Community, Youth Workers and Not for Profit Sector

Representatives’ Handbook
Welcome to the Community, Youth Workers and Not for Profit Reps Handbook!

If you are an accredited representative, then this Handbook is for you. Reps are the heart of the union in the workplace, and in most of the elected roles within the union.

Whilst this role has evolved and will continue to do so, our core tasks continue to focus on organising, negotiating, and casework. Each of these is discussed below, with advice on how to approach the issues you will be presented with, lots of signposting to sources of information, and ideas for accessing extra support.

This Handbook is designed as a guide for all representatives, new and old, to find their way around Unite, now the largest union in the UK and Ireland. It shows you how you can get involved in the wider work of your union and contribute to its future.

I very much value all that you do for your colleagues across the Community, Youth Workers and Not for Profit Sector and trust that you will find your work as a representative to be a rewarding and empowering experience – for you and your members.

Sally Kosky
Unite National Officer, Community, Youth Workers and Not for Profit Sector

Many thanks to the Unite LE1111 Housing Workers Branch for their assistance with producing this handbook.
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Being a rep is a wonderful and rewarding role but can also be quite stressful. Remember that there are lots of sources of support available to you ….

www.unitetheunion.org
4. The Role of a Representative

There are a number of different representative roles within Unite, with the most common being the workplace rep. This rep may find themselves undertaking any of the tasks and duties of specialist reps, as well as the general duties of a regular workplace rep.

This booklet is focused mainly on the role of a workplace rep, but the majority of sections will also be relevant to specialist reps. The roles and a brief outline of duties are set out below:

- **Workplace Representative**: This is the most rounded role, with the rep taking the lead on collective organising within the workplace and undertaking individual representation on a whole range of issues.

- **Senior or Lead Steward, Lead Convener, or Staff Side Representative**: Provides leadership within a team of reps at the same workplace, often takes the chair or secretary position on a negotiating team for the joint unions within an organisation. These roles are often taken by more experienced reps who can support other team members. They will also take the lead in negotiations on local, regional or national terms and conditions.

- **Health and Safety representative**: Trained on Health, Safety and Welfare legislation and regulations, and able to challenge the organisation where there are health and safety issues for staff. They may also hold a position on a joint union and management health and safety committee for their organisation.

- **Learning representative**: Support members with individual learning needs, and signpost them to learning opportunities – for their personal development within their work role or outside work. These reps may take a position on a steering group around professional skills and knowledge, apprenticeships, or other learning and development, within the organisation, or work with the training department on partnership projects around learning in the workplace.

- **Equalities and Diversity Representative**: Takes the lead on promoting equality and diversity throughout the union and the workplace with the intention of eliminating unlawful discrimination in the recruitment of staff and their treatment as workers.

4.1. Representatives’ Training

Unite Education and Training department offers representatives’ training courses throughout the year, in various locations and formats. These courses help active members become representatives, and give existing representatives the opportunity to learn new skills and specialisms for dealing with members’ issues.

Some branches also organise their own training sessions and briefings. To find out about the training available, see: www.unitetheunion.org/growing-our-union/education/
4.2. What Makes a Good Representative

Reps need time to represent members, and to learn how best this can be done. Regardless of whether you are a workplace or specialist rep, these are some of the qualities that will make a good representative:

Reps need to be
- approachable
- confident when challenging those in authority
- assertive without being aggressive

Reps need the following skills
- note taking
- active listening
- communication skills

Reps need to be willing to learn
- what the organising approach entails, and how to engage and empower their members
- how to work as a team with members and other reps
- the structures and values and rules of the union and how act in accordance with them.
- the basics of Employment Law, Health, Safety and Welfare legislation, and financial entitlements

And a good sense of humour helps!

4.3. Your Accreditation

To become a representative you need to be elected by Unite members in your local workplace.

Once elected, don’t panic! All reps learn on the job, and with the support of others you will quickly learn. Remember, much of what you need to know is just common sense.

In the first instance, you should inform your Regional Officer (RO). If you don’t know who this is, ask another rep or look on the Unite website.
www.unitetheunion.org/how-we-help/listofregions/
Your Regional Officer should:

- write to your employer notifying them that you have been elected as the accredited representative of Unite for a particular department or group of members;
- add your details to the appropriate mailing lists so that you receive information from Unite; and
- give you a Lay Members’ Expenses Form and guidance so that you are not out of pocket when carrying out your union duties.

It is important that you give a copy of the letter from the Regional Officer to your line manager, and discuss how you will notify them when you are undertaking trade union duties and activities (this might be covered by a Recognition or Facilities Agreement, see below).

If there are any problems raised regarding your reps role, your regional officer will be able to provide support.

If you are taking over from a previous representative, arrange to have a handover where you can get the relevant files and paperwork.

Feeling a little overwhelmed by the rep’s role is normal. It lessens with time and experience, and with support from fellow reps and your Regional Officer. It is therefore a good idea to access these support networks soon as you can.

4.4. Getting Started

Introduce yourself to the manager or supervisor for the section you will be representing as a Unite rep. Ask if it would be useful to sit down informally with the manager on a regular basis to discuss any issues.

Introduce yourself to the personnel/human resources manager for the group or section you cover. It may be useful to do this with an existing representative.

Most importantly, make sure the members know who you are and that you are now accredited to carry out your role. Let them know:

- your title as a workplace representative of Unite;
- where you work and how you can be contacted;
- which group of workers you will cover, and any committees you will be a member of; and
- the date of the next members’ meeting for the section you represent.

Meet up with the other Unite representatives in your organisation. If done socially in the first instance, this may help to build good working relationships. It is also wise as a new representative to get the support of colleagues who are more experienced.

It is also important that if you don’t sit on the main consultation/negotiating committee, that you know what’s going on and that you have the ability to feed in your members’ issues. There may be a senior Unite rep who will help to coordinate the team.
5. Recognition and Facilities

When an employer formally ‘recognises’ a trade union, it means that they agree to negotiate with them over employment matters.

There are two forms of recognition: voluntary and statutory. The statutory process is enormously complex for both the union and the employer, and if there are sufficient numbers of members within a workplace, most employers will bite the bullet and opt for a voluntary agreement.

If your employer does not recognise Unite and you would like to explore this option, you should always talk to your regional officer first.

To understand the process, ACAS provides a useful leaflet and offers help with the practicalities: [www.acas.org.uk/media/pdf/b/j/A02_1.pdf](http://www.acas.org.uk/media/pdf/b/j/A02_1.pdf)

Thompsons employment law solicitors provide a useful handbook on statutory recognition: [www.thompsons.law.co.uk/itext/statutory-right-to-union-recognition.htm](http://www.thompsons.law.co.uk/itext/statutory-right-to-union-recognition.htm)

### 5.1. Facilities Agreements

Where a union is recognised, whether through statutory or voluntary processes, there is normally a facilities agreement (sometimes incorporated into the Recognition Agreement) covering issues such as:

- the number and distribution of reps within the workplace;
- entitlements to paid time off for union work for reps and for members to attend meetings;
- access to facilities such as office space, filing cabinets, telephones, computers, photocopiers, internet, phones, and meeting rooms etc.;
- the composition, frequency and servicing of regular meetings between management and the unions at all levels in the organisation;
- what information will be provided by the employer to the unions for collective bargaining purposes, and how often; and
- a dispute resolution procedure for occasions when collective bargaining has broken down.

If Unite is recognised in your workplace, you should familiarise yourself with the provisions of this agreement as soon as possible. You don’t have to stick to its requirements at all times – arrangements can be varied by mutual agreement – but you will need to know what you are entitled to and what you need to do in return.

Although facilities usually include an email address, it is a good idea to set up your own union account (for example using one of the free providers) rather than relying on an employer address. This means that the use of this vital facility, and all the contact details for your members, remain wholly within your control and cannot be blocked by your employer.

Instead of using a personal email provider such as Googlemail or Hotmail, Reps should be using a Unite email for all casework and union business. You can use the form in Appendix 2 for this.
5.2. Right to Information for Collective Bargaining

Reps need information if they are to carry out their roles effectively. Identifying the information you need is a skill that develops over time. However, your employer should really have no excuse to refuse you access to information such as the suite of policies and procedures that govern personnel practices, pay and grading mechanisms, and staff lists. They should also provide the information that you need in order to collectively bargain effectively. For example, to collectively bargain over pay, you would need information on the pay budget, details of any contractual entitlements to bonuses among employees, and the pay and grading policy.

The Advisory, Conciliation and Arbitration Service (ACAS) produces guidance on a range of different employment practices. This includes guidance on information that employers should provide to unions for collective bargaining purposes, and which fall within sections 181 and 182 of the Trade Union and Labour Relations (Consolidation) Act. There is no definitive list of what this information should be given. The ACAS Code imposes no legal obligations on an employer and a failure to observe the Code does not by itself render an employer liable to proceedings. Nonetheless, the Code is a useful guide for reps.

However, if your employer is repeatedly refusing to provide the information you need, speak to your Regional Officer about taking a case to the Central Arbitration Committee (CAC).
6. The Union – A Tale of Two Structures

Trade unions have dual structures, the paid employees and the lay democratic structures.

Unite employs a large group of staff who are ultimately accountable to the union’s executive. These posts vary widely and include the regional and national officers, organisers, researchers, administrators, policy officers etc.

The role of these paid staff is to carry out the policy of the union as determined by members through the lay democratic structure. This is organised through a series of committees as set out below onto which workplace representatives are elected.

There are four levels within the union: workplace, region, national, and executive. Unite is also divided into 23 industrial sectors, including Health, Finance and Legal, and Local Authorities. This handbook is for representatives within the Community, Youth Workers, and Not for Profit (CYWNfP) sector, which includes charities, housing, and social care workplaces.

Elections to the various committees are normally on a three-year cycle. A list of Unite sectors can be found at: www.unitetheunion.org/how-we-help/list-of-sectors/

There are also separate self-organised or specialist groupings, for example based around the equality strands or specialisms such as housing, at regional and national levels.

6.1. Workplace

Each workplace should have a committee of elected shop stewards (representatives), and specialist representatives such as health and safety reps. Depending on the size of the workplace, union density levels, and number of representatives, there may also be sub-groups of representatives with specific tasks, for example a Staff Side Committee who lead on negotiations with senior managers.

Reps should meet each other regularly, but most importantly, they should meet frequently with, and be directed by, their own constituencies.

6.2. Branch

Each member belongs to a branch, and the branch can give reps a vital source of additional support. It may be that you have a dedicated branch which covers only your employer, in which case linking up with other reps will be your link to the branch. It may be that you are part of a multi-employer branch, in which case your Regional Officer can advise where and when they meet.

Branch meetings are open to all members, not just the reps. Try to attend meetings as often as possible and encourage your members to do the same. You may not all work for similar employers, but the same issues manifest everywhere, you can find lots of support from people going through the same or similar battles, and you can link up your battles and improve your chances of winning.

Branches will elect key officers to look after the branch’s work. These include a Chair, Secretary, and Treasurer, but can also have a variety of other positions such as Equalities & Diversity Officer, Membership Secretary, Political Officer, and so-on.
6.3. Regional Structures

Unite is divided into 10 regions. Each of these has a Regional Industrial Sector Committee (RISC) onto which branches elect delegates. This brings together activists from the same sector and region on a regular basis, usually quarterly, to decide union policy, future direction, and campaign plans for members within the region and sector.

From the RISCs, delegates are elected onto the Regional Committee (RC) for their region, again on a three-year cycle. This body brings together all activists within a region to decide union policy, future direction, and campaign plans, whatever sector they work in.

To see the full list of regions, go to: www.unitetheunion.org/how-we-help/listofregions/

6.4. National Structures

The RISCs also elect delegates onto the National Industrial Sector Committee (NISC), which also meets every quarter. This brings together activists from across the country working in the same sector to decide union policy, future direction, and campaign plans within that sector. The National Officers (paid employees of the union) look after these committees.

Each industrial sector in Unite has its own national conference, allowing members and activists to have a real influence over Unite’s national policy.

The decisions of the industrial conferences go forward for debate to the Unite national conference, which is held every three years.

6.5. The Executive Council

At the head of the union is the Executive Council and the General Secretary. Each council member has a specific brief or specialism. They are elected every three years by members within their sector, apart from the General Secretary who is elected by a ballot of all members.

www.unitetheunion.org/growing-our-union/about-us/structure/executivecouncilmembers/

6.6. Union Democracy

Democratic structures are the bedrock of the union. They help maintain a tight link between the needs and wishes of the broader membership, and the activities of lay and paid officials.

Getting involved and getting active in Unite means not only that you can help your workmates but also allows you to attend, vote and speak at these important conferences and help shape what we do as Britain’s leading union.

Please ask your branch or Regional Officer about getting involved.
6.7. **Member Benefits**

Members of Unite enjoy a range of services free or at a discounted rate. These include:

- credit union;
- pre-paid credit card;
- debt counselling;
- home insurance;
- travel insurance;
- mortgages;
- funeral care;
- eye care;
- airport parking;
- currency exchange;
- motor insurance;
- personal accident benefit; and
- gas and electricity providers

And many more at:
www.unitetheunion.org/how-we-help/members/offers/memberbenefits/

Unite also recognises that one of the key reasons members join Unite is to benefit from the legal services we provide. These services range from seeking compensation for a personal injury or industrial wrong, to employment related advice and representation, to helping plan for the future by providing a Will writing service, powers of attorney and living wills, and assisting with the day to day issues that life throws up such as moving house.

Some of the services are free, and other are at heavily discounted rates.

For non-employment matters, members should call: **0800 709 007**

For more details of legal services, see:
www.unitetheunion.org/how-we-help/legalservices/
7. Workplace Organising

Our sector has members in many large employers, in charities, housing associations, social care providers and others, but it also has workers in small service providers in membership. It is characterised by organisations with few union reps, members scattered across multiple small projects, lots of lone workers, people working diverse shift patterns, and with demanding jobs caring for some of the most vulnerable members in our society.

These characteristics present many challenges for our representatives, and mean that adopting an organising approach is vital. Whether your employer is big or small, taking the organising approach will create a stronger union and will:

• improve your chances of recruiting, building union strength in numbers;

• increase your ability to mobilise members in a visible show of support when needed to influence management, thereby increasing your win rates in negotiations; and

• empower your members so that they will become activists, identifying and addressing injustice in the workplace.

For these reasons, Unite encourages all its members and reps to learn about and adopt the organising model of trade unionism.

We must focus on engaging all members and increase the union’s capacity by turning members into activists. Equality and diversity are welcomed, recognising that each member has a unique set of skills, gifts and abilities through which they can make a valuable contribution. Everyone can play a role. It is not just about building the union, but about empowering members and creating a more just society.

Organising emphasises collective decision-making, not top-down. Reps are not ‘experts’ who instruct members on what needs to be done, but key people who help to give guidance and confidence to members so that they can resolve their own problems.

Often members have excellent ideas on how to campaign for change, and just need to be encouraged to contribute their suggestions. People who suggest a course of action are often the best people to lead on implementing it, whether it involves organising a petition, writing a flyer, or designing a poster.

In a well-organised workplace, members and Reps work together to tackle and campaign around issues.

This section should help you develop an organising approach.
7.1. Mapping and Recruitment

Who are your members? Who has yet to join? The more individually you know your members the more successful you will be as a representative.

Member mapping is a simple exercise, reconciling the list of members provided by the union against the staff list for your section normally provided by HR.

Updating the list on a regular basis helps you to keep an eye on where you need to target more recruitment. Mapping can also be a good exercise for keeping member details up to date and making sure that Unite has the correct home address, mobile number, and personal email address.

7.2. Communication and Visibility

Unite members should be loud and proud within their workplaces! This is the only way to overcome the kind of corporate bullying that tries to make the union something staff fear being associated with.

Union material should be posted on notice boards, including posters with your name, workplace, and contact details. Union branded badges, lanyards, wristbands, mugs, and other promotional material are an excellent way to increase the visibility of the union. Lanyards, wristbands and badges help create the sense of a collective ‘club’ amongst members. Promotional material can be found on the link below and should be ordered by your branch.

www.pellacraft-unite.co.uk/

Members should be emailed regularly to keep them informed and to get their input. Wherever possible, and especially in smaller workplaces, you should speak to them individually as well as collectively in member meetings.

Member meetings are vital but should not replace entirely other forms of communication as it is unlikely that all members will be able to attend each meeting. They should however be regular in order to create a space for debate. It can be difficult to organise meetings which accommodate different projects and shift patterns, but there is no excuse not to hold them at all, even if you have to meet members in small groups rather than one large member meeting every couple of months.

Agree the agenda with the members and ensure that as well as your reports from any management meetings, there is plenty of time to discuss and agree future strategy. Encourage members also to propose solutions and get involved in implementing them.

7.3. Campaigning

It is helpful to think of collective issues as campaigns. This ensures that you consider multiple ways of applying pressure to secure the change your members want, and avoids thinking of negotiation as the only available tactic. Negotiation is important, but management will not always respond positively to the weight of argument.
7.4. Developing a Campaign Plan

A campaign plan does not need to be highly sophisticated, it can be a quick, simple exercise, but can serve as useful checklist of the options. Typically, a campaign plan will consider:

- the issue at the heart of the campaign;
- the number of members affected and strength of concern;
- how to involve and get support from those not directly affected;
- campaign goals - what you want management or the employer to do;
- tactics – member ballots, leafleting, petitions, marches, lobbies, publicity stunts, boycotts, letter and postcard campaigns, industrial action, and so-on. These will normally start small and escalate in stages if you do not succeed at first, so consider these across the longer term;
- resources – posters, letters, banners, leaflets;
- a plan of tasks on a timeline and who will take responsibility for each task, and how you might build a network of organisers, key people who will be in the right place at the right time; and
- wider publicity to gain the support of the public, councilors, MPs, the Board of Management, and so-on.
- what you might achieve, not just winning the issue, but other benefits such as recruiting new reps or new members, raising the union profile, and demonstrating that Unite is a fighting union;
- assessing the barriers that exist and what might management might do to in response to the campaign;

Throughout the campaign, make sure that you highlight any victories secured as a result of the campaign. Spread the word not just amongst members but all staff and inviting them to join the union.
8. Negotiation and Collective Bargaining

8.1. Negotiating with Management

Traditionally trades unions have represented members in negotiations with management to improve pay, pensions, terms and conditions of work, facilities, holidays, equipment and personnel procedures.

Recognition however is not essential to organising and representing members in negotiations. Lack of recognition should never be used as an excuse to do nothing if members are willing to act collectively over an issue. Historically many victories have been secured by trade unions which were not recognised by employers.

When a collective issue arises within a workplace, the branch, regional and national structures of the union can be an enormously useful source of help to mount campaigns, communicate with members, and apply pressure from the outside, so should be contacted for help.

8.2. Handling Negotiation Meetings

Negotiations can cover a very wide range of issues, but most typically:

- pay and conditions;
- personnel policies; and
- workforce restructures, TUPE transfers and redundancies.

There might also be specialist sub-groups on issues for a specific group of staff or around themes such as equality and diversity, recruitment, and so-on.

Negotiations happen with management at all levels of the organisation, and with varying degrees of formality but the approach is broadly the same:

Ahead of the meeting:

- set your objectives, what you want, what you are willing to concede on, what your bottom line is;
- check that you have all the evidence and the information you will need to support your arguments; and
- if more than one rep is involved, decide who will lead, who will make subsidiary points, and who will take notes.
At the meeting:
- take time to understand the points being made by the other side, and what their objections are to your suggestions. Actively listen and don’t assume that you know without having checked;
- Adjourn if necessary...
  - to consult privately when there are disagreements
  - to discuss a new argument
  - to re-group or to rest
  - to allow a cooling off period
- Be clear with management what your bottom line is and what areas you might be willing to compromise on;
- Use risk free statements, “if we were to agree”. Be clear that you are not agreeing to something that you are just exploring;
- Never agree until and unless members have given you a mandate to do so. Be clear at the outset that any new proposals will have to be put to members for agreement.

After the Meeting
- make sure you get the new proposal or offer jointly agreed in writing by those you have negotiated with. It is too easy for the different parties in a negotiation to come away with different ideas on what was agreed;
- decide whether reps are going to recommend that members accept or reject the proposals, or leave it open. It is better if all the reps do the same;
- put the proposal to members; and
- publicise the outcome. If you won what members wanted, use this to promote the union to members and encourage new members to join. If you did not win what you want, explain what the next steps in the campaign will be.

8.3. Resources for Negotiators
Unite provides a wealth of informative material for negotiations and collective bargaining.

Bargaining Brief: Unite produces a monthly bargaining brief for all workplace reps. It provides key pay information and updates on other relevant issues:
www.unitetheunion.org/unite-at-work/informationresources/informationfornegotiators/

Unite Guides: There are also Unite guides which are helpful to negotiators covering issues such as preparing and managing a pay claim, redundancies, and understanding company accounts:
www.unitetheunion.org/unite-at-work/informationresources/uniteguides/

Negotiation Skills Training: Negotiation is a skill – it can be learnt and improved with practice. Unite provides training specifically on negotiation skills, as well as bargaining and the law:
www.unitetheunion.org/growing-our-union/education/
9. Individual Casework

9.1. Member Issues
Members will often approach you for help with an individual problem. The range of issues that you come across as a rep varies widely, but will include:

- Grievances and Disciplinaries
- Capability Issues
- Bullying and Harassment
- Unlawful Discrimination
- Contracts and TUPE Transfers
- Pay and Pensions
- Health and Safety
- Recruitments and Appointments
- Workplace Restructures
- Redundancies

A step-by-step approach is set out below which can help make sure you don’t miss anything.

9.2. Record Keeping and Filing

Please remember: from the moment of first contact, keep a record of your discussion with the member or anyone else you are in contact with in relation to the case, and be clear about agreed action points. Also, print off and keep together copies of policies, procedures, and evidence in relation to the case. It can be incredibly difficult trying to source information if records and files are not kept properly.

- Data Retention
Files and records of personal casework should be maintained for six/seven years, this is to cover the period during which a claim could be made against the union in relation to the case.
- Data protection
The personal information you receive, gather or record for any personal case, or, indeed, in the general course of union activity, is covered by data protection legislation. That means the subject of the information – the member – has rights to how it is processed, stored and used. It also means the union, including you as a representative of the union, have responsibilities to process, store and use the information within the terms of the Data Protection Act (DPA).

There are eight enforceable principles of good practice listed in the Act. These state that data must be:
1. processed fairly and lawfully;
2. processed for specified, lawful and limited purposes;
3. adequate, relevant and not excessive;
4. accurate;
5. not kept longer than necessary;
6. processed in accordance with the data subject’s rights;
7. secure; and
8. not transferred to countries without adequate protection.

The union is a registered data controller and our policies and procedures are designed to ensure we meet our legal responsibilities.

Further information can be found at: Information Commissioner’s Office (ICO) website and helpline - 0303 123 1113 (9am to 5pm, Monday to Friday)
9.3. Step-by-Step Approach to Casework

• **Step 1**
  Hear the member out. Get them to describe their issue and don’t be surprised if they repeat themselves, backtrack, and leave out essential details. You can sort out the inconsistencies and gaps later. In the first instance, it is best to let them speak and tell their ‘story’.

• **Step 2**
  Take down the case history. Get a good timeline of key events and, through questioning, fill in any gaps and clarify any apparent inconsistencies and contradictions.

• **Step 3**
  Establish what impact the problem is having on the member. Are they suffering health problems as a result? Are they in any immediate danger? If so, dealing with this might be your highest priority. Even if there is no immediate harm, you need to know what impact the problem is having on the member to fully understand what they are going through, to use this in campaigning, or to prepare a grievance.

• **Step 4**
  Analyse the problem:
  - What issues are being raised? It could be that the case involves multiple points, for example unlawful discrimination, a breach of contract, and a breach of the Working Time Regulations.
  - Is it an individual or a collective issue, or a combination of both? A member may complain of being bullied, but that might indicate a wider problem of corporate bullying. If more than one person is affected, it might be that you need to bring other affected members together and approach the problem collectively. Most issues have a collective angle. The case of a single manager bullying a single member of staff raises broader questions of how well managers are trained and supervised that might need to be addressed through the negotiating committee.

• **Step 5**
  You now need to decide if you believe the member has a grievance. Of course members may have a grievance which has no legal redress, but that doesn’t mean their case is not legitimate – it can still be pursued.

If you believe that there is a case ...

• **Step 6**
  Analyse what information you need in order to put a case together. This might be information from the employer on policies and procedures, information held by the member such as correspondence with the employer, or it might be information you need to source externally such as pensions or employment law.

• **Step 7**
  Find out what redress the member wants and explore all options. Sometimes, informal resolution of a grievance through mediation is a better solution than a formal process which generates a lot of antagonism.

• **Step 8**
  Agree the next steps! Try to divide the tasks so that the member is taking the initiative as much as possible, with you providing support as necessary. Agree how and when you will be in contact, and what further information needs to be exchanged between you.
If you believe that there is no case ...

Sometimes the member will believe that they have a grievance and you strongly disagree. Very occasionally, there is no real substance to their claims. In these circumstances you will need to advise a member against pursuing the grievance further. Some actions that might help you deal with this situation include:

- Acknowledge their feelings. Your member will be receiving bad news, so remember to accept and acknowledge that their feelings of upset are genuine, even if you think they arise from a misperception. In advance of feeding back to the member, set out your reasons for disagreeing about their case, and communicate these clearly to the member. If you have evidence that supports your view, make sure that you provide it and give them time to consider it.

- Allow them to disagree. Your member may still think you are wrong and may still wish to pursue the grievance. You need to think in advance about whether you feel able to represent them. Speaking to your Regional Officer, branch officers, or other reps can help as they may have come across similar situations.

9.4. Employment Law and Legal Advice

There are far too many laws governing our working environment for any one person to ever know them all. There are laws on contracts, health and safety matters, redundancies, working time, unlawful discrimination … the list is almost endless!

Unite reps are not employment lawyers and should never imply to members that they are giving them legal advice. Referrals to Unite’s legal department should be made through the Regional Officer: www.unitetheunion.org/how-we-help/listofregions/

Although reps can’t provide legal advice, they should have a fair understanding of the law through their Unite training. The following sources of online help can also be useful:

The government now has all legislation online at: www.legislation.gov.uk/

Government also has a more user friendly website advising on employment rights: www.gov.uk/browse/employing-people

Unite guides also include helpful factsheets. General guides can be found at: www.unitetheunion.org/unite-at-work/informationresources/uniteguides/

Health and safety information and resources are at: www.unitetheunion.org/unite-at-work/healthsafety/

Pensions information and advice is at: www.unitetheunion.org/unite-at-work/pensions/

9.5. Right to Individual Information

Information on the member’s ‘case’ is often essential for you to give proper advice and support. Employers however sometimes resist providing information. In England, Scotland and Northern Ireland, the law gives everyone the right to discover what information is held about them. A Subject Access Request can be made under the Data Protection Act., 1998. This is a very useful way of discovering what has been written about our members but they must write the letter or email themselves. They may also have to pay a fee. The employer can take up to 40 days to respond, so reps and members should bear this timescale in mind and act in plenty of time.

9.6. Dealing with Hearings

If an issue cannot be resolved informally, it is likely to go through a formal process involving a hearing of some kind. These are most commonly when there is a grievance or disciplinary, but can take place in relation to pay and grading dispute, application for flexible working, or performance management process.

Hearings can be stressful for both you and the member – there is so much to think about. Below are some tips for survival:

Below are some tips for survival, but you should also remember:’ and the next two short paras should be bullet points.

Management allegations should be supported by fact, but the employer can act on reasonable suspicion.

Proposed action by the employer must be reasonable and proportionate.

Ahead of the Hearing

- understand thoroughly any policies and procedures that are governing the hearing or relevant to the case;
- interview the member and agree achievable outcomes. Plan the way you will cooperate with each other during the meeting;
- develop a representation plan identifying the strengths and weaknesses of your case;
- try to anticipate management’s case and think about how you might respond to it;
- gather the information you need;
- consider whether you need to bring any witnesses, or whether written statements from them will be sufficient. If the latter, ensure that the witness is clear about their need for confidentiality, and how any statement they make will be used, but also that there is legal protection against being victimised for giving truthful evidence in a grievance or disciplinary case;
- remember that such evidence will be questioned so it must be robust;
- you are entitled to the management ‘bundle’ ahead of the hearing (usually a minimum of three working days). If this is not provided, you can ask for a postponement of the hearing ahead of the information being provided; and
- after reviewing the bundle, work out what questions you want to put to management.

During the Hearing

- make sure your member turns up and you are punctual;
- take notes;
- challenge inaccuracies;
- if unexpected evidence or information is put forward seek a short adjournment to allow you and your member to discuss this and get advice if necessary;
- ask the hearing officer to make a note of any objections or procedural concerns you may have raised during the proceedings;
- you or the member must work together throughout the hearing - never disagree with your member in front of management.
- be polite and avoid a confrontational attitude.
After the Hearing

- meet with your member to review the hearing. This should be done immediately afterwards;

- review the formal notes of the meeting and make sure that you challenge any inaccuracies. If management don’t accept any of your amendments, ask for them to be put on record, but keep a copy of them too;

- do not discard your own personal notes. File them securely for subsequent use. Notes on cases should be kept for 6 years - so do not shred!!!

- check the procedures time limits, particularly if you think you might want to take the case to Employment Tribunal – make sure you don’t time out as the courts are very strict indeed; and

- decide on the next steps with the member.

9.7. Lines of Enquiry or Defences

These points might provide lines of attack in a grievance, or defences in a disciplinary:

- a breach of procedures, legislation, or natural justice;

- mitigating circumstances eg. relationship problems or illness, not taken into account by the employer;

- underlying circumstances, eg. work pressure, insufficient supervision, or inadequate training;

- concerns not properly raised with the member, or the member not being given sufficient time or support to improve;

- length of service and previous good record;

- inadequate guidance or procedures for the situation that the member found themselves in;

- parity with similar cases dealt with differently by the employer;

- victimisation, ie. different and less favourable treatment because the member raised a grievance or legitimate concern elsewhere, for example a health and safety; and

- custom and practice that has never been questioned previously by management.

Appendix 1 gives a standard case form that can be copied and used for all types of individual casework.
# Appendix – Case Form

## Individual Case Form

### Contact Details

- **Union Representatives Name**
- **Union Members Name**
- **Union Members Contact Details**
  - Location
- **Union Members Contact Details**
  - Tel. No.

**Subsidiary:**

- Grievance
- Advice
- Disciplinary
- Other

*If Other:*

### Case Description

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## Appendix 1 – Case Form

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**Union Members Name**

**Union Members Signature**

**Date**

**Union Members Name**

**Union Members Signature**

**Date**
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Appendix 2 – Unite Email Address Activist Application Form

Application form for Unite Email Account

Please complete and sign this form to gain access to a unitetheunion.org email address. Please return it to your regional office for the attention of the Regional IT Coordinator. We will provide details of your account, including user name and password as soon as possible. Access to the account will be via the Internet using webmail.

IMPORTANT NOTE:
The acceptable use policy applies to all persons using the Unite remote email service and is designed to help protect our service, our members, and the Internet community from irresponsible or illegal activities. Unite expect that common sense and good judgement will guide all of our subscriber’s activities on the Internet.

If a Unite Activist account is used to violate the policy, we reserve the right to terminate service without notice. Our preferred course of action would be to advise the account owner of the inappropriate behaviour and corrective action necessary. However, flagrant violations of the policy will result in immediate termination of service.

Acceptable Use Policy

Unite Activist Email accounts may be used only by the authorised owners of the accounts except where specifically authorised by Unite System Administrators. Revealing your password to others or allowing use of your email account by others is prohibited.

Unite accounts and services may be used for lawful purposes only. Use of a Unite account or service in an illegal manner is ground for immediate termination of the account. Potentially illegal activities that are prohibited include but are not limited to:

• Unauthorised copying of copyrighted material without the consent of the copyright holder.
• Making fraudulent offers of items, products or services originating from your account.
• Threatening bodily harm or property damage to individuals or groups.
• Sending emails of an offensive or pornographic nature.

The following Email-related actions are prohibited:

• Using an email box exclusively as a storage space for data.
• Attempting to impersonate any person, using forged headers or other identifying information.
• Distribution of malicious software.

The Unite ballot rules and guidelines for the conduct of Union elections state that the Union’s general fund resources should not be used to support a particular candidate in an election. Unite considers that this prohibition includes use of the Union’s email facilities for campaigning purposes.

I agree to the terms and conditions set out above.

Full Name:

Membership Number:

Branch:

Position:

Date:

Signature:

PLEASE SEND THIS FORM TO YOUR REGIONAL OFFICE, c/o REGIONAL IT COORDINATOR