

JOINT MEMORANDUM OF UNDERSTANDING BETWEEN PCS AND UNISON

A framework for resolving questions of membership, representation and recognition.

1 PREAMBLE

This Agreement is designed to embody and promote Principle 1 of the TUC Disputes Principles and Procedures which says: "All affiliates have a responsibility to build positive inter-union relations by making every effort to establish joint working arrangements which prevent and, where necessary, resolve by agreement problems which arise between themselves. Joint working arrangements would include for example: procedures for resolving particular difficulties; spheres of influence arrangements; agreed transfers of members and benefits rights; recognition of cards; and demarcation of work." Both Unison and PCS strongly support the spirit and intent of this approach and have produced this MoU in order to put it into practice. It begins with some fundamental principles which are then set out in more detail.

2.1 PRINCIPLE 1 – DEMOCRACY

Any decision to change representation or recognition arrangements, will take into account the views of and be made in consultation with, the members covered by existing arrangements. If it is agreed to persuade and encourage members to move from one union to another, it is recognised that this can only effectively be done and be successful with the agreement of the majority of members in the relevant group who are directly affected.

2.2 PRINCIPLE 2 – NON-AGRESSION

Both unions undertake not to seek to actively recruit each other's members or undermine established bargaining arrangements and to act fully in line with the spirit and intent of the TUC Disputes Principles and Procedures which cover these issues.

2.3 PRINCIPLE 3 – SPHERES OF INFLUENCE

To promote improved union bargaining and industrial organisation, the unions will seek to agree spheres of influence for each group of members and employer when issues arise due, for example, to changes in the established bargaining arrangements.

3 SPHERES OF INFLUENCE

In determining sphere of influence – in their discussions – the unions agree to take into account the following factors:

- [i] Traditional organisation.
- [ii] Membership Issues:
 - (a) Relative Levels of Membership
 - (b) Number of members involved
 - (c) Membership preferences.
- [iii] Conditions of Service.

- [iv] Negotiating arrangements.
- [v] Industrial logic.
- [vi] Governance and statutory framework.
- [vii] Employers attitude.

Where an issue arises, which may be by either or both unions nominated officers (see below) raising it, an agreed joint factual report for both unions to consider, will be drafted by the nominated officers, as a basis for discussion between the unions. This Report shall be produced within 4 weeks of an issue first being raised and a meeting between the two unions will be held within a further 2 weeks to consider the report.

As a result of these discussions the unions will agree how to take forward union organisation, in one of the following ways:

- **Category A: Sphere of Influence**

There is agreement taking into account all the factors about sphere of influence and the unions will agree a programme of action to seek the smooth transfer of members, which is of course always voluntary. Any arrangements to transfer members shall be by agreement between the two unions and the majority of the group of members involved and will aim to ensure there is no detriment financially to the members or unions during the agreed period of transfer.

- **Category B: Non-Aggression**

There is agreement about sphere of influence but not on the transfer of membership. Arrangements will be agreed to protect so far as is practicable the status quo in relation to local bargaining arrangements whilst not undermining existing bargaining and organising structures within the wider organisation. The position will be kept under active review to ensure the arrangements are working effectively. Both unions will continue to discuss the issue with the aim of reaching agreement.

- **Category C: Partnership**

Where there is no clear or agreed sphere of influence, the unions will agree a partnership approach based on co-operating, to ensure that the joint working arrangements give the most effective industrial organisation possible for both unions' membership – taking into account the relative membership interests of both unions and any other relevant factors. As above, the issue will be kept under active review with the aim of reaching agreement, where possible.

4 PROCEDURE - DEALING WITH ISSUES / TIMING OF STAGES

4.1 Nominated officer

Each union will nominate a senior officer who will act as the point of contact and be responsible for dealing with the issues that arise under this agreement.

It is open to the unions to agree to use an independent person or third party/TUC to assist with the process of reaching agreement.

4.2 Timing of Stages

Both unions should endeavour to resolve matters without undue delay.

