



prospect

# Employer recognition

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# What is union recognition and what does it mean?

**When a union is 'recognised' by an employer it means it can negotiate agreements on pay and other terms and conditions of employment on behalf of a group of employees.**

Of course a union does also provide individual representation – which usually covers areas like disciplinarys, grievances, performance meetings and/or sickness absence meetings etc – wider support from a recognised union covers items such as pay, terms and conditions, pensions and the workplace environment. These are classed as 'collective bargaining' items which cover the wider workforce, not just the individual.

In order to have collective bargaining, an employer must recognise a trade union and agree the group of workers who are covered by that agreement.

There are two ways in which recognition can be achieved. Either through a voluntary

recognition agreement between the trade union and the employer or through a statutory recognition process.

In the majority of cases where employees want to achieve recognition, a trade union has to show there is strong support by the workforce for their terms to be collectively bargained.

For successful statutory recognition where the employer does not wish to enter into a voluntary recognition agreement, there are specific requirements on the number of members within the employer in addition to wider support from the workforce. Failure to meet these levels leaves us frozen out of the employer for three years.



## Voluntary vs statutory recognition

There are differences between the two and the normal route is to look at voluntary recognition first with the employer. If the employer doesn't wish to engage through voluntary recognition, then statutory recognition would be the next step.

### Voluntary

- Agreement is made directly with the employer, which is usually after an approach is made by the trade union
- Content of the agreement is agreed between the union and the employer and is usually far wider in content than the statutory route
- Agreement can be ended by either party usually with six to 12 months' notice.

### Statutory

- Has to meet specific legal requirements to be valid.
- Usually only covers pay, hours and holidays.
- It is arranged through the Government's Central Arbitration Committee.
- If a statutory application for recognition is not successful, another application can't be made for another three years.

## What type of things are covered under collective bargaining?

Depending on whether voluntary or statutory recognition arrangements are in place, collective bargaining can cover:

- Pay
- Terms and Conditions
- Pensions
- Flexible Working
- Home working
- Policies and Procedures
- Health and Safety
- Maternity and Paternity
- Equality, Inclusion and Diversity
- Contracts
- Annual Leave
- Sickness Absence
- Performance
- Redundancy
- TUPE
- Working time

## What is needed?

We need active members wanting to engage with Prospect, your colleagues and your employer.

For you to gain recognition from your employer you need a minimum requirement of at least 10% of the workforce to be members. This would then need to be backed up by the majority of the workforce to be in favour of recognition. Each employer needs to have more than 21 employees for recognition to be considered.

Prospect looks to obtain higher membership numbers than the statutory minimum, as the reliance on the wider workforce supporting recognition can cause a request to fail.

We can only achieve this through awareness within the sector and also by members talking to their colleagues about Prospect. The statutory process can only be started with a Prospect full time official's approval.

## So, what's next?

By being part of a trade union you can ensure your voice is heard, not just within your sector but also within your employment.

- Prospect want to see a workforce led by the knowledge and experience of those who work within it.
- To see a career as a profession and not a vocation.
- To provide a future where safety, clear career development and pay reflects the status of the profession.

The easiest way to do that is to join Prospect and promote Prospect to your colleagues.

## There are many reasons why people join Prospect

Prospect represents over 150,000 members from across a range of sectors – defence, energy, environment, heritage, information technology & telecoms, media & entertainment, public service to self-employed, freelancers and contractors.

We advise, defend and support members if they have a problem at work.

We also:

- **negotiate pay and conditions** with employers
- **influence employers and government** – being politically independent, we can make your voice heard no matter which party is in power
- campaign for **jobs and standards**
- facilitate freelance members to organise across the industry on **rates and agreements**
- organise networking events and deliver **career development opportunities**
- plus we offer **valuable benefits and services** that can save you money.



  
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