

WESTERN COUNTIES BRANCH GUIDANCE FOR CWU REPRESENTATIVES WHEN  
DEALING WITH MANAGEMENT AND REPRESENTING MEMBERS

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**INTRODUCTION**

When representing members either collectively or on an individual basis, always ensure that you have to hand the relevant agreement. If you do not have the relevant agreement, then always contact your Area Rep or the Branch Office for a copy.

It is a fact that across the country at both Area and National level, the CWU finds that members have either lost their case or a workplace has failed to secure an agreement as favourable as elsewhere, for no other reason than because the local CWU Representative has not fully read the relevant agreement or been fully aware of how a procedure works. Crucially, the Representative will not have sought advice from their Area Representative.

This guide aims to offer some general advice as to the best ways of carrying out your tasks so as to ensure you feel confident and in control (as far as possible!) when faced with workplace issues.

One other point. This guide doesn't cover everything!

**GENERAL GUIDANCE**

There are some general points you need to take into account when dealing with most kinds of workplace issues:

1. Never assume that you know fully how a procedure or agreement works. Always check the agreement relevant to the case. If you do not have a copy, contact your Area Rep or the Branch.
2. It is a fact that experienced representatives will continue to familiarise themselves with all the agreements they work with. Why? Because this can often produce new angles to pursue, or may uncover the fact that a manager has not followed a procedure correctly.
3. All agreements include detail as to the obligations a manager is under and the way they should deal with either a CWU member or the CWU generally. This is especially the case concerning the Conduct and Attendance Agreements.
4. Remember that decisions can be challenged if you think that the manager has not followed the word and spirit of an agreement or procedure.

5. What if I am unsure and a meeting or interview is already in progress? The golden rule is always to raise your concerns. That is partly why you are there in the first place!
6. What if I am unsure and think I might be wrong in raising something? Remember, that this is NOT a matter of you worrying that you will be seen as not understanding something. Explain your concerns to the manager. Far better to do this than say nothing and possibly lose the case for your member.
7. If you are concerned or need to talk to your member privately, remember that you can adjourn interviews at any stage.
8. As a representative then, you have particular responsibilities. If something is not right, challenge it. If a decision made seems perverse after the event, then challenge it. You may not always be right, but without asking questions and raising issues, you will never know. The key test for you is to feel confident in doing that. This will only come through having a working knowledge of agreements and talking to your Area Rep.
9. Always try and liaise with your Area Rep. They are there to help. Again, admitting you are unsure of something to your Area Rep should be seen as strength not a weakness.

#### **WHAT ABOUT GENERAL PREPARATION WHEN DEALING WITH WORKPLACE & INDIVIDUAL ISSUES?**

1. You are entitled to release from duty to prepare to meet a manager. Use this opportunity whenever you can.
2. You are entitled to release from duty to discuss with a member a matter of concern and to see a member prior to an interview with a manager, e.g. to discuss and prepare for an attendance procedure interview.
3. If you are refused a request for release time then always discuss with the manager to try and resolve the matter. If this is not possible you must arrange for any meeting or interview to be re-arranged so that you do get time to prepare. It is also advisable to speak to your Area Rep and/or advise your manager that this is what you are going to do.
4. Quite often a manager will have got used to dealing with issues and agreements in a certain way. It can be helpful to see your manager and to jointly go through a procedure/agreement just to ensure you both understand the agreement and as far as possible, that you are both "signing from the same hymn sheet!"
5. It can be often overlooked, but it is always advisable to take brief notes of a meeting with your manager. The important notes will generally be the outcomes and any action points. The same goes for interviews with members.
6. Taking notes should not be seen as being in any way too formal. They will be brief, to the point and will enable you to check at the end of your meeting exactly what was agreed and what will happen next. Members won't thank you if you can't remember what was discussed and what is to happen next!!

7. If you are worried that your manager may see note taking as putting him or her on the defensive, just explain why you are doing it!
8. It is not just notes during an interview that are important! When preparing for a meeting you must always try to ensure you are clear about exactly what you want to discuss and agree. A brief written note of this will ensure you don't forget to ask something!
9. Why is this important? Ask any rep and they will tell you that at some point they have emerged from a meeting and been asked by someone, "Did you ask about xxxxxxxx?" And did you? No, you forgot!! Prepare, it does help!

### **ATTENDANCE PROCEDURE INTERVIEWS**

Apart from the general advice above, you should note particularly the following brief points of advice.

1. It is an unfortunate fact of life that there can be so many Stage 1s, that it can be disheartening.
2. Stage 1 interview. Remember that this IS the first step to dismissal under the Attendance Procedure.
3. Ensure you have time to see your member, and that the relevant paperwork is to hand. Normally, this will be their sick absence print out, details of previous stage interviews and perhaps a report from the EHS.
4. Do not be afraid to postpone an interview if the relevant paperwork is not to hand and both you and the member feel it is important that this is done to ensure their case is properly heard. This is especially so for a Stage 2.
5. Should you carry out a Stage 3? No. Not unless your member wants you to represent them. Stage 3 is the last stop before dismissal. Dismissal at a members' first Stage 3 is not unusual. Your Area Rep should be dealing with a Stage 3.
6. Always check the accuracy of a sick absence record. Go through each absence and listen to what your member says.
7. Is there an underlying reason for absences? Hospital operations and post op absences? Any accidents at work or any subsequent accident related absences that need to be discounted? Are there any absences that should be down as something else, e.g. family bereavement, personal matter, problem at work, being harassed by someone at work etc?
8. Remember that some members will have some form of disability. Fully explore this with your member. It may well be the case that your member comes within the terms of the Disability Discrimination Act (DDA). If you think they do, then it must be mentioned with a view to the member being seen by the EHS. DDA related absences should normally be discounted and/or adjustments should be made to persons' working arrangements. ALWAYS seek advice from your Area Rep.
9. Remember that members with DDA related absence, or members coming back from long term sick leave need extra help from the Union. Paul

Wotton, the Area Delivery Rep for EX/TQ is the Branch Rehabilitation Officer. His number is 07799 020109. Make use of Paul's experience.

10. You will need to be aware that sometimes a manager needs to refer your member to see the EHS. He will do so by completing a Business Referral Form (BRF). A BRF asks certain questions that a manager wants the EHS to answer. You should ensure that your member has opportunity to have some input into this. It is their health after all that is being discussed. Your manager should not refuse this.
11. Remember, the points above do not cover everything. There is a separate Rehabilitation Agreement and an Ill Health Retirement Agreement. You do not need to know these agreements in detail as the Area rep will help you. You do however need to be alert to ensuring your member is supported and the timely intervention of the Area Rep sought.

### **WHAT ABOUT THE MEMBERS?**

1. It is a fact of life that a manager will try and manage YOU as a person. Unless you can keep focussed on the issues in hand, you could be in the position of being fobbed off, ignored or even quoted that you have agreed something when you haven't.
2. The only way to ensure you are properly accountable, is to keep in touch with your members, make positive use of your notice board, and ensure after meetings with management that you inform people as to what has happened and finally, DO NOT agree changes etc without first checking this is acceptable to your members.
3. For some changes, it will be necessary to hold a members meeting to get agreement or otherwise to a proposal. Sometimes, it can be useful to ask your manager if you can address the members at a WTL session.
4. What if you have reached an agreement and the members do not agree with it? It is easier said than done, however it should be seen as a positive. Despite your best efforts members are unhappy. List the points they do not agree with and go back to the manager. It can do a lot of good for a manager to see that members are unhappy. It makes them rethink! Your members can also see that you will follow up concerns.
5. Remember, that unless you keep good lines of communication open with members, management will, at some point make efforts to cut you off from your members and leave you isolated. If you ever find yourself in this position, always seek advice.
6. Your time will be at a premium. Trying to juggle members concerns, with your own work tasks is difficult. Try to be a good listener whenever you can. Never judge the member, always examine the issue they raise and look at it on its merits.
7. Take the initiative! A member raises a concern, and then why not goes with them to see the manager there and then to sort it out! A supportive rep can be a god send to someone with a problem.
8. Be aware that sometimes a member will not give you the full story!! Try not to jump in with both feet as it could rebound on you! Inevitably you will only get one side of the story to some extent, so try and be careful

and encourage the member to look at the issue from both sides. This can draw out the story/explanation much better and enable you to be more effective as a rep when you raise the matter with the manager.

9. What about being told something "in confidence" by your manager? Occasionally, this may happen. If however it is going to affect the running of the office and your member's conditions, you must make it clear to the manager that you cannot allow yourself to be compromised. Eventually issues must be debated openly. The golden rule is to always seek advice from your Area Rep. If, after discussion with the Area Rep you need to re-approach your manager, and then you must do this.

### **REACHING AGREEMENT**

1. This can be easier said than done. The advice above tells you to prepare, consult with your Area Rep, make sure you have the correct agreement to hand, make sure you have some time to prepare and make sure you always seek your member's agreement before making an agreement with your manager.
2. Overall, the golden rule for a rep is "better no agreement than a bad agreement." Try not to get steered into agreeing something you are unsure of, even if you have been given what seems to be a reasonable explanation by your manager. Better to adjourn or ask for time to consider or seek advice. REMEMBER it is not weakness to seek advice. It does let your manager know that you will check out what he or she is telling you!
3. It is the case that sometimes despite the best efforts of both parties, agreement cannot be reached. If this happens a Disagreement must be registered.
4. This is not a difficult process, but many reps are unsure how exactly this should be done. If you are in this position always seek advice from your Area Rep until you are confident of the process to be followed. Your Area Rep will help you.
5. Ultimately, a disagreement is simply a statement in writing of the areas you and your manager cannot agree on. It does of course help to ensure that the points you can agree are agreed! This then reduces any points of disagreement to the minimum.
6. Of course, you may come across your manager saying that it is not his decision to make a change or cut hours etc. If this happens to you, you are strongly advised to seek advice immediately.

### **YOUR OWN CONDUCT AS A REPRESENTATIVE**

1. It can be difficult to deal with some issues because they may clash with people you know well. You will also be aware that some will see you in a different way to how you see yourself!
2. You might not think you are the boss's best friend, but someone somewhere may think you are! As mentioned above, regular and timely communication with your members is vital.

3. You will also need to remember that you are now a representative of the CWU. The CWU do not tolerate bullying, harassment or discrimination whatsoever. Your own behaviour and actions must be consistent with this.
4. If an incident of harassment or bullying, or unacceptable behaviour takes place, you need to be able to stand up for what is right. To do this effectively people need to know your views on issues from time to time. People also need to know that you will treat their concern or issue seriously. If such an incident takes place then always seek the advice of your Area Rep.
5. Importantly people also need to know that you will represent your colleagues without showing favouritism.
6. All members need to have confidence to be able to raise concerns and worries with you from time to time. You need to be able to listen. Don't promise to sort something if you can't – get some advice. Be open and admit if you don't know the answer to a question and always make sure you find out the answer and respond to the member.

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