

UNION ENCOURAGEMENT POLICY

The ACT Government is committed to encouraging union membership among its employees in the ACT Public Sector (ACTPS). Unions play an important role in representing employees. The ACTPS enterprise agreements contain many provisions aimed at facilitating the role of unions and their representatives. This policy aims to ensure that the ACTPS, through its leadership, gives effect to the ACT Government's commitment to encourage union membership, as well as providing detail for the implementation of the benefits and entitlements contained in the enterprise agreements.

All executives, managers and supervisors throughout the ACTPS should actively cooperate to ensure the ACTPS continues to encourage union membership. Encouragement requires executives, managers and supervisors to adopt a positive and supportive role, not simply passively accept membership recruitment and representative activity by unions.

The personal views of executives, managers and supervisors are not to be used to discourage employees from union membership or neglect to facilitate union membership in the ways provided for in this policy or enterprise agreements. Executives, managers and supervisors are not to directly or indirectly impede legal union activity.

Union encouragement provisions

While recognising that the decision to join a union remains the discretion of individuals, the ACT Government encourages and supports this right.

Executives, managers and supervisors will ensure that this policy is accessible to all current employees. New employees are also to be informed of the ACT Government's commitment.

Information on relevant unions is to be made available to relevant employees at the point of engagement, including up-to-date membership material, application forms, details of fees 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. These discussions may be held during working hours, provided that work is not unreasonably disrupted. Where inductions are held in person, unions will be invited to address new employees as an integral part of those inductions.

Complementary provisions

1. Facilitating the role of union delegates

The ACT Government 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 relevant directorate of such delegates. The ACT Government 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 the condition that work requirements are not unreasonably affected.

Delegates are to have access to reasonable facilities for the purpose of undertaking union activities on the condition that service delivery and work requirements are not unreasonably affected. Local arrangements may be entered into with unions at directorate level, but will not be less beneficial than what is provided for in the enterprise agreements.

In addition, delegates will be able to communicate with members and non-members alike using email lists.

2. Consultation

An integral part of any good decision making process is consultation with those potentially affected by decisions. Recognising the important role unions play in the workplace, unions must be involved in consultation on matters potentially having a significant effect on their members and other employees.

Consultation should occur on an as needs basis, but there are formal structures in place which ensure effective consultation with unions.

The Joint Council, established under the *Public Sector Management Act 1994*, 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.

The enterprise agreements make provisions for the establishment of Directorate Consultative Committees (DCCs) as well as Workplace Consultative Committees, 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. Managers are required to be aware of and use these consultative committees.


The ACTPS is committed to consulting on any matter that is likely to significantly affect employees and remains open to consult on any other matter raised by unions.

3. Collective Industrial relations

The ACT Government acknowledges that structured, collective industrial relations are to continue as a fundamental principle of management of the ACTPS. The enterprise agreements contain rights for employees to negotiate collectively and this policy reaffirms that commitment.

Communicating the requirements of this policy

ACTPS executives, managers and supervisors will communicate this policy to employees at all levels, in all work units and all localities. It is the purpose of this policy to ensure that in their official capacity ACTPS executives, managers and supervisors will follow this policy and the ACT Government's commitment.



Andrew Barr MLA
Chief Minister



Rachel Stephen-Smith MLA
Minister for Employment and Workplace Safety

ANNEX A UNION DELEGATES' RIGHTS

As reflected in the Enterprise Agreement, in discharging their representative roles at the workplace level, the rights of union workplace delegates include, but are not limited to:

- The right to be treated fairly and perform their role as workplace delegates without any discrimination in their employment;
- Recognition by the ACTPS that endorsed workplace delegates speak on behalf of their members in the workplace;
- The right to participate in collective bargaining on behalf of those whom they represent, as per the Fair Work Act;
- The right to paid time to provide information and seek feedback from employees in the workplace on workplace relations matters in the ACTPS during normal working hours;
- The right to email employees in their workplace to provide information to and seek feedback;
- The right to undertake their role including as union representatives on Directorate workplace relations consultative committee(s);
- The right to access ACTPS facilities (including the internal courier service, access to the ACT Government communications systems, telephone, facsimile, photocopying, internet and email facilities, meeting rooms, storage space, lunch rooms, tea rooms and other areas where employees meet) for the purpose of carrying out work as a delegate and consulting with members and other interested employees and the union;
- The right to meet and contact new employees about union membership at the time they enter employment;
- The right to consultation, and access to relevant information about the workplace and the ACTPS; and
- The right to paid time to represent the interests of members to the employer and industrial tribunals;

In discharging any roles that may involve undertaking union business, the rights of union workplace delegates include but are not limited to:

- Paid time during normal working hours to consult with other delegates and union officials in the workplace, and receive advice and assistance from union staff and officials in the workplace;
- Access to appropriate training in workplace relations matters including training provided by a union;

For the avoidance of doubt, elected union delegates include ACTPS employees elected to represent union members in representative forums.