

Human Resources Policy

Union encouragement

Policy Number: F4 (QH-POL-248)

Publication date: 27 October 2015

Purpose: To outline the arrangements for union encouragement in Queensland Health.

Application: This policy applies to all Queensland Health employees and unions.

Guidelines: Guidelines may be developed to facilitate implementation of this policy. The guidelines must be consistent with this policy.

Delegation: The 'delegate' is as listed in the Department of Health Human Resource (HR) Delegations Manual and the Hospital and Health Services Human Resource (HR) Delegations Manual – HRM Functions of the Director-General, as amended from time to time.

Legislative or other authority:

- Nurses and Midwives (Queensland Health) Certified Agreement (EB8) 2012
- Queensland Public Health Sector Certified Agreement (No.8) 2011 (EB8)
- Queensland Public Health Sector Certified Agreement (No.4) 2000
- Health Practitioners (Queensland Health) Certified Agreement (No.2) 2011
- Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 5) 2011
- Medical Officers (Queensland Health) Certified Agreement (No. 3) 2012

Related policy or documents:

- Industrial Relations Education Leave HR Policy C39 (preserved)(QH-POL-154)
- Queensland Government Commitment to Union Encouragement

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1 Policy

1.1 Queensland Health commitment to union encouragement

Queensland Health has made a commitment to encourage union membership among its employees. This commitment was originally reflected in the Queensland Public Health Sector Certified Agreement (No.4) 2000.

It remains the responsibility of unions to enrol members however the active cooperation of all managers and supervisors throughout Queensland Health is necessary, to ensure Queensland Health honours this commitment and complies with its legal obligations. It requires an appreciation of the important role that unions play in representing employees. Passive acceptance by managers and supervisors of membership recruitment activity by unions does not satisfy the requirements of the agreement. Encouragement requires managers and supervisors to take a positive, supportive role.

This policy aims to ensure managers and supervisors give effect to this commitment with a clear understanding of what is expected of them as employees of Queensland Health, and free of doubt as to the correctness of their actions.

1.2 Union encouragement

To give effect to the intention of union encouragement at the workplace, managers and supervisors are to ensure that encouragement is given. The personal views of individual managers or supervisors are not to be used to discourage employees from union membership or neglect to facilitate union membership in the ways provided for in the Agreement. Managers or supervisors are not to directly or indirectly impede legitimate union activity.

1.3 Encouragement provisions explained

The employer recognises the right of individuals to join a union and is to encourage that membership. It is also recognised that union membership remains at the discretion of individuals.

New employees are to be informed of Queensland Health's commitment. Individuals are not obliged to join a union however Queensland Health encourages its employees to do so. Managers and supervisors are to ensure that this policy is accessible to all current employees.

Information on relevant unions (supplied by unions) is to be made available to relevant employees at the point of engagement. This places responsibilities on unions as well as Queensland Health. To ensure Queensland Health is able to fulfil its obligations, unions are to supply up-to-date membership material, including application forms, details of fees and how they can be paid and general information about the union.

Union officials or authorised representatives are to be given the opportunity to discuss union membership with new employees and provide employees with relevant union material, including membership forms. Unions are to provide suitable information to be included in induction materials. Queensland Health is to allow union representatives to discuss union membership with new

employees during working hours. This is to be done so as not to disrupt the operations of Queensland Health.

1.4 Complementary provisions

1.4.1 Union delegates assistance

The employer acknowledges the constructive role democratically elected union delegates undertake in the workplace in relation to union activities that support and assist members. That role is to be formally recognised, accepted and supported, on condition that unions notify the employer of such delegates. The employer supports the accepted industrial principle that delegates are to perform their roles without fear of victimisation.

Employees are to be given full access to union officials/delegates during working hours to discuss any employment matter or seek union advice, on condition that service delivery is not disrupted and work requirements are not unduly affected.

Delegates are to have convenient access to reasonable, existing facilities for the purpose of undertaking union activities on condition service delivery and work requirements are not unduly affected. Local arrangements may be entered into with unions at district consultative forum (DCF) level in relation to access to specific facilities. Such arrangements may include (but are not limited to) access to telephones, computers, email, photocopiers, facsimile machines, storage facilities, meeting rooms and notice boards. These arrangements are to be consistent with the employer's policies and procedures and are to ensure that personal privacy and information security is maintained.

Subject to the relevant employee's written approval and any confidentiality provisions, delegates may request access to documents and policies related to a member's employment.

Queensland Health recognises employees have a right to confidently raise issues of concern with their unions. The formal recognition, acceptance and support of the role of union delegates are fundamental to union encouragement.

1.4.2 Commitment to consultation

This establishes joint union and employer consultative committees at both a Department of Health and Hospital and Health Service level to oversee the implementation of the agreement.

1.4.3 Collective industrial relations

Queensland Health acknowledges that structured, collective industrial relations are to continue as a fundamental principle of management of Queensland Health facilities and services. The agreement supports constructive relations between management and unions and recognises the need to work collaboratively.

1.4.4 International Labour Organisation (ILO) conventions

Queensland Health as an employer recognises its obligations to give effect to the conventions of the ILO for all Queensland Health workers, including freedom of association, collective bargaining and equality of treatment conventions.

1.4.5 Industrial relations education leave

Employees have access to industrial relations education leave in the form of paid time off to acquire knowledge and competencies in industrial relations. These leave arrangements are outlined in the preserved Industrial Relations Education Leave HR Policy C39. This is to allow employees to

participate effectively in consultative structures, perform a representative role, and further the effective operation of grievance and dispute settlement procedures.

1.5 Communicating the requirements of this policy

It is important Queensland Health communicates this policy to employees at all levels, in all work units and at all localities. Union membership is an issue about which employees, including managers and front line supervisors, may have strong views. It is not the purpose of this policy to interfere with the right of employees to hold or express a personal view, but to ensure that in their official capacity they follow Queensland Health policy.

An important aim of union encouragement is to improve the workplace culture. It is expected both management and unions adopt a problem solving approach if there is disagreement over the application of this policy.

1.6 Resolving disagreement

Disagreements about the way the union encouragement policy is applied are to be resolved locally when possible. Failing this, the Hospital and Health Services Consultative Forum (HHSCF) or equivalent is the appropriate forum to deal with disagreements. If the HHSCF is unable to resolve a disagreement it is to be referred to the relevant enterprise bargaining implementation group. It is not expected that this referral process is to be commonly used.

1.7 Further enquiries

When distributing this information within the Department of Health and Hospital and Health Service, a contact officer is to be nominated to respond to enquiries from staff.

History:

October 2015	<ul style="list-style-type: none">• Policy:<ul style="list-style-type: none">– formatted as part of the HR Policy review amended to update references and naming conventions– reinstated as a result of the restoration of conditions under the <i>Industrial Relations Act (Restoring Fairness) and other Legislation Amendment Act 2015</i>
October 2009	<ul style="list-style-type: none">• Protected IRM 3.6-3 reformatted as a result of the HR policy consolidation project in accordance with EB7.
September 2002	<ul style="list-style-type: none">• IRM 3.6-3 Union Encouragement Guidelines - (clause 3.1 Queensland Public Health Sector Certified Agreement (No.5) 2002) amended.
April 2001	<ul style="list-style-type: none">• IRM 3.6.3 Union Encouragement Guidelines - (clause 3.2 Queensland Public Health Sector Certified Agreement (No.4) 2000).