



AEP Guide to Making a Case for Trade Union Recognition

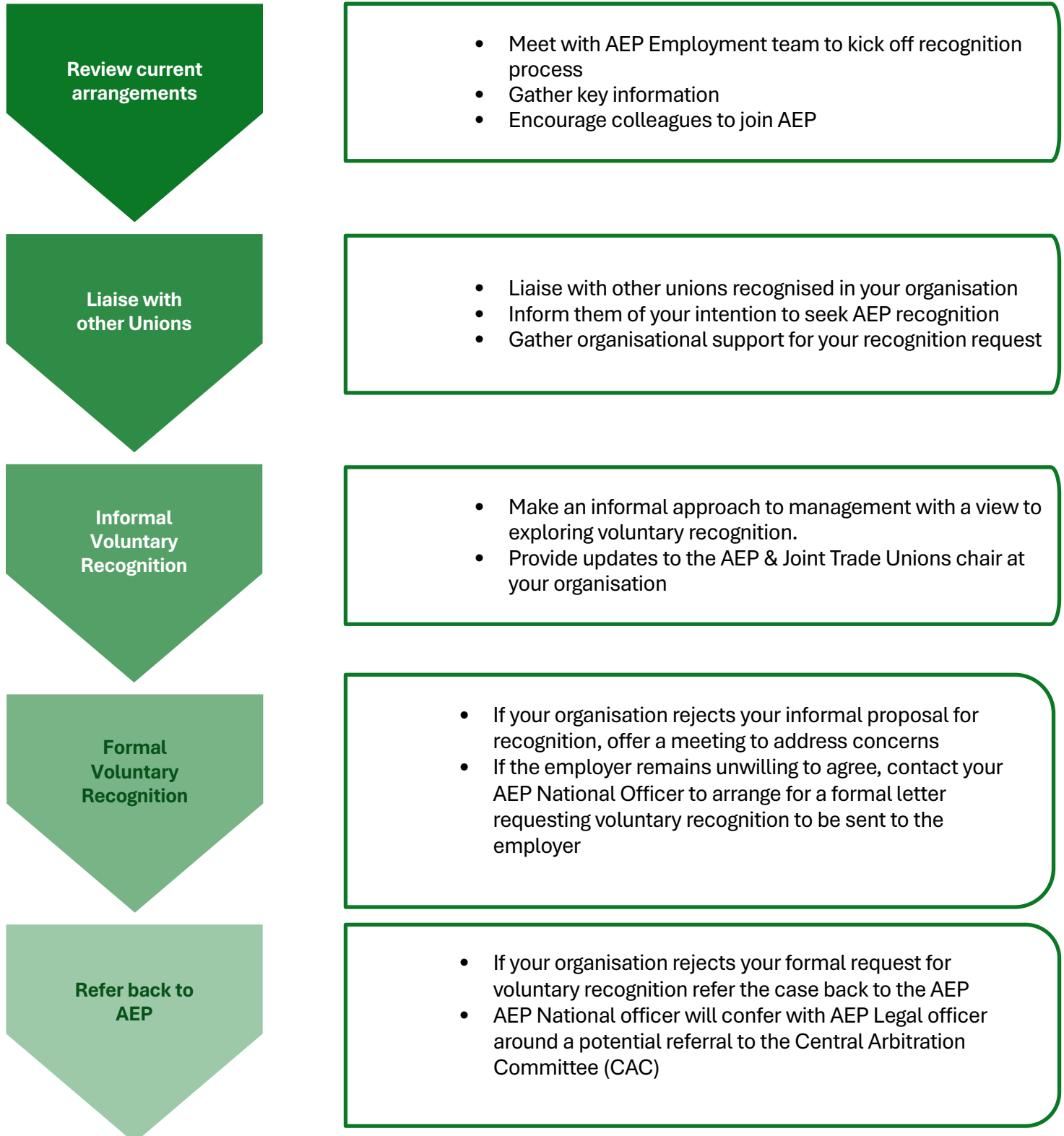
Overview

This guide outlines the process for AEP representatives to seek recognition from an employer, starting with informal steps and escalating to a statutory request if necessary.

In the first instance, a request for recognition should be put forward to the employer by the local representative. This is referred to in this guide as the ‘informal request for voluntary recognition’. If the informal request is rejected, a letter can be sent by the AEP to the employer to make a ‘formal request for voluntary recognition’.

Where both the informal and formal requests for voluntary recognition have been rejected, it may be possible to apply for ‘statutory recognition’. Each of the three stages (informal, formal and statutory) to request recognition are explained in the following guidance.

AEP Trade Union Recognition Process Guide on a page



Step 1: Review Current Arrangements

- Arrange a Teams call or meeting between local AEP reps and national officer/organiser to discuss the process to obtain formal recognition.
- Check if any formal or informal recognition agreement exists. Confirm locally with HR and centrally with AEP. You can email HR and ask them simply 'Are the AEP recognised by the LA?'.
- Gather key information including:
 - Number of current members in workplace
 - Number of potential members
 - Roles and locations of potential members
 - Define the bargaining unit. This will be identified by the group of members we are seeking to represent e.g. department, job role/s, location/s. If you are contracted on Soulbury terms and conditions, then the bargaining unit will be all employees employed under Soulbury terms and conditions. This will include Educational Psychologists, Assistant Educational Psychologists, Trainee Educational Psychologists, Senior and Principal Educational Psychologists, Young People's/Community Service Managers and Education Improvement Professionals. More than one Trade Union can be recognised for a single bargaining unit.

If you do not know whether the employer has any staff employed in these roles or how many staff are employed in these roles then you can make a Freedom of Information request for this data.

- Calculate current AEP membership density. If the bargaining unit is all Soulbury Officers, then you should also include the number of any Educational Improvement Professionals and Young People's/Community Service Managers employed by the employer when calculating AEP member density.
- Check if any other union is already recognised for the proposed bargaining unit.
- If AEP membership density is low (below 50%), consider a recruitment drive prior to seeking recognition (refer to AEP centrally for support if required).

Step 2: Liaise with Other Unions

- Identify other unions active in the organisation.
- Make contact with the local reps of those unions:
 - Inform them of your intention to seek AEP recognition



- Arrange a meeting with the employer's trade unions forum/committee chair (who will be a local rep), to discuss your intention to seek recognition from the employer

- Ask for:

- Support for your recognition request
- Contact details of the relevant person in the organisation responsible for liaising with the recognised trade unions
- Any local intelligence that may be helpful (e.g. HR contacts, union membership overlaps, live issues, forthcoming meetings etc)

Step 3: Informal Approach to Management

Make an informal approach to management to build goodwill with a view to exploring voluntary recognition. Seek a meeting with HR/trade unions liaison staff member, to discuss the proposal. In advance of the meeting, prepare a voluntary recognition proposal to include:

- Number of current AEP members in the organisation
- Details of proposed bargaining unit
- Benefits to the employer of voluntary AEP recognition (which include the following):
 - Elected representatives available to support with structured consultation and negotiation processes and provide individual advice and representation at disciplinaries, sickness absence processes etc
 - Early resolution of issues by identifying issues upstream and alerting employers to them so they can be resolved at an early stage
 - Function to feedback views of staff to employer and disseminate information on behalf of employer
 - Improved staff relations, recruitment and retention, and morale
- Scope of proposed recognition (who and what it covers)

Request a meeting with HR or management. Emphasise desire to work collaboratively with employer and the mutual benefit of AEP being formally recognised by employer.

- Follow up in writing to confirm discussion and outline proposal and mutual benefits of recognition.

Step 4: Notify Local Union Chair

- Inform the local union chair that an informal approach has been made.
- Request that the AEP informal recognition application be added to the next joint trade union forum meeting agenda for noting/minuting.

Step 5: If the Employer rejects the informal approach for voluntary recognition.

- If the employer rejects the informal request for voluntary recognition:
 - Indicate that a formal voluntary request for recognition will follow but you are happy to meet with the employer (along with AEP national officer/organiser) to address any concerns or answer any questions the employer may have relating to recognition.

Step 6: Formal Voluntary Recognition Request

- If informal efforts fail following steps 1 to 5 above, the next step is for the Association to send a formal letter requesting voluntary recognition under the statutory process set out in Schedule A1 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- Local Representatives should check whether:
 - The union has members in the proposed bargaining unit
 - The employer has at least 21 employees in total across the whole organisation
 - Any other unions are recognised for that bargaining unit
- Contact your AEP national officer/organiser to arrange for a formal voluntary recognition request letter to be issued in the name of the General Secretary. The employer then has 10 working days from receipt of the letter to respond.

Step 7: Escalation to Statutory Recognition

- If the employer refuses the formal voluntary request following step 6:
 - Refer the case back to the National Officer
- The National Officer will consult the AEP Legal Officer for advice around a potential referral to the Central Arbitration Committee (CAC) for statutory recognition of the trade union.



Notes:

There is no legal minimum number of employees in a bargaining unit required for a statutory recognition request. However, a statutory recognition requires that:

- The employer has at least 21+ employees across the organisation
- The Union has at least 10%+ membership in the proposed bargaining unit
- There is not, already in force, a collective agreement under which another Union is recognised to conduct collective bargaining on behalf of any of the workers in the proposed bargaining unit