

The CWU

COOC Report

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BT in the dock



The CWU recently won a significant victory at a Scottish Employment Appeal Tribunal. In the case of BT v Lynn Pelling, the tribunal ruled that BT broke the 1995 Disability Discrimination Act (DDA) and unfairly discriminated against CWU member Lynn by failing to consider home-working for her. Lynn had been on sick absence from her

Consumer Sales (Telemarketing) job due to agoraphobia. Yet despite the large number of BT home-workers, and BT's expertise in dealing with DDA cases, the Company did not consider the possibility of home-working for Lynn. Lynn was awarded £19,703.

The original Employment Tribunal confusingly ruled that by failing to investigate home-working for Lynn, BT unfairly dismissed her, but did not break the DDA. BT challenged the outcome and sought to have the Unfair Dismissal overturned.

In taking up Lynn's case, I decided to make a 'cross appeal' – both to defend the unfair dismissal result, and to ask the Appeal Tribunal to overturn the Employment Tribunal's refusal of our disability discrimination claim.

The result was that the Appeal Tribunal agreed it had been unfair dismissal and moreover that discrimination had taken place.

Lynn's case shows that, contrary to BT's submission, the onus is on the employer to consider home-working, even if neither the employee nor her representative raises it as an option. Further that the employee or representative do not have to show that the member could have home-worked, or that a job suitable for home-working is available.

I hope that this case will make BT more careful about considering home-working for non-managers in future, particularly call centre members, and especially when they have a disability. BT is a champion of home-working in the UK business community, but it seems BT managers, HR, and occupational health concentrate on physical adjustments at the BT workplace.

This case shows that the consideration of 'reasonable adjustments' under the DDA is not restricted to workplace adaptations listed as examples in the DDA itself.'

RICHARD TARVER

Welcome



With Rules Revision behind us we now need to look at how we are going to move forward. The COOC needs to engage in discussions with all parties in the Union, especially in Telecom, on how we can better collectively organise and meet the challenges ahead. To a large extent we are now at something of a watershed. In

Telecom we need to build new structures with our Operator and Engineering colleagues; these reflecting the fact that many of our members no longer work for BT. Above all we need to consolidate our membership base. In 2005 we will need to make a huge recruitment effort. As part of this effort we need to combine our recruitment initiatives with organisational change at every level. We really need to concentrate on bringing through non-BT representatives, attaining facilities, and building self-sustaining dedicated business sections.

At the same time we cannot lose focus of the occupational issues. The issue of Remote Sourcing does not go away, and we have got to make progress one way or the other on this issue in the coming weeks. We also have serious challenges in 02 and indeed, just about everywhere we have members. I suppose I should not finish without some reference to events at Conference. All I will say on this issue is that I genuinely tried to take the heat out of a contentious issue. In so doing I appear to have created even more heat. Perhaps, well intentioned as it was, my approach was clumsy. But then you live and learn. The real lesson in this however is that the legacy of division that has haunted the constituency for many years continues to persist. I alone cannot put this right. Sometimes I think we should all, myself included, take a deeper breath and remember that there is much more that binds us than divides us. We need to work together. I hope we will.

ANDREA SNOWDEN *Clerical Constituency Chair*

O₂ Bubbling



PERSONNEL POLICIES AND PROCESS

Over the past 12 months the CWU has been taking issue with O₂ regarding changes to a number of personnel policies.

In particular there have been significant differences of opinion regarding the APR process being used for CWU grades across the

whole of O₂ and also the general conduct policy covering conduct, attendance and performance procedures.

In both cases the policy and process surrounding these two major areas affecting our members have been introduced without CWU agreement. I am pleased to say, as a result of a series of meetings over the past couple of months, we have made progress in both areas.

APR PROCESS

Whilst we have, as indicated, made significant progress on the APR process there still remain areas of major concern to us. For this reason we agreed to trial a new process in October with a view to reviewing its application in November.

Terms of Reference for a review have been agreed which will include: "A review of any changes which need to be made to the APR process in respect of APRs due for the year end 31st March 2005 (and as appropriate beyond), such changes as required be subject to further discussion between the parties with a view to reaching agreement before the end of 2004.

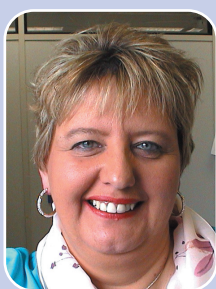
CONDUCT, ATTENDANCE AND PERFORMANCE PROCEDURE

At the time of writing CWU is considering a rewrite of the policy and process for this highly sensitive and important area of personnel policy.

I am hopeful that in the very near future we shall have moved towards agreement on a much improved process which will be of benefit to all O₂ members. Whilst, as I have said, I am optimistic about the outcome of the current discussions, we shall not sign this off unless we are completely satisfied that it offers the maximum protection for our members.

DAVE JOHNSON

Glynis says:



SERVICE AGILITY

After a long period of calm is now creating significant work for Glynis's team. Negotiations on the Grading Review, lasting more than a year, continue to stumble on. However, we are close to involving the Branches in the Review as advised at the last meeting of Service Agility Branches.

At the same time Service Agility are progressing on their Site Strategy. Negotiations are ongoing with the principle of solutions being found prior to closures of a site being agreed. There is no timescale for closures and at the time of writing no further sites have been identified for closure.

Service Agility has just announced that they are to remote source work to India. This was done without consultation with any one in the CWU and highlights once again the serious lack of commitment to Industrial relations in this part of BT.

HCL

We are currently in the process of consulting our HCL members based in Belfast about this year's pay offer.

THE PAY OFFER IS AS FOLLOWS:

- 3% consolidated pay increase for ex-BT grades TUPED over in 2002. A consolidated pay increase for all other grades, up to 4% based on length of service. An increase in the starting salary (min and max of scale).
- The introduction of a flexibility premium amounting to 20% of salary for those members who have volunteered to sign up

THE INTRODUCTION OF NEW MULTI-LINGUAL RATES.

The team's agenda for HCL members this year includes pushing for more permanent contracts, discussions on incremental scale shortening, and a fairer pension scheme.

DIRECTORIES

We have contacted the Company to set up meetings regarding resourcing as the directories Business Unit is expanding, and will also soon include a completely new Graphic Design unit in Apsley. The team are keen to ensure that Branches are fully involved in national discussions and we are looking at ways of co-ordinating Branches to enable us to give our members in Directories the best representation. As soon as we get dates from the Company, Branches will be contacted.

Keith and Harry on issues within BT Retail CCC operations

VANTAGE SCHEDULING

The roll-out of Vantage Scheduling across all CCC lines of business is the continuing subject of national negotiation. From feedback from members and branches, we are fully aware of the need to secure immediate improvements to the scheduling of meal breaks, start and/or finish times, rota days off and complete duty swaps.

VACATION PLANNER

The replacement Annual Leave system for ALPS was due to commence trial in Truro CCC in October and, subject to joint review, is expected to be rolled out across all sites towards the end of the year.

RESOURCING

Negotiations are at an advanced stage on a range of issues, i.e. Attendances, Grading, Career paths, Performance Management which will underpin the ability to change the resourcing profile across the CCC operation. The CWU is looking to secure significant Agency conversions to BT contracts.

PERFORMANCE MANAGEMENT

On a wider front, particularly with regard to Performance Management, we will be commencing urgent discussion with the Company to express our concern about the working environment in the sites which, from reports we have received nationally, is deteriorating to the levels

which culminated in the Industrial action of 1999. The CWU has no desire to enter into any conflict with BT Retail CCC and we will be seeking to ensure that, jointly, we can effect improvements which are beneficial for both the business and CWU members.

One of the Workstreams that the CWU have been involved in for CCC has been under the banner of Training & Development, Performance and Behaviours.

As you would expect, the package covers a wide range of activities, and produces enormous amounts of paperwork. It includes such things as Agency recruitment principles, recruitment process, career path for people in CCC, Code of Conduct, 1:1 standards to know a few.

A number of the things under discussion relate to Performance Management, and at a recent meeting with management, Harry, Jim and Keith Griffiths for the CWU, stressed the need to ensure that CCC maintained the principles of the Better Life Agreement. Indeed we are discussing how we can bring those principles up to date, and ensure that it covers the whole of the CCC operation, not just 150 and 151. We want to continue to ensure that people are measured by 'performance in the round', and not by being targeted on not achieving just one target."

KEITH GRIFFITHS AND HARRY WILLIAMS

Mark on recruitment



Next year the constituency will launch a major new recruitment campaign. This campaign will embrace all that was good in the '21 Today Campaign', but it will take matters further. Some branches never fully embraced '21 Today'; this time there will be no question of optional enthusiasm and support. Every Branch has to be fully

involved. Moreover, we will be linking recruitment to retention in a way never done before. We will be looking at local organisation, ongoing recruitment facilities and local structures. It is not enough that we should recruit large numbers during a campaign only for these to be gradually whittled away, because of an ongoing failure to focus on ongoing local recruitment.

It is not easy to sustain membership in the sort of high turnover environment some branches face. But there can be no excuse for failing to keep on top of the requirements. Nor is there an excuse for simply ignoring agency recruitment. Agency people need the union just as much, if not more than those people employed directly. Going through the Branch figures makes depressing reading. There is not a 150 site in the UK employing less than 40 or 50 agency people; in many sites the numbers are much higher. When one therefore finds that in some 150 branches agency membership numbers just three, five and in some cases even nil, one almost despairs. The recruitment exercise next year will make or break us. It will be hard driven: it has to be.

MARK TAGGART

BLAST OFF

FLEXIBLE WORKING!



In this new Blast Off column we give Clerical Executive members an opportunity to have their say on work related topics close to their heart. We start with newly elected COOC member John Ellsbury's views on Flexible Working.

Being a Branch equal opportunities officer and

believing that equal opportunities

should be promoted by all departments in headquarters I will begin by blasting off about an issue close to the hearts of many of our call centre workers: FLEXIBLE WORKING!

Customer led demands in most call centres inevitably lead to conflict with work life balance for many of our members with child care responsibilities. The flexible working regulations which came in to effect in 2003 promised hope for many parents trying not only to balance the demands of their own job but all too often balancing the work commitments of other carers who support them.

My concern is the failures of employers to follow the correct procedures for considering applications. I don't want to go into the regulations themselves (the DTI Hyper link on flexible working is

<http://www.dti.gov.uk/er/individual/flexwork-pl520.pdf>)

Rather I want to highlight how to improve the chances for an application succeeding and what to do if it does not.

In making an application, which can be done only once every 12 months, individuals need to explain how their application will help with child-care and how they think this can be accommodated. This is where our members need to be clever! For example, in large work places would it be possible or reasonable for an employer to have a transparent duty swap process or could they Job-Share; after all, there might be someone who would simply like to swap shifts for personal reasons. It may be that the employer has a commitment to how and when agency people are used and could help cover the member's duty. You might want to specify how new people joining a company could help accommodate a request. What ever you believe to be true members need to specify a way for the application to be accommodated. Here is a hyper link to help with applications <http://www.dti.gov.uk/er/individual/flexA.pdf>.

When employers respond to an application it is not sufficient for a resource manager to send an email simply saying NO. They need to meet with the employee within 28 days of the application and ensure they allow a companion to assist with the meeting. Strangely, the companion MUST work for the same employer even if Trade Union Representative. Failure to either hold the meeting or allow a companion can result in an award of 2 weeks salary as compensation. Secondly, the employer must give a written explanation for why they cannot accommodate the request and you DO have the right to appeal.

If all else fails while there is the right to bring a complaint to an Employment Tribunal a much easier and less stressful option is going to arbitration. This is much faster and unusually, in this case, arbitration through ACAS is legally binding as they have the same powers as a Tribunal to award compensation. So next time an employer does not consider an application for flexible working properly, Blast Off at them and tell them to do it all again, PROPERLY!

JOHN ELLSBURY in a Personal capacity

Dealing with XANSA and YELL

I look forward to continuing to deal with Xansa and YELL. In their own way over the past fifteen months, they have faced myself and the team with a variety of issues. This is particularly true within Xansa where this years pay negotiations proved complicated and difficult to say the least, and the ongoing wish by all the Unions within the company to reach an agreement on a Job Security agreement over Remote Sourcing, is becoming overly complicated by the companies continued wish to re-draft the previous draft. We are also conscious of the need to maintain and protect wherever possible, those agreements that transferred over under TUPE from BT.

Another area we are progressing is recruitment, and we are intending to work with the Branches over the next three months to maximise CWU membership.

HARRY WILLIAMS



Activists profile

1. How did you get involved in the Union?

Approached by branch officer.

2. Which aspect of Union work do you most like?

Interaction with the members and recruitment. I have been part of many of the clerical campaigns through out the country both within recognised and non recognised companies and whilst very challenging at times it very rewarding.

3. Which aspect of Union work do you most dislike?

Membership audits, this is mainly due to problems with constantly having to maintain membership due to attrition, change of addresses, promotion etc.

4. What are your hobbies?

I read alot with the amount of travelling that comes with the job there is plenty of time for this. I also enjoy football, golf and spending time with my daughter at weekends.

5. What is your favorite TV program?

'Phoenix Nights', Peter Kay is the funniest thing on Television, I do like the 'Office' as well as we've all met a David Brent in our job!

6. What is your favorite type of music?

It would be difficult to pick one type of music I have a broad taste in music; different music, for different moods.

7. What has been your best holiday?

The best Holiday i had was in Dublin, not only is it a beautiful city it has my favourite drink, Guinness.

8. Which is your best moment in the Union?

The First tribunal case I attended with a member was my best moment it was a new challenge and great experience.

9. Which is your worst moment in the Union?

The recent roll out of Vantage Scheduling was probably the worse moment as it involved people i used to work with having to make difficult decisions and also me having to tell them, probably, things they did not want to hear.

10. Who is your hero/heroine and why?

I dont really have a hero although Margaret Huscroft our Assistant sec makes me laugh which is essential in a job like ours.

11. What would you change about the CWU?

There are alot of things that need to change but as a whole 'we' need to change to achieve them.

12. Which Charity, in your opinion, is most worthwhile supporting and why?

NSPCC; I have a child and understand and appreciate how important their work is.

STEPHEN ALBON

Tyne & Wear Clerical Branch

The way they were...



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b



c

In each edition of the COOC report this year we will highlight some familiar faces as they were.

You may not have recognized them from their election photographs so try these instead!

You can send your suggestions on who you think these people are with possible captions to jellsbury@cwu.org and we will reveal their true identities in the next COOC report along with the best captions. Look out for branch activists in the next edition!!

COOC Specialisms

The four Assistant Secretaries have allocated particular COOC members to deal with specialisms within their patch. Also, in response to the new BT Retail CCC structure the COOC have agreed that a joint team led by Harry Williams and Keith Griffiths should co-ordinate on all issues within CCC to maximize cross representation within the channel. Branch representatives are welcome to contact officers, NEC and COOC members on issues within all specialisms:



Keith Griffiths

Recruitment Strategy Committee
All consumer & business repair channels and customer service, serviced through CCC sites
Offline work
PSU
Command centres (resourcing, forecasting, support etc)
Training delivery
All issues at Thurso
BTLB in CCC

Eddie Beese, Dave Booker
Graham Colk, Dave Booker, Jim Gavine
Karen Rose, Richard Tarver
Graham Colk
Jim Gavine, John Ellsbury
Jim Gavine
Keith Griffiths, Richard Tarver
Keith Griffiths, Graham Colk



Harry Williams

Consumer sales (MOS)
CCC business sales including Business Direct, Business Events, Start Up etc.
CCC billing including business consumer credit management and 156
Retail broadband
Xansa
Yell
Accenture

John Ellsbury, Jim Gavine
Richard Tarver and Dave Booker
Jim Gavine, Dave Booker
John Ellsbury, Jim Gavine
Eddie Beese, Jim Gavine
Eddie Beese, Richard Tarver
Eddie Beese, Richard Tarver



Glynis Winestein

Service Agility
Other major business, including Mobility, customer complaints, ITW
Corporate business, alternative channels
Phonebooks
BT Conferencing
BT Redcare
BT Global Services, Syntegra
BT Exact
Payphones
HCL
Recruitment Strategy Committee
Communication co-ordinators

Dave Booker, Brian Kenny
Beryl Shepherd, John Ellsbury
Beryl Shepherd, John Ellsbury
Brian Kenny
Dave Booker
Beryl Shepherd
Graham Colk
Dave Booker
Beryl Shepherd
Brian Kenny
Brian Kenny
Dave Booker, John Ellsbury



Dave Johnson

BT Wholesale
BT Retail Billing (non CCC) and Group Finance
O2 Customer Service
O2 Retail
Recruitment Strategy Committee

Andrea Snowden, Julia Upton
Beryl Shepherd, Julia Upton
Whole team, as appropriate to skills
Richard Tarver
Richard Tarver