



Supervisory, clerical and other salaried grades' charter



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INTRODUCTION

Effective trade union organisation begins at the 'grass roots' level in every workplace and I am very proud that RMT is a member-led, democratic organisation. This union is owned by its members.

RMT is an industrial, campaigning union which aims to provide all the backup support that members might need at work. It is important for you to know that in your dealings with employers, your union is behind you.

This Charter sets out exactly why every supervisor, clerical worker and other salaried workers should belong to RMT. It provides easy-to-read advice about your employment rights and information on how the RMT is working hard to improve your rates of pay and conditions of service.

RMT is working to eliminate the threat of workplace violence from passengers, but improving health and safety at work also includes dealing effectively with the problems associated with working in an office, as well as bullying and harassment.

The union is very clear that providing the best possible service to passengers, demands adequately staffed ticket offices. RMT is resolute in defending ticket office opening hours as train operators seek to reduce operating costs.

This ground-breaking Charter originated from the Supervisory, Clerical and other Salaried Grades' Conference and has been drafted with the assistance of your lay representatives. I commend it to all supervisors, clerical and other salaried workers across our transport sectors.

If RMT is to be a really strong voice in every workplace, we need to recruit all your colleagues. If your workmates are not in the union, when you've read this Charter show it to them – there's a membership form inside.

Be part of RMT and get involved in our campaigns.

Bob Crow



General Secretary

RIGHT TO BE ACCOMPANIED AND REPRESENTED

You are entitled to RMT representation at disciplinary or grievance hearings and are strongly advised to exercise that right. This right applies regardless of whether or not RMT is recognised in your workplace.

A disciplinary hearing is a hearing that could result in the employer giving the worker a formal warning, taking some other action – including dismissal – or confirming a warning or other action that has already been given. A grievance can be defined as a complaint by an employee about action which his/her employer has taken or is contemplating taking in relation to him/her. It would also extend to an employee's complaint about action taken by a colleague or third party for whom the employer is liable.

Once a worker has been invited or required to attend the hearing they can request that an RMT representative accompanies them to the hearing. The request does not have to be in writing and a worker can simply inform their employer that they intend to bring a representative. An employer has to accommodate a request from an employee for a representative.

The representative can make a statement to the hearing and can have discussions with the worker during the hearing.

If you or your chosen representative cannot attend on the date or time given, you have a legal right to ask for a postponement of up to 5 days and for a rearranged hearing at a different time and date.

If the worker wants a fellow employee to be in attendance as a representative, he/she has the right to paid time off during working hours to attend the meeting.

HEALTH AND SAFETY IN THE WORKPLACE

Unfortunately, when RMT members have raised office health and safety issues with their local managers, a common response is “health and safety issues are political matters and nothing to do with me”. This is simply not true; employers have a duty of care to their staff to ensure a safe working environment.

Your employer must identify the hazards you might face at work, assess the risk these hazards pose and detail the steps that will be taken to prevent those risks. For those working in offices, typically that includes those risks associated with the operation of computers, such as back strain and repetitive strain injury. These areas are covered by specific legislation: the Display Screen Equipment Regulations and the Management of Health and Safety at Work Regulations which set out what employers must do in each circumstance. Other important issues which should be subject to assessment include the provision of adequate toilet facilities for staff, the proper installation and regular checking of air conditioning units, the right amount of space at work and security when handling large amounts of money.

RMT advocates at least one safety rep per grade, per workplace to cover all shifts, holiday periods and sickness absence. Our message to reps is clear ‘don’t be misled on health and safety, your union will support you’. Your RMT regional office or Head Office is ready to provide you with advice if necessary. Visit www.rmt.org.uk/healthandsafety for the latest advice and contact details.

The TUC’s guide to the Safety Representatives and Safety Committees Regulations, 1977 and Code of Practice sets out the rights and responsibilities of safety representatives and the training that is available to them. The guide is to be updated shortly and will be available from the TUC website www.tuc.org.uk

If you believe there is a potential hazard at work or if you have an accident, it is essential that you complete the relevant forms (hazard report form and accident report form) and inform your Health and Safety rep.

WORKPLACE VIOLENCE AND AN END TO LONE WORKING

An RMT 'Violence at Work' survey of union members revealed railway workers are frequently assaulted by members of the public. Crucially, 71 per cent of respondents were assaulted when working alone. Train operating companies have reduced staffing of stations to the point where many stations are totally un-staffed or are staffed by only one person. RMT members are put in an unacceptably vulnerable position every time they are left to work on their own. Some companies are even hostile to the displaying of posters which call for zero tolerance on verbal and physical assaults.

RMT is demanding an end to lone working – there should be a minimum of two members of staff at every station at all times during traffic hours, with adequate relief cover for annual leave, sickness and emergencies.

To comprehensively address the problem of workplace violence your Union has developed a 10-point Transport Workers' Charter of Protection which it is seeking to agree with each employer: -

- Workplace violence policies that adequately protect our members
- Policies that provide aftercare and counselling for staff and payment of average earnings for those off work as a result
- Zero tolerance on violence at work and maximum penalties for offenders
- Training for staff in dealing with conflict
- Consultation on additional security measures
- Consultation on risk assessments of high risk areas
- Elimination of lone working
- Investigation of incidents by employers and the police
- Reporting of all incidents by victims
- Improvements to the travelling environment

For further information on our Charter of Protection, members should consult the RMT website www.rmt.org.uk

ADEQUATELY STAFFED TICKET OFFICES

Providing the best possible service to passengers demands adequately staffed ticket offices (whose staff have been properly trained), which are open at convenient times for the travelling public from the start to the close of rail traffic. However, most ticket offices are staffed at the barest possible level because train operators have looked to reduce costs and assume passengers generally know what that want to purchase. That's certainly not the experience of RMT ticket office members.

To satisfy the requirements of most passengers, members have to ask numerous questions; the passenger information systems must be consulted for advance sales and this can take some time. Inevitably, queues build as members seek to give passengers the best advice and customer service.

Offices ought to be staffed according to passenger needs and not to barest minimum some employers would like to provide. That's one of the reasons why your Union is alarmed when train operators attempt to dilute the Schedule 17 agreement which was instituted at the time of privatisation to regulate the range of tickets that should be sold and the hours that ticket offices are required to be open. We continue to oppose attempts by train operating companies to close ticket offices and reduce ticket office opening times. We had a high profile post-card campaign and co-ordinated leafletting of passengers across the network and our MPs Parliamentary Group continues to raise these issues in the House of Commons.

Such cuts would dramatically increase the number of stations unstaffed at weekends and in the evenings, making railway stations feel less secure. Replacing staff with ticket machines also reduces the quality and range of services. Machines can be difficult to use whereas staff are trained to always advise of the best travelling options. A consequence of forcing people to use machines is the increase in abuse of onboard train staff when passengers must be surcharged for purchasing the wrong ticket.

Wholesale reductions in ticket office opening hours cannot be justified and the RMT will do everything it possibly can to protect your jobs now and in the future. We have asked all branches to remain vigilant of any threats to ticket office opening hours anywhere on the railway network and for Head Office to be advised immediately.

Adequate ticket office establishments should be jointly agreed with the RMT to avoid problems of understaffing including the real threats to our members associated with lone working. Any short-term exceptions should also be discussed and agreed with RMT representatives.

Train operators should not be allowed to 'casualise' the workforce as a method of reducing operational costs and this includes guarding against the issuing of fixed term contracts of just 5 months or 9 months length. We continue to stress to the operators that it is essential for all workers to be directly employed rather than supplied by an agency. All workers should benefit from the pay and associated conditions of service derived from collective bargaining between RMT and the train operators.

BULLYING AND HARASSMENT

Neither bullying nor harassment has any place at work. For those on the receiving end of this behaviour, it can be a very stressful, emotional and unpleasant experience. All RMT members can be assured that your union will take any bullying or harassment complaint seriously.

RMT reps will seek to assist members in progressing complaints to achieve a satisfactory resolution. Advice should be sought at an early stage from your RMT rep. In addition, advice is always available from either the Regional Organiser or Head Office.

Bullying can be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It is unlawful to harass someone on the grounds of their age, sex, race, disability, sexual orientation, religion or belief. Even if the harassment is not on any of these grounds, it is simply not acceptable.

Harassment may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient. Like bullying, all instances of harassment should be reported and the advice of an RMT rep sought.

Members subjected to either bullying or harassment, should lodge a grievance with the assistance of their rep. For those subjected to unlawful harassment, the option of submitting an Employment Tribunal claim is also open to them but it is important to note that strict time limits apply.

RMT has produced a guide 'Harassment and Bullying, Let's stamp it out', which can be obtained from RMT Head Office. This guide provides basic information necessary to advise and assist members through what will be a very difficult time for them. Importantly, the guide explains possible legal remedies in relation to unlawful harassment.

USE OF CCTV

CCTV must be used exclusively for staff protection, but this is not always the experience of RMT members where CCTV in the workplace can feel intrusive. Employers who spy on their staff are infringing their privacy.

The Information Commissioner's Office issued a revised Code of Practice on the use of CCTV in 2008, which described the use of recording as "highly intrusive" and warns organisations that its use would only ever be justified under the Data Protection Act in "highly exceptional circumstances". The Code says covert monitoring of workers "can rarely be justified" and should not be carried out unless authorised at the highest level.

Data must be fairly and lawfully processed

Guidance from the RMT's solicitors states that the only situation where an employer may be entitled to secretly video employees is where there is suspected criminal activity. However, even if it is permissible, surveillance should not be carried out in an area which would be considered private such as cloakrooms, toilets, employee's private offices or mess rooms. It is not illegal to install hidden cameras in the workplace but the employer may have to justify its use and they may be in breach of the Data Protection Act 1998 as well as the Human Rights Act 1998. Even if the data is obtained lawfully it still needs to be obtained fairly and the employee should know the purposes of obtaining the data, how it is to be used and to whom the data is to be given.

For the data to be obtained fairly, employers may have to alert employees that surveillance is taking place.

The data should be relevant, adequate and not excessive

It is also required that the surveillance should not be overly intrusive and should be proportionate, for instance, the wholesale monitoring of the workplace to protect against a small risk or problem may not be tolerated and the employer may have to show why they did not use a less intrusive method.

Used for limited purposes and secure storage

If video surveillance is used for the purpose of preventing crime, or introduced for a specific purpose which staff have been told about, then the employer should not use that information for any other purposes unless it reveals for example, serious misconduct which no reasonable employer could be expected to ignore.

The data should not be kept for longer than is necessary for the purpose it was processed. It must be processed in accordance with the employee's rights contained in the DPA 1998 and data must be kept secure.

If you think an employer is monitoring or using surveillance in a way which is not allowed, inform your union reps of your concerns. If necessary, the Information Commissioner's Office can advise reps if an employer is meeting its obligations under the data protection law. The Information Commissioner's Office helpline number is 01625 545 745.

However, there should be a workplace policy on surveillance and monitoring which sets out what an employer is prohibited from doing and the necessary safeguards.

Only a brief summary of the Advice to members and advocates on the Use of CCTV equipment is provided here and any member interested in knowing more should speak to their rep or contact RMT Head Office on freephone 0800 3763706.

RATES OF PAY AND CONDITIONS OF SERVICE

Working in a ticket office has long been considered a skilled role but there is a real danger that train operators are devaluing the job and losing employees' specialist knowledge is a real risk. Your union will seek to negotiate the best rates of pay across the industry for all supervisory, clerical and salaried grades, which properly reward these skills, along with the best practice sick pay arrangements.

All pay submissions since 2003 have emphasised the need for extra protection for the lowest paid grades (typically including some clerical staff). We have told operators that the lowest paid members have been proportionally hardest hit by rises in living costs and we are also extremely concerned about the increase in differentials. Therefore, they should be afforded a guaranteed minimum flat rate increase on basic salaries, whilst the wages of other grades are improved by the agreed percentage increase (members receive whichever is the greater).

It is RMT policy to have a single pay anniversary date uniting all grades across the railway within the collective bargaining. This has been achieved at the majority of companies due to our persistence.

Reduction in the working week

We have told train operating companies (TOCs) that we want to see a progressive reduction in the working week without loss of pay to allow you more rest and recuperation and increased social time with family and friends. As a direct result of your Union's persistence, the majority of TOCs and infrastructure companies now operate a 35-hour working week.

Ultimately, our claim is for a 32-hour working week. As a first step towards achieving this goal, our pay submissions this year called for a timetable for a reduction to 34 hours at the earliest opportunity and without loss of pay.

A decent pension

The Union continues its long-standing campaign for an affordable, sustainable and equitable final salary pension to ensure dignity in old age.

Responsibilities of supervisors

In recent years there has been a blurring of responsibilities between supervisors and managers and we must be clear as to what work should be carried out by each grade. At certain companies, a seemingly unlimited number of workers must be supervised and supervisors' workloads generally, have increased as they are forced to undertake work that should be undertaken by managers. Our supervisors have said for instance, that they do not want to do Personal Development Reviews. Supervisors are paid a specific rate of pay and should not be asked to undertake managerial responsibilities.

Full travel facilities for all

All staff received full travel facilities prior to privatisation and your Union will continue to campaign until this is restored for everyone including future new entrants. Rail workers should not have to pay for train travel to and from work or in their leisure time anywhere on the rail network.

Promotion, transfer, redundancy and resettlement

Prior to the breakup of the industry on privatisation, a national collective agreement ensured all rail workers were treated fairly in promotion, transfer and redundancy and resettlement (P,T,R&R), situations. It rewarded the experience and loyalty of employees and ensured that decisions which affected their future within the industry were not decided by a desire to cut costs or the favour of a local manager. Importantly, it offered the opportunity to develop a career path.

Outside of Network Rail, today's agreement is very much diminished by the presence of numerous different train operators, some of which introduced their own agreements that have overtaken the original P,T,R&R. However, the key principles of P,T,R&R are extremely important and securing and defending the best practice agreements at each company is a priority for your union.

For further information on promotion, transfer, redundancy and resettlement, contact your rep or RMT Head Office on freephone 0800 376 3706.

Training

Train operators must take the training and development of their staff seriously. This means encouraging, supporting and sponsoring staff to improve professional clerical skills or other relevant qualifications. To that end there should be regular professional development reviews. All training should be jointly agreed with RMT representatives and should not undermine the role or responsibilities of other grades.

RMT is committed to continuing personal development and has a network of RMT Learning representatives across the Country to help identify members' learning needs. For more information contact your rep or RMT Head Office on freephone 0800 376 3706.

Right to request flexible working

There is no right to work flexibly, but if you meet certain criteria, you are entitled to ask your employer and they must consider your request seriously. A person with responsibility for bringing up a child under the age of 6 (18 in the case of a disabled child) or who has caring responsibilities for their spouse/partner/relative/ housemate, has the right to request in writing, a flexible work pattern to enable them to care for that child or adult.

Employees can request to change the hours they work, to change the times when they are required to work or to work from home.

To qualify for the right, the employee must have been continuously employed by their employer for at least 26 weeks.

The request has to set out the employee's desired working pattern and include an explanation of how the employer could accommodate the request. Employers have a statutory duty to consider the application seriously, rejecting it only if there are clear business reasons for doing so.

Once an employee has made a request for flexible working, she/he cannot make another one for 12 months.

Once a request has been made the employer has to arrange a meeting within 28 days to hear the employee's reasons for the request and jointly explore how the desired work pattern might be accommodated. The employee has the right to be accompanied by a workplace companion or union rep as long as they are employed by the same employer. The companion is entitled to paid time off.

The employer must then write to the employee within 14 days, either agreeing to the new work pattern or providing clear business grounds for rejection. There is a right of appeal and if the employer has failed to comply with any of the requirements, an employee can go to an employment tribunal. However, the tribunal cannot order the employer to agree to the request for flexible working.

Unfortunately, when introducing the right to request flexible working, the Government opted for 'light touch' legislation in the belief that this would herald a widespread acceptance of flexible working patterns. RMT has been aware of the problems facing our members and has campaigned for robust statutory rights which would achieve the goal of parents and carers fulfilling their responsibilities more easily by adjusting their work patterns.

The Government is about to extend the right to request flexible working to parents of children aged up to 18. Your Union believes that the right to request flexible working needs to be given more teeth and should be extended to all employees from day one of employment. Remember, this Statutory Right provides minimum legal rights – it is open to us and your reps to negotiate more favourable arrangements.

Only a brief summary of the legal entitlement is provided here and any member interested in knowing more should speak to their rep or contact RMT Head Office on freephone 0800 376 3706.

BENEFITS OF BEING AN RMT MEMBER

Belonging to RMT means you are fully represented and protected at work and the RMT will negotiate to improve pay and conditions of service on your behalf. You will also be entitled to the following benefits: -

Legal services covering all your work related employment and personal injury matters and providing advice and cost effective assistance to you and your family. You can save up to £115 by taking advantage of our free will service.

Accident benefit of up to ten times weekly contributions for up to 26 weeks - that's £892 based on 2008 rates.

Loss of earnings: £300 lump sum to members who are downgraded through accident or sickness.

A one-off **retirement benefit** equivalent to £3 per year of membership after 1st January 1965, rising to £5 per year after 1st September 2004

Orphan benefit of £12 a week for each child until they reach the age of 16, then £12.75 per week until the age of 22 if he/she is in full time education

Death benefit of £600 to your nearest relative if death occurs prior to retirement

Credit Union: Our Credit Union is run by RMT members for RMT members. It is not-for-profit and members are encouraged to save with the Credit Union and can apply for low interest loans.

For further information on these benefits contact your rep or RMT Head Office on freephone 0800 376 3706.

WHAT YOU CAN DO TO HELP

This Charter has been drafted by supervisory, clerical and other salaried grade representatives. Help make the aspirations in this Charter a reality. Get involved: attend branch meetings and encourage attendance by other supervisory, clerical and salaried grades members as well - details of times and venues can be found via the Contacts section on the RMT website. You can ask your branch to nominate you to attend the Supervisory, Clerical and other Salaried Grades Conference.

Maximum RMT organisation is crucial for success.

Make sure all your workmates have joined RMT – ‘Unity is Strength’ is not just a slogan, it succeeds in the workplace. The RMT believes that every supervisory, clerical and salaried grade member in every station must be organised. There is a membership application form in the centre of this Charter, which can be posted free of charge. You need us as much as we need you. Together we can progress.

Colleagues can join online at www.rmt.org.uk or via the RMT Freephone Helpline on 0800 376 3706.

This Charter will be distributed to all RMT members in those grades. The issues within the Charter will be reported to and discussed at the Supervisory, Clerical and other Salaried Grades Conference.

For extra copies of this Charter, ring the RMT Freephone Members’ Helpline on 0800 376 3706 or the RMT National Policy Department on 020 7529 8281.

For free organising and recruitment material such as membership packs, posters, pens, key rings and lanyards, contact RMT Organising Unit order line on 020 7819 9843 (24-hour answer phone) or email org.unit@rmt.org.uk

RMT has produced a number of excellent guides for reps which have been referred to in the course of this Charter. To obtain copies of the following documents, you should contact RMT Head Office on 0800 376 3706.

- Combating workplace violence in ‘Charter of Protection’
- Tackling ‘Harassment and Bullying’
- ‘Advice to members on the use of CCTV in disciplinary cases’
- ‘Leave and pay for working parents’ includes information on flexible working



Members Helpline, **Freephone 0800 376 3706**

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