

NEGOTIATING A WORKLOAD AGREEMENT WITH THE EMPLOYER

Introduction

This guidance sets out the key issues for branches when negotiating a workload agreement with an employer. This advice outlines some techniques to monitor overtime and unpaid hours as well as providing ideas on how to engage with your employer so that managers are able to properly support employees who have workload issues.

“I have more work than I could do in a lifetime.”

Background

Since 2008 government spending cuts have led to over half a million job losses across the entire public sector. As a result of these funding cuts and job losses there is a higher prevalence of job insecurity amongst the workforce along with an increase in the workloads of staff. Some organisations are now reporting that they have a smaller workforce to do the same or an increased amount of work.

It is well documented that work intensification has a detrimental impact on the health and wellbeing of staff. UNISON surveys across our service groups have consistently highlighted that excessive workloads have resulted in a workforce with high levels of stress, increase in sickness absence rates, poor morale amongst the workforce, and damages the work/life balance of staff and increases in staff turnover:



- A 2015 UNISON survey of Ambulance staff highlighted that over two-thirds of respondents had experienced an increase in their workload and staff shortages during the year. As a result the survey found an increasing amount of staff thinking about leaving the ambulance service and staff having to take sickness absence due to stress.
- A 2015 UNISON survey of Police staff reported similar findings with two-thirds of respondents reporting an increase in their workload due to job cuts, with increased levels of workplace stress taking their toll on the health and wellbeing of police staff.

- A 2015 UNISON survey of School Business managers found that over 87% usually work more than their contracted hours with nearly one in four doing more than ten extra hours per week.
- In a survey of over 15,000 school support staff UNISON found that over 40% of staff work more than two additional hours per week with more than 10% working more than 7 extra hours per week (the same as working an extra per week). Nearly 80% of these staff said it was because their workload demands it.

“My concern is very simply that the amount of work grows each term and is now at a point where there is a continual backlog...My “core” responsibilities are being squeezed out of the working day.”

UNISON branches can play a critical role in the workplace by establishing a local workload agreement which protects employees against excessive workloads. These agreements support workplace health and safety by regulating excessive working hours. Part of the agreement should establish a framework agreement whereby employers support employees and give practical guidance on reducing excessive workloads.

- Examples of workload agreements have appeared in the education sector where staff are facing increases in student contact time, growing class sizes and in further education cuts to holiday entitlements. The Scottish negotiating committee for teachers recognise that teacher workload is an issue which must be managed through local workload agreements and have drawn up local workload best practice agreements with separate councils.
- A national agreement [‘raising standards and tackling workload’](#) was established in 2003 for school staff in England to support reform in the sector; the agreement also explicitly covered support staff roles. The principles in the agreement recognise the contribution support staff make in raising school standards and states that all staff have a right to a reasonable work/life balance. The agreement puts in place a time-line with actions to reduce staff working excessive hours.
- In the social care sector UNISON Scotland have done a lot of work around [establishing a local workload manifesto in social care](#). Their guidance includes some working out of time allocations that some members may find useful in social care and education sectors.

The University of Bristol has worked with joint staff-side unions and agreed a local workload policy. The central purpose of this agreement is to ‘maintain and enhance the quality of work delivered at the University by its staff’.

Although the policy only covers academic staff, in essence the policy covers some key principles which are the bedrock of any workload policy. The policy states that staff have the right to reasonable workloads, a fair distribution of work, the right to socially acceptable working hours, entitled to regular daily, weekly and annual breaks from work, and that staff are able to challenge excessive workloads through the agreement.

Within the policy there are procedures to review the overall allocation of work of staff.

“My workload is ever increasing in both volume and senior duties.”

Establishing an agreement

UNISON branches should discuss establishing a workload agreement locally with management and publicise the agreement to members. Many organisations will already recognise the health and safety implications posed by staff working excessive hours with unmanageable workloads and will want to discuss with unions how to alleviate stress on staff by managing workloads. Other reasons to establish a local workload agreement include:

1. Health and Safety

Workload agreements are part of safe working practice – UNISON safety reps should play an active role in these negotiations and raise with management that Regulation 3 and 4 of The Management of Health and Safety at Work Regulations requires employers to risk assess any hazards posed staff and that it is the responsibility of the employer to put measures in place to eliminate any risks to staff and their health. Branches should raise with the employer their responsibility to ensure safe working practices under The Working Time Regulations 1998.

2. Improved morale and retention

Benefits include improved health and congenial working conditions for all staff, a reduction in sickness absence rates and improved staff morale and retention of staff. Better moral leads to greater productivity – so everyone wins! The agreement should include ways to monitor excessive workloads and allow employers to be able to identify any issues before they become unmanageable. Branches could also work with HR to identify levels of staff turnover and explore the reasons why staff are leaving the organisation – this could be down to work related stress, staff shortages and workload issues.

3. Draw on existing data

Depending on your organisation / sector there may be other areas to evidence excessive workloads; for example health branches could use the annual NHS staff survey and the results for their organisation to highlight workload issues.

4. Change the workplace culture

Branches should emphasize to organisations that workload agreements can support staff to speak out about excessive workloads and unsafe working conditions instead of remaining silent and isolated in the workplace trying to complete a job which is impossible and unsafe.

5. Find out what your members think

Branches that have identified workloads as an issue in their organisation should run a workload / stress survey or questionnaire of members and present the findings to management as a means of evidencing excessive workloads within the organisation.

Make clear to members that any responses from the survey will be confidential and members would be unidentifiable.

6. Work collectively

If possible branches should work collectively with other staff-side unions to promote the benefits of having a workload agreement in place and demonstrate how the policy can be used to raise standards. It is also important to ensure that the policy covers all UNISON members across the organisation.

7. If all else fails...

If your employer is still unwilling to negotiate a workload agreement, there may be other ways to incorporate the key principles of a workload agreement into other organisational policies including work/life balance policies or working time policies. Below is an example from Goldsmiths University where joint staff-side unions negotiated a framework agreement which covered hours of work and overtime:

The framework agreement at Goldsmiths University sets out how working time and the wellbeing of their staff is 'paramount' and sets out how staff should not consistently work in excess of their hours and that where this is identified the individual staff member and their line-manager should 'examine' why this is happening.

The agreement also sets out HR's duty to collect data on staffing levels and review working patterns, methods, efficiency and training for staff.

The final part of the agreement gives an explanation (by grade) what hour's staff should be expected to work and what remuneration staff will earn for working agreed overtime.

What should be included in the agreement?

The agreement should apply to all staff and include the following key principles:

1. Regulate excessive working hours

As there is already legislation covering excessive working hours the agreement should recognise that the working time directive sets out minimum standards of employment in relation to monitoring working time and promotes staff having a healthy work/life balance. UNISON guidance on legislation covering the working time can be found here: <https://www.unison.org.uk/content/uploads/2013/06/Briefings-and-CircularsWorking-Time-Regulations-Negotiators-Guidance2.pdf>

2. Regulate excessive workloads

The agreement should aim to make sure that staff have the right to reasonable workloads and a fair distribution of work.

3. Management training and supporting staff

The agreement should set out how managers should manage workloads in a fair and transparent manner. Managers should also be offered training on supporting employees with their workloads and use the appraisal system as a tool to discuss and identify workload issues. Other training managers could be offered include strategies for managing cover and staff absence and planning and preparation of work allocations.

4. Mechanism to discuss workload

The policy needs to have a mechanism for employees to dispute unfair or unreasonable workloads. Where workloads are disputed staff should be invited to attend a meeting with their manager and are entitled to be accompanied by their trade union representative or full time trade union official.

5. What next...

If an employee disputes their workload but following the meeting no action is taken by the employer to resolve the issue, the employee should then use the organisation's grievance procedure to pursue an outcome.

Monitoring overtime / unpaid hours with the employer:

There are various ways of monitoring overtime and unpaid hours – below are a few examples :

1. Keep a diary

If a branch has identified workload issues, with the employer's agreement ask staff to keep a record of the hours they have worked on a time-sheet. Staff could also keep a diary of their hours or the branch could circulate a spreadsheet which will automatically work out working time. If keeping a paper time sheet is time consuming many members will have access to electronic devices that could be used to log their hours like a mobile phone or tablet. Some staff may have their own Outlook calendars they can log their hours into as a record. If employers are unhappy about this monitoring, restrict this exercise to UNISON members only as part of a local campaign on workloads.

2. Monitor hours over a set amount of time

Working hours should be monitored across a four week period in order to get a clear picture of the hours staff are working in different areas of the organisation.

3. What branches can do with the data

Once the time-sheets have been submitted to the branch work out how many extra hours a month staff are working and how much the individual members are losing in unpaid hours – staff should be aware of how much money they are losing out on and how many extra unpaid hours the organisation is gaining a month through the goodwill of their workforce.

4. Are there areas for concern?

Staff working excessive hours is an indication of workload issues within the organisation (staff shortages, remodelling of services, etc). These monitoring sheets will tell the branch

the scale of the problem and if there are any particular hot spots / departments within the organisation which are overstretched. Branches should use these monitoring sheets as a campaign tool to negotiate a workload agreement with the employer and flag any potential hot spots in order to address the workload problem and raise health and safety concerns.

Training managers to support employees and help them to manage their workload

Though any locally negotiated workload agreement may set out agreed key principles, it is important that managers are trained to understand the agreement in order for them to support staff with workload issues.

If a member of staff is raising concerns about workloads, working excessive hours and there are incidents of staff absences due to work related stress, these are all very serious health and safety concerns and should be a warning sign for organisations that there are issues.

As well as training managers to understand the workload agreement, managers should also be trained in delivering effective development reviews, which will identify any workload issues.

Using workplace appraisals and development review meetings to raise workplace issues

Workplace appraisals and development reviews give managers an opportunity to discuss with staff their work plans for the year and any workload issues that arise from this.

Managers should not use this as an opportunity to place staff on capability procedures just because staff have been brave enough to raise issues around excessive work and a locally negotiated workload agreement will help protect against this and it may go some way to change the organisational culture of raising concerns.

As discussed earlier managers should be trained to offer help offer solutions and identify any training and support their staff need to help them with their workloads. If a member of staff is speaking out about unsafe workloads and excessive working hours this should alert managers to the fact there are serious health and safety issues within the organisation which need to be addressed.

Recruitment and organising - using workload issues to organise your members

- Excessive workloads are an important campaigning issue for the branch to organise around and in the process recruit new members. A campaign should encourage members and non-members to speak out about this issue and not feel isolated.
- The campaign should aim to raise awareness of workload issues within the workplace and publicise the branch's efforts to work with management to establish a workload agreement.
- The campaign should promote the message that having a healthy work / life balance is good for staff and good for the employer!

- Branches should hold workplace meetings where they can speak directly with members about their workload issues and discuss possible solutions to put to management.
- Branches can raise awareness by emailing all members and promoting the campaign. As part of the campaign the branch should circulate a confidential on-line workload survey or paper questionnaire. The findings of this survey can then be reported back to members. The results obtained from the survey can be used to put forward a case to management the need for a workload agreement.
- Establishing a workload agreement in the workplace would be a good win to promote UNISON within the workplace. It may also help encourage and promote positive collaborative working with other trade union colleagues in the organisation.
- Other campaign initiatives to organise and recruit new members around workload issues include branches offering one hour workshop training on how staff can get the most from their development review / appraisals. Branches can discuss how to deliver these with their regional official.

Further Information

Stress in the Workplace

UNISON workplace guidance on stress can be found [here](#)

Working time regulations negotiators guidance

UNISON guidance on working time regulations can be found [here](#)

Health and Safety Rep guidance

UNISON guidance for health and safety reps covers some of the issues that may arise in discussions when negotiating a workload agreement. The guidance can be found [here](#)