

Care Futures

Questions for the future of social care in Scotland

EFFECTIVE VOICE IN A NATIONAL CARE SERVICE

Issue 4—October 2021

“Having effective voice means that all workers should be able to have a say in how work is organised and run. Having an effective voice is critical to delivering the other dimensions of Fair Work.”

Helen Martin, Fair Work Convention

UNISON believes that trade union organisation by and for workers provides the most effective voice at work. By getting organised in a trade union, social care workers can speak with one voice. UNISON's care members are the union: they choose who speaks on their behalf and importantly that voice is independent of the employer.

What we want to see:

Social care workers empowered to negotiate for themselves and their colleagues as part of UNISON.

Access for UNISON to speak to staff, recognition of trade unions by every independent and third sector social care provider and the creation of local forums for workers' TU reps to discuss issues directly with managers.

Contracts to be dependent upon providers giving access and recognition to trade unions, and facility time and other rights to workers who are trade union reps.

Collective bargaining arrangements established for the social care sector – that is a forum where employers and workers meet to negotiate and agree pay, terms and conditions that apply to everyone who works in social care.

The problem in social care

In adult social care - especially in private and voluntary sector providers - the voice of workers is often weak or non-existent. That is what the independent Fair Work Convention found when it looked at the care sector.

Its report Fair Work in Scotland's Social Care Sector, was published in February 2019.

It said the largely female workforce, the undervaluing of women and women's work played a big part in care workers not being listened to and not having a say.

It said that social care employers should have practices that allow for employees' views to be sought out and for employees to be listened to, to influence and to be able to make a difference.

KEY POINTS

The most effective way to have a voice at work is through a trade union .

Currently the voice of workers in adult social care is often weak or non-existent

The Fair Work in Social Care Group set up by the Scottish Government has proposed a set of minimum standards to give workers a voice

The minimum standards are based on international Human Rights. The Government has committed to improve access to those rights and this will help to remove barriers to trade union representation

The problem (contd)

It called on the Scottish Government to set up a sector-level body responsible for:
establishing minimum fair work terms and conditions for the social care workforce, and;
“ensuring that social care workers have effective voice in the design, development and delivery of social care services.”

Fair Work in Social Care Group proposals

The Fair Work in Social Care Group was set up by the Scottish Government to find a solution. During 2020-2021 it looked at how to provide an effective voice for social care workers. It has proposed a set of minimum standards that all workers in social care should expect regardless of who they work for.

The Minimum Standards

Access to regular internal communication;
Extension of team meetings to include focus on workplace.
Extension of 1-2-1 to focus on well-being and development and introduction of regular improvement and innovation session with follow-up.
Employment contracts to explicitly signpost to Effective Voice measures an employee is entitled to, including the legal right to trade union membership and representation.
An annual staff survey, and the offer of an exit interview when leav-

ing;
Fair and reasonable access to be ensured for trade unions, to allow for meaningful engagement with the workforce.

A minimum standard on workers' voice

The Group says every employer should have, as a minimum, some way for workers' individual and collective voices to be heard locally (either through a trade union and/or employer forum) *based on staff choice and preference*

In UNISON's experience, too many employers think effective voice means top down communication without listening to what their staff want. Where providers have some type of existing arrangement for employee participation, this often takes the form of a staff forum or staff association run by the employer. The problem is these are not independent and usually have very limited ability to effect change. That's why staff can be reluctant to get involved. They are often used by employers to avoid recognising a trade union.

Minimum standards on trade union representation

The minimum standards are based on international Human Rights. The Government has committed to improve access to those rights and this will help to remove barriers to trade union representation. Where an employer does not recognise a trade union, the Group says they

should still respect the rights of nominated trade union members including:

Reasonable time off away from work duties to engage with fellow union members;

The ability to provide individual representation for workers in meetings like grievances and disciplinary;

A forum with management to represent members' concerns;
Time off for training in order to fulfil their trade union duties.

What's happening next? Piloting the minimum standards

The plan is to pilot these minimum standards with a group of social care employers. The Scottish Government is funding the pilot, which will test the effectiveness of different types of employee forum and “seek to uncover additional ways to improve trade union recognition within the workforce and build trust between trade unions and providers.” The pilot is being developed now and will be rolled out fairly soon. It is expected the findings and recommendations will be reported back to Scottish Ministers some time next year.

Useful links

[The Fair Work Convention](#)
[Fair Work in Scotland's Social Care Sector](#)