useful, informal, arena where problems can be thrashed out. If this doesn't work, the member pursuing the complaint(s) may want you to take the issue to management. The union may also be called upon in cases of **problems outside of the workplace**. This is quite a grey area and requires union representatives to show discretion as to whether they wish to get involved. In these circumstances, representatives can only really offer advice or facilitate information.

The trade union approach to handling members' problems should ideally have three stages, the Problem, Information and the Plan.

1. The Problem

The first stage is to identify the problem, and to do this adequately you will need to talk to member or members concerned. Make sure that the facts of the case are correct and that all complaints with which you progress are justified.

- Is the problem a personal one? (You should be aware that some 'personal problems' can cross over the boundary and become enmeshed with work and vice-versa; e.g. illness and time off might be triggered by stress or by breaches in health & safety regulations)

- Is the problem an individual or a collective one? What at first appears to be an individual problem may also affect other members, e.g. change in pay, job content or working conditions for one member might reveal a change in management policy towards the whole workforce. As such, *anything that undermines an agreement poses a threat to the entire membership*. For example, if one member is paid short it could very well be a mistake. If other members have the same problem however, the union should argue for more finance staff and/or more efficient pay-out procedures. *Negotiations on an individual case can affect other members by setting a **precedent**. Because of this you should be prepared to consult other representatives to clarify and the unions' position.*
- If a member has a problem there will probably be an underlying reason.

2. Information

The second stage consists of getting the relevant information, and it is important that you carry out a full investigation, as the things you find out about the case will largely determine what you decide to do. There are several sources of information you can try.

- Always check your agreements, and any other written documents, before you take up a problem with management. These may be found in a number of places, including works rule-books, collective agreements, national agreements and existing customs and practices. Management may have broken an agreement. If so, you must look at the agreement to see if it's being applied. If it is not, then you should raise it with management. **Re: Custom and practice** – there may be an unspoken arrangement which management has accepted over the years and now suddenly wants to ignore or change. This may cover things such as teabreaks, flexible workings, visits the doctor etc.
- **Legal rights** – if a member brings a complaint, check to see if the issue is covered by the law. Members' individual legal rights may cover a written statement of contract; paid maternity/paternity leave; redundancy payments; protection from discrimination; time-off for union representatives; lay-off pay; health & safety; unfair dismissal.
- **Union policies** – These set out union aims in negotiations. They could be national union policies or more local ones. They cover a wide range of topics including national policy on wages, local policy on overtime working, bargaining aims for equal opportunities and policies on handling dangerous chemicals. *You should be aware of union policies and use them to help decide your bargaining aims.* Your senior representative or full-time officer should be able to tell you about local and national union policies. Details are often reported in union journals and in union booklets.
- **Take advice** – Even when you deal with an individual problem try to work collectively if you can. Other representatives may have dealt with similar issues in the past, and their experience could be invaluable. If the problem is a very serious one, approach a senior rep, branch secretary or full time official for advice and guidance.

3. Plan

The third stage of this procedure is to work out a plan of action. Use all the information you have collected to look at the problem and then decide upon the appropriate action.

- **Define the union's aims.** Your aims will depend upon the type of problem, the merits of the case and the extent of membership support. Is the problem a grievance? Does it affect more than one member? Does the problem warrant a collective dispute?
- **Decide upon the action you intend to carry out.** Your workplace should have procedures for handling members' problems. This will include a grievance procedure for taking up individual issues. You may also have a disputes procedure for dealing with collective problems; if not, everything will be dealt with through the grievance procedure. There are occasions when the normal procedure can be bypassed however – if the matter is minor and can be sorted out by informal agreement with management; if the problem involves nationally-negotiated issues, which means that it might have to be resolved outside the workplace; or if the problem is urgent and you want to raise it with senior management without delay.
- **Involving members.** When you take up a member's problem they may go with you, although that depends upon the disposition of the member and the management and also upon the seriousness of the problem. Whatever course you choose be sure to keep the member(s) informed. Remember, you rely upon your members to bring you their problems and to back you up. They need you to represent. Where members' problems are handled promptly it gives them confidence in the union and in your ability to represent their interests effectively.

CHECKLIST **Handling Members' Problems**

Problem

- Are the facts known?
- Have you interviewed those concerned?
- Is it a genuine problem?
- Does it involve an individual or is it collective?
- Are other workers affected?

Information

- Look through your agreements, both local and national
- What about custom and practice?
- Has it happened before?
- Is the problem covered by law?
- What is union policy?
- Should you take advice?

Plan

- What should the union hope to achieve?
- How strong is the union position?
- How should the union approach it?
- How can you involve members?

ACTIVITY
Representing Members

Aims	To help you deal with members' problems and develop the skill of planning your approach
Task	Briefly identify some of the members' problems being dealt with by reps in your group. Take one example to discuss in-depth, and work out how you would handle the case. Use the trade union approach (Problem-Information-Plan) as a guide, keeping note of the relevant points.

Grievances

If a member has a disagreement with their supervisor, which they cannot settle, it could lead them to take out a grievance. Most grievances are about aspects of the worker's job, or their treatment by management.

All reps must remember that for many members, making a complaint about their supervisor or manager is a very big step, and this may cause them some anxiety. As such, you need to reassure them, being sympathetic and supportive and also explaining the whole procedure step-by-step.

Grievance procedures should have stages and time limits. If the member's complaint isn't settled at the first stage it will go to the next level in the procedure. This will continue until either the procedure is exhausted or the issue is resolved. Here is an example of a grievance procedure:

Grievance Procedure	
Stage One	Member raises problem with supervisor ...if no agreement ...
Stage Two	Union rep discusses with supervisor ...if no agreement ...
Stage Three	Union rep meets department manager ...if no agreement ...
Stage Four	Union rep meets senior management (by this stage you may need to involve your full time officer).

This is quite a basic framework. Going into more detail, most procedures include:

- **Several stages.** The number of stages should be kept to a minimum. In most cases, 3 or 4 should be adequate. Too few could remove problems from your immediate manager (where most issues can usually be quickly resolved). Too many might result in members never having their problems resolved.
- **Time limits.** These should be as short as possible. During the first and second stages, two or three days should be enough to arrange a grievance hearing. The third and subsequent stages might require longer if they involve senior managers and full-time officials.
- **Management authority to take action.** You should make sure that the manager or supervisor you are dealing with is the right person who can make decisions. If the procedure refers you to another level of manager, go directly to see them.
- **Union involvement.** The union should be involved from the start. Some procedures say that members must first raise the problem with their supervisor – only if the problem is not resolved does it become a grievance. This may put some members off taking out a grievance as they might feel intimidated by the procedure of raising the problem with their manager on their own. By the first formal stage, a union member will usually be able to involve their union rep. If the grievance is not settled and goes further you may want to call in a more senior rep or an elected official.
- **'Status Quo clauses'.** Members often have problems because management try to introduce changes without consulting the union. This could cover a range of issues, from new work and extra duties to different working patterns and changes in conditions. Any changes should only come about discussion and agreement with the union. Where change takes place without prior negotiation, members may have a grievance. The grievance procedure should allow a return to normal working until the grievance has been heard. This is called the status quo. It simply means leaving things as they are pending further discussion between the union and management. Following is an example of a status quo clause suggested by the British Trades Union Congress (TUC):

It is agreed that in the event of any difference arising which cannot immediately be disposed of, then whatever practice or agreement existed prior to the differences shall continue to operate pending a settlement or until the agreed procedure has been exhausted.

- **Health & safety.** Where normal working might mean going back to unsafe working conditions, it may be worth trying to negotiate an extra clause.
- **Racial/sexual harassment.** As with the above, an extra clause should be negotiated which allows for disciplinary action in the event of both sexual and racial harassment.
- **Failure to agree.** What happens when you come to the end of a grievance procedure without reaching an agreement? There are five possible outcomes:
 1. *Management concedes.* Sometimes management may concede rather than force the issue. This is more likely where the union appears determined, members are behind the grievance or management has more to lose than gain from a dispute. When you prepare a case, think about how management might view it. What are the strengths and weaknesses of their position?

2. *The union reconsiders.* At the end of the grievance procedure the union may decide that it can do no more. You should, however, avoid going through all the stages if you think that the case can't be won or the members are unlikely to back you. Don't take a complaint all the way just for the sake of it.
3. *The grievance continues at a higher level.* In certain industries, like railways, the health service and local authorities, local grievances can be taken up through national or regional appeals machinery.
4. *Arbitration.* In some cases you may agree with management to go to arbitration – this involves calling on a third party to look at both sides of the case and make a judgement. Most unions and employers are reluctant to do this, since it takes things out of their hands.
5. *Industrial action.* If talks break down the union side may consider industrial action. This could take a number of different forms, including selective action, working to rule, accepting no new work, banning overtime, withdrawing cooperation and strike action. Before any action takes place, the law requires that a membership ballot be held. You should also consult union policy and your rule-book. By this stage you must ensure that the branch secretary or full time officer is involved.

CHECKLIST
Grievance Procedures

- Are there too many stages?
- Are the time limits satisfactory?
- Is the union involved at every stage?
- Does the procedure have a status quo clause?
- Is there an appeal if the procedure is exhausted?
- Do members know about the procedure and how to use it?

Discipline

All workers are expected to keep to the terms of their contract which includes doing their job, obeying reasonable instructions and keeping works rules (e.g. on safety, time-keeping etc.). Any infringement could result in management holding a disciplinary hearing. When this happens you would need to check the disciplinary procedure agreed for your workplace. Make sure that management has used the proper procedure. If they have not it could affect your member's case, and might well invalidate any disciplinary action which management decides to take.

Handling a disciplinary problem. When you are dealing with a member's problem which is to do with discipline use the three stage approach of Problem-Information-Plan, outlined above. This should help you work out what steps to take and which arguments to use.

1. *Problem.* You should interview your member(s) in order to check the facts. Then you can identify the problem. It could be that management has not investigated

the problem properly, the punishment was too harsh or the procedure was unfair. The type of problem you identify will help you decide what to do.

2. *Information.* Look at the disciplinary procedure – has management followed it? If not, your member may have a strong line of defence. (Custom and practice is also important as the ‘offence’ might have been allowed in the past and other members might have got off more lightly. This could be used to show management inconsistency or that your member was harshly treated. Legal issues should also be born in mind. When a worker is sacked, the law states that there must be ‘fair reason’ (i.e. a worker’s capabilities and qualifications, conduct, redundancy, employer’s legal duties) and also that the employer must ‘act reasonably’ (e.g. unfair reasons include being sacked for union activity, pregnancy and unfair selection for redundancy).
3. *Plan.* You will need to decide upon your aims, which will depend upon the relevant case. Aims could include getting a punishment reduced, changing procedure or arguing for better training for supervisors in handling disciplinary cases.

The Disciplinary Interview. There are certain key steps which employers should consider when dealing with a disciplinary matter. They should gather the facts, be clear about the complaint and, if the action is needed, arrange a disciplinary interview. The worker should be given:

- Details of the complaint
- Told of the arrangements for the hearing
- Informed of the right to representation.

At the hearing the manager should adopt the following approach:

- Introduce those present and the purpose of the interview
- Outline the complaint
- Allow the worker to reply
- Consider any new evidence
- Adjourn to consider the facts and decide what to do.

Trade union arguments. There are many different arguments to consider. Often it will be appropriate to use several. The key ones include breach of procedure, mitigating circumstances, previous record, precedents, unsuitable punishment and victimisation. Members can be sensitive about disciplinary matters. They may not want to tell you everything, so deal with them in confidence, explaining that you need to know what’s happened in order to defend them. If they only tell you half the story, it will weaken their case.

Disciplinary procedures. A disciplinary procedure consists of a set of rules about how management should behave when they decide to take disciplinary action. This usually covers the right to representation and to appeal against unfair treatment. Disciplinary action should not just be about punishment – the main objective should be to advise,

support and encourage workers to improve their conduct or fulfil their duties. There are a number of steps to a disciplinary procedure.

How the procedure works. There are a number of key features that all procedures should have. These are:

- *Warnings.* Many alleged breaches of discipline will be dealt with informally by the supervisor. Where there still appears to be a problem, management may invoke the disciplinary procedure. If the allegation is upheld, this will usually lead to a verbal warning. Any further misconduct may result in management taking further action which could lead to a written warning.
- *Penalties.* Unless the procedure says otherwise, an employer cannot impose a fine or dock wages from someone found guilty of a disciplinary offence. (Make sure to check your agreements).
- *Gross Misconduct.* Where a worker is charged with gross misconduct your procedure may allow management to convene a hearing which will lead to dismissal if the individual is found guilty of the offence. Examples of gross misconduct can include theft, fighting, drunkenness, gross insubordination or sexual/racial harassment. Some employers include incidents or behaviour that takes place outside of the workplace and working time. Sometimes workers can face the sack for what ought to be treated as a minor offence. (In some cases where there are exceptional circumstances, mitigation might lead to a final written warning).
- *Time limits.* If a warning has been issued it should only last for a limited time – how long will depend upon your procedure. It is common for verbal warnings to last for up to three months, written warnings for up to six and final warnings for up to twelve. You should keep a note of warnings issued against your members and double-check with management that they have been removed at the right time.
- *Representation.* If a member faces disciplinary charges make sure they are represented. Most procedures give this right, although some do not allow representatives to be present for a verbal warning. A union rep will know more about the procedure, how to present a case and how to deal with management. And besides, the issue may set a precedent and affect other workers.
- *The right to appeal.* If management can't support its decision to discipline with facts or if they haven't followed the agreed procedure, members should be encouraged to appeal. Most procedures say an appeal should be convened by a senior manager not involved in the original hearing.
- *Authority to dismiss.* The written procedure should say who has authority to dismiss. Only senior managers should have this power, not the supervisor or immediate manager.

Disciplinary action against union representatives. Disciplinary action against a trade union official can lead to a serious dispute if it is seen as an attack on the functions of the union in the workplace. Normal disciplinary procedures should apply to representatives as employees. However, no disciplinary action beyond a verbal warning should be taken until the circumstances of the case have been discussed with a more senior union representative or full-time official.

CHECKLIST
Disciplinary Procedure

- Does the procedure have sufficient stages?
- Are offenders given time to improve?
- How long does misconduct stay on record?
- Can members see their files?
- Is instant dismissal ruled out?
- Does the procedure list examples of gross misconduct?
- Can members be fined or suspended without pay?
- Is there a right to representation at every stage?
- Is there a right to appeal at every stage?
- Does the procedure say which senior managers can dismiss?
- Are union officials brought in if a representative faces charges?

ACTIVITY
Improving Your Disciplinary Procedure

Aims	To help you review your disciplinary procedure; develop the skill of reading and analysing documents; work out improvements.
Task	Are there any weaknesses in your present procedure that the union might want to improve upon? Make a note of: This section (comparing the checklist with your current procedure) The strengths and weaknesses of your current procedure Your proposals for improvement.

Equal Opportunities at Work

Equal opportunities at work is about the right of all workers to be treated fairly, regardless of their sex, race, physical ability, sexual orientation or marital status. It is also about getting rid of discrimination and prejudice at work and in the union.

If equal opportunities policies are not practised, employers can use one group of members to undermine the strength of others. This divide and tactic has always been used as a way of keeping wages down and working conditions poor. Unions should persuade employers that everyone should have the same access to job opportunities – regardless of traditional assumptions about working practices and conventions. Furthermore, your union should also work to prevent disadvantaged and/or 'minority' groups being discriminated against – or suffering harassment – at work.

Individual members cannot overcome prejudice and discrimination on their own. It is the job of the union representative to help promote equal opportunities at work, and deal effectively with member's complaints about harassment. Tell your members why the union is opposed to all forms of discrimination. Explain that unfair treatment – whoever is responsible – is in no one's interest. All it does is hurt individuals and undermine the union.

The Problem. Sex and race discrimination can be either direct or indirect: *Direct discrimination* happens when people are openly treated less favourably because of their sex, marital status, colour, race etc. It is usually obvious and always unlawful. One example would be where a job advert states that a post is open only to one sex or racial group for no justifiable reason; *Indirect discrimination* is where a condition or requirement is applied to a job which – intentionally or not – adversely affects one sex or racial group and which cannot be justified by an employer. The effect is discriminatory and, as such, unlawful. An example of this would be where part-time workers are laid off first when there are redundancies. It could be argued that this is indirect sex discrimination since around 90% of part-time workers are women. In effect, this would be a case of ‘women’s’ jobs going first and so may be shown to be unlawful.

The groups most affected by prejudice and discrimination in work include:

- Women. (Discriminated against because of their sex).
- Workers from ethnic minorities. (Discriminated against because of their colour/race).
- Workers with disabilities
- Gay and lesbian workers. (Discriminated against because of their sexual orientation).

Information. When a member comes to you with a grievance that has equal opportunities implications, you will need to handle things sensitively. It may be very difficult for the member to make a complaint and they will need your support and encouragement throughout. Ideally, you should

1. Advise the member to keep a diary of when the harassment occurs
2. Talk to other workers to find out if they have evidence which could support the complaint
3. Represent the member as in any normal grievance

*The best way to deal with discrimination is to negotiate an equal opportunities agreement with the employer which promotes equal treatment for **all** workers. Again, the TUC has suggested that a model equal opportunities clause could read as follows:*

The parties to this agreement are committed to the development of positive policies to promote equal opportunity in employment, regardless of worker’s sex, sexual orientation, marital status, creed, colour, race or ethnic origins. This principle will apply in respect of all conditions of work including pay, hours of work, holiday entitlement, overtime and shift work, work allocation, guaranteed earnings, sick pay, pensions, recruitment, training, promotion and redundancy.

The management undertake to draw opportunities for training and promotion to the attention of all eligible employees, and to inform all employees of this agreement on equal opportunity. The parties agree that they will revise from time to time, through their joint machinery, the operation of this equal opportunity policy. If any employee considers that he or she is suffering from unequal treatment on grounds of sex, sexual orientation, marital status, creed, colour race or ethnic origins, he or she may make a complaint which will be dealt with through the agreed procedures for dealing with grievances.

Persuading your employer to adopt a general statement of intent is a first step.

You should also be prepared to flag up the relevant national and EU legislation regarding equal opportunities if the need arises.

Plan. Once an equal opportunities policy is adopted, you should start to monitor how the employer is performing. This means looking at the workforce to see what the mix is between men, women, black workers and workers with disabilities. You may find that one particular group is under-represented; something the union might want to take further. There will be a constant need to monitor the employer's employment policies and the attitude and behaviour of management. There are three particular areas of concern:

- Recruitment – check that adverts are aimed at all groups (this does not have to be explicit, but try and make sure that advertising does not target one group specifically); examine the number of applicants according to race and sex for all grades of vacancy
- Training – monitor applications for training to assess who is being trained and if any groups need special provision. Language needs or assertiveness for women are examples. This type of training will help equip women, black workers and workers with disabilities both for their current job and for further promotion.
- Promotion – monitor the number of women, black workers and workers with disabilities who are applying for promotion. Compare this with the number who succeed. Is there a mis-match? Examine the interviewing technique, questions asked etc. to screen out any prejudice or racist or sexist assumption.

Equal opportunities at work means more than negotiating policy statement. To make it a reality requires a series of other changes too. Unions should strive to negotiate agreements with their employers to cover:

- Maternity leave and the right to return to work
- Paternity rights
- Childcare facilities
- Full-time rights for part-time workers
- Facilities for workers with disabilities – including access to adapted equipment and machinery
- Acknowledgment of cultural needs; e.g. diet, language/literature, extended leave arrangements.

CHECKLIST
Equal Opportunities

- Does your employer have an equal opportunities policy?
- Do employees know about it?
- How is it monitored?
- Are special needs accounted for in
 1. Job adverts?
 2. Recruitment?
 3. Training?
 4. Promotion?
- Are complaints of discrimination taken seriously?
- Is there provision for training all staff in equal opportunities matters?

Health and Safety at Work

Most workplaces now have union safety representatives to investigate problems and raise them with management. But safety is not just a technical issue which can be left to specialists to sort out – all union reps need to be aware of the basic union approach to safety, and to discuss safety within the union.

ACTIVITY
Hazards at Work

Aims	To help representatives identify safety hazards and discuss the trade union approach to safety
Task	<p>Note down the various types of hazard which occur in your workplace. Discuss if the union in your workplace is well organised on health and safety:</p> <ul style="list-style-type: none"> • who deals with safety problems? • how quickly are safety issues dealt with? • are there adequate links with management? • is safety treated differently or separately from other bargaining issues?

When dealing with safety problems in the workplace, use the three-stage approach Problem – Information – Plan.

Problem. A large number of accidents, injuries and industrial diseases are preventable and often the problem is not the result of a careless worker but of a poor working environment. e.g. unsafe equipment, lack of training, inadequate working practices and hazardous materials. This is where trade union organisation can make all the difference. *Hazard spotting is also important* – these can be identified in a number of different ways:

- Talking directly to members
- Regular workplace inspections
- Getting information from employers/suppliers

- Looking at accident reports
- Doing a survey of members views

Accidents may happen to just one person. The safety investigation must always look further than the immediate problem, as it must also consider the reason or cause, and this will often point towards the work environment for which management is responsible.

Information. There may be agreements setting out safe working practices or management's responsibilities to keep unions informed. There may also be special agreements setting out how safety problems should be taken up. *General agreements* will be important. Bonus agreements, staffing levels and work methods all affect safety, for example. If you have a status quo clause in your disputes or grievance procedure use it to insist that safety is taken into account whenever new machinery, substances or working practices are brought in. Safety reps should have the right to time-off with pay in order to undertake their duties, which means investigating accidents, carrying out regular inspections, interviewing members about health etc. As such, reps must be given the relevant information regarding

- Equipment
- Chemicals and other substances
- Company statistics on accidents
- Any reports from the health and safety inspectors on safety in the workplace.

Plan. Trade unions aim to secure a safe and healthy working environment by getting employers to eliminate hazards at source. This means management making real improvements. Protective clothing like goggles, earmuffs and masks are only second best – they do not get rid of the hazard. There are other issues that you must always keep in mind:

- Taking up safety issues – you can easily find out who is responsible for safety by looking at your employer's safety policy. It could be your immediate manager, a senior manager or a works health & safety officer. You may have to choose between using the grievance or disputes procedure and a special procedure for health and safety issues. To find out which applies to your workplace you should, as always when in doubt, check your agreements.
- Liaising with safety reps – in many cases the union rep will also be the safety rep. If not, make sure you involve the safety reps closely in all problems which could affect health and safety at work.
- Involving the membership.

4. DEALING WITH MANAGEMENT

In this section we will look at:

- Employment law and workers' rights
- Negotiating with management
- Bargaining issues

Employment Law and Workers' Rights

National and EU law sets a framework of basic rights that union representatives may build on through collective bargaining, so it is important that you are aware of what the law offers and make sure that your members get no less than that.

Every worker should have a contract of employment with his/her employer. The basic contract is the exchange of work for wages, and it comes into force as soon as you start work.

Negotiating with Management

There are three basic types of negotiating that union reps might be involved in: negotiating new agreements on behalf of members; making sure that agreements are kept; and re-negotiating agreements when things change. **Your main task will be to keep management to the agreements and to handle members' problems.** This means applying existing agreements and procedures. To do that you must be familiar with them and how they work. You will also need to develop your negotiating skills.

Preparation. Whenever you take up a member's problem you are involved in negotiating. Your job will be to deal direct with the supervisor or manager. Always take the time to prepare in advance – a well thought out plan will help you when you negotiate. Use the Problem – Information – Plan approach:

- Establish what the *problem* is, what happened and who was involved. Interview them and any witnesses in an attempt to identify the type of problem.
- *Information* – check your agreements. Think about custom and practice and decide whether it applies; are there any precedents? Does the law apply?
- You can now formulate your *plan*. Work out your aims in advance, also establishing a fall-back position that your members would be prepared to accept. Work out your own arguments in advance too, as well as those of management so that you can re-but them when necessary.

Union strength. Negotiations are not always decided by what happens when you meet management. A key factor in deciding the outcome is union strength. An employer is more likely to listen where you represent the majority of the workforce rather than only a minority. Membership recruitment, participation and effective organisation are all crucial. Whenever you represent your members on an important issue ask yourself:

- How much do the members know about the issue?
- Are members' views divided?
- Do members feel strongly about the issue?
- Is there support for the union proposal?

Apart from preparing your case, getting the full backing of your members is the most important thing to do before any negotiation.

Presenting your case. Try to create an atmosphere in which discussion can take place. But be firm and insist that management listens to what you have said. *Try not to become flustered* – take your time. Also remember that, whenever you are negotiating, you are acting as a union representative and not as an employee – you may represent a large number of people and should be treated with courtesy and respect commensurate to your position. *Do not be afraid to use your notes* – explain your end of the case and keep to the main arguments. When presenting your case you should aim to

- Concentrate on your strong points
- Keep to your main arguments
- Move discussion away from any weak points
- Always keep to the point
- Watch for management offers. (If management make an offer, or say something you hadn't prepared for, do not be afraid to adjourn proceedings to consider your response).

Having a clear idea of your aims in advance always helps. Try to persuade management that your solution to the problem is the best available. You should always remember that negotiation is about compromise, so be prepared to countenance trade-offs with management. *Whenever you make a concession, try and get something back in return.*

After negotiations are over, any management offer should be put to the member before it is accepted. In many cases, e.g. an individual grievance, the member will be there with you. Where they are not, always report back. Make sure that there is also a written record of what's been said – go through the wording with management to see that it is clear and accurate or, if you disagree, ask them to set down their position for the member to consider.

CHECKLIST
Negotiating with Management

Preparing your case

- Find out the facts
- Work out your aims

- Work out your key arguments
- Think about management's likely response
- Have a fallback position

Meeting management

- Have a pre-meeting with your member(s)
- Don't disagree in front of management
- Keep to your strong points
- Use adjournments if there is a problem
- Look for management offers
- Take notes

Report back

- Discuss what happened with the member(s)
- Is the management's position acceptable?
- What should happen next?

Bargaining Issues

Most of your time will be spent handling individual problems. You also need to know what the union is doing, its policies and plans on issues that concern your members. You may have to:

- Answer questions on union policy to recruit new members
- Explain the union view on the latest pay claim
- Persuade members to support a union policy
- Carry out a survey of members to help decide your priorities

Union priorities. Taking the initiative by going to management with demands from union members is important. Why? Because it allows you to win better pay, shorter hours, paternity leave, improved pensions, etc. Asking members their needs, listing your priorities and persuading management to discuss them is the basic trade union approach.

Union bargaining aims. Most workers want a secure income, a secure job, good working conditions, a better standard of living and a say in the way things are run. The key aims of trade unions cover:

1. Jobs
2. Protecting part-time workers
3. Ending low pay

4. Securing equal opportunities
5. Improving the quality of work
6. Having a right to a voice.

- *Jobs.* Trade unions want full employment and prosperity. This means support for economic policies which create jobs. In a time of rapid technological change and the existence of the Single European Market this means getting new jobs fast enough to compensate for declining ones; the creation of a training and education system which trains workers and develops their skills to the full; protecting workers against being made redundant.
- *Protecting part-time workers.* There are over 6 million part-time workers. Employers have reduced permanent full time staff and taken on part-time labour, recruited casual staff, taken on sub-contract labour for an increasing number of services and employed people on short-term contracts. Unions should aim to give part-time and temporary workers the same status as those in full-time employment (including sick pay, pensions and holiday entitlement).
- *Ending low pay.*
- *Securing equal opportunities*
- *Improving the quality of work.* In a period of rapid change job descriptions and work content should be reviewed to improve job satisfaction. Trade unions want employers to: take notice of what workers say about the way their work is organised; improved the variety and quality of work by changing the job to fit the worker; introduce a 35 hour week; provide quality training for the workforce to enable workers to develop the skills they need; and introduce an effective policy for health and safety at work
- *A right to a vote.* Unions want to be involved in managing change through collective bargaining – this means getting employers to negotiate and take the views of the workforce into account. The aim is to get change by agreement. *The European Company Statute requires employers to provide information and consult their workers on a range of issues including major change.* This could take the form of representation on the board (by a worker elected by the workforce); creating a works council (separate from the board, where elected workers' reps would meet representatives of management); or collective bargaining (through similar structures to those that already exist, but safeguarding the interests of non-union members). **Employers should treat trade unions as social partners, able to represent the views of workers and negotiate on their behalf on a wide range of issues of concern to people at work.**