

Problems at Work - A Guide for PCS Members



One of the advantages of being a PCS member is that you are able to talk to your local union representative if you find that you are in difficulties that are about, or affect, your employment.

PCS representatives are trained and supported to provide you with the help and guidance that you will need to resolve your situation satisfactorily.

This guide is designed to give you information on what you can expect from your representative and how you can help them bring your case to a conclusion that you will find acceptable.

It gives you information about what you can do and outlines some of the difficulties that there can be in resolving cases.

Talking to your union rep

We cannot stress how important it is to talk to your union representative as soon as you can. Often members feel that they can sort things out on their own.

Indeed, it may be helpful to approach management to seek an early solution to a problem.

Sometimes this works. Other times it does not. In these cases, it may cause more problems to try to resolve the issue without proper advice.

If you have already exhausted the internal procedures then you may have affected your chances of reaching a successful outcome.

When your PCS representative gets a case to deal with, they will explore the full range of options that are open to you.

Your PCS representative will agree a way forward with you and help you achieve the best possible outcome.

In simple terms, approach your PCS representative at the earliest opportunity to enable them to have the most scope for dealing with your case.

Do not see PCS as your last resort but as your first response.

What if I am not a member?

PCS is a membership organisation and is funded almost entirely from members' contributions that pay for the insurance that it provides in times of difficulty.

If you are reading this and you are not a member then you should join today, and get the benefit of that insurance.

If you are already looking for help because of a problem at work then you should also join today.

You may find that your local representatives will still be able to give you some advice and help. However, it must be noted that you may not be able to get assistance for things that happened before you became a member.

Your PCS representative

Every member of PCS is a member of a local union branch and you should receive information from your local branch on a regular basis.

If you are unable to find out whom your representative is then 020 7924 2727 or your local PCS office on either Ext: 63484 (Norcross), 61186 (Warbreck), or 88622 (Peel Park)

If possible, try to have your membership number available, as this will make it easier to put you in touch with the right person.

It is likely that your first port of call will be a PCS representative who shares his or her time between working for the employer and undertaking union work.

Bear this in mind when you speak with them. If your case is genuinely urgent then he/she should be able to give you time but if it can wait for a short while then you may be able to arrange to speak or meet when it is convenient to both of you.

You should expect to be seen in private and without interruption.

A number of PCS branches have union meeting rooms or they can arrange an office to meet you in.

In all cases the meeting between you and your PCS representative will be confidential and he/she will not discuss your case with anyone unless you agree, other than to seek further guidance on your behalf.

Explaining your case

While you are likely to be in full possession of the facts of your case this is almost certainly going to be the first time that the representative has heard your explanation so make sure you are clear about what the issues are.

You should prepare your case thoroughly before you meet your union representative.

If possible, bring copies of all the relevant papers, minutes and letters pertaining to your case and make sure that these papers are in chronological order.

It may be worth preparing a time-line or other notes so that you can explain the issues that you are concerned about as clearly as possible.

When you see your representative you are not putting your side of the case in order to win their support.

Your representative will not judge you as a person for the situation you are in.

You need to provide the representative with all the information you have including those things that you may wish to forget.

While there are times when a member has been victimised by the employer for no good reason, in other cases you may have contributed to the situation in some way.

All this information is important to the union representative.

If you have failed to give your representative all the facts relating to your case, you run the risk of making your case impossible to resolve.

Before you see the representative think about what you would like to achieve by way of an outcome.

It may be that you are not sure what can be achieved but it is likely that you have some idea how the matter could be resolved.

The representative is likely to ask you questions and take notes. Notes also remain confidential and will be locked away or kept secure.

You may ask to see any notes that are kept on you by your representative.

If the case is something that the representative has not come across before then he or she may ask your permission to speak to another representative, full-time officer or the personal case unit to seek further advice.

It is up to you whether you allow a representative to do this but it will be difficult for them to do their job if you don't.

Once you have explained your case and answered any questions that your representative may have asked, you will then need to agree with him or her what happens next.

You may receive in writing a copy of what you have agreed with your representative and you should check this carefully to ensure that there are no errors.

What can your PCS rep do?

How your representative helps you will depend on the circumstances of the case and what you want or are prepared to accept.

Your representative will advise on the options available to you, and the best course of action to take.

It remains your decision if you wish to follow their advice, although, if you do not follow the advice given, there may be a limit as to how much help your representative can then give you.

Sometimes your representative can provide you with the information you need by referring you to the codes and manuals that can be so difficult to navigate.

They may be able to reassure you based on their experience of others in your position and advise you what to do next.

Reps can act on your behalf

It may be that your representative can write on your behalf to management.

This can sometimes cause management to reflect on what they have done or intend to do, as they know that your representative will pick up on any errors that they make.

Sometimes getting management to reflect on a decision will be all you need to put the matter right.

It may be that your representative can accompany you to a meeting with management to discuss your case and seek to negotiate an acceptable outcome with you.

This can help resolve a matter quickly as exchanges of correspondence can take a long time.

If you are facing a disciplinary hearing or have taken a grievance then you have a legal right to be accompanied by a union representative.

What if your case is against another member?

It may well be the case that you have a grievance against or feel you have been treated badly by a member of staff who is also a member of PCS.

This member may also approach the union, and is entitled to representation where appropriate. PCS is very careful to be fair in such cases, and will ensure that confidential information is not shared.

What if the issues affect people other than yourself?

Some issues affect more than one person and it may be best to take these up as a collective complaint or grievance, as many voices will be more effective than one.

You should consider whether others have the same issues as you, before you meet with your representative.

If this is the case, your representative may look to meet with all those affected and may discuss the option of taking forward a collective grievance.

It may also be necessary to launch a campaign around this particular issue and to involve a PCS Regional Organiser, who will be able to arrange leaflets, petitions and publicity.

What is a suitable outcome?

This is a bit like asking 'How long is a piece of string?' in that it is different in every case and in every set of circumstances.

You and your representative should discuss both what outcome you want and what you would be prepared to accept as a compromise.

You should bear in mind that your representative does not have a magic wand.

Just involving your representative does not in itself guarantee that you will get what you want.

If management is able to concede what the representative is saying on your behalf or if you have discussed all aspects of the case and have reached a compromise then it is often acceptable to settle the case and that should be an end to it.

If you and your representative are unable to agree with management a suitable outcome, then you will have to discuss the case again.

Sometimes your representative will be able to obtain more advice from his/her full time officer or other experts within PCS.

In these circumstances they may be able to discuss with you what the next steps might be. Sometimes it means that you will have reached the end of the road with this case. Other times it may well be possible to appeal to a higher level of management, or even to take legal action.

What if PCS cannot help?

PCS will always try to assist members.

Even where a member has contributed fully to the circumstances they are in, a PCS representative can play an important role in ensuring that the disciplinary action that is taken against that member is appropriate to the case and not inconsistent with other cases.

Sometimes, after pursuing a case through the available procedures it may be that your representative feels that the case has reached the end of the line and no further progress can be made.

Your representative will usually take advice on this.

There are some circumstances where PCS cannot help:

- If winning your case could adversely affect others terms and conditions then PCS may advise you that they cannot continue to support it. This is highly unusual and only happens where a success in your circumstances would undermine others or agreements that have been fought for.
- If PCS has taken legal advice that suggests the case is not likely to succeed at a Tribunal. In such a case your representative or the Legal and Personal Case Department may take a view that it is not practical to continue.
- If you refuse to take the advice of representatives on how to pursue a case then your representative or the Legal & Personal Case Department may take a view that we cannot continue to represent you in that case.

You are always free to choose what action is taken but where this is thought to be inappropriate, your representative may take the view that he or she can no longer help.

What happens after internal procedures are exhausted?

If your case is one that can be pursued to a Civil Service Appeals Board or an employment tribunal then PCS may continue to represent you depending on the circumstance of the case.

You should note that it is your responsibility to ensure that a claim is submitted in time.

For most cases the time limit for submitting an application is 3 months less one day of the date of the cause of the complaint.

Your representative will be able to give you guidance on when time limits begin to run, and you should seek assistance as early as possible to ensure that time limits are met.

If you feel that you have a case that could go to an employment tribunal then you should advise your representative at once.

Your representative will be able to get advice from their full time officer or the legal and personal case department.

It is important to take advice before taking drastic action such as resigning and claiming constructive dismissal to a Tribunal.

This is often not the best course of action, as such cases do not have a high success rate

Tips for dealing with problems at work

Do not delay approaching your representative. The earlier you bring the case to your representative the more likely the case can be resolved informally and speedily.

Do keep notes and copies of all dates, letters and documents relating to the case. These will be important if the case takes time to resolve or has to be passed on to another representative or headquarters department for advice.

Do ensure you give your representative all the facts. At times you may have contributed to your own circumstance, but it is important that you are honest with your representative. What you tell your representative is in confidence but they must know everything, however damaging it may seem.

Do not assume they can move mountains. They may need to be honest with you and they don't have a magic wand. There is a vast resource of experience and expertise within the union that a representative can access with your permission.

Do be clear what your agreed objective is. The representative is there to act on your behalf and

you should agree what actions they are to take.

Do not speak or write to management or anyone else about the case without your representative being aware in advance. This can hinder the progress your representative may be making.

Do remember that if you are asked to attend a disciplinary or grievance hearing then you have a legal right to be accompanied by your representative and you should use that right.

Do be patient. While you can expect your representative to deal with your case without undue delay, they may well have other cases and work impacting on their time. Similarly delays can often occur when management invoke formal procedures. Remember to keep in regular contact with your representative.