Organisational change

Regional breakouts
MiP members’ summit
6 November 2018
Session structure

• Employment rights & issues (25 mins)
• Small groups (25 mins):
  – Where will organisational change happen
  – What worries me the most
  – What can the union, reps, members do to support, influence & promote
• Whole group (25 mins):
  – MiP’s priorities in 2019 are ....
Preparing for change

• Do I know what’s happening & why?
• What key policies & contractual terms affect me during change?
• What do I want to happen
• Getting in touch with MiP
Key employment rights

• Consultation periods (30/45 days)
• Redundancy selection & pay
• Suitable alternative employment (SAE)
• TUPE
Duty to consult, when?

• At least 30 days before the first dismissal, if 20 to 99 employees are to be made redundant at one establishment over a period of 90 days or less

or

• At least 45 days before the first dismissal, if 100 or more employees are at risk
Duty to consult

• If < 20 staff at risk the employer has a duty to consult with staff individually

• Duty to consult is an absolute duty: failure to consult = risk of unfair dismissal claim
Redundancy selection

• Selection process must be conducted so the employee can put forward any points before decision is taken;
• No dismissal until consultation has concluded;
• Selection process adopted must be mainly objective;
• If an employee considers they have been unfairly assessed a claim for unfair dismissal can be lodged (provided they have at least two years’ service).
## TUPE

### Relevant transfers

<table>
<thead>
<tr>
<th>Service provision changes</th>
<th><strong>Change 1:</strong> The activities carried out under outsourced or tendered work must be “fundamentally the same” for TUPE to apply.</th>
</tr>
</thead>
</table>

### Contracts of employment

| Changes to terms and conditions | **Change 2:** Altering contractual terms and conditions.  
**Change 3:** Dismissals are no longer automatically unfair because of a change in the workplace location.  
**Change 4:** Terms and conditions from collective agreements may be renegotiated after one year provided that overall the contract is no less favourable to the employee.  
**Change 5:** In some circumstances contractual changes arising from new collective agreements agreed by the outgoing employer are not required to be incorporated after a transfer. |
|-----------------|---------------------------------------------------------------------------------------------------------------|
## TUPE

### Dismissal and redundancy

<table>
<thead>
<tr>
<th>Dismissal</th>
<th><strong>Change 6</strong>: An employee will be automatically unfairly dismissed if the sole or principal reason for the dismissal is the transfer.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Redundancy</td>
<td><strong>Change 7</strong>: Redundancy consultation can begin before the transfer if both employers agree.</td>
</tr>
</tbody>
</table>

### Employee liability information (ELI)

| **Change 8**: Information about transferring employees should be given earlier. |

### Information and consultation rights

| Who should be consulted? | **Change 9**: Businesses with fewer than 10 employees are not required to invite the election of representatives for consultation purposes if no existing arrangements are in place. |
Problem areas

• Pooling (e.g. long-term secondments /acting up)
• Vague structures in consultation
• Absence of job evaluation/downbanding
Risks during change

- Well-being
- Discrimination
- Bullying
- Performance/productivity
MiP support

• Individual advice & representation
• Collective representation & influence
Promoting MiP in the workplace

• Asking colleagues to join MiP
• Reps & link members
• Working with staff side
• Working with management side
• Publicity about our activity
• Events & resources