



## **Fight to Stay in the Public Sector!**

Norfolk County Branch

10 October 2012

The risks of being transferred out of the public sector are often highlighted by UNISON. To follow is an example of how big the risks can be so if there is talk of social enterprises, mutuals, co-operatives or simply contracting out your service please remember this and join UNISON in opposing such moves.

Thera East Anglia (TEA) provides a service to adults with Learning Disabilities in Norfolk. It is a well respected organisation and is part of a wider national group. You would think that public sector workers would be reasonably safe if transferred to such an organisation.

In 2009 NHS staff transferred to Thera East Anglia and had their pay and conditions of service protected by the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). They were admitted to a comparable pension scheme to the one they enjoyed with the NHS.

They were surprised to receive a proposal that:

- \* Slashed sick pay entitlement; no pay for the first three days sick, SSP only for the fourth to seventh day and then 50% of basic pay for only three months
- \* Reduced their annual leave by up to two weeks
- \* Took them off NHS pay scales and offered TEA's own rates of pay. One member calculated this would be a 20% pay cut
- \* Reduced their car mileage allowances
- \* Took collective agreements that gave them a degree of job security and fairness out of their contracts of employment
- \* Suggested they would have to pay a higher % contribution to their pension to make up for a reduction in what the employer paid
- \* Suggested their NHS equivalent pension could cease to be replaced by what would inevitably be a worse and more expensive pension.

The employer blames these cuts on things such as the recent Pensions Act that automatically enrolled employees into pension schemes and cuts in the money paid to them by Local Authorities. No specific details were provided to evidence the scale of their financial difficulties nor the amount of money these swingeing cuts would save.

TEA do not have a union recognition agreement with any trade union so went about asking ordinary employees to volunteer as work place reps for the consultation exercise. It is probable that any volunteers would have no industrial relations training, have limited if not no first hand knowledge of employment or pensions law and they would not have the legal back up that all union representatives have. Any talks would inevitably be on the terms of the employers with the employees disempowered.

Fortunately TEA employees continued to be in UNISON so although not directly involved in any consultations or negotiations UNISON could still ask probing questions of TEA, give expert advice to our members to protect their pay, conditions and pensions. UNISON are also well placed to use our publicity organisation, contact with MPs and indeed volunteer Directors of TEA to lobby for a fair outcome. This is not the same as being directly involved in negotiations with TEA but can still be extremely effective.

The lessons to be learnt are clear:

- \* Oppose transfers of employment out of the public sector to better protect your pay, conditions and pensions
- \* If you end up transferred stay in a union and recruit your colleagues so that when swingeing cuts are proposed you are in a strong union that can negotiate directly with your new employer

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