

RCM Workplace Representative Guidance: representing member's collective interests

RCM Workplace Reps represent members both individually and collectively. This guidance is designed to support you when you have been called upon by groups of members to represent their collective interests. Often these types of issues arise when employers propose making changes to ways of working and/or local terms and conditions. Usually, issues are resolved through negotiation and partnership working and this should always be your starting point. In some instances, differences remain, and it is necessary to use an organisation's collective grievance or disputes procedure. You will need to check which is the relevant policy in your organisation. Some organisations will have a separate dispute policy and in some cases the grievance policy will include collective grievance and dispute. These policies are in place to support unions to have their issues heard in a structured and fair way.

This guidance will help you to understand what procedures exist and to help think about how working together with members you can use the procedures effectively to resolve issues when they arise. It will help you work through the escalating steps to take, in trying to resolve or settle your members concerns.

What is a dispute or collective grievance?

A collective difference (or failure to agree) on a matter concerning a number of employees, which is pursued on their behalf by the RCM. This is a disagreement concerning an employee's statutory or contractual rights or entitlements.

This could include:

- Organisational change
- Changes to working practices
- Changes to an employment contract
- Health and Safety
- Equal Opportunities

This wouldn't include:

- Matters covered by national level negotiations, for example pay
- Changes required by legislation
- Matters which have previously been dealt with using this guide
- National or regional disputes

A dispute is not an individual complaint, these would be dealt with using a grievance procedure.

Working collectively with members

Member meetings

No collective action will succeed without the support of our members. You need to be able to gauge the level of engagement and the appetite amongst members for pursuing their concerns and this will be an ongoing priority as you move through the collective grievance/disputes process.

It is important to hold regular meetings with members as soon as an issue has been identified that affects them. Regular meetings provide a platform for effective communication. It allows for the exchange of information, to provide updates on the issues and the opportunity to address any concerns or questions.

Meetings help to engage members and encourage their active involvement in the process, they help to foster a sense of unity and collective action. They also provide a democratic space where important decisions can be made collectively. Encourage members to participate in discussions, voice their opinion and help shape the way forward.

Remember to make your meetings as accessible as possible to give everyone the opportunity to attend. Think about holding them at times to help those with caring and other responsibilities outside of work. Consider the use of virtual meetings as well as face to face, you can run them alongside or separately. Make good use of notice boards and social media to give as many people as possible the opportunity to attend. The Branch Governance handbook (appendix 6) has a guide to help you facilitate virtual meetings. If you need any support with this, your Regional Organiser/Officer can help you. They can assist you with arranging meetings, help you to use virtual platforms and show you how to get merchandise to encourage attendance, and guide you to obtain membership lists and show you the correct way to use them to stay the right side of GDPR legislation, please don't hesitate to contact them.

Survey

As well as regular meetings, member surveys are a useful way of ensuring as many members views are heard as possible. They can help to reach members who might not be able to attend a meeting or who don't feel confident to speak up. The results of a survey not only help to make sure you are representing the views of the majority of members they can also provide valuable evidence to take into negotiations or to include in a consultation response.

When to use your dispute/collective grievance procedure

If you have been unable to resolve an issue informally with your HOM/DOM (this could include a meeting with your HOM/DOM and member of the HR team) if it is a



maternity specific issue or through your organisation's partnership forum if it is trust/health board wide, that's when the disputes/collective grievance procedure can be used. It provides a structure for you to voice your issues and concerns and have them considered by a more senior managers (your local policy may include information about managerial authority which outlines which level of management would hear the grievance), and it usually has various stages to escalate through.

Working with your RCM regional team it will be important to assess whether an issue is widely and deeply felt when deciding whether to move forward using the dispute/collective grievance procedure.

It is essential to ensure that the dispute/collective grievance you focus on is important to a large number of your members either across the workplace or trust. By selecting issues that hold significance to members, you can enhance the likelihood of assisting them in overcoming any apathy or apprehension. This can help motivate them to actively participate and help get non-members to join and get involved.

- **Widely Felt** – Does the issue affect enough of our members, i.e. how widespread are its impact?
- **Deeply Felt** – Are the members affected sufficiently angry or concerned about the issue to want to do something about it?

Raising a dispute/collective grievance

Your organisation will have a written dispute/collective grievance procedure, this will have been negotiated with the recognised unions through the partnership forum. The procedure will include timescales. The procedure may include a 'status quo' clause, this means that the arrangements that applied before the dispute/collective grievance was lodged will operate until the process has completed. That means it's important to lodge the dispute/collective grievance before the new arrangements commence. You will need to ensure that you follow your local policy (with the support of your regional/national officer) but the below is an outline of the normal stages of the process (note that some procedures may include an informal stage at the start of the process):

Stage one

- The nature of the dispute/collective grievance should be described in writing. It's likely your local policy will include a proforma to complete but the RCM will work with you to complete it.
- A meeting will then be convened to discuss these issues and hopefully negotiate a solution.
- Attendance at these meetings should normally include union and employer representatives. Your RCM Regional Officer should also be available to attend and support you.



- This will be your opportunity to demonstrate the extent of member feeling in terms of the broad numbers of members aggrieved and the nature of their concerns.
- The focus of these meetings will be on reaching a settlement of the issue(s) in dispute. Further meetings beyond this initial period may take place where it is agreed by all parties.

Stage Two

- If it has not been possible to reach a resolution through the above the next step will be mediation. The mediator or advisor will be a professionally trained person. Mediation is a confidential space to explore the issue, rebuild relationships and gain insight, develop skills to resolve workplace issues in the future and find a solution both sides feel is fair.
- A decision on moving to Stage Two should be taken only if both parties agree.
- Generally, we would advise that you do agree to move to mediation, but this would be taken on a case-by-case basis, some instances where mediation might not be appropriate are if a decision about right or wrong is needed or if one side is completely intransigent and mediation will only raise unrealistic expectations of a positive outcome.

Stage Three

- If there is no satisfactory outcome following the above two steps there will be an appeals process. The policy will outline how to appeal, this might include why the original outcome was wrong, asking for another investigation to be carried out or for new evidence to be looked at.
- The person carrying out the appeal should not have been involved in the case before and be more senior than anyone who has been involved before.
- The outcome of the appeals process is the end of the dispute/collective grievance procedure.

Next steps

- If there has been no resolution and organisational procedures have been exhausted, it is important to meet with members to discuss how and if the issue can be progressed. At this stage the only options are industrial action or legal cases (remember that in many cases proposals by an employer won't be unlawful and though the RCM will of course take legal



advice most often resolving an issue through negotiation and working collectively with members will be the best way to get a positive outcome).

- Industrial action is a really serious step. A move to industrial action is a last resort and should only be considered where all other avenues to settle the dispute/collective grievance have been exhausted.
- In considering IA it will be even more important for you to have confidence in the level of commitment and engagement of members. Further meetings and surveys will probably be required as well as concerted efforts to talk directly to as many effected members as possible. Any IA will be subject to the requirements of trade union legislation.
- If members wish to take IA, get in touch with your regional officer immediately to help guide you through the process and ensure that you comply with TU legislation.
- Industrial Action can only be authorised by the RCM Board. IA taken without the authorisation of the Board might fall foul of TU legislation.

