

ACTPS Union Encouragement Policy



Union Encouragement in the ACT Public Sector

Principles

1. The ACT Government is committed to encouraging union membership amongst its employees in the ACT Public Sector (ACTPS) and fostering harmonious and productive relationships between leadership and unions.
2. This policy applies to the encouragement, representation and facilitation of registered trade unions ('union(s)') under the *Fair Work (Registered Organisations) Act 2009* that are party to an ACTPS Enterprise Agreement. The ACTPS recognises and values the common interest of employees being supported by unions in promoting positive employment outcomes.
3. The ACTPS strives to create a culture that embodies the principles of decency, courtesy, professionalism and fairness. This includes the promotion of a culture that encourages and facilitates union membership and representation that empowers employees to join a union.
4. The objective of this policy is to support ACTPS directorates and public sector bodies with following the ACT Government commitment to encourage union membership and representation. The ACTPS will provide details for the implementation of the benefits and entitlements contained in the Enterprise Agreements.
5. The policy will meet this objective by ensuring that:
 - a. All executives and managers throughout the ACTPS actively cooperate to ensure the ACTPS continues to encourage union membership, through adopting a positive and supportive role.
 - b. The accepted industrial principle and constructive role elected union delegates undertake in the workplace in relation to union activities is acknowledged and supported, so delegates can perform their roles without fear of victimisation.
 - c. The personal views of executives and managers do not discourage employees from union membership, obstruct union activity, or neglect to facilitate union membership in the ways provided for in this policy or Enterprise Agreements.

Union Encouragement

6. Encouragement requires executives, managers and supervisors and HR areas to adopt a positive and supportive role in facilitating representative activity by unions.
7. Managers should facilitate union representatives and members by ensuring employees are able to seek assistance, advocacy and representation from their union representative. Involvement by a union should be seen as an opportunity to listen, collaborate and resolve disputes.
8. Union encouragement requires education and raising awareness of union involvement in workplace matters. There are various ways this could be achieved through highlighting positive interactions and outcomes, as well as open communication.
9. Where group inductions are held, unions must be invited to address new employees as a mandatory part of those inductions. Union officials and delegates should be given the opportunity to discuss union membership with new employees and provide employees with relevant union material, including membership forms.
10. While recognising that the decision to join a union is at the discretion of employees, the ACTPS encourages and supports this right. Executives, managers and supervisors will ensure that this policy

is accessible to all current and future employees to ensure all staff are informed of the ACT Government's commitment to union encouragement.

11. Employees are to be provided with access to union officials or delegates during working hours to discuss any employment matter or seek union advice.

Consultation with Unions

12. A requirement of any decision-making process is consultation with those potentially affected by decisions in line with procedural fairness. Recognising the important role unions play in the workplace, unions must be involved in consultation on matters impacting union members and the broader workforce.
13. Consultation must occur in line with consultation provisions contained within the applicable Enterprise Agreement(s).
14. The Joint Council, established under the PSM Act, which meets at least twice yearly, brings together officials from unions and the ACT Government for the purpose of consulting on whole of government matters and other issues with service-wide implications.
15. The Enterprise Agreements make provisions for the establishment of Directorate Consultative Committees (DCCs) as well as Workplace Consultative Committees (WCCs), which facilitate consultation with unions on a directorate and workplace level. These committees are pivotal to achieving effective and structured ongoing consultation and workplace relationships. The frequency of meetings, the content of meetings and membership of DCCs and WCCs is determined by agreement with the relevant unions and affected employees.
16. The ACT Government acknowledges that structured, collective industrial relations are to continue as a fundamental principle of management of the ACTPS.

Bargaining

17. Under Section 176 of the *Fair Work Act 2009* (FW Act), Unions are the default bargaining representative during enterprise bargaining negotiations.
18. The ACTPS will actively engage with unions in good faith during enterprise bargaining negotiations.
19. In the course of collective bargaining, the ACTPS will:
 - a. Not advise, encourage, incite or coerce an employee, or adopt or implement policies or practices that seek to encourage employees to revoke the status of an employee organisation as their bargaining representative for a proposed Enterprise Agreement.
 - b. Not hold negotiations or meetings regarding the negotiations directly with employees without first providing bargaining representatives a reasonable opportunity to attend the negotiation.
 - c. Make reasonable allowances for their employees and their bargaining representative (where in place) to participate in negotiations to develop Enterprise Agreements, including but not limited to:
 - i. allowing employees paid time to meet with their bargaining representatives regarding Enterprise Agreement negotiations;
 - ii. meeting regularly with bargaining representatives in good faith for the purpose of enterprise bargaining negotiations; and

- iii. allowing a union workplace delegate or employee representative to distribute material to the workplace concerning bargaining.

Responsibilities

Senior Executives and Managers

20. Senior Executives and Managers have responsibilities under this policy to:

- a. Ensure new employees are informed of the ACT Government's commitment to union encouragement as part of the onboarding process. As part of these processes, employees are to be informed of this policy, and it will be readily accessible to all current employees.
- b. Ensure their workplace is actively supportive of this policy and supporting the right of employees to join a union.
- c. Comply with relevant legislation, including the PSM Act and Enterprise Agreement obligations.
- d. Foster and promote a culture that is respectful and values the contribution unions make to the ACTPS workforce

Directorate Human Resources

21. Directorate Human Resource areas have responsibilities under this policy to:

- a. Ensure information on relevant unions is to be made available to relevant employees at the point of engagement, and ongoing, including membership and contact details for the union.
- b. Provide advice and practical guidance to executives and managers to understand and implement the provisions of this policy.
- c. Provide feedback on the operation of this policy to the Office of Industrial Relations and Workforce Strategy (OIRWS) to inform continuous improvement approaches in revising this policy.

Further Information and Feedback

22. For further information on union encouragement within your directorate, contact your directorate HR representative. Feedback should be provided via email to eba@act.gov.au.



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