

UNISON urges council to negotiate, not impose

All members should by now have had a letter from the Council to tell you they have served a 90 day Formal Consultation Notice on the trade unions. It explains what the notice means and why they've done it.

The back page of this newsletter gives the most up to date advice and guidance from the union's perspective on what this may mean for you.

UNISON has consistently said it wants to negotiate a fair and equitable settlement to this issue.

But since the Council presented its latest set of proposals in June last year and we rejected them after consulting our members, there was not a single meeting called by the Council to try to find a solution.

"Instead we've now been given this belated Christmas present with work clearly being done prior to Christmas so that they could try to 'catch us cold' on the first day back after New Year. We sincerely hope that this is not the spirit in which they will approach the negotiations to come", said



lead negotiator Kevin Duguid.

UNISON, as always, will approach the forthcoming negotiations in a positive and constructive manner to try to secure the best deal it can for our members.

It is important that YOU, our members, continue to make your voice heard throughout this period. So *do* speak up at management briefings and team meetings and make the Council aware of your individual or collective concerns.

A series of negotiating meetings has been arranged and we will issue further newsletters and update the website as they progress.

See over for up to date advice on what happens next..

Remember the Branch AGM

Wed 10 February

6pm Assembly Rooms

George St, Edinburgh

'Modernising Pay', Outsourcing, Redundancies?, Pay Cuts? - It has never been more important that you attend your AGM!

Speak up at management briefings and team meetings and make the Council aware of your individual or collective concerns

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Pay Modernisation - What Happens Next?

● Will UNISON sign up to pay modernisation?

UNISON has rejected the proposals made by the council. We require significant improvements to the pay system before we will accept it. It remains to be seen whether the Council are willing to do this.

● If there is no agreement what will happen next?

If there is no collective agreement the council will look to implement on an individual basis. This is a two stage process. In the first stage the council will ask you to give up your current contract and move to the new contract on a voluntary basis. If you decline, the council will write to you a second time informing you that they are bringing the current contracts to an end and repeating the request for you to move to the new contract. UNISON recommends that you reject the first offer and accept the second offer.

● Why not accept the first offer?

UNISON believes that there are problems in the new pay system. For that reason we cannot recommend that you abandon your current contract on a voluntary basis. However, if the council issues formal "notice" that the old contracts are coming to an end then we advise you to accept the second offer in order to retain your job with the council.

● If I reject the first offer how do I know I will get a second chance?

In negotiations the council stated they will be running this type of two stage process. Where staff refuse to change on a voluntary basis the old

contracts will be terminated to implement new terms and conditions. It is the contract that is coming to an end, your job will remain. The situation is covered by unfair dismissal law and you have a right to be re-engaged on the new terms if you wish to continue working for the council. That is why you will get a second offer.

● Does that mean I can wait until the last day of the old contract before signing the new one?

The council needs to plan for the continuous delivery of services. UNISON supports this principle. Although we advise you to reject the first offer we advise anyone who wants to retain their job to accept the second offer promptly.

● Will the first and second offer be the same?

At a consultation meeting on 16th December 2009 the council representatives said that the same deal would be available in the first and second offers and that your continuous employment rights accrued would be preserved so you will not lose any sickness pay/holiday entitlement etc.

● If there are problems with the new pay system why should I ever sign the new contract?

The council believe the new system is fair and legal.

They also believe this entitles them to give notice that the old contracts are coming to an end.

If you reject both the first and second offer from the council there is a significant risk that you will lose your job.

If you share our concerns about the new pay system we still advise that you accept the second offer, stay with the council, and pursue your concerns as an employee in the usual way. If you accept the second offer you can still pursue any concerns you have about the new system.

There is no practical advantage to be gained by refusing both the first and second offer.

● What do I do now?

Nothing. The ball is in the employer's court. If you accept our advice you should decline the request to abandon your current contract on a voluntary basis. UNISON will issue advice to all members when we reach the stage when members are advised to sign the new contracts.

● Is there not a legal claim I can make?

We cannot predict the scope for legal claims in advance. However, we do not believe at this stage that we could obtain an interdict to stop the new contracts. We tried that approach elsewhere in similar circumstances.

Some workers might have legal claims if they are treated unfairly or if their new contract is discriminatory. We will assess all requests for assistance on their individual merits once the process is complete.

Our advice is designed to protect your interests, the advice will be updated from time-to-time and we will offer legal assistance where we can. However, the usual rules apply to all requests for help and we will not pursue hopeless cases.

