

The value of trade union workplace representatives in health care



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Introduction

May 2016 saw the passing of the Trade Union Act, which makes significant changes to the law on industrial action as well as affecting how public sector employees manage trade union facility time.

The Act provides that further regulations may in future require public sector employers to publish information such as the amount spent on paid time off, and may limit the amount and cost of facility time. While the exact details of this are not yet clear, it may lead to restrictions on the provision of facility time in the public sector, including the NHS. The RCN is clear that facility time is essential to its members and the work the RCN does in representing, negotiating, consulting and recruiting. It is also vital to employers as it helps foster positive employment relations and resolve problems at an early stage.

The RCN has commissioned this research to make the positive, factual case for RCN representatives and the facility time that enables them to do their role and to inform ministerial and legal judgments about paid time off for trade union representatives.

The first section provides an analysis of findings from the latest Workplace Employment Relations Survey (WERS) – the flagship survey of employment relations in Britain. It gives an overview of facility time and workplace representation among public sector health care employers. The second section provides findings from a survey of almost 500 RCN representatives conducted in November 2015, seeking details about their roles and their influence in their workplaces.

In conducting this work, Professors Nick Bacon from Cass Business School and Kim Hoque from the University of Warwick have concluded that:

“The figures presented here also suggest that reductions in facility time as a result of the Trade Union Act could have negative implications for employers and patient care, given that many of the outcomes explored in the analysis are likely to be of importance to employers and patients as well as to employees. As such, by undermining the effective employee representation that statutory provisions are intended to encourage, further cuts in facility time may well impact negatively on the performance of health care organisations in the future.”

Trade union representatives in public sector health care



12% of all workplaces have union representation. This covers a wide range of unions including the RCN, Unison, GMB, Royal College of Midwives, Unite and Chartered Society of Physiotherapy, among others.

but...



75% of all employees in public sector health care work somewhere with a union representative. This is mostly because union representatives are generally found in large workplaces.

There is 1 rep for 80 workers in public sector health care.



Union representatives are well thought of by public sector health care managers

91% of managers agree that union representatives act with honesty and integrity

In workplaces with union representatives, there is lower turnover of staff than those without representatives, which means that these organisations are more stable and do not have to face the cost of constantly replacing staff who leave.

In fact, union representatives are estimated to save a typical NHS hospital
£1.2 MILLION A YEAR.

What do RCN representatives do?

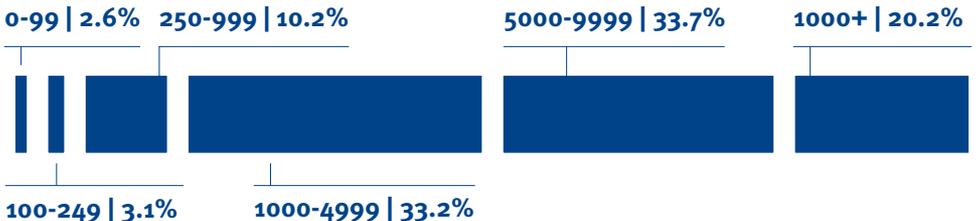
Findings from a 2015 survey of RCN representatives:



69% are based in England, 20% in Scotland, 8% in Wales and 3% in Northern Ireland.



Most are based in larger organisations. Over half of all reps work in organisations with 5,000 or more employees.



There is an average rep-to-member ratio of 1:216. The average age of a rep is 49, while the average time spent as a rep is 8 years. On average, those with dual or triple roles have been a rep for the longest and those with solely safety reps roles have been in their position for the least amount of time.

- The RCN plays an important role in many workplaces, holding the Staff Side Chair or Secretary position in 47% of cases.
- They or another RCN rep sit on the workplace joint consultative committee (JCC) in 96% of cases. These are groups which represent the management and employees of an organisation and meet for discussions before decisions are taken that affect employees.

Facility time

The Trade Union and Labour Relations (Consolidation) Act 1992 requires employers in workplaces with recognised trade unions to provide union representatives with reasonable paid time off to perform their union duties and engage in training associated with these duties. This is referred to as facility time and is vital for union reps to be able to effectively represent their members.

The survey shows that

47%

of those reps performing steward roles receive an agreement setting out the time off available to perform union duties – and on average they receive

14 HOURS A WEEK

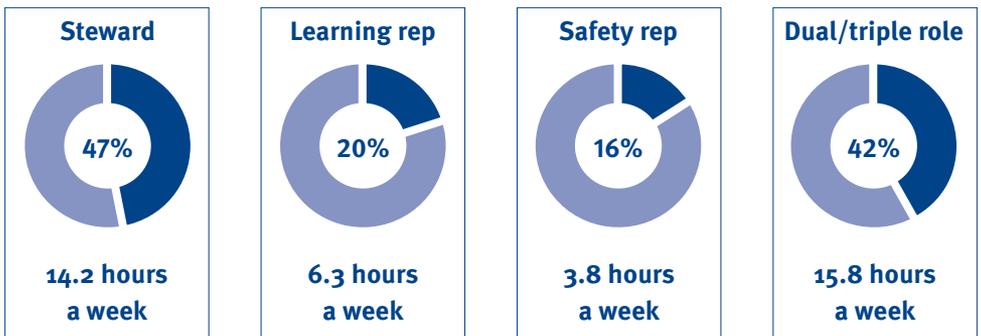
Safety reps are least likely to have an agreement around facility time. Just one in six have such an agreement and they receive just under 4 hours a week on average.

Facility agreement setting out number of hours

12% of all those with steward roles and one in five of those with safety rep and learning rep roles have no facility time paid for by their employer.

Many representatives make up the gap by spending their own time representing members. Over half of stewards and learning reps and a quarter of safety reps spend at least 5 unpaid hours per week on their representative role.

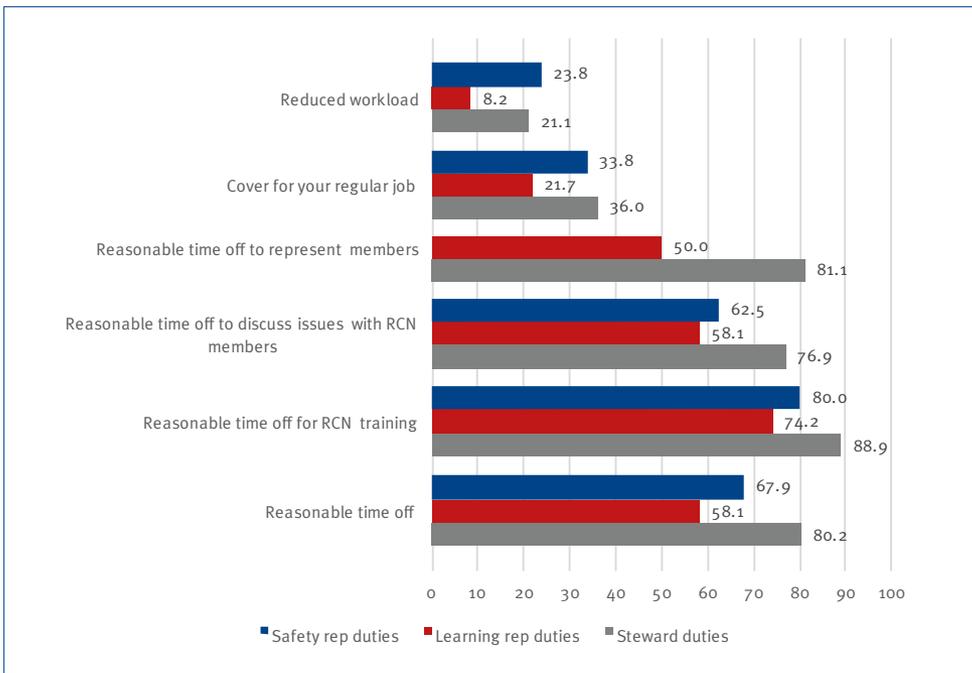
Percentage of reps with an agreement setting out facility time hours and average number of hours received



Number of hours spent on representative roles per week

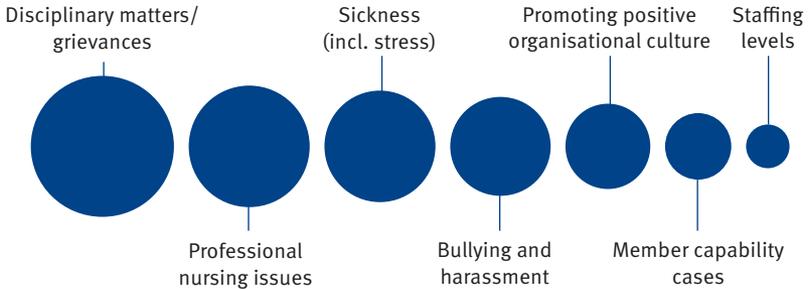
	Steward role respondents	
	Paid hours	Unpaid hours
None	11.6	14.7
<1 to 5 hours	21.7	32.1
5 to 15 hours	24.5	33.0
15 to 25 hours	18.9	11.5
25 hours or more	23.3	8.7
	Learning rep role respondents	
None	21.2	12.5
<1 to 5 hours	30.3	34.4
5 to 15 hours	30.3	32.8
15 to 25 hours	18.2	20.3
	Safety rep role respondents	
None	20.7	35.6
<1 to 5 hours	46.0	40.2
5 to 15 hours	21.8	16.1
15 to 25 hours	11.5	8.1

Does your employer provide you with sufficient time for your representative role?

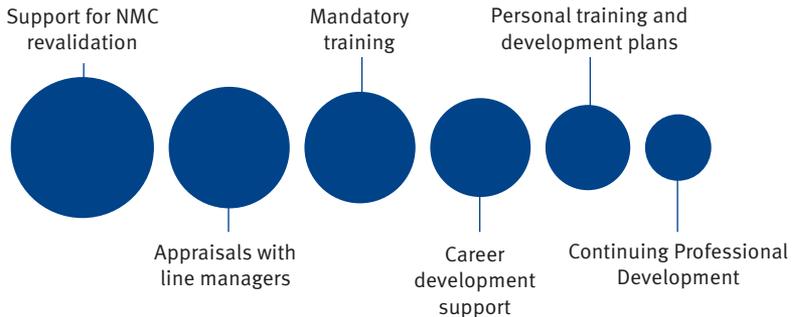


The majority of all three types of representatives report that their employers provide them with reasonable time off to: perform the role; undergo relevant training; discuss issues with staff; and (where stewards and safety reps are concerned) represent staff. On each of these issues, however, a sizable minority of representatives feel that employers are not meeting their statutory obligations.

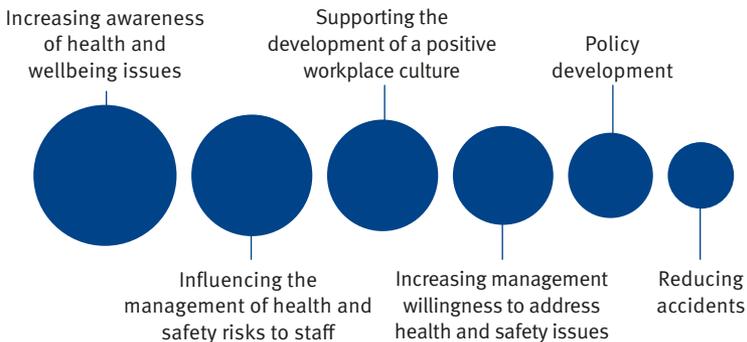
Where stewards have the most influence in the workplace



Where learnings reps have the most influence in the workplace



Where safety reps have the most influence in the workplace



How much time do reps need to do their role?

Stewards need at least 5 hours per week to have a positive influence on:

- disciplinary matters/grievances
- sickness
- capability
- the use and management of agency and bank nurses
- reorganisation (including TUPE)
- promotion of a positive organisational culture and wellbeing.

But – one-third of stewards do not receive this benchmark minimum of 5 hours per week.

Stewards need at least 15 hours per week of facility time to have a positive influence on:

- discrimination
- staffing levels
- hours of work
- learning and development
- job evaluation.

But well over half of stewards do not receive this benchmark minimum of 15 hours per week.

The research shows a clear correlation between the number of hours of facility time that reps obtain and the influence they have in a workplace. However, these findings should not be interpreted as advocating any particular target or minimum for facility time. Workplace representatives should receive sufficient time off to be able to fully undertake their duties.

Learning reps need at least 5 hours a week of facility time to have an influence on the proportion of staff receiving:

- Continuing Professional Development
- a personal training and development plan
- personal career development support.

But more than half of learning reps have less than 5 hours of facility time.

Learning reps need at least 15 hours a week of facility time to have an influence on the proportion of staff receiving:

- appraisal/development reviews
- mandatory training.

But only 18% of learning reps have at least 15 hours of facility time.

For **safety reps**, so few receive facility time that in those cases where they do manage to secure an agreement, they can exert some influence on key health and safety issues.