

Compulsory jobs - what does it mean for our members

You will have seen in the news that the government has announced plans to make Covid vaccination compulsory for all staff who work in adult care homes.

UNISON is opposed to this. We support the vaccine programme, and have been encouraging members to get vaccinated, but we believe forcing people to have the vaccine is unethical and counter-productive.



The details are sketchy at the moment, but we expect workers will have 16-weeks to get fully vaccinated from when the regulations are approved by Parliament (there is no date for this yet). Although not widely reported in the media, the requirement to be fully vaccinated would also apply to volunteers and those who visit adult care homes for work such as visiting hairdressers, tradespeople, and other health and social care professionals.

Currently, if an employer wants to make vaccination a condition of employment it would need to be written in to the employment contract. This would require negotiation and agreement, but employers would also need to demonstrate that it was a 'reasonable' requirement based on risk and the job role.

However, if the law changes and vaccinations are compulsory for certain roles and situations then the law would take precedent over the employment contract. Except in cases where there is a medical reason, staff would have to have the vaccination. Staff who refuse could be redeployed to other roles, or if other roles are not available they could be dismissed.

For now, our position is that we encourage members to have the vaccination, but we believe persuasion and reassurance is a better approach than compulsion.

If you are supporting members who are anxious about having the vaccination and/or feel under pressure to do so, please let the branch office know.

Supporting a member? Let us know..

If you are supporting a member where you work, please make sure you let the branch office know.

The admin team can check that the member is fully paid up, but we also need to know so we can keep records of who we are helping. We can also assign a Service Conditions Officer to help and guide you too.

As soon as a member comes to you for help, please give the branch office a call or email.

Recruit, recruit, recruit!

We have had an amazing year in terms of recruitment. In the last 12 months to the end of May we had 838 joiners, but we have 658 leavers. We are still the best performing branch in the region, but we can do more.

As a workplace rep you have a really important role in promoting UNISON and encouraging colleagues to join. The more members we have where you work, the stronger our voice.

Once again this year we are running our 'recruit a friend' campaign. We have increased the prize fund, so for every member you recruit you will get a £20 shopping voucher. You will also be entered in our prize draw, which has prizes of £500, £250 and £125.

Members can join online at www.join.unison.org.uk. If you need any membership application forms or promotional materials please let the branch office know. Also, once Covid rules are relaxed we could visit your workplace with our recruitment stall - just let us know!



North Yorkshire Branch

Branch Activist Newsletter

News and updates for branch officers, activists and workplace reps ♦ Vol.1 Issue 1 ♦ 5 July 2021

Welcome.....

Welcome to the first edition of our new, regular newsletter for officers, activists and workplace representatives in the North Yorkshire branch of UNISON.



The Covid crisis has shown just how important trade unions are in the workplace, and in particular how important workplace union reps are. You have been the first point of contact for our members where you work.

The branch needs committed volunteers and activists like you, and I know it is important that you have the information and resources available to you so that you can best help our members.

You will always have the support of the branch as you help our members, including our fantastic branch admin team as well as our Service Conditions Officers.

Each issue will update you on the latest news from UNISON, updates to employment law, branch news, training opportunities, branch meetings and allsorts of information and advice that I hope you will find useful.

Every issue will also be uploaded to the branch website, where you can also find the latest news, advice and resources.

Thank you for stepping forward to be a branch activist or workplace representative. If you ever need any support and advice, or if you need any recruitment resources, please do not hesitate to contact the branch office.

Best wishes

Wendy Nichols, Branch Secretary

Changes to duty officer rota

Since the start of the Covid crisis we increased the duty officer rota at the branch office so there has been a duty officer available every weekday since March last year. We have supported hundreds of branch members during the pandemic.

As Covid restrictions are gradually relaxed the volume of calls and contacts is returning to a more normal level. Consequently from Monday 5 July the duty officer rota will revert back to Mondays, Wednesdays and Fridays. Members should still contact the branch office as normal, and in emergency situations there will be a duty officer on-call.

Contact the branch office

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01609 532718

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The branch office is currently closed to visitors due to Covid restrictions, but branch admin staff are continuing to work as normal 9am to 4.30pm on Mondays to Fridays.

Dates for your diary

July

6th Negotiations Committee
10am, via Teams

20th Stewards refresher training
5 days, online
(regional training event)

29th Branch Committee
6pm, via Teams

August

3rd Negotiations Committee
10am, via Teams

September

7th Negotiations Committee
10am, venue TBC

15th Hope not hate: Difficult conversations in the workplace
10am, via Zoom
(regional training event)

Legal Updates



UNISON victory on the right to strike and protection for workers who do strike

Employers will no longer be able to get away with mistreating any employees who take part in union-organised workplace disputes following an important legal decision at an Employment Appeal Tribunal (EAT) last month.

UK law had previously prevented employers from sacking staff involved in strike action or other workplace disputes, but not from disciplining or making life difficult for them.

But now, disciplinary action against workers who go on strike will be unlawful. This follows a judgment at the EAT over a case taken by care worker Fiona Mercer against the Alternative Futures Group (AFG).

Fiona had been involved in organising, and subsequently took part in, a long-running dispute over AFG's plans to cut payment for sleep-in shifts undertaken by its care staff. She was disciplined, suspended, and prevented from going into work by her employer. AFG's heavy-handed tactics meant she and many of her care worker colleagues were put off from taking part in the strike action.

UNISON and Fiona had originally taken North-West based charity AFG to an employment tribunal in May 2020. UNISON argued that Article 11 of the European Convention on Human Rights protects workers involved in legal disputes against their employer. UNISON said this meant they should not be disciplined or treated unfairly in some other way, because they had taken part in industrial action.

However, the tribunal found that although the Trade Union Labour Relations (Consolidation) Act 1992 wasn't compatible with international human rights law, it wouldn't be taking further action.

UNISON appealed, and the EAT found in Fiona's favour. The EAT president said that UK law was not compliant with international law, and has added wording to the 1992 Act, so that striking workers are now protected.

Tribunals must consider child-care responsibilities

A recent case at the Employment Appeals Tribunal (EAT) has found that an original Tribunal was wrong to not consider the impact of child-care on a female worker who was being forced to accept changes to her rota to work different days including weekends. Although the case has been referred back to a Tribunal to reconsider her claim for unfair dismissal and sex discrimination, the EAT ruled that Tribunals must take into account the disparity in childcare responsibilities between men and women.

This is an important case that will affect many examples we see in workplaces where employers force staff to change their shift patterns. The EAT noted that women do not have to prove that they shoulder more of the responsibility for childcare than men, as this should be considered a widely accepted point of fact.

The claimant had worked fixed days for a number of years due to childcare responsibilities. Her employer wanted to move to a flexible rota arrangements across a group of staff so that all staff would be required to work at least some weekends. The claimant was unable to work weekends, so her employer ultimately moved to dismiss her and re-engage her on the new terms and conditions. She could not accept the new terms so was dismissed. The original Tribunal ruled that she was not discriminated against, partly because all her colleagues had been able to accept the new working arrangements.

The EAT ruled that this was wrong - the employer and the original Tribunal should have taken into account that women generally are less likely to be able to accommodate changes to their working hours/days than men.

Labour calls for 'right to switch off'

The Labour Party has called for workers to be given the "right to switch off" when they have left for the day to ensure homes don't become "24/7 offices".

Labour also wants employees to have the right to flexible practices such as working from home.

The Labour plan calls for new rights to flexible working and measures to protect workers from remote surveillance, all of which we welcome and fully support.

Care staff are not getting paid properly when isolating

A third of care staff get less than £100 a week, and more than one in 10 no pay at all, if forced to stay at home by Covid.

A survey of thousands of care staff carried out by UNISON found that many are put under pressure by bosses to go to work, even if displaying Covid-19 symptoms or needing to self-isolate.

Separate evidence seen by UNISON confirms that many care companies refuse to pay full wages for staff affected by Covid, or tell them to use their leave. This is despite government advice telling employers to pay staff in full, backed by a pledge from the then-health secretary Matt Hancock.

UNISON is demanding that the government guarantees all care workers full pay.

Local Government Pay

Most of our members work in local government, schools and academies and are covered by the National Joint Council for Local Government (NJC).

You will be aware that the 2021 pay award was due on 1 April. The joint unions submitted a claim for 10%. The employers responded with an offer of 1.5%, which the unions have rejected.

As part of their offer, the employers did agree to look at a number of issues relating to terms and conditions including maternity/paternity pay, home working and mental health.

The unions wrote to the employers on 25 June with a number of proposals that we would like to see as part of the discussions on terms and conditions. However our priority remains to secure a much improved pay offer.

We are awaiting a further offer from the employers, and any final offer will be put to a ballot of the membership. Once a pay offer is agreed it will be back-dated to 1 April.

We will keep you updated and you can also find out the latest news via the UNISON national website:

www.unison.org.uk/our-campaigns/fair-pay-now-council-school-workers

Local Government Reorganisation

Our members who work for North Yorkshire County Council, Selby District Council, Hambleton District Council and Richmondshire District Council are awaiting the outcome of the government consultation on local government reorganisation in York and North Yorkshire.

This is likely to involve the abolition of the District councils, with them being replaced by either one unitary council for North Yorkshire or two unitary councils including City of York.

This branch studied both proposals and concluded that the 'one council' for North Yorkshire (excluding York) is the best option for our members at both the County and District councils.

The decision is due in early July, and we are ready to start work with all our councils to make sure your jobs, terms, conditions and pay are protected.