

Notts UNISON Industrial Action March 29th

On this date essential and authorised car users will stop using their vehicles for council business. This is in opposition to the pay cut imposed by the council through removing our right to essential and casual mileage rates. All those staff that want to take part need to be a member of UNISON. An application form can be download from: <http://www.nottsunison.org.uk/applicationform.html>

Some questions car users may come across.

(This list of Q and A's will be added to as more queries are raised by members so please check back regularly for updates)

Q. Isn't the 40p a mile that the council wants to impose the recognised national rate for the job?

A. No. Most councils pay the essential rate of £905 lump sum and 37.1p per mile and the casual rate of 47.7p. Even these rates mean that council workers are subsidising the council.

The AA (http://www.theaa.com/motoring_advice/motoring_costs.html) estimates the real cost of running a car is at least 61.4p per mile for 5000 miles driven per year.

Is there any other part of your job where you have to bring in your own equipment? Have you been asked to bring in your own chair or a computer? The council should be providing pool cars to allow us to do the job.

Q. Are we harming people if we don't use our cars?

A. The council's cuts, privatisation and price rises represent a real threat to service users' well being. UNISON opposes these cuts. If the council gets away with the cuts in our terms and conditions, it will lead staff to consider moving to neighbouring authorities which will damage the quality and skills we have in the workforce. The council leaders seem to forget that it is our skills that have got the council its awards.

If there are genuine cases of emergency, and members are approached by management to undertake work that they believe to be a breach of the industrial action then the member needs to contact the branch office asap. (Tel: 0115 9810405 email:branch.office@nottsunison.org.uk).

Managers should have their own lines of communication to request exemptions from the action even in cases of emergency. The union will only accept the request from the appropriate designated officer at County Hall.

Q. Could I be disciplined for taking industrial action?

A. UNISON will speak to senior managers to give them notice that they need to provide staff with the means to do their job. This is a legal dispute, and we

have the right under the law to take this action. If there are any cases of bullying or intimidation, please contact the union office.

Non-use of cars for work business

This will be the most critical area of the action and that which we hope will most compel the Employers to come back to the negotiating table.

To clarify, of course members can drive to and from their home to their workplace, however, once in work the action will mean that we refuse to use our own cars once we are at work.

Q. Are we not then thereby refusing to do our work, as all visits require us to use our cars?

A. No, we are not refusing to do visits, we are simply placing the onus on the Employer to provide us with the means to complete the visit, i.e. a car, if necessary.

Q. What if the Employer does not respond by providing a fleet of pool cars, or provision of taxis, (as they did in a previous dispute in the early 90's, which we were successful in) for necessary visits?

A. That will be their responsibility if they choose to take that course of action, and clearly our work would not be progressed smoothly.

Q. Would we be able to use Public Transport—buses, trains—and obviously make the requisite travel claim?

A. Yes, if the Employer refuses to provide cars. However, There may be instances where that is clearly impractical (due to time/distance issues) and there may be Health and Safety issues where you feel it would not be a safe option. (Under the Health and Safety at work Act, the Employer and the Employee have responsibilities).

Q. What if as a result of this action, not being able to complete visits in a timely fashion, etc, the Employer threatens capability/ Disciplinary action against me?

A. We are taking this action as lawful industrial action, covered by the Trade Union and Labour Relations Act; as such it would not be lawful for the Employer to take such action against members involved—at least for the first 12 weeks of any such action.

Q. What if I am not A Trade Union Member?

A. You would not be lawfully covered to take action! You need to join Unison immediately to ensure that you can lawfully participate!

Q. I have a car loan through NCC and they have told me I must use my car on work business.

A. The advice is the same as Essential car users. Don't use your car for NCC business. If you have any problems contact the branch office 0115 9810405 asap.

Q. Are Unison going to be making any exemptions to non-use of cars, e.g Child Protection visits?

A. No, there will be no exemptions, urgent Child Protection visits would still be completed, even if the Employers take the irresponsible line of not providing pool cars, taxis (if they do take this course of action we will be making the media aware of where the blame lies)—as we would use public transport if necessary.

Q. Won't this action in fact just be really inconvenient and difficult for us, and make problems for us, and not effect the Employer?

A. It will be inconvenient and difficult, but ultimately we hope it will be worthwhile. That was certainly members experience in the early 1990's when we managed to defend the Essential User allowance from National attacks. If we are solid and united with this action it will have an enormous effect on the Employer, hence the reason we have chosen it.

Refusal to Cover for colleagues who are on Annual Leave, Sick, or otherwise available

Q. What if I am asked to do a visit on a case allocated to somebody who is off sick, on leave, etc? Would I not be refusing a reasonable management instruction in those circumstances?

A. To comply with the Industrial action you would refuse to do such a visit. You would also be covered in terms of lawful industrial action, so although you would be refusing a "reasonable" management request, if any action was taken against you as a result you would be covered under the Trade Union and Labour relations Act, you would also have the full weight of Unison behind you. Management would be foolish to attempt to victimise individuals for taking part in lawful Industrial Action.

Q. What if I am asked to cover Duty for somebody who is off sick?

A. Again, you would refuse to cover in compliance with the Industrial action.

Q. What if there is, for example, an injury on a worker's case, and that worker is off sick, and I am asked to go out? Would there be any exemption in these circumstances.

A. Our action is not designed to put any service user at risk, hence in these circumstances, provided it was a genuine safeguarding issue, we would respond and agree to visit—assuming there are no non union members who could have been asked to do it. If in any doubt about this when it arises you need to contact the Unison office and ask to speak to somebody urgently.

Refusal to undertake any duties not in your job description.

Q. I don't know what my Job Description is; I haven't a copy of it?

A. If you are in any doubt you could request a copy of your Job Description from H.R.

Q. I think I might have been carrying out duties beyond my J.D for some time, couldn't that be construed that I have now accepted that as "custom and practice".

A. The issue for the Industrial Action is that we now stick strictly to our J.D and refuse to do any tasks that may be outside it, e.g. a Trainee S.W undertaking too complex a case, a Social Work Assistant being asked to do a Court report.

Only working our Contracted Hours.

Q. The only way that most Social Workers in the County are able to keep their work up to date is by working well beyond our contracted hours, how do we manage this once the Industrial Action starts.

A. That is clearly the reality, with many workers working 50 hours, plus. It will be hard, but we must be disciplined about this to ensure that we have united action; we must not work more than the contracted hours.

Q. Doesn't this just mean that we will get well out with Timescales, etc, and we will only have a massive backlog of work when the action is over?

A. Yes, it will inevitably mean that timescales will not be complied with as a result, but if the Employers seek to take action against any members as a result we will again strongly resist that as a union. You need to let the BRANCH office know if anything like that is happening.

The Employers have the cheek to be removing extra days leave (2 days after 10 years) on the cynical basis that they will then get a total of 7,500 more working days out of us! In reality we are already giving thousands of times more than that on an unpaid basis in terms of the extra hours we work over contracted hours.

Any further questions/ queries that members have please don't hesitate to contact the Branch office to speak to a Convenor (Martin Sleath, CYPD— Grace Perry ASCH)