

Industrial Relations Framework Agreement

Facilities for Union Representatives

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Facilities for union representatives

This agreement applies to all grades represented by the Communication Workers union in Post Office Counters Ltd and includes postal officers, postal assistants, retail assistants, secretaries, typists, data processing operators and cleaners.

Statement of principles

Post Office Counters Ltd and the Communication Workers union share a commitment to providing a consistently professional service to customers, both external and internal, to encouraging an environment where commercial success can flourish and where all employees feel that there is concern for their well being and recognition for their value and contribution.

The business and the union recognise the importance of establishing well understood and observed procedures to ensure that both parties can work together constructively. The agreement which follows describes the framework necessary to fulfil this aim.

1. Facilities time

Post Office Counters Ltd recognises that union representatives have responsibilities towards their members, both individually and collectively, and to their union as well as to the business, and that it is in the general interest for them to be allowed reasonable time off in working hours to help them discharge these responsibilities.

The business understands the need to support the effective conduct of industrial relations by providing appropriate office facilities and through relevant industrial relations training for representatives and managers. The business and the union accept a joint responsibility for avoiding unnecessary cost in the provision and use of these facilities which will not be withheld unreasonably but will be organised so that service to customers is maintained.

2. Paid leave

2.1 General principles

Representatives whose paid leave of absence for industrial relations purposes has been authorised should be paid the basic pay and allowances that they would have received had they been at work. In the case of short duration release, pay and allowances should simply continue as if the employee were at work.

The business agrees to full time release for two executive council members and for seven Regional Counters Representatives. Standing order committee members shall receive up to 10 days paid leave annually for committee work. Additionally, a representative will be elected to represent employees of Post Office Counters Ltd in Northern Ireland and this person will be afforded recognition and comparable status, with facility time negotiated with the Head of Human Resources, Scotland and Northern Ireland.

The following principles and considerations also apply to the organisation and approval of paid leave.

The amount of regular release time will depend upon the role of the representative, the location, membership and the geographical spread of the business unit. The broad principle and pattern of facility time for Section Secretaries should be negotiated at regional level by the Head of Human Resources and the Regional Counters Representative. In the event of agreement not being reached, the issue will be referred to the headquarters of the Communication Workers Union and the Regional General Manager. Facilities time currently agreed should be maintained until negotiations have been completed.

There will be occasions where additional release is required to deal with emergencies. This will not be unreasonably withheld but must be approved by the appropriate manager.

Where no regular release has been agreed and facilities time is ad-hoc, as far as possible leave should be planned in advance. The request should specify the release time required and the reasons for requiring it which must be robust.

All ad-hoc release time granted will be notified to the personnel section on a weekly basis using the form at annex A.

2.2 Purposes for which paid release may be taken

2.2.1 Appearance on behalf of constituents

Paid leave should be given to union representatives who appear on behalf of constituents before a court or tribunal which is dealing with an industrial relations matter concerning the Post Office.

2.2.2 Joint management meetings

Paid release should be granted for joint meetings with management which should include any time needed to travel to and from the meeting.

2.2.3 Pre-meetings

To assist the efficient functioning of industrial relations arrangements, it may be necessary for a representative co-ordinating meeting to be held immediately prior to a joint meeting. Paid time off may be given for this purpose. The circumstances which warrant such time off are a matter for agreement between the appropriate local manager and the union representative concerned.

2.2.4 Union conferences

Paid leave shall be given to executive council members and regional Counters representatives, including the Northern Ireland representative to attend union conferences. Other conference delegates/trainee delegates will be afforded special leave II

In recognition of the special circumstances in Chesterfield and London business units, Section Secretaries will be afforded fully paid leave to attend union conferences.

2.2.5 Industrial Action

Management and unions have a responsibility to use agreed procedures to resolve problems constructively and to avoid industrial action. Paid release from normal duty should be allowed for this purpose.

Unpaid release will be afforded to enable representatives to meet legal requirements in respect of workplace ballots and to enable them to provide information as required by the Trade union Reform and Employment rights Act 1993.

Release will not be allowed to union representatives for the purpose of encouraging industrial action.

2.3 Overtime

Should Regional Counters Representatives work more than their standard hours and this is by management request, overtime will be payable. Section Secretaries will be paid overtime for any work done in excess of standard hours where this has been planned and agreed with the appropriate manager.

2.4 Unpaid leave

In addition to the union's involvement in the representation process, Post office Counters Ltd recognises the need of the union to ensure the active participation

of its membership so that it can act in a fully representational manner. The business recognises that branch officials as well as accredited representatives will have an important role to play in union organisation and the conduct of union business. This will include the issuing of credentials to union representatives, arranging for membership participation in the affairs of the union (e.g. via ballots, elections, general union management, policy making). The business will assist the union in these tasks through the provision of reasonable levels of unpaid release for representatives.

Unpaid leave counts towards annual leave entitlements and annual pay increments. For operational convenience, representatives should aggregate unpaid leave required into daily or half-daily blocks which will be taken by arrangement with the local manager.

The business will continue to pay the appropriate employer's superannuation contribution provided the union continues to pay the employee's contribution.

2.5 Sick pay conditions for paid and unpaid leave

Union representatives should notify their line manager if they are taken ill while on paid or unpaid leave. On receipt of such notification, the outstanding period of leave should be cancelled, the representative being regarded as having been due to resume duty on the day the incapacity was notified. The representative is then eligible to receive sick pay, on or from that day, in accordance with the normal sick absence rules. The normal rules for reporting sick absence will apply. On notification of fitness to resume duty, the representative must submit a fresh application for leave if it is wished to resume interrupted union activities.

2.6 Authority for paid/unpaid release

Normally, release will be afforded only to those representatives and official substitutes whose credentials are held by their respective line managers, regional personnel units and personnel units in Chesterfield and London

The form of authority is at annex B

2.7 Central Billing Arrangements

As from 1 January 1997 it has been agreed that special pay arrangements will be introduced for conference delegates and accredited union representatives whilst on special leave II and III. The arrangements whereby the business reclaims the cost of providing special leave are described in annex C.

2.8 Training

Both parties are committed to effective and professional training of union representatives and managers at all levels in the conduct of industrial relations, and to the development of agreed national guidelines for the organisation of industrial relations, training and workshops, some of which may be run on a joint basis. In all cases, Post Office Counters Ltd will assess the relevance and value for the business by an examination of the syllabus and by discussion with the union.

The business will support such approved training to relevant union representatives as assists in discharging their responsibilities with paid time off. Relevant national training will also be supported (to include induction schools, labour law and equal opportunities courses). This is subject to review on a regular basis with the union.

Local union training courses, sponsored by the Trades Union Congress.

Courses provided by the union or Trades Union Congress which are concerned with union policy, political aspects or general education not related to Post Office counters Ltd do not qualify for paid release but appropriate delegates may be granted special leave III to attend.

Release will be subject to the operational requirements but leave will not be unreasonably refused, particularly to accredited representatives, where they have a demonstrable need for the proposed training.

3 Provision of Facilities

3.1 Communication

Arrangements will be made for Regional Counters representatives and Sectional Secretaries to be provided with reasonable facilities in terms of notice boards, furniture and the cost of a reasonable level of telephone calls/faxes consistent with the normal conduct of industrial relations. Similarly, assistance may also be given with word processing, duplicating, photocopying etc. for industrial relations purposes. Union correspondence under cover, except to or between individual union members, may be sent through the internal post; the public mail service may not be used without payment of the proper charge.

3.2 Membership information

The business recognises the need to supply information on members and potential members to the union on a regular basis. Annex D sets out the detail of what will be provided to Regional Counters Representatives.

3.3 Accommodation

The business recognises that Regional Counters Representatives will require accommodation and Heads of Human resources will do their best to identify spare office space which would be suitable. Additionally, if spare accommodation is identified, then Sectional Secretaries can negotiate for its use. This facility will not be unreasonably withheld.

3.4 Access to premises/consultation with members

Union representatives will require access to office premises both during and outside working hours in order to talk with union members both individually and collectively. Every reasonable effort will be made to facilitate access and dialogue with members, providing sufficient notice is given and arrangements are made through the appropriate managers and do not impair the ability to meet service obligations to customers.

3.5 Consultation

Where a member of the Communication Workers union wishes to discuss a personal matter with his/her local representative, efforts should be made to provide the necessary privacy. Members wishing to have access to their local representative during working hours should obtain prior permission from their line managers.

3.6 Elections

Should there be a need for facilities for elections, the local manager and union representative should work together and agree on what is required, providing service to the customers is not prejudiced.

4 Representation Structure

4.1 Introduction

This section covers the arrangements for the effective representation of members of the Communication Workers union employed in Post Office Counters Ltd and should be read in conjunction with the sections covering facilities for union representatives and the procedural agreement. Safety representatives are covered in a separate agreement.

4.2 Representation of individuals

It is clearly recognised that all members of the Communication Workers Union in Post Office Counters Ltd have the right to choose who will afford them support and representation during conduct, irregular attender and grievance procedures, irrespective of the part of the Post Office in which the representative is based.

4.3 Cross corporation representation

However, in matters where negotiation or consultation are necessary, Post Office Counters Ltd wishes to hold discussions with Communication Workers union representatives employed in the business. Representatives from Royal Mail Letters, Parcelforce and Subscription Services Ltd have provided representation to cover branches where no Post Office Counters Ltd Section Secretary is available within the business but this agreement gives notice that such cross corporation representation shall cease on January 31st 1997.

To encourage employees of Post Office counters Ltd to stand as union representatives, the business guarantees to give ready access to formal training and to allow paid facilities time with another section secretary to learn first hand what the role entails.

In the unfortunate circumstances of no Section Secretary employed in the business being available, Communication Workers Union members will have access to the Regional Counters Chairperson. The business understands that additional facilities time will be necessary to meet additional workload.

The business appreciates that, in respect of national legislative issues which require consultation with the union, the branch secretary, or in his/her absence the assistant branch secretary, may become involved.

4.4 The importance of effective representation

Both parties acknowledge and support the need for all union members throughout the business to be effectively represented by elected local representatives.

However, the organisational structure and culture of Post Office counters Ltd empowers managers at all levels in the business to make decisions which affect the day to day running of their outlets and functions and employees as their team members. Managers will be expected to involve their team members in the making of decisions.

This agreement emphasises that both parties are committed to

Communicating to managers and representatives the importance of effective representation and dialogue.

Also to

Ensuring they fully understand their respective roles and authority under which they work.

Complying with collective agreements including procedures for settling disputes and grievances and processing disciplinary and grievance issues.

The joint aim is that, where practical, accredited deputies will assume representational responsibilities in the absence of a Regional Counters Representative and/or Section Secretary.

Senior Regional Managers recognise the need for representatives to be well informed on business plans and regional initiatives. Regular opportunities will be made for regional Counters representatives, with Sectional Secretaries as appropriate, to be fully briefed. The format of, and attendance at, these briefings should be agreed locally. Additionally, Regional Counters Representatives and Regional Counters Chairpersons will be invited to attend regional conferences.

Representatives should be allowed easy access to information, rules and guidelines concerning employees, e.g. staff contract manual, postal instructions etc.

4.5 Representational framework for senior Communication Workers Union representatives

Post Office Counters Ltd accepts the need for fully effective representation:

At local level by Section Secretaries representing members;

At regional level by Regional Counters Representatives representing all members at locations within the region;

At national level by national officials of the Communication Workers Union representing all groups of members within the business.

The Section Secretaries for Chesterfield and London business units will represent respectively all members who are supported by the Chesterfield and London personnel units. This will ensure that all outstations are included. The Regional Counters Representatives within the North East and South East will have the same authority and responsibility for Chesterfield and London units respectively as for their own regions.

4.6 The responsibilities of union representatives

Role descriptions for regional Counters representatives and Section Secretaries have been agreed by both parties. These roles fully recognise the responsibilities of the representatives for individual and collective issues concerning their members. Post Office Counters Ltd accepts that they need reasonable time off during working hours to allow them to discharge their responsibilities.

In the absence of a Regional Counters Representative, the chair of the Counters Committee will act on his/her behalf but only where major or time critical issues arise. These could be, for instance, dealing with registered disagreements at stage 3 of the procedure or for assisting with urgent representational requirements. These examples are given for guidance. It will be the responsibility of the Regional Counters Representative to notify the Head of Human Resources about unforeseen absences well in advance. Such contributions should not be used for covering short term absences nor should it be construed as giving a right to full time release.

4.7 Appraisals

Union representatives, as with all employees of Post Office Counters Ltd, will be covered by the performance review and development process. The aim will be to take account fully of work they do as union representatives. Section Secretaries

will be appraised by their line managers with input from others as appropriate. Heads of Human Resources will discuss with Regional Counters Representatives who will conduct their appraisals.

4.8 Conduct procedures

The accepted standards of conduct for all employees of Post Office Counters Ltd apply equally to union representatives and officials. However, if any formal disciplinary action is contemplated against any senior representative or official for an offence committed in the capacity of a senior representative, the case must be submitted to the Head of Human resources who will consider any representation made by the headquarters of the Communication Workers Union. Any disciplinary award in such cases is subject to the right of appeal by the representative through the union headquarters. It is agreed between Post Office Counters Ltd and the Communication Workers Union that in any disciplinary case involving a senior representative acting in his/her representational capacity, where the final internal appeal decision is to award a penalty of dismissal after notice or compulsory transfer, the executive council of the union may within four weeks notify the business of its intention to refer the matter for consideration by an independent advisory review body (IARB)

4.9 Credentials for elected communication workers union representatives

Union members working within Post Office Counters Ltd will be able to elect Regional Counters Representatives and Sectional Secretaries to represent their interests. All elected representatives must be employed within the business. A standard form of credentials is at annex B and a signed copy should be held by the relevant personnel section, by the representative's line manager and Human resources Executive.

4.10 Media Contact

A union representative employed in the business may wish to represent union views to the media. In such cases he or she must indicate his or her position as a union spokesperson and give his/her name.

5 Role descriptions

Regional Counters representatives and Section Secretaries

5.1 Regional Counters Representatives

Regional Counters Representatives will represent all members employed within a particular region. They are responsible for the overall representation and administration of matters relating to members of the Communication Workers Union within the Post Office Counters Ltd region, under the direction of union headquarters.

They will also deal with workplace issues (where these have been referred to them by the Sectional Secretary who has been unable to resolve the matter satisfactorily or by the headquarters of the Communication Workers Union in the absence of a Sectional Secretary) and advise branches in that regard.

Such issues include:

Duty arrangements

Overtime and productivity

Accommodation arrangements

Security issues

Health & Safety issues (for referral to health and safety representatives as necessary).

Harassment and equal opportunities issues.

Detailed implementation of national agreements etc.

This list is not exhaustive.

Wider issues that the role encompasses include:

Dealing with registered disagreements where the case has been referred to the regional officer by the Sectional Secretary or union headquarters for resolution at stage 3 of the procedural agreement.

Oversight of the implementation of national agreements within a region, on behalf of union headquarters. Regional Counters Representatives may be invited to participate in focus groups and/or attend presentations on major issues.

Dealing with conduct and related appeals

Dealing with grievances

Attendance at Industrial Tribunals

Co-ordinating regional Counters committee meetings of the union providing reports on behalf of union headquarters and receiving reports from Section Secretaries.

Representing region wide issues on behalf of the union membership in the region.

Attendance at union training courses (or other such courses as may be requires from time to time) as tutors or students.

Attendance at annual/special conferences as appropriate.

Addressing new entrants if the section secretary is not available.

Attendance at 10 national briefings at union headquarters per year for which travel expenses will be paid. Section Secretaries for Chesterfield and London business units may also attend on the same conditions.

Again, this list is not exhaustive.

5.2 Section Secretaries

Section Secretaries are responsible for representing those members working for the business in units within the boundaries of a specified branch of the union. In many cases it is recognised that the geographical area involved will require the Section Secretary to spend some time in travelling from one unit to another and this is taken into account when assessing the need for facilities to perform the job.

They will also deal with workplace issues referred to them directly by the members in the unit, either individually or jointly. Such issues include:

Duty arrangements

Overtime and productivity

Accommodation arrangements

Security issues

Health & Safety issues (for referral to health and safety representative as necessary).

Harassment and equal opportunities issues.

Detailed implementation of national agreements etc.

This list is not exhaustive.

Wider issues that the role encompasses include:

Preparing appropriate documentation for referral to regional Counters representative/union headquarters in the event of a registered disagreement.

Negotiating with the appropriate level of manager (e.g. branch manager, retail network manager, or functional manager).

Dealing with any correspondence from management.

Dealing with conduct issues.

Attending POID interviews where the individual requests support, providing this does not delay proceedings unduly. Where the Sectional Secretary is not available, another representative should be sought.

Preparing reports and documentation for referral to the Regional Counters Representative at appeal stage unless the appellant wishes the Section Secretary to continue to deal.

Dealing with individual grievances as appropriate.

Addressing new entrants.

Attending 6 regional Counter committee meetings per year for which special leave II will be given. If a senior manager addresses the meeting, fully paid leave should be given.

The Section Secretaries for Chesterfield and London business units will attend the meeting of their appropriate region.

Attending union annual/special conference(s) as appropriate.

Attending union training courses (or other such courses as may be required from time to time).

Where issues cover more than one union branch within a region they will liaise with the Regional Counters Representative where necessary.

6 Local reviews of Industrial relations

These should take place informally between the regional Head of Human resources/personnel managers Chesterfield and London and the relevant regional Counters representative. This does not preclude formal reviews where these are seen as relevant.

7 Review of the agreement

This agreement will be subject to formal joint review after one year from the date of signature and, according to operational experience, renegotiated where necessary.

Annex D

Provision of Information

Post Office Counters Ltd in the interest of good industrial relations practice, acknowledges the need to provide the Communication Workers Union with information concerning their members, which is held on personnel records systems.

The union requires this information for the purposes of keeping their records up to date, to meet legal requirements for membership ballots etc. and also to facilitate the provision of other services for their members.

There is also a need to ensure that the release of the information is consistent with the requirements of the Data protection Act 1984.

Post Office Counters Ltd therefore agrees to provide the union on a regular basis with the following information:-

Details of names and locations (work place addresses) of individuals being recruited to grades by the union.

Wherever practical, this information will be provided in advance of the induction of new recruits.

Names of union members leaving employment of Post Office Counters Ltd for any reason; i.e. age, retirement, voluntary redundancy, dismissal, and death in service.

Changes in employee status from full time to part time or vice-versa to reflect changes in contribution rates.

Members on long term sick leave on reduced pay either at half pay or pay at pension rate.

Details of members on maternity leave.

Procedural Agreement Framework

1 Joint commitment

Post Office Counters Ltd and the Communication Workers Union share a commitment to the creation and maintenance of a positive and constructive industrial relations environment which benefits employees and is in the interests of the business, its customers and clients.

2 Collective Procedure

The business hopes to gain the commitment of all groups of employees to changes which affect their working conditions and jobs and it undertakes to do this through a process of open, honest and two way communication.

However, there may be occasions where disputes arise and the aim will always be to reach agreement with the minimum of delay and by consultation between the relevant union representative and manager. The principle will be to resolve differences at the point at which they occur, as far as it is practicable to do so.

3 General Principles

The following general principles are accepted as paramount:

That at all times the parties must be driven by the objective of seeking to reach agreement which best serves the interests of the business and its employees;

It is in the interests of good business that both parties are kept up to date and well informed and this requires an exchanging and sharing of relevant information;

formal proposals put forward by either party must be given serious consideration by the other. They should never be rejected out of hand but in all cases where they are not acceptable a formal reasoned response should be provided.

4 Reaching local agreement

Consistent with the need to provide a reliable and good quality service to our customers and clients, the objective is to reach agreement without any unnecessary delay. Appropriate facilities time will be allowed to union representatives for this purpose.

To avoid any subsequent misunderstanding as to the terms of an agreement these should be formally recorded in a clear, simple and concise way.

In cases where, despite every effort, it is not possible to reach full agreement in the course of local discussions, the manager and union representative will record formally, although not necessarily in a joint statement, the reasons for disagreement and will then apply the following procedure.

5 Resolving local disagreement

Stage 1

Both parties will review the formal written record which sets out their respective positions and within 5 working days will conduct full, free and frank discussions with the objective of reaching agreement.

Stage 2

If agreement cannot be reached then, within a further 5 working days, the parties will identify precisely the issues of disagreement, formally register the disagreement and meet to draw up an updated and comprehensive statement of their positions and views. This statement will be forwarded to the appropriate level of management and union representative (see diagrammatic structure for an example).

Stage 3

Within 10 working days of receiving details of the disagreement the designated manager will meet with the union representative with full authority to reach agreement on the issue.

Negotiations may end in:

An agreement signed by the designated manager and the union representative for implementation locally. The agreement may need to be endorsed by the membership;

A formula which provides a basis for the resumption of negotiations between the original negotiating parties or;

A failure to reach agreement in which case the procedure will be regarded as exhausted.

Where a formula is agreed for the resumption of negotiations at the local level, the parties will try to reach agreement within a further 10 working days. If agreement still cannot be reached the procedure will be regarded as exhausted (unless the original formula agreed at this stage requires a further Stage 3 meeting).

The aim of this agreement is that the procedure outlined above should be followed both to the letter and in spirit. However, where it is believed that the proper process has not been followed, the issue may be referred to the Head of Human resources who will appoint an arbitrator from the senior management team. The arbitrator will not have the authority to impose a decision but will be empowered to return the issue for further consultation.

Until the procedure is exhausted, union members will not take industrial action of any kind. Post Office Counters Ltd will continue to apply existing local and national agreements. However, both parties acknowledge that occasionally a local manager has no practical alternative but to introduce changes which cannot be delayed for urgent operational, health and safety or legal requirements. Permanent changes to staffing arrangements which are subject to disagreement should not be introduced by executive action until the procedure is exhausted.

Where changes are introduced outside the procedure, reasons for doing so will be fully explained to the union representatives and employees concerned prior to implementation. This would not preclude the union from initiating ballot arrangements where a clear trade dispute exists. Either party may subsequently review the circumstances leading to the action and propose how to deal with similar situations in future.

6 General

This agreement sets out the basic principles of local negotiations. However it is difficult to devise specific guidelines to cover all units, particularly in relation to the levels at which negotiations will be carried out. Nevertheless, the attached flow chart shows an example of the various stages of the negotiation process and the responsibilities of those involved on behalf of both parties.

The underlying principle is that stage one of the procedure should be handled by the manager empowered to negotiate change. For instance, a branch manager for his/her own workplace; a retail network manager for a group of workplaces. Union representation would be conducted and processed at stage one and two by the section secretary, and at stage three by the regional counters representative. Where an issue has region wide implications then senior managers may become involved, with regional counters representatives dealing with stages one and two of the procedure. Stage three will then be dealt with by

the headquarters of the Communication Workers Union. These examples are given for guidance.

Only questions involving the interpretation or clarification of national agreements shall be referred to the Human Resources Executive and the headquarters of the Communication Workers Union. These issues should be raised as quickly as possible and resolved within 10 working days.

Either party will bring to the notice of the other party any breaches of this agreement and is entitled to expect that any such breaches will be viewed seriously by both parties.

Individual employees may raise grievances under the separate agreed grievance procedure and may enlist the support of their union representatives.

Post Office Counters Ltd & Communication Workers Union

Procedural Agreement:

Flowchart

This flowchart is given for guidance only and reflects the process as it affects one unit. However, if a group of workplaces is affected, stage 1 & 2 would also be taken by the section secretary, stage 3 by the regional counters representative and by corresponding levels of Post Office Counters Ltd management.

Stage 1

Process	Management level	Communication Workers Union representation	Timescales
Initial review of Disagreement	Branch/Cash Centre unit manager	Section Secretary	Complete review process with 5 Working days

Stage 2

Resolve dispute Or register Disagreement	Branch/Cash Centre unit manager	Section Secretary	Register disagreement within a further 5 working days
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Stage 3

The disagreement is referred to the second line mgr and the Communication Workers Union Regional Counters Representative to Resolve dispute or Recommend a Formula for further discussion at local level	Retail network manager/ distribution manager (ie second line manager)	Regional Counters Representative	Discussions to be completed within 10 working days Any subsequent discussions at local level should be completed within a further 10 working days
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Notes

This flowchart is provided as an example of the process. The underlying principle is that the first and second stage should be handled by the manager empowered to negotiate change.