



Managing the Benefits and Challenges of a Unionised Workplace

A number of benefits and challenges can arise when managing in a highly unionised environment. This guidance offers an important insight into how to recognise the benefits and navigate through the challenges successfully by working in a way that sensitively avoids employment relations issues.

Strategies for Managing a Unionised Workforce

Your aim should be to develop and maintain a good working relationship with union representatives.

1. Know the law, know your contracts, and know the history

The law and practices that affect unionised workplaces can seem complex, and they vary widely depending on the union involved, as well as your region, and which of the home nations or regions you happen to work in.

It is essential that you become familiar with the collective bargaining practices, and employment relations laws that directly affect your organisation. It's even more important that you know your collective agreements and working practices, inside and out. The union – and individuals – are likely to refer to these often in negotiations, and even during day-to-day work. The more familiar you are with their terms, the more effectively you'll be able to respond to questions or challenges.

It is also important to know the history of the recent relationship between the school or college and the recognised unions. What have relations been like in the past, and, in particular, are there any points of special sensitivity that you need to be aware of? In the education sector, not all unions are, culturally, alike – although the main unions may be perceived by some as having an adversarial instinct. Even if you believe this to be the case with a particular union, seek to understand the approach of the local officials – which can sometimes be much more pragmatic and sensible.

2. Become 'partners'

It is important to approach the union as a business partner, not as an adversary. You want to work with it, not against it; and when you take this approach, everyone can benefit. One of the ways that you can do this is to communicate openly and share ideas.

For example, imagine that you're having trouble with one team member who's consistently late. You've tried several strategies to try to get through to this person, and none have worked. In most cases, the union only hears of this when you're ready to place the employee within a formal disciplinary situation.

Imagine instead that you tell the union representatives about the problem. They can work with you to turn around this team member's behaviour, and they may also be able to provide assistance that you can't. For instance, if the person is often late because of day-care issues, the union might be able to advise on reliable day-care for them.

Good partnerships are built on strong working relationships, and these relationships take time to build. Put time into establishing trust with everyone on your staff, including union representatives.

Next, build good relationships by spending time with your staff outside of work. This could include work socialising, or even 'volunteer days', where everyone on the team volunteers for a social project in the community. Treating staff as human rather than a widget filling a role builds good will and raises morale and productivity.

Another positive strategy is to **share important information** as soon as you reasonably can. Indeed, this can be a legal requirement in certain situations such as if you find yourself needing to propose redundancies. Tell union representatives about upcoming changes or breaking news early, to give them a chance to brush up on the issues. That way, they'll be prepared to answer questions from members. When you give them a heads up, it builds trust and establishes a practice of open communication.

When you have a good partnership with union representatives, you can ask for their help in resolving issues. For example a union can be helpful when some individuals start abusing the system, as reps may be willing to agree changes to iron-out problems with a procedure.

The article at <http://www.gallup.com/businessjournal/21727/unions-management-blissful-marriage.aspx> may be useful.

3. Focus on the positives

Much of the time, managers only interact with union representatives when there's a problem. This means that these relationships are often built in stressful, tense situations, and, as a result, there's often a lack of trust on both sides.

Instead foster a positive relationship with union representatives by working with them on strategies that reward positive behaviours, rather than simply looking to punish negative

ones. This can help union representatives get past the baggage they may feel about management from the grievance hearings and bargaining table opponents.

Remember, that both the unions and you essentially want the same thing – contented staff and the organisation to be successful. A good union also seeks to develop its members' professional skills and is not simply reactive in terms of negotiating compensation for members and ensuring their health and safety. When you recognise these benefits everyone is more willing to work together.

A school or college ought to be a fully-fledged learning organisation yet issues the union raises might well suggest where work is needed in order to learn from mistakes. But equally the union itself needs to be a learning organisation and open and honest reflection following disputes can help the union learn and become better at being a professional and effective union – something that should make your life easier.

4. Show respect

Remember that the union can fulfil an important role for both you and employees. It is easy for managers or outsiders to fall into the trap of thinking that the union is always wrong, always negative, or that union representatives deliberately make things difficult for managers. Respect the positive changes that the union is trying to make, and keep this good intention at the forefront of any conversation or negotiation. Have the good grace to treat union representatives as fellow human beings first and foremost, however heated and challenging a recent negotiation may have been, and avoid stereotyping them as a 'constant problem'. If you have cooperated in letting things become adversarial then it is no surprise when unions become suspicious of even the most benign changes to work practice as flexibility erodes along with the good will.

And, on occasion, unions can institutionalize conflict in the workplace, where union officials may think that they need to be seen to "stick up for members" to justify membership fees.

These challenges can be frustrating, but they underscore the importance of having a strong, trusting relationship with your union. Although there are many challenges to managing in a unionised workplace, there are also be benefits. For example, you negotiate with a set group of people who are elected representatives of the workforce, meaning that you can come to an agreement on changes to terms of employment relatively quickly. They can also help you pinpoint and deal with issues that are upsetting people and reducing performance.

Respect extends beyond simply to treating others as you'd like to be treated to the information that arises during discussions. Always make it clear to the trade union whether the information you are relaying is confidential or not, and if it is, to whom it is limited. You should also inform the union if and when the confidentiality restriction can be lifted. Similarly you should check the confidentiality marking of any information passed to you by the union and respect it. Both sides, however, must recognise the need sometimes to consult internally and not impose confidentiality restrictions unreasonably.

5. Keep talking

Communication can be a challenge with unionised staff. Many collective agreements provide for communication to go through union representatives, or at least be discussed with them in advance. This can mean that not all staff are included in all discussions, which can be a hindrance in building trust and credibility with your whole team. Sometimes unions will seek communications to be delivered to team members jointly, by yourself and the union representative. The main drawback of this is the extra time that it can take to communicate with staff. Setting up a joint consultative and negotiating committee is a useful way to maintain good communications with recognised unions.

Whilst seeking to deal with unionised staff positively, there are some situations where good relations can break down, for example, when unions have decided that industrial action (short of strike) or a strike is the only available course of action. The process of registering a dispute should be set out in your recognition and procedure agreement with the recognised trade unions. Both the union(s) and yourself should stick to such a procedure. Please also seek the guidance of an employment lawyer, or, if you have one, your human resources department, for help in these situations, along with contacting AMiE. However, AMiE will only provide advice to members on how you should work during a dispute with another union. AMiE will not advise the employer or otherwise provide them with advice that might undermine the lawful actions of another TUC affiliated union.

Try to recognise common ground despite the breakdown and look to de-escalate tensions where possible by keeping the focus only on the problem issues and avoiding contagion to gripes about other working practices.

It is not mandatory to agree a record of your meetings with the trade unions. A brief note of decisions and action points is usually all that is required. Detailed notes of discussions should only be made when it is necessary or beneficial for management and the time invested in drafting them is fully justified.

It is important to remember that the unions can and do offer a valuable service for employees and that working effectively together is the win/win approach to strive for. It is therefore worth the effort to keep the line of communication open and clear.

Further Resources

This ACAS publication on Trade Union representation in the workplace is useful:
<http://www.acas.org.uk/media/pdf/4/8/Trade-Union-Representation-in-the-Workplace-accessible-version.pdf>

Labour Relations Agency (NI): <https://www.lra.org.uk/>