

FIRE SERVICES EXAMINATIONS BOARD

STUDY NOTE

EXAMINATION

STATION OFFICERS' EXAMINATION

PAPER

HUMAN RESOURCE MANAGEMENT

SUBJECT

EMPLOYMENT

ITEM

LAW RELATING TO TRADE UNIONS

STUDY NOTE No.

3305

INTRODUCTION TO THE STUDY NOTE

This study note has been prepared as the basis of study in connection with the qualifying examinations for promotion.

Candidates will be expected to demonstrate knowledge of the information contained in the study note and understand how it should be applied:

The 'References' made at the end of the Study Note are included for information only and candidates will not be expected to study these as part of the bibliography.

LAW RELATING TO TRADE UNIONS

1. Introduction

Fire authorities have the responsibility to promote good industrial relations within their organisation.

To achieve this, its managers should have a knowledge and understanding of the functions of trade unions and the elements of employment law that sets out their rights and obligations.

This study note deals with a number of these issues.

2. Trade Unions

Trade unions have developed from small localised organisations into complex nationalised institutions, which play an integral and influential role in both the workplace and society.

Trade unions can be defined as:

- (a) Organisations of workers set up to improve the status, pay and conditions of employment of their members; and
- (b) Associations of workers who by means of collective bargaining endeavour to improve their working conditions, and economic and social position.

Trade unions play a major part in the relations between management and its work force. They bring together the legitimacy, rights and obligations, that employees seek.

3. Trade Union Functions

Whilst the overall role of a trade union may be seen as representing the needs and interests of its membership, it is possible to identify six distinct aspects of their function. (See fig.1)

- (a) Power

Protect and support the individual by providing a collective strength to act as a counterbalance to the employer and a pressure group within society.

- (b) Economic Regulation

Maximise the wages and employment of their members within the framework of the wage/work contract of employment.

- (c) Job Regulation

Establish a joint rule making system, which both protects their members from inconsistent management actions and allows them to participate in decision making within the organisation for which they work.

(d) Social Change

Express the social cohesion and aspirations or political ideology of their membership and seek to develop a society, which reflects this view.

(e) Member Service

Provide a range of benefits or service to the individual member.

(f) Self-fulfilment

Provide a mechanism whereby individuals may develop outside the immediate confines of their jobs and participate in decision making process.

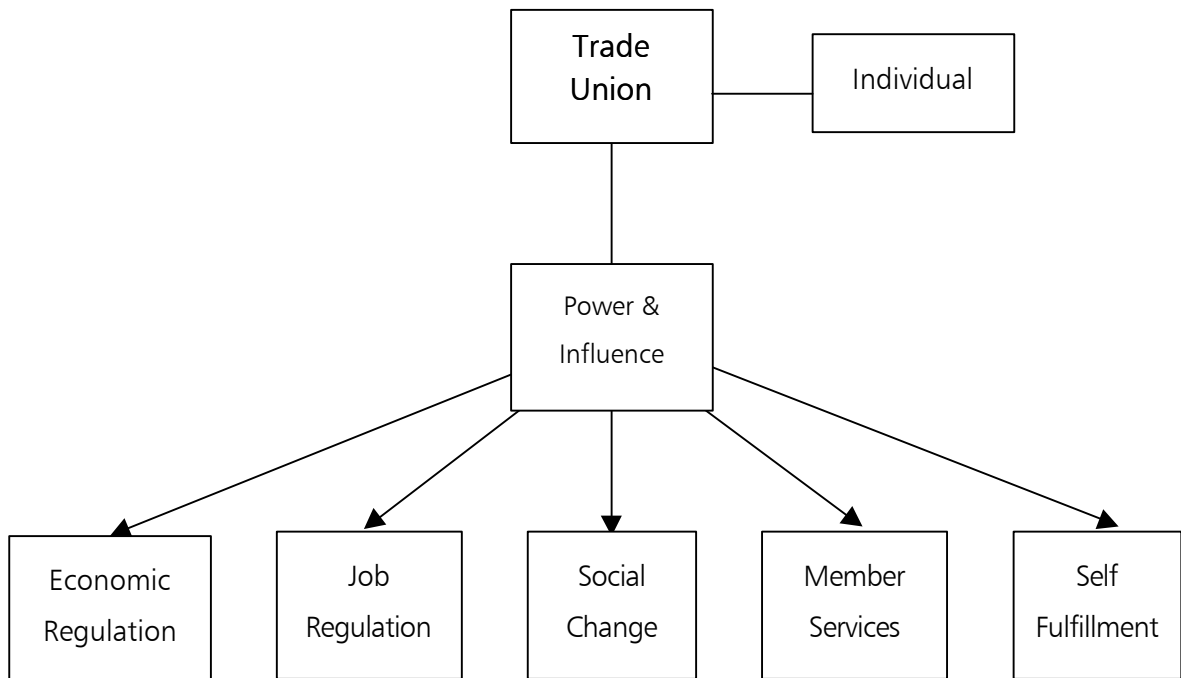


Fig.1 Trade Union Functions

4. The Law

Employment law gives employees certain basic rights to belong to a trade union or not to belong to a trade union as they wish. While there is no onus on an employer to recognise a particular trade union, or indeed any trade union at all, this does not effect the employees basic rights to membership.

While an employer does not have to recognise a trade union, they must not penalise in any way those who chose to belong to a union. Penalisation might take the form of refusing or failing to offer promotion and training or may even result in the dismissal of such employees.

The Trade Union and Labour Regulations Act 1992 includes the following measures concerning trade unions:

- (a) The legal status of trade unions.
- (b) The rights of trade union members to vote in elections of union officials.
- (c) Organising, or taking part in, industrial action or picketing activities.
- (d) Collective bargaining.
- (e) Procedures for handling redundancies.
- (f) The constitution and powers of The Advisory Conciliation and Arbitration Service. (ACAS)

5. Collective Bargaining

Collective bargaining can be defined 'as a method of determining terms and conditions of employment, which utilises the process of negotiation and agreement between representatives of management and employees'.

The essential characteristic of collective bargaining is that employees do not negotiate individually and on their own behalf, but do so collectively through their representatives.

For collective bargaining to take place the following conditions must exist:

- (a) Employees must be prepared to act collectively and recognise their common interests.
- (b) Management must recognise trade unions and their representatives as legitimate bargaining agents for their labour force. Trade unions must be free to organise employees without pressure from state or employer control.

There may be occasions when agreements cannot be reached following negotiations of collective bargaining. In these circumstances either or both parties may want to use the independent conciliation service of ACAS. If requested to do so ACAS will attempt to help both sides to reach a mutually acceptable agreement.

6. ACAS

ACAS is an independent body charged with the duty of promoting improvement of industrial relations. It requires the voluntary co-operation of employers, employees and their representatives, but it has no powers of compulsion. Its approach is impartial and confidential.

ACAS is staffed by people with special experience of industrial relations and employment policies.

Advice and practical assistance is available to everyone concerned with employment - employers, workers and their representatives - in organisations of all sizes.

Advisors will, where practicable, seek to secure the involvement of employees and their trade unions together with management in a joint examination of their employment and industrial relation problems.

7. Time Off for Trade Union Activities

Every employer must allow an employee who is a trade union representative (eg branch official, safety representative), recognised by the employer for collective bargaining purposes, to take reasonable* time off with pay during the employees working hours. This right is limited to matters relating to:

- ◆ terms and conditions of employment
- ◆ recruitment, non-recruitment, dismissal and suspension
- ◆ allocation of work
- ◆ matters of discipline
- ◆ membership or non-membership of a union
- ◆ facilities for the union officials; and
- ◆ machinery for negotiation and consultation

Such employees are also entitled to reasonable time off for training relating to industrial relations in the organisation ie to matters listed above.

*The right to time off is qualified by the words 'reasonable in all circumstances'. All members of recognised unions, not just officials, have the right to time off without pay to take part in trade union activities, except for industrial action. These include branch meetings for shift workers.

8. Safety Representatives

"The Safety Representatives and Safety Committee Regulations 1997" give recognised trade unions the legal right to appoint workplace safety representatives to represent their members, make representation to their employer and represent their members in consultations with Health and Safety Executive inspectors or other enforcing authorities. The regulations also require the employer to set up a safety committee within three months of a request from its employees.

Safety representatives can inspect designated workplace areas at least once every three months and make additional inspections if work practices have changed. They can investigate potential hazards, complaints by members and the causes of accidents, dangerous occurrences and diseases (RIDDOR).

References

Employment Rights Act 1996
Fire Service Examinations Board