

Public Sector Industrial Relations

Level 4 75 William Street Brisbane QLD 4000 Title Union Encouragement Guidelines
Telephone 32252368 Facsimile 32295943 Date 22 September 2000 Circular No. 11/00

Union Encouragement Guidelines Arising from the Core EBIII Agreement

UNION ENCOURAGEMENT GUIDELINES

QUEENSLAND GOVERNMENT'S COMMITMENT

The Queensland Government has made a commitment to encourage union membership among its employees. This commitment is reflected in the *State Government Departments Certified Agreement 2000* (the core agreement). Similar provisions appear in some other agreements covering government agencies.

The active cooperation of all managers and supervisors is necessary to ensure that the government can honour this commitment and comply with its legal obligations. It requires an appreciation of the important role that unions play in representing employees. Passive acceptance by agencies of membership recruitment activity by unions does not satisfy the requirements of the agreement. Encouragement requires agencies to take a positive, supportive role, although ultimately it remains the responsibility of the unions themselves to conduct membership recruitment.

These guidelines, endorsed by the Central Peak Consultative Committee, are provided to enable supervisors and managers to give effect to this commitment with a clear understanding of what is expected of them as employees of government and free of doubt as to the correctness of their actions.

THE CORE AGREEMENT

The core agreement makes clear the intention of the parties (government and unions) as to what union encouragement means at the workplace. To give effect to this intention managers and supervisors need to ensure that encouragement is given. Whatever the personal views of individual managers or supervisors, they must not discourage employees from union membership or neglect to facilitate union membership in the ways provided for in the agreement.

ENCOURAGEMENT PROVISIONS EXPLAINED

- (1) *The government recognises the right of individuals to join a union and will encourage that membership. However, it is also recognised that union membership remains at the discretion of individuals.*

New employees should be informed of the government's commitment. While individuals are not obliged to join a union, the government encourages its employees to do so. Agencies should ensure that the policy is accessible to all current employees.

- (2) *An application for union membership and information on the relevant union/s will be provided to all employees at the point of engagement.*

This places responsibilities on unions as well as employing agencies. To ensure that agencies are able to fulfil their obligations, unions must supply them with up to date membership material, including application forms, details of fees and how they can be paid and general information about the union.

- (3) *Information on the relevant union(s) will be included in induction materials.*

Unions will need to provide suitable information to be included in induction materials.

- (4) *Union representative(s) will be provided with the opportunity to discuss union membership with new employees.*

Agencies should allow union representatives to discuss union membership with new employees during working hours. This should be done so as not to disrupt the operations of the agency.

- (5) *Where requested by public sector unions, agencies and public sector units will provide payroll deduction facilities for union subscriptions.*

Agencies are entitled to charge a service fee for making payroll deductions of union fees.

COMPLEMENTARY PROVISIONS

CORE AGREEMENT - PART 11: UNION DELEGATES

- (1) *The Government acknowledges the constructive role democratically elected union delegates undertake in the workplace in relation to union activities that support and assist members. That role will be formally recognised, accepted and supported.*
- (2) *Public sector employees will be given full access to union delegates/officials during working hours to discuss any employment matter or seek union advice, provided that service delivery is not disrupted and work requirements are not unduly affected.*
- (3) *Provided that service delivery and work requirements are not unduly affected, delegates will be provided convenient access to facilities for the purpose of undertaking union activities. Such facilities include: telephones, computers, e-mail, photocopiers, facsimile machines, storage facilities, meeting rooms and notice boards. It is expected that management and delegates will take a reasonable approach to the responsible use of such facilities for information and communication purposes.*

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(4) Subject to the relevant employee's written approval and any confidentiality provisions, delegates may request access to documents and policies related to a member's employment.

The government recognises that employees have a right to confidently raise issues of concern with their unions.

The formal recognition, acceptance and support of the role of union delegates are fundamental to union encouragement.

OTHER PROVISIONS:

PART 7: CONSULTATIVE COMMITTEES.

It establishes joint union and employer consultative committees at a central and agency level to oversee the implementation of the agreement.

PART 8: COLLECTIVE INDUSTRIAL RELATIONS.

Government acknowledges by government that structured, collective industrial relations will continue as a fundamental principle of management of agencies and public sector units. The agreement supports constructive relations between management and unions and recognises the need to work collaboratively.

PART 9: SOME ILO CONVENTIONS.

The Queensland Government as an employer recognises its obligations to give effect to international labour standards including freedom of association, collective bargaining and equality of opportunity for all public sector workers.

PART 11: INDUSTRIAL RELATIONS EDUCATION LEAVE.

The agreement provides industrial relations education leave in the form of paid time off to acquire knowledge and competencies in industrial relations. This will allow employees to participate effectively in consultative structures, perform a representative role and further the effective operation of grievance and dispute settlement procedures.

These provisions are designed to provide an environment that makes it easy for union delegates to fulfil their responsibilities in a workplace atmosphere that is supportive of participation in union activity.

COMMUNICATING THE REQUIREMENTS OF THE AGREEMENT

It is important that agencies communicate the policy to employees at all levels, in all work units and at all localities. Union membership is an issue about which employees, including managers and front line supervisors, may have strong views. It is not the purpose of the policy to interfere with the right of employees to hold or express a personal view, but to ensure that in their official capacity they follow government policy.

An important aim of union encouragement is to improve the workplace culture. It is expected that both management and unions will adopt a problem solving approach if there is disagreement over the application of this policy.

RESOLVING DISAGREEMENT

Disagreements about the way the union encouragement provisions of the agreement are being applied should, where possible, be resolved locally. Failing this, Agency Consultative Committees are an appropriate forum to deal with them. If the Agency Consultative Committee is unable to resolve a disagreement it should be referred to the Central Peak Consultative Committee. It is not expected that this referral process will be commonly used.

ROLE OF THE ACC

Under the core agreement the Agency Consultative Committee is to be responsible for implementation of the agreement within the agency. These are therefore the appropriate bodies to oversee the implementation of union encouragement. It is essential that members representing unions and chief executives understand the commitment of the parties to encourage union membership.

FURTHER ENQUIRIES

Please ensure when distributing this information within your agency that you nominate your own contact officer to respond to enquiries from staff within your agency.



JIM MCGOWAN
General Manager

The Division of Public Sector Industrial Relations provides policy advice and consultancy and training services to Queensland Government departments and agencies. It is part of the Department of Employment, Training and Industrial Relations.

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