

Unite at St Mungo's Newsletter



UNITED WE STAND

You may be aware, James Lally on behalf of the leadership team at St Mungo's responded to Unites enactment of the Avoidance of Disputes Procedure. Unite will shortly be addressing in full all of the dispute issues raised. In the meantime it is important that Unite dispels some of senior management's erroneous and misleading claims.

Despite the senior management's assertions to the contrary – St Mungo's continues to make a concerted attempt to cut the terms and conditions of staff. Many of you will remember the recent unsuccessful attempt to cut unsocial hours payments last year and the cynical ploy to camouflage the Junior Staffing Cap issue within the unsocial hours argument.

Junior staffing cap

St Mungo's claimed that junior staffing cap made them uncompetitive. Despite repeated requests for evidence of this, St Mungo's have not provided any information related to these assertions. In fact St Mungo's contract income has almost doubled in the last 4 years. St Mungo's is competitive and continues to be.

Senior management have blatantly recognised the weakness of their argument about competitiveness and are now claiming that they need to provide more entry level roles as it has become difficult to recruit project workers. The entry level roles are simply about paying people less. Some of you will be aware of the night project workers that were replaced by night concierges on lower wages.

Senior management's argument that junior assistants will be able to free up project worker time is false. They are proposing the replacement of project workers with lower paid junior staff; this is why are they seeking to change the ratio of junior staff to project workers allowed under the current agreement. Particularly concerning is senior management's refusal to confirm that the clause in our agreement that prevents project workers ever being demoted to a junior position will remain.

Whether through demotion or natural wastage (project workers leaving and not being replaced) senior management's proposals will reduce the number of project workers, increasing project worker caseloads and project worker workloads in general.

This projection is consistent with what is happening across the housing sector where project worker roles have dwindled through restructuring to be replaced by lower paid staff.

Our agreement was negotiated to protect workers jobs, pay, terms and conditions, workloads and health and safety. We will continue to resist attempts to make St Mungo's a party in the race to the bottom.

Sickness policy

Unite made it clear that an 18 month review period was unacceptable, adds to anxiety and is detrimental to the health and well-being of employees. Senior management claim that employees have thanked them for this review period and do not believe the concerns Unite have raised. St Mungo's have confirmed that they will not be considering the length of the review period despite members emphasising that they are coming into work when they feel unwell or taking annual leave to avoid triggering another level of the sickness procedure.

Annual leave

The issue of those working shifts of more than 7.5 hours having to take more than one days leave to take one day off work is unacceptable. It is a breach of our members contracts for which Unite is pursuing in the courts, however, if successful, this will only result in back pay for annual leave already lost. Legal action should not and will not prevent us as a union from pursuing an industrial response to this injustice. It is an outrage that St Mungo's senior management have said that they will not follow the disputes avoidance procedure in this matter.

Outside activities

In November 2018 St Mungo's made it compulsory, for all employees to complete a declaration form requesting permission for all volunteering, education and employment undertaken outside of St Mungo's, regardless of whether these activities are a conflict of interest. St Mungo's have been disingenuous in their last communication by not noting that this lies at the heart of our dispute.

Lone working devices

Unite has requested that St Mungo's provides details of data that is generated through use of lone working devices and gives an undertaking that such data will not be used for disciplinary purposes. Senior management in their response have made it clear that they will use information from these devices in the same way that they use CCTV information in disciplinary proceedings as they

feel fit. Their only commitment is to notify an employee when their location is being tracked. Unite believe that senior management and HR in particular are already overzealous in their pursuit of disciplinary action against our members and we are not prepared to allow our members exact location at any point in their working day to be another weapon to be used against them.

Draconian use of discipline

Our members, particularly those working within projects will know that the use of disciplinary action within the organisation has gone too far. We believe, and we have made this clear to management, that disciplinary action within the organisation is no longer used as a way of raising levels of behaviour but is instead increasingly utilised as a way of maintaining a climate of subservience and, increasingly, intimidation. Stats provided by St Mungo's also show that Black Asian and Ethnic Minority employees are disproportionately disciplined by the organisation.

HR's role in disciplinary cases, exposed through subject access requests, has increasingly focussed on telling managers how to manage and escalating matters to dismissal situations wherever possible. It is now rare for representatives to receive disciplinary papers that focus on correcting an employee's conduct in a particular area of work. Instead, employees in a disciplinary process are more often than not presented with a long list of breaches, as many of which as possible are deemed potential gross misconduct. Such lists often require an extensive fishing expedition into an employees work history. Attempts to address matters informally where appropriate are shunned the moment senior managers and HR are involved.

The recent use of suspension at St Mungo's is scandalous. We have had members suspended without due cause for inexplicable of amounts of time costing the organisation hundreds of thousands of pounds each year. Suspension, rather than being used as it should to prevent risk to St Mungo's, its clients and workforce, has been used in matters including where employees have not accurately recorded working times on timesheets. When challenged on this Helen Giles explained that a reason for this was that a failure to suspend would bring in to question the fairness of any resulting dismissals, before any dismissals had taken place.

Unite access to workplaces

St Mungo's HR have actively intervened to discourage reps attending services. Unite seeks an undertaking that reps will be allowed to arrange union meetings at services and that agreement over timings will be agreed between the relevant local/departmental manager and the Union, based on operational needs rather than political discouragement from above.

Union presentations at central inductions

Historically Unite attended central induction programmes to talk to workers about current campaigns, workforce issues and the benefits of union membership. Over last year senior management has threatened to take away the slot and has told Unite that it is not appropriate to talk about union campaigns at central inductions, or to say anything "negative" about St Mungo's as an employer.

Whilst we respect that it is not appropriate to engage in any behaviour that is abusive we reserve the right to talk about the campaigns that we are engaged in against the employer.

Unite want a commitment that the induction slot will continue and recognition that as an independent trade union our views are not subject to veto by St Mungo's.

Management refusal to provide staff lists

To make it more difficult for Unite to communicate with potential members St. Mungo's have breached our trade union recognition agreement and refused to provide staff lists. St Mungo's have explained that they have received legal advice they cannot continue to send these lists due to GDPR; however they have refused to provide Unite with the relevant correspondence with their solicitors. Unite has invited St Mungo's to make a joint approach to the ICO to see whether the practice contained within our recognition agreement can continue.

Thus far, St Mungo's have agreed only to make contact with the ICO with their reasons for not providing the data. We believe that St Mungo's should be looking to uphold our recognition agreement rather than breach it for industrial reasons.

Sharing client information with immigration enforcement agencies

At Stage 1 of the avoidance dispute meeting Howard Sinclair stated that senior management have not shared information with the Home Office. This is not the case. Howard Sinclair has admitted that the organisation has shared data with immigration enforcement agencies with client consent or where a client is a risk to themselves or others.

We have received several representations from our members which include members of outreach teams that this information sharing has not been restricted to consent or risk.

Our members report that clients have stated that as a direct result of St Mungo's sharing information with the immigration enforcement agencies they have been detained. On being released, they have refused to engage with St Mungo's outreach teams which they felt had made them more vulnerable. Our members have reported that some Eastern European nationals can no longer trust St Mungo's following the organisation's assistance with immigration agency visits.

Our members have reported that St Mungo's has on several occasions passed information to the immigration enforcement agencies without undertaking any assessment or action in support of rough sleepers needs.

Unite has raised the issue on a number of occasions with Howard Sinclair. On one occasion Howard Sinclair's response was to note that whilst he had Unite challenging St Mungo's role on one hand, there were the likes of the *Daily Mail* "who would say the opposite".

Unite requested that senior management make a public apology and agree to stop providing information to the Home Office which they have declined.