

## **GMB report to Healthy Communities Scrutiny Committee.**

### **Industrial relations with external service providers.**

As with other Local Authorities there has been a struggle to maintain good employment practise and sound industrial relations within the incoming service providers following TUPE transfer. This has also meant that poor performance has been masked and difficult to uncover. The Trade Unions can make a significant contribution in monitoring and challenging poor practise amongst service providers operating on behalf of the Authority and can therefore take some role in policing the day to day running of services.

Through a direct relationship with the staff the Trade Unions are informed of the reality of the day to day operations of a service provider in a way that cannot be achieved by meetings, inspections and visits. The Trade Unions are in the position where they can directly hold service providers to account for breaches of Southwark guidelines and challenge practises that do not follow the values or intentions of the Authority.

For the above to work most effectively it requires:

i) *Sound negotiating structures.* An incoming service provider will usually assure all parties that they will continue to honour the recognition of Trade Unions. However, our experience is that without fresh agreements put in place to establish what recognition means in practise this commitment is often fairly meaningless.

ii) *Good organisation by the Trade Unions.* Organisation is best achieved by having access to the staff. The alternative of Trade Unions handing out leaflets outside the properties is hardly conducive to sound industrial relationships and often leads to a rumour mill operating within. More often, lack of access leads to deteriorating trade union influence and organisation.

To date there has been a mixed picture in regards to Trade Unions being able to successfully operate within the Authorities Service Providers. Unions have in some cases been able to secure national recognition rights. In the GMB's case in Southwark this has happened with HC-One and Four Seasons. From personal experience I am aware that we were able to go into HC-One Care homes to talk directly to staff on pay negotiations. Through this the staff were able to engage with the process and have some input into the decisions being made on their behalf. This access has been driven out by negotiations at Corporate Level which has given a positive lead to local management on the industrial relations process.

Unfortunately this is not the usual experience. It is often the case that the management within the service providers have very little experience with Trade Unions and very little understanding that this can be a positive relationship which can help provide more robust management practises. A good local representative can often organise in any workplace but attempts to organise are more usually hampered by lack of co-operation or understanding by management.

The experience we have often relies on the nature of local management and how understanding they are of the positive relationships that can be achieved. This reliance lacks the robustness we would experience with the Authority. Within the Authority any issues at a local level can be referred to Human Resources and the practises and values of the Authority can be asserted.

### **Better industrial relations.**

In the past Local Authorities have left the service providers and the Trade Unions to determine matters of industrial relations save for a reassurance that the existing rights of recognition will be retained. Unfortunately this has not proved robust enough.

The awarding of contracts is an ideal opportunity for the Local Authority to have more influence here. The following points would make a significant contribution towards better and more effective industrial relations;

: Confirmation that if the incoming employer does not have a recognition agreement with the relevant Trade unions then one is negotiated which tries to mirror local authority practise while being adapted to the practicalities of the provider's organisation.

: that this agreement should clearly define negotiating structures.

: that this agreement should enshrine the rights of the Trade Union to reasonable access to members and potential members in order that the staff can be part of the industrial relations process.

: the rights of Unions to appoint local representatives who should be allowed time off for training and time spent in meetings.

These steps are quite modest and perfectly achievable and would make sure that providers understood that Southwark expects good employee relations. The rest would be up to the Trade Unions themselves. It would however mean that we could maintain organisation without our hands being tied behind our backs and our members feeling devalued and powerless.

Clive Smith, GMB Regional Officer

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