

Consultation with employees and unions



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Why do we need to consult?

Some of the changes we introduce legally require us to consult with employees and Trade Unions. Aside from our legal consultation obligations, the more people are involved in change, the more likely they are to embrace it.

- The legal requirement to consult will usually occur when we're making changes that could directly affect the employment of our employees, for example a reduction in numbers or TUPE transfer
- Employment legislation, and some of our policies and agreements, set out a defined timescale and a standard for the consultation

Why do we need to consult?

Consultation ensures:

- You comply with employment legislation
- The views of employees are formally captured
- Changes and improvements to the proposed solution can be considered
- When applicable, agreement is sought on any required assessment and selection processes

When does consultation occur?

We need to distinguish between engagement and the legal requirement to consult.

- Where possible, you should already have involved and engaged your employees and Trade Unions during the Discovery and Design phase
- Involving, engaging and sharing information with employees and the Trade Unions may not trigger consultation
- However, once you have a preferred solution or a specific proposal, (usually as you approach the Deliver Phase), you may have to begin consultation
- Different types of change may affect how consultation takes place and the time frames, it's therefore important that you involve Human Resources early on

What do I do next?

We have clear agreements and processes in place for Trade Union consultation.

- Human Resources will involve Employee Relations to help you plan and conduct the Trade Union consultation
- We have recognition agreements with the Trade Unions for specific grades of staff – this shows us who we consult with and where
- It is therefore vital that you contact HR or ER as early as possible – you might find the following useful:
 - [TfL Employee Relations page](#)
 - [LU Employee Relations page](#)
 - [Working with Trade Unions handbook](#)

What does consultation involve?

Trade Union consultation takes place with the view to reaching an agreement about the best way forward.

- We need to be very clear that what is being presented are proposals – consultation must be meaningful
- Suggestions/feedback from TU reps and staff should be considered and reasons given for accepting/declining suggestions
- Be prepared to vary the proposals (if appropriate) – the aim of consultation is to discuss the proposals with a view to reaching an agreement
- Remember that whilst this is not a negotiation, you should be clear on what areas you can be more flexible on and which things can't be changed

How should I manage consultation meetings?

In many respects, you'll be conducting your Trade Union consultations in the same way that you'd hold an effective meeting.

- HR and ER will help plan your approach to Trade Union consultation – the details will vary depending on your business areas and any specific agreements, but you should:
 - Know who is chairing the meeting
 - Agree management roles and responsibilities for the meeting
 - When required, ensure information is sent out in advance of the meeting and/or in line with the actions
 - Outline the programme for consultation and the process for implementing the changes (including transition)
 - Record and retain formal notes of the meeting, including actions and issues
 - Treat the consultation as you would any other formal meeting (no Blackberries, discipline in chairing and contributions)