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Introduction

This guidance sets out the particular issues which will need to be addressed by the RO (Regional Officer) in planning a regional industrial action ballot. It is designed to assist in completion of the Regional Dispute Form (Appendix 1) and all stages of industrial action ballot.

All industrial action ballots are organised under the auspices of Legal Services. This means that the various notices which have to be given to employers will be prepared by Legal Services Department (LS).

The officers responsible for preparing the various notices which have to be given to employers are Lorraine Diales (telephone number 020 7611 2604; Lorraine.Diales@unitetheunion.org) and Faina Msellem (telephone number 020 7611 2670; Faina.Msellem@unitetheunion.org).

The most important considerations are for ROs to ensure that: (i) the correct employer is identified and it is important; (ii) the group of members to be balloted (*ballot constituency) and called to take action are accurately defined; and (iii) the membership lists recording names, addresses, categories (and, where appropriate Contracts – eg Wincanton Iceland contract) and workplaces are up to date before the ballot notice is issued, and are kept up to date throughout the dispute.

Also refer to 15 essential steps guide for conducting a regional industrial dispute ballot (Appendix 2).

Identifying the trade dispute and the employer affected

Industrial action can only be called in connection with a trade dispute, which is a dispute between those currently employed and their employer which relates wholly or mainly to one or more of the following:

(a) terms and conditions of employment, or the physical conditions in which any workers are required to work;
(b) engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers;
(c) allocation of work or the duties of employment between workers or groups of workers;
(d) matters of discipline;
(e) a worker’s membership or non-membership of a trade union;
Identifying the members to be balloted and called to take action

All Unite members who it is reasonable for the union to believe will be called to take part in the action will be entitled to vote in the ballot. This includes members employed by the same employer who will be called to take action in support, even if they are not directly affected by the dispute. Members excluded from the ballot will have to work normally and that includes doing any duties they can be required to undertake under their contracts.

*Ballot Constituency*

A precise description must be given of the group of members to be balloted so that the employer can readily identify whether any particular individual is or is not to be balloted. Examples of descriptions, which might, depending on the circumstances, be sufficient are as follows:

All members employed by A on the X, Y and Z Contracts’ at specifically named workplace(s) – eg DHL Supply Chain – Mothercare/ELC Contract at Danes Way, Northamptonshire, NN6 7GX.

All Hourly paid at specifically named workplace(s).

All members in specific job category(ies) – eg all members in the category of driver at specifically named bus garages.

All members, save for apprentices, at specifically named workplace(s).

If balloting every member at a particular employer at every workplace – eg One Housing Group where only this employer exists in one area of the country, then ballot description would just be ‘balloting all members employed by your organisation’.

However, if balloting eg a DHL employer where this employer operates throughout England, Wales, Scotland and NI, we would have to, as well as giving the ballot constituency, provide the workplace(s) eg ‘balloting all members/or all drivers employed by your organisation at Gourdieburn, Potterton, Aberdeen AB23 8UY, TS Ridgeway, 5 Smeaton Road, Dundee DD2 4UT and Dale Avenue, Cambuslang G72 7DX. Also, with DHL we also often have to give the members’ specific contract.

Care must be taken to ensure that the description given will enable the employer to identify whether any particular individual will or will not be balloted.

Of course, for non check off members, appendix 10 must be completed giving two lists, numbers of members at workplaces and numbers of members in job categories.

If anything not clear re Ballot Constituency, please get in touch with Legal Services at the earliest stage (even prior to the membership being checked by workplace reps, where applicable). The members to be balloted should be decided at the outset to ensure the most up to date and relevant information in included.

Also refer to 15 essential steps guide for conducting a regional industrial dispute ballot (Appendix 2).

Generally, if the action will involve members at more than one workplace it will be necessary to ballot them separately. Workplace is defined as the premises where the member works at or from. If there is no such single set of premises it will be the premises with which the member’s employment is most closely connected. It is not sufficient to describe workplaces simply by geographical location or town/city if there is any prospect that the exact premises cannot be identified. Members at more than one workplace can only take part in the same ballot if either:

(a) At each of the workplaces to be balloted together there is at least one member who is directly affected by an issue to which the dispute relates (e.g. a dispute on pay will affect all those covered by the claim, a dispute on threatened redundancies will affect all those whose jobs are under threat but a dispute over disciplinary action or dismissals will only affect those actually disciplined or dismissed); or
(b) All those members to be balloted are employed by the employer (or employers) involved in the dispute in a particular kind of job or jobs and no one with that kind of job or jobs is excluded from the ballot; or

(c) The ballot includes all the Union’s members employed by the employer (or employers) involved in the dispute.

It is essential to identify which of these three conditions the union will satisfy. That may require advice from LS. Particularly complex is the situation where multiple workplaces are involved and it is not envisaged that all members employed by a particular employer will be balloted.

4 Members outside Great Britain

The statute does not apply to members who work in Northern Ireland. The law in Northern Ireland requiring ballots before industrial action is broadly the same as the law in the rest of the United Kingdom. If, however, the proposed industrial action involves members at workplaces in both Great Britain and Northern Ireland and it is proposed to ballot them together, it will be necessary to include in the ballot the members in Northern Ireland.

Unions are given a choice whether to include in the ballot members who will be outside Great Britain (i.e. England, Scotland and Wales) throughout the voting period. Generally it is best to exclude such members as including them in the ballot can create logistical problems and also requires the balloting procedures to be altered to distinguish between overseas and other members.

5 Obtaining, checking and updating the list of members to be balloted

The overriding principles are that:

(i) each member entitled to vote in the ballot must have a voting paper sent to them at their home (or other notified) address;

(ii) the description of the members to be balloted (and called) in the ballot (and action) notices must be precise so that the employer can identify precisely whether any particular employee is included or not;

(iii) for check-off payers, the union is not required to provide lists and figures of workplaces and categories in the ballot and action notices, albeit if only balloting a particular group of members (eg Shop Floor) and not all workplace locations then this must be specified

(iv) for non-check-off payers, the union is required to provide lists and figures for workplaces and categories in the ballot and action notices; and

(v) the union will be held to stringent standards of accuracy.

For check-off payers, names, addresses, jobs categories, workplace(s) and the identity of the employer (especially in group structures) must be checked and updated.

For non-check-off payers, in addition to names, addresses and the identity of the employer, workplaces and job categories must also be checked and updated. This checking and updating process must be completed before the ballot notice can be issued and must be continuously maintained throughout the dispute. A completed Excel spreadsheet, in the mandatory format (Appendix 3), of the membership data must be submitted by the RO with the Dispute Form.

RO will generate, locally, a membership list for the relevant employer from Stratum showing membership numbers, names, addresses, workplaces, job categories and subscription payment method and if applicable contract. Not only should relevant data from the membership records system be obtained, but also all relevant check-off lists provided by employers. Note that the applicable employer may not be immediately apparent from the face of the check-off list in the case of a group of companies.

The list(s) must be circulated to stewards/workplace representatives with instructions that they should attend at all workplaces to update the list. This is particularly important in relation to the categories and workplaces of non-check-off payers. Members who will not be at work at the time of the proposed action should be removed from the list(s) (eg those on long-term sick leave or maternity leave or who are to be made redundant by the time proposed action can commence). (Appendix 4 and Appendix 5). Updated information
should be marked on the lists and should be entered into the membership system at local level. LS only require the Excel Spreadsheet containing the members to be balloted.

Only one Excel spreadsheet must be submitted and mandatory columns are: Region, Employer Name, Membership Number, Members’ Title, First Name/initials, Surname, Address 1, Address 2, Address 3 and Postcode, Members’ Workplace Location, Job Category, Payment method and, if appropriate, Contract.

If the union’s membership information is known to be deficient for any particular group of members, such as homeworkers or members without stewards/workplace representative please use (Appendix 6). In first instance, you should refer to LS at the earliest opportunity. Further special measures may be required to update the records for the purpose of the ballot. This needs to be planned and built into the ballot timetable. Special measures would include sending members a questionnaire by post and/or email, using an external telephoning agency (Mass 1) to contact members and/or requesting Regional Administration/Membership Department to telephone members.

Where only members with certain occupations are to be balloted, and the check-off lists do not clearly differentiate between members with particular occupations, consideration may be given to seeking the information from the employer.

RO must also ensure that the list(s) is/are checked against any other information (in documentary or electronic form) that they, other officers or workplace representatives may hold.

RO must also maintain a detailed record of all of the steps taken to check and update membership lists to include the names of the relevant officers, stewards and workplace representatives, the workplaces where they checked members’ details, the date of checking and the information they obtained. In the event of a challenge, the union will need to be able to produce evidence of the efforts it made to ensure the accuracy of the information. If additional steps were taken to ensure the accuracy of the lists beyond attendance at workplaces by officers, stewards and workplace representatives, these should be recorded because the union will need to be able to explain how the lists and figures have been arrived at.

Great care must be taken to ensure that each member who it is believed will be called to take part in the industrial action is included on the list. This includes members who are absent from work at the time the list is compiled because they are sick or on leave, but are expected to return before the projected industrial action ends.

The list of names, addresses, workplaces and categories must be updated on a continual basis during the dispute. It will be required for the ballot notice, when sending ballot papers to members, and for each action notice. Changes which should be included on the list and entered into the membership system include newly recruited employees who are members of the union, newly recruited members, changes in job category or workplace and changes of address.

A single list of members to be balloted (in a single Excel spreadsheet – in mandatory format as above) must be submitted with the Regional Dispute Form and Appendix 10 sent to the Regional Secretary who authorise and forward to LS.

### 6 Keeping lists up to date

It is not enough to ensure that the list of names and addresses of members to be balloted is correct when it is compiled. It must be kept accurate and up to date. An up to date list is required:

a) To give notice of intention to ballot.
b) To send ballot papers to those entitled to vote.
c) To give notice to employers of the proposed industrial action.

Any changes in the original list because, e.g.

- the company recruits new employees who are existing members of the Union;
- existing employees join the Union;
- existing members change jobs either into or out of a department involved in the action;
- members on the list leave the company’s employment;
- members change their addresses;

must be notified to Legal Services as soon as possible. Even after the ballot has begun it may be possible to send out voting papers to members who are added to the list. The Notice of Industrial Action must cover all those who will take part in the industrial action and this should include members who have joined the Union after the ballot result has been announced.

It is essential that arrangements are made to ensure that the stewards/representatives immediately inform the responsible RO of any changes which need to be made in the list of members’ names and addresses and this information is passed on without delay.
7 GS postal ballot authority and notice of ballot

Once the membership list containing the members to be balloted has been updated accordingly, RO should complete the regional dispute form as fully as possible. Using the completed dispute form, LS will prepare the GS authority and draft a ballot notice, which will be sent to the RO and Regional Secretary (Copied to Assistant General Secretaries, National Officer, Campaigns and Communications and ERS). RO to set up the ballot timetable with ERS and ERS will submit sample ballot paper for RO’s approval.

It is the responsibility of the RO to serve the ballot notice and ballot paper on the employer. The notice of ballot must be received by each relevant employer by no later than the seventh day before the first day on which ballot papers are sent to members. It should be sent to employer by fax and email by no later than 4pm on the relevant day and First Class Post.

A copy of the fax transmission report and email read/received receipts must be retained. RO must make arrangements to keep members informed and be ready to counter any campaigning by the employer(s) during the seven day period preceding the sending out of ballot papers.

8 Conduct of the ballot

RO must ensure that members to be balloted are informed that if they do not receive a ballot paper by a particular date, then contact should be made with the RO’s office to check whether they are entitled to a ballot paper and, if so, RO will request one be sent by ERS.

Workplace Notice (Appendix 7), to be completed by the RO, giving details of the ballot and who to contact if a member has not received a ballot paper, will be provided by LS when sending GS ballot authority.

Members should be allowed to vote in secret and without pressure or interference.

9 Non receipt of ballot paper

If a member hasn’t received a ballot paper and enough time has been allowed for delivery – ERS advises to give approx. 3 working days from the ballot dispatch day to reach the given address – the designated officer should make relevant checks prior to requesting the appropriate paper:

Duplicate Ballot Paper
- The member is on the membership list submitted to ERS and the member’s address is the same. BP may have got mislaid by the post or other. In this case, Duplicate BP will need to be requested.
- The member is on the membership list submitted to ERS but we have an old address for them. In this case, duplicate BP will need to be requested to correct address and membership system will need to be changed.

Additional Ballot Paper
- The member is not on the membership list submitted to ERS.
- Officer must check ok to include in ballot (e.g. they fall within ballot constituency) and if in order Officer to ask ERS to send additional ballot paper. Any changes to members’ records must be updated at local level.

Crucial information needed during this stage is – Employer name, Job title, Workplace premises, Payment method – Check off / non check off, Postal address, Contact number.

When requesting a ballot paper from ERS please clearly mark whether the ballot paper is a duplicate or an additional.

Please note during the balloting process LS will send officer procedure for non receipt of ballot paper.
10 The result

Before the ballot opens, the RO should discuss with LS whether further steps are necessary to inform members of the result(s) of the ballot such as writing to members individually and by email. It may occasionally be posted on the union’s website in a non-password protected area.

The RO must remain contactable throughout the day when the ballot result(s) is expected. If this is not possible, RO must arrange cover and inform LS. It is the responsibility of the RO to inform the employer and the members of the ballot result(s) on the same day the result(s) are received.

LS will send to RO the GS action authority (if the vote is in favour), the ballot result(s) and the employer ‘ballot result(s)’ template cover letter (Appendix 8).

All the pages of the result(s) of the ballot (ERS ballot result(s) and Scrutineers report(s)) must be provided to the employer of members in the ballot. This will always need to be on the same day that the result(s) is/are received. Notifying the employer of the result(s) of the ballot will be the responsibility of the RO.

All members entitled to vote in the ballot must be informed of the result(s) as soon as it is available. The RO must ensure that this information is distributed to all members on the day the Result(s) is/are received. The notice of the result(s) must include details of the number of votes cast, the number voting “yes”, the number voting “no” and the number of spoiled ballot papers. RO should use the form of result(s) provided by LS (this is usually ERS ballot result(s) and Scrutineers’ report(s)), which should be posted on workplace notice boards and distributed in the workplace.

11 Request for call for industrial action

Before industrial action can be authorised, the RO must submit a “Request for Call for Industrial Action” form (Appendix 9) giving precise details of the members to be called to take part in the action, the action proposed, and when it is intended to take place. The form should be sent by the RO to LS. Because the union is required to give seven days' notice of industrial action (and action must actually begin within four weeks of the close of the ballot), decisions as to the type and timing of action should be taken as soon as the ballot closes. To give LS enough time to draft action notice letter, and for it to be checked and served by the RO, please submit this form 9 days in advance of any commencement of action. If the action is intended to be intermittent, such as a series of one day strikes, the request for authority for industrial action must specify every date, and timing, the action is to take place.

The description of members contained in the notice of action will be in the same form as that contained in the ballot notice. The numbers, categories and workplaces for non-check-off payers must be checked and updated to ensure that any changes have been recorded. If applicable, ROs must take into account any workplaces that closed, after ballot notice has been served, and eg members moved to additional workplaces. Also RO should take into account any TUPE situations, if applicable.

12 Notice of industrial action

LS will use the completed Request for Industrial Action Request Form to draft an action notice. LS will send a draft action notice to RO for checking and serving on the employer. It is the responsibility of the RO to serve the definitive action notice on the employer. The employer must receive it by no later than the seventh day before the action is due to commence.

The notice should be sent by fax and email by no later than 4pm on the relevant day, and by First Class post. A copy of the fax transmission report, email read and received receipts should be retained. All members who will be called upon to take part in the industrial action should be included in the action notice.

It is the responsibility of the RO to inform the members accordingly of any planned action. Members should be instructed only to take industrial action as specified in the action notice.
13 Delaying, postponing or suspending industrial, action

There may be industrial reasons why it is desirable for industrial action to be delayed or postponed.

But, the protection of the ballot will be lost if action does not start within four weeks of the closing date of the ballot (and the last voting day is the first day of that four week period). That four week period may be extended so that industrial action can start within no more than eight weeks from the date of close of the ballot. But the employer must provide its prior agreement to this by signing in conjunction with the RO an extension agreement. Template extension agreement should be requested from LS. Advice must be sought from LS before entering such an agreement.

Once industrial action has started, it can be suspended to allow negotiations to take place. Generally, it will be necessary to serve a fresh notice of action for the action to be resumed.

14 Picketing

It should be remembered that there is no general legal right to picket as such. If unlawful picketing takes place the pickets themselves and the Union may become liable to civil and possibly criminal action and the industrial action itself is likely to be undermined. The law allows peaceful picketing by workers at their own place of work pursuant to a lawful trade dispute so long as the rules set out below are followed. All stewards/representatives and regional officers involved in organising picketing must follow these rules which are based on the Code of Practice on Picketing. www.berr.gov.uk/files/file23914.pdf

The picketing may only be carried out as part of industrial action which has been called by the Union.

15 Who may picket and where

The pickets must be involved in the dispute and the picket must be at or near their own place of work. Regional officer can attend at the place of work of a member who they are accompanying on the picket line and whom they represent. Lawful picketing must therefore be limited to attendance at, or near, an entrance to or exit from the factory, site or office at which the picket works.

Different rules apply to mobile workers, workers who have no fixed place of work, workers who normally work at more than one place and workers for whom it is impracticable to picket at their own place of work because of its location. These workers may picket any place from which they work or from which their work is administered. Advice should be obtained from Legal Services before organising a picket at a place which is not the members’ normal place of work.

There is no right to picket on private property. If the company’s premises are on a private industrial estate and the company won’t agree to a picket at the entrance(s) to its premises, the pickets will have to be at the entrance(s) to the estate.

16 Number of pickets

There should not be more than 6 pickets at each entrance at any time. During a dispute feelings may run high. Marches and rallies can be organised to enable other members to demonstrate their support. It is essential however that any such demonstrations are kept separate from the pickets.

17 Peaceful picketing

Picketing must always be entirely peaceful. The only lawful purpose of picketing is to peacefully obtain or communicate information or peacefully persuade a person not to work.

The pickets may seek to explain their case to those entering or leaving the picketed premises and ask them not to enter or leave the premises where the dispute is taking place. This can be done by speaking to people or by distributing leaflets or displaying banners or placards. However it is essential that this activity is conducted peacefully. The pickets must not threaten or intimidate those entering or leaving.

There is no right to require people crossing picket lines to stop and listen to the pickets. If any of the following activities take place the picketing will become unlawful and the pickets may become liable to civil and/or criminal penalties:

- Threats or assault
- Harassment
- Obstruction of paths, roads or entrances to premises
- Causing nuisance to neighbouring properties by reason of noise or large crowds
- Trespassing on private property
18 Organising picketing

The responsible regional officer must ensure that an experienced person, preferably a steward/representative who represents those who are actually picketing ("the Organiser") shall at all times be in charge of the picket line. The Organiser should be given a copy of these guidelines. The Organiser should be contactable at all times to advise pickets if problems arise or to discuss any matters of concern with the regional officer.

The Organiser should maintain close contact with the local police and should consult with them in advance of setting up the picket. The Organiser should ensure that the police are content with the number of people who are to be on the picket line and that their location is not obstructing the highway. The Organiser should ensure that:

- The pickets are aware of the content of these guidelines.
- The pickets are aware that the picketing must be conducted peacefully and lawfully.
- The pickets are clearly identified as official Unite pickets.
- Workers from other places of work do not join the picket line. Any offers of support on the picket line from outsiders must be refused.
- The number of pickets at any entrance or exit does not exceed 6.
- The picketing is not conducted in such a manner as to cause fear to those who wish to cross the picket line.
- Close contact with the responsible Full-Time Officer is maintained
- If other unions are involved in the dispute agreement is reached with them about arrangements for the picketing. The total number of pickets must not exceed 6 at any entrance or exit regardless of the number of unions involved.
- When pickets are being changed special care must be taken to ensure these guidelines are followed.

It is essential that industrial action supported by the Union remains within the law. By ensuring these guidelines are followed you will enable the Union to assist our members in pursuing their dispute.

APPENDIX 1 Dispute form

This dispute form should be completed in conjunction with the Regional Officers Industrial Action Ballot Procedure. In the first instance, would the servicing officer please inform the relevant national officer of the potential industrial action ballot.

<table>
<thead>
<tr>
<th>Regional Officer’s name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Officer’s Unite Region</td>
<td></td>
</tr>
<tr>
<td>National Officer</td>
<td>Unite Sector</td>
</tr>
<tr>
<td>Employer Name – (please give the correct, full name of the members’ employer).</td>
<td></td>
</tr>
<tr>
<td>Employer Address – (please give the full address. This is the address where the notices will be served)</td>
<td></td>
</tr>
<tr>
<td>Full Name and Position of management contact at Employer. (e.g: John Smith, Human Resources Director)</td>
<td></td>
</tr>
<tr>
<td>Also include Tel No. Fax No. and Email Address.</td>
<td></td>
</tr>
<tr>
<td>Employers Group Name:</td>
<td></td>
</tr>
<tr>
<td>Total/approx number of employees at company:</td>
<td>Total of Unite members to be balloted</td>
</tr>
<tr>
<td>Please ensure you have taken account of different companies within groups of companies, mergers and TUPE transfers.</td>
<td></td>
</tr>
<tr>
<td>Have you checked and updated list(s) of members by doing the following:</td>
<td></td>
</tr>
<tr>
<td>Marked members who have left or will not be at work at the time of the action</td>
<td></td>
</tr>
<tr>
<td>Checked we have correct current addresses for all members</td>
<td></td>
</tr>
<tr>
<td>Removed members who are no longer in categories to be balloted and/or included members who are now included in categories to be balloted.</td>
<td></td>
</tr>
<tr>
<td>Added members not on the original listings provided.</td>
<td></td>
</tr>
</tbody>
</table>
Ballot Constituency

Does the ballot constituency constitute all our members employed at every workplace we have members? EG Carlisle Support Services has workplaces in many Regions with, say, members providing services for various bus companies so we may only be balloting all members working at Arriva London Garages. Please refer to Dispute Guidance – Item 3 Identifying the members to be balloted and called to take action – Ballot Constituency.

Please specify  YES □  NO □

If YES, please list below the full addresses (inc postcodes) of workplaces of all the members you intend to ballot

If balloting all members but not at every workplace where we have members please give reasons why workplaces to be excluded and list them below or state eg Veolia ‘there are many Veolia employers and only balloting Veolia Environmental Services (Birmingham) Limited workplace(s).

Or

Are you intending to ballot a specific group, bargaining unit, a specific contract (eg Wncanton Members working on the Iceland Contract) hourly paid, specific job category(ies) or intending to ballot every member, including managers, apprentices etc at every workplace/not at every workplace?

A description must be provided so the employer is clear of the ballot constituency. Care must be taken to ensure that the description given will enable the employer to identify whether any particular individual will or will not be balloted.

Please give ballot constituency below and full addresses, including postcodes, of workplaces to be balloted and if any workplaces, where we have members, are to be excluded give reasons and list the workplaces as above, state eg Veolia scenario

Ballot Constituency:

Workplace addresses (inc postcodes)

For notice letters, check off member breakdown is not required, but for non check off members we must provide a breakdown of job categories and numbers of members in each job category as well as a list of workplace locations and numbers at workplace location.

See attached completed non check off breakdown – Appendix 10 – showing mandatory information required.

Please provide information in this format and attach to this dispute form.

If this non check off member breakdown is not provided, this will only delay the processing of your ballot.

Total Check Off

Could this action involve or affect other /groups of Unite members. If so provide details.

Total Non-Check off

Is this action to be taken in conjunction with any other Trade Union(s)?

Please advise if  YES □  NO □

If YES, please state which Unions and give names, addresses and contact number of officials responsible and indicate approximate size of membership concerned of any other union involved in the dispute. Also what stage they are at with their ballots.

If NO please state if any other Unions have members in the same categories at the workplaces being balloted and give details which Unions and approximate size of the membership concerned and reasons why Unions not balloting.

Question on Ballot Paper (tick one only)

1. Strike action
2. Action short of a strike
3. Two questions i.e. strike action and action short of a strike

Description of Proposed Industrial Action:

Give details of the Trade dispute issue(s):

If a pay claim, summarise all major points.

Also describe all processes taken to resolve by negotiation and conciliation (use separate sheet if additional space is required)

Has the procedure been used and exhausted?

Please advise if  YES □  NO □
Ballot aggregation
If the ballot involves more than one workplace, please specify which condition for holding an aggregated ballot is satisfied and why (see Regional Officers Industrial Action Ballot Procedure)

DATE FORM WAS COMPLETED:
Once dated and completed, please submit to Regional Secretary and also include membership data which should be in excel format with all the required information (as per mandatory format template – see Regional Officers Industrial Action Ballot Procedure document) on one spreadsheet.

REGIONAL SECRETARY’S REPORT
Have you been involved in this dispute – YES □ NO □
Do you support Regional Officer’s recommendation – YES □ NO □
Comments:

Name: ______________________ DATE: ______________________

For Regional Secretary’s Office: When dated and completed please send the form and membership data to LS by email to lorraine.diales@unitetheunion.org and faina.msellem@unitetheunion.org.

APPENDIX 2 15 Essential steps guide

The following is a summary of the union’s industrial action procedures showing the responsibilities of Regional Officer and Legal Services Department (LS):

1. RO must identify and define the trade dispute prior to proceeding with request for Industrial Action Ballot.
2. RO must identify which members are to be balloted and called to take action;
3. It is essential that, as a matter of course and in the first instance, RO inform the relevant National Officer(s) of the employer(s) to be balloted, the exact subject matter of the trade dispute, members to be balloted (eg description and approx numbers) and workplace location(s)
4. RO must generate, locally, membership listing to be checked/updated in line with guidance with workplace reps etc.

The listing must include the members’:
- Membership Numbers
- Names and Addresses (including postcodes)
- Workplace Addresses
- Job Categories
- Payment Method
- Contract if appropriate
5. RO must complete and return to LS a Regional Dispute Form and the most up to date checked membership list in mandatory Excel format.
6. RO must identify on the form any unusual circumstances, for example a multi-site ballot, a ballot involving a substantial number of members, and/or an imminent TUPE transfer or imminent redundancies.
7. LS prepares notice of ballot and sends to, along with GS ballot authority, RO and Regional Secretary (copied to AGSs, National Officer(s), ERS, Campaigns and Communications)
8. RO liaises with ERS to set up ballot timetable and request Sample ballot paper for approval. RO – as per instructions in GS ballot authority/cover email – completes the draft ballot notice LS prepared – eg dates letter, inserts ballot opening date, attaches approved ballot paper and serves on employer.
9. RO completes workplace notice for members re ‘non receipt of ballot paper’ as per GS ballot authority cover email instructions.

10. LS notifies ROs of ballot result. RO notifies members and Employer as per instructions in GS Action Authority – or GS Ballot against Action letter – and cover email.

11. RO completes “Request for Call for Industrial Action” form and submits to LS identifying the type and timing of action to be taken and an up to date description of the members to be called.

12. LS prepares action notice and sends to RO for checking and serving on Employer as per LS instructions.

13. RO submits to LS any subsequent changes to the industrial action or requests for suspension/postponement of the action or extension agreement. Regional Officer to communicate with members involved in the dispute.

14. LS prepares for RO any suspension/postponement or extension agreements.

15. RO must keep LS informed of settlements – eg date, terms of settlement and what action took place.

APPENDIX 3 Membership list mandatory format

Only one Excel spreadsheet must be submitted and mandatory columns are:
Region, Employer Name, Membership Number, Members’ Title, First Name/initials, Surname, Address 1, Address 2, Address 3 and Postcode, Members’ Workplace Location, Job Category, Payment method and, if appropriate, Contract.
Appendix 4

Letter to workplace representatives

Insert name of employer

Industrial Action Ballot – Checking List of Members

As you are aware, Unite is preparing to organise an industrial action ballot of (insert description of those to be balloted). Attached is a list of the names and addresses of all of the members within the above description which are presently held on the Union’s membership database. It is extremely important that you check this list very carefully and add to it those members who are not on the list, mark those who have left, or are due to leave e.g. through retirement, redundancy, TUPE etc before proposed action or who will not be at work at the time of the proposed industrial action, and ensure that we have up to date addresses for each member. For non check off members, please include/update their job descriptions and workplace address(es). When a member gives a new address he/she should be asked to complete and sign the attached form (Appendix 5) so that the membership records can be updated.

Care should be taken to ensure that everyone who it is believed will be called upon to take part in the industrial action is included on the list. This includes members who may be absent from work at the time the list is compiled because they are sick or are on leave, but are expected to be back at work by the time the proposed industrial action will begin. Equal care should be taken to ensure that no-one is included on the list who will not be called upon to take part in the industrial action (e.g. because they are on long-term leave or have left or are due to leave the employer before the action begins or work in a department which will not be involved in the action).

In some cases it may not be possible to obtain a member’s home address (e.g. because the member is away from work at the time the list is compiled or because the member simply refuses to disclose his/her home address). In those circumstances the list should record the member’s full name and membership number (if known) and a voting paper can then be sent to the member’s address on the register of members maintained by the Union. Whenever possible, however, a member’s current address should be obtained from that member because some members will have changed address without notifying the Union. Members can also ask for their ballot paper to be sent to an address which is not their current home address. If they do so they should be asked to fill out the attached form and explain why they want this done.

In summary, we need you to go through the list and amend it so that it provides an up to date list identifying those members to be balloted. We need their:

1. Names;
2. Addresses;

And, additionally, for members not on check-off their:

3. Workplace Addresses (If more than one workplace being balloted)
4. Job descriptions
5. Name of Contracts, if applicable – eg Esso Fuels Contract

Reasons to keep lists up to date

It is not enough to ensure that the list of names, addresses, locations and job descriptions of members to be balloted is correct when it is compiled. It must be kept accurate and up to date because an up to date list is required:

1. To give notice to employer(s) of intention to ballot;
2. To send ballot papers to those entitled to vote;
3. To give notice to employer(s) of the proposed industrial action.

Any changes in the original list because, e.g.:

- the company recruits new employees who are members of the Union
- existing employees join the Union;
- existing members change jobs either into or out of a department involved in the action
- members on the list leave the Company’s employment
- members change their addresses
- members change their work location
- members change their job description

must be marked accordingly. The list should be given back to your Regional Officer as quickly as practicable. And he/she will ensure any necessary changes to the members’ records are made. Even after the ballot has begun, it may be possible to send out voting papers to members who are added to the list. The notice of industrial action must cover all those who will take part in the industrial action and this should include members who have joined the Union after the ballot result has been announced.
APPENDIX 6  Letters to homeworkers/members without workplace representatives

INDUSTRIAL ACTION BALLOT – CHECKING LIST OF MEMBERS

As you are aware, Unite is preparing to organise an industrial action ballot of (insert description of those to be balloted). In order to organise the ballot properly, the Union must compile an accurate list of the names, addresses, work locations and job descriptions of the members to be balloted. The details which we have for you are set out on the attached form. If your details have changed please return the attached form using the freepost envelope provided.

It is not enough for the list of members to be accurate at the outset of the industrial action process, it must be kept accurate throughout. Therefore, any changes which might take place in the original list because, e.g:

- The Company recruits new employees who are members of the Union;
- Existing employees joining the Union;
- Existing members change jobs either into or out of a department involved in the action;
- Members on the list leave Company’s employment;
- Members change their addresses;
- Members change their work location;
- Members change their job description

should be notified to your Regional Officer immediately.

A form is enclosed together with a freepost envelope for you to use to inform your Regional Officer of any changes to your details or any of the other matters set out above.

APPENDIX 5  Member’s details for industrial action ballot

To be completed by individual (please use block capitals)

Name of Employer: ________________________________________________
Workplace Address: ________________________________________________
Job Title: _______________________________________________________
Surname: _________________________________________________________
First Name(s): ____________________________________________________
Home Address: ____________________________________________________

Contract if applicable e.g. Morrisons Northern __________________________

* Please use the above address as my postal address for all purposes.

BRANCH NAME OR NUMBER (if known): _____________________________
MEMBERSHIP NUMBER (if known): _________________________________
SIGNED: _________________________________________________________
DATED: __________________________________________________________

* Please delete this sentence if the address given is not the address you want the Union to use for other purposes, e.g. elections.
Appendix 6 (continued):

REGIONAL OFFICER – PLEASE INSERT WHAT DETAILS WE HOLD FOR MEMBER:
MEMBER – PLEASE AMEND ANY DETAILS, BELOW, AS NECESSARY

Employer Name: ________________________________
Name: ________________________________
Address: ________________________________
__________________________________________ Postcode: __________
Home tel: __________________ Mobile tel: __________________
Email address: ________________________________
Membership No: ________________________________
Payment Method: ________________________________
Workplace Address: ________________________________

Job Description: ________________________________
Contract if applicable e.g. Morrisons Northern ________________________________
I am not currently employed: ________________________________
I am due to leave employer as specified above: ________________________________

RETURN IN FREEPOST ENVELOPE (by no later than RO INSERT DATE) TO:
RO INSERT NAME AND OFFICE DETAILS WHERE FORM TO BE RETURNED TO

APPENDIX 7  Workplace notice

UNITE THE UNION

EMPLOYER NAME
WORKPLACE LOCATION(S)

NOTICE TO MEMBERS OF FORTHCOMING INDUSTRIAL ACTION BALLOT

The Union intends to conduct a ballot for industrial action of the following members
[insert description of members to be balloted].

Voting papers will be sent out on [insert same date as on the notice to the employer].
If you have not received a voting paper by [insert date] you should contact [name of contact person] IMMEDIATELY.

The names of the members to be balloted are available at [specify when and where members can check they are on the list.] If you are entitled to vote in the ballot please check that you are on the list and that your address is accurately recorded.

If you know anyone who is away from work at the moment but who should be included in the ballot, please give his/ her name to [name of Unite representative] so that we can check whether your colleague should be sent a voting paper.
**APPENDIX 8** Employer ballot result(s) template cover letter

Our Ref: ____________________________

Date: ____________________________________

Contact: __________________ Email: __________________

Name/Designation of Recipient
Employer Name/Address

Dear ———

Re: Industrial Action Ballot

I am writing to you to inform you of the result of the ballot for industrial action held on [insert date ballot closed]. I enclose a copy of the Independent Scrutineers' report which provides you with the information you require.

I will be writing to you again, in due course, in terms of the industrial action.

Yours sincerely

Officer's name/Designation and signature

Enc

**APPENDIX 9** Industrial action request from

EMPLOYER NAME: ______________________________________

Ballot closing date: ______________________________________

Description of members to be called upon to take action (if different from that set out in the Ballot Notice Letter):

Give details of all changes to members concerned, workplaces – eg any workplaces closed, members been moved to additional workplaces – since the Industrial Action Ballot Notice was served.

For non check off members only, please provide an up to date breakdown of numbers at workplaces and numbers in categories (See Appendix 10).

Action to be taken:
(When considering action, please take account of members' shift patterns, rotas etc)

Date and time action is to commence ______________ (this must leave time to give the employer "7 days' written notice but it must be within 28 days of the last day for voting – NB THE LAST DATE OF VOTING COUNTS AS ONE OF THE 28 DAYS).

Will action be continuous (e.g. an all out strike or complete overtime ban) Yes/No *Please circle and specify

If action not continuous (e.g. a series of one day strikes) please specify each date and time action is to commence and conclude: __________________________________________

Signed: ____________________________

Name of Regional Officer: ____________________________

Date: ____________________________

*TO GIVE LS ENOUGH TIME TO DRAFT ACTION NOTICE LETTER, AND FOR IT TO BE CHECKED AND SERVED BY YOU, PLEASE SUBMIT THIS FORM — TO LORRAINE DIALES AND FAINA MSELELM IN LEGAL SERVICES 9 DAYS IN ADVANCE OF ANY COMMENCEMENT OF ACTION.
**APPENDIX 10** Non Check Off breakdown

<table>
<thead>
<tr>
<th>Workplace</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>9th Floor Wellington Buildings</td>
<td>16</td>
</tr>
<tr>
<td>The Strand</td>
<td></td>
</tr>
<tr>
<td>Liverpool</td>
<td></td>
</tr>
<tr>
<td>L2 0PP</td>
<td></td>
</tr>
<tr>
<td>7 Woolton St</td>
<td>2</td>
</tr>
<tr>
<td>Liverpool</td>
<td></td>
</tr>
<tr>
<td>L25 5NH</td>
<td></td>
</tr>
<tr>
<td>Chestnut Court</td>
<td>2</td>
</tr>
<tr>
<td>Liverpool</td>
<td></td>
</tr>
<tr>
<td>L20 4UN</td>
<td></td>
</tr>
<tr>
<td>Maude Roberts Court</td>
<td>1</td>
</tr>
<tr>
<td>Litherland</td>
<td></td>
</tr>
<tr>
<td>L21 2PE</td>
<td></td>
</tr>
<tr>
<td>Jericho Court</td>
<td>1</td>
</tr>
<tr>
<td>Liverpool</td>
<td></td>
</tr>
<tr>
<td>L17 5AY</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>22</strong></td>
</tr>
</tbody>
</table>

**Category** | **Number**
--- | ---
Technical Officer | 1
Technical and Contracts Coordinator | 1
Senior Housing Officer | 4
Housing Manager | 1
Property Services Officer | 2
Customer and Business Services Officer | 2
Director of Finance | 1
Finance Officer | 1
Senior Customer and Business Services Manager | 1
Housing Services Manager | 2
Admin/Receptionist | 1
Customer and Business Services Manager | 1
Scheme Manager | 4

**Total Number of non check off members** | **22**

**APPENDIX 11** Industrial Action Ballot Procedure

**INDUSTRIAL ACTION QUESTIONS / ANSWERS**

1. Where Unite is in dispute with five subsidiaries in a group of 200 companies, is it sufficient just to identify the group name and send a single ballot and action notice to it?
   
   A. No, the exact name of each company will be needed and a ballot and action notice will need to be sent to each company.

2. Can there still be a trade dispute if the employer knows nothing of the union’s demands?
   
   A. No, because the employer would not know what the subject matter of the dispute is. It is essential that both the employer and the members are aware of the subject matter of the dispute.

3. Is it permissible to ballot members who are not themselves directly affected by the trade dispute?
   
   A. Yes, so long as they are employed by the same employer as the employer who is a party to the dispute. But there may be affects on aggregation.

4. Unite has 3000 members employed by X co in all regions of the country. It is in dispute with X co about 300 proposed redundancies in the West Midlands. Can the union hold an aggregated ballot of just its members who are employed by X co as drivers in the East Midlands and the West Midlands?
   
   A. No, Unite is not balloting all of its members employed by X co, nor is it balloting all of its members who have one or more occupations. It is also not the case that the workplace of each member to be balloted is also the workplace of a member who is directly affected by the subject matter of the dispute. None of the aggregation gateways are satisfied.

5. If the union is only proposing to ballot some of the members employed by a particular employer, how should the members to be balloted be described in the notice?
   
   A. A precise description must be given of the group of members to be balloted so that the employer can readily identify whether any particular individual is or is not to be balloted.
An example of a description, which might, depending on the circumstances, be sufficient is ‘All members employed by A on the X, Y and Z Contracts. However, care must be taken to ensure that the description given will enable the employer to identify whether any particular individual will or will not be balloted.

6. Once you have had generated a membership list, what steps would you take to update it?
A. Send the list to the lay reps and get them to go round the workplace(s) updating the list, including addresses, workplaces and categories, and removing details for members who will not be at work during the action, e.g. redundancy. Membership data should be input into the membership system at local level.

7. Would you check the membership list against any other information held by officers and officials and, if so, what other types of information?
A. Yes, any other information held in documentary or electronic form - eg check-off lists held by officers or representatives.

8. A ballot is due to open on 12 March, 2012. What is the last day for the employer to receive the ballot notice?
A. 5 March 2012 before 4.00pm.

9. In the ballot and action notices, for non-check-off payers, what must the “lists” and “figures” contain.
A. The “workplaces”, and the numbers at each workplace, and the “categories” and the numbers in each category.

10. Does the membership list have to be updated after the ballot notice has been sent?
A. Yes, the updated information will be needed for the action notices – eg any new joiners, leavers, additions etc.

11. What procedures should be followed in relation to members entitled to vote in the ballot who advise they have not received a ballot paper?
A. They should contact relevant officer who will check if member is on list sent to ERS. If on list with correct details or with, say, wrong address, Officer to request ERS to send duplicate ballot paper. If not on original list, Officer must check ok to include in ballot (eg they fall within ballot constituency) and if in order Officer to ask ERS to send additional ballot paper. Any changes to members’ records must be updated at local level.

12. Once a ballot has closed is it correct procedure to wait for further authorisation on the industrial action before sending the employer and members the results of the ballot?
A. No, the result of the ballot must be sent to the employer and the members as soon as reasonably practicable after the ballot has closed. LS usually receive result from ERS by 1pm for ballots closing at noon. LS will send result to officer as quickly as practicable so officer can notify employer and members of result.

13. What information must be contained in the notification to members of the result of the ballot?
A. Number of votes cast, number voting “yes”, number voting “no” and number of spoiled voting papers. Ballot results can be put up on workplace noticeboards, distributed at workplaces, and, where appropriate, sent to members' home addresses.