



Employers and Trade Unions

The last couple of years have seen a resurgence in action by the trade unions. We have seen mergers of unions and the emergence of new leaders which means that trade union officials are now opting for a more visible and political presence which has, combined with the harsher economic conditions facing unions and their members, evinced itself in a new militancy.

Employers have spent many years working with the unions and/or elected employee representatives to build work councils and introduce more consultative practices in the workplace. This is in response to European legislation. For these employers, the industrial disputes raised by unions in the workplace can appear counterproductive not only to the smooth running of the business but also to harmonious employment relations.

Resolving Disputes

SGH understands the need to resolve industrial disputes urgently to enable your business and good employment relations to resume. We will assist you as follows:-

- Emergency action and intervention in response to **balloting, picketing, unofficial/official industrial action**;
- Emergency injunction applications;
- Review of **collective agreements** and assistance with using agreed collective procedures to secure resolution of disputes without recourse to industrial action;
- Directly or indirectly negotiating with trade unions from local to executive level;
- Anticipating changes in your labour requirements that may impact your labour relations and devising an early strategy for consulting with unions/employee representatives to secure co-operation and accord with relevant proposals.

Union Recognition and CAC Applications

Recent changes in the law have generated increased trade union recognition rights. SGH's role is to:-

- assist the Employer in understanding the implications of trade union recognition for the business – the positive and the negative impact.
- provide advice so that the employer understands the complicated steps in the process involved in trade union recognition and how to be two or three steps ahead in steering through the CAC recognition procedure.
- where recognition is not going to benefit the employer's objectives, provide robust advice in resisting the application;
- represent the employer at the Central Arbitration Committee
- negotiate and draft best possible terms of **collective agreement**.

Construction Industry and NAEI ("the Blue Book")

Employers in the construction industry on major sites will regulate employee relations with reference to the **NAEI** or **Blue Book**, the **collective agreement** entered into between the Engineering Construction Industry and the Unite GMB and Amicus trade unions.

The **Blue Book** regulates not only rates of pay but a whole raft of employment relations issues and in particular disciplinary and grievance procedures, dismissal of employees during the probationary period, redundancies and redundancy selection criteria.

The **Blue Book** is not a legally binding agreement but it is a **collective agreement** that is observed by the employers in the Industry as far as possible.

The **Blue Book** provides for appeal procedures over and above those provided by statute in mainstream employment law. These appeal procedures take employer and employee from domestic appeal stage right up to NJC Adjudication Panel.

SGH has expertise in assisting employers navigate through the procedures enshrined in the **Blue Book** and the grey areas between mainstream employment law procedures and those provided by the Blue Book or by custom and practice in the construction industry.

SGH is also expert in assisting employers facing industrial action as a result of implementation of policies and procedures including dismissals whether for performance, disciplinary, redundancy or disruptive influence. This includes dealing urgently with any industrial action, picketing, balloting or strike action that ensues as a result

SGH advises employers where the main contractor has stipulated that a certain employee or group of employees must be removed from site. SGH is sensitive and experienced in dealing with the commercial implications of such requirement.