

# YOUR RIGHTS AT WORK



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We are producing this short guide for members working for the Council because of the unprecedented number of Barnet UNISON members requiring support and representation for sickness absence, disciplinaries, grievances and workplace capability issues to name just a few.

What is important to Barnet UNISON is that all of our members know their "Rights at Work". We are hearing too many stories of workers going into meetings without their union rep. If we are not alongside our members we can't advise you.

The following is some advice about a number of Policy and Procedures that we deal with on a daily basis.

However, we **strongly** recommend that if a UNISON member is approached to attend a meeting that they **immediately** contact the Barnet UNISON office on 0208 359 2088 or email [contactus@barnetunison.org.uk](mailto:contactus@barnetunison.org.uk)

## Sickness Policy.



The Policy states *"The Council is committed to improving the health, wellbeing and attendance of its employees."*

It is important that members who are absent from work are supported on their return.

It is important that workers have a safe and healthy workplace environment.

When we represent members it is important that we are able to read all correspondence and documentation. For example we would want to read any '**Return to Work**' forms. These must be completed with you and your line manager

after you return to work and a copy of this form scanned and sent to Human Resources (HR).

We would need to see copies of any correspondence such as emails, letters and occupational health reports.

In Barnet there are two possible routes that absence from work can take, **Short Term or Long Term** sickness absence. For short term sickness absence there are four stages.

For all stages it is really important that you are accompanied by a Barnet UNISON rep. If you reach **Stage 4** you are at risk of dismissal.

## Long Term sickness.

Long Term sickness is usually about workers with serious health conditions. However it is equally important that workers make contact with the Barnet UNISON branch in order to ensure that their '**Rights at Work**' are being protected.

## Industrial Injury

There is a lot of talk about Industrial Injury, but it seems that most workers are unaware of the process for establishing if their absence is directly linked to an injury they received as a result of an accident at work.

**Reporting your accident.** It is **really really important** that workers report all accidents at work. It becomes critically important if that as a result of an accident at work you are absent from work.



What does the Policy say about Industrial Injury?

*"If the injury is caused via an incident at work, this will need to be reported via an incident*

report and properly investigated.  
Where an employee has attributed an absence to their work, Occupational Health would be able to advise if the absence is directly attributable to work or likely not to be.”



Our advice to members is very clear. If you have an accident at work and you are absent from work because of the accident you need to do the following:

- Speak to your line manager to ensure the accident is reported formally and make sure you have a copy of the report.
- Write to your line manager stating you believe your absence from work is because of the accident.

If your line manager agrees, please keep a copy of the correspondence. Your absence from work for **industrial injury** will not be counted against you.

If your line manager **disagrees** that your absence is related to your accident, they need to refer the matter to Occupational Health for a decision.

**Just another reason you need to make sure you contact Barnet UNISON.**

## **Equalities Act 2019 and reasonable adjustments.**

There is much talk about ensuring that workers with disabilities are treated with dignity and respect and when required are given the appropriate level of support and reasonable adjustments.

In the real world it is very different and in many cases workers are afraid of raising issues related to their disability for fear of some reprisals.

It is important that workers are supported in order they can remain safe and well in their

workplace.

## **What does the Council Policy say on reasonable adjustments?**

The Council will consider requests for reasonable adjustments for any disabled employees in line with the Equality Act 2010 (e.g. mental health issues) and for any employees where this will facilitate a return to work following sickness absence.

If requested Occupational Health will advise on which episodes of sickness absence are disability related so consideration can be given as to whether these absences would count towards the sickness review points, as a reasonable adjustment. This may involve a case discussion between the Line Manager, Human Resources and Occupational Health.

**If you are having issues with absence, and especially if it is related to your disability, it is very important for you to contact Barnet UNISON immediately.\*\*\*\*\***

## **Ill Health retirement: How does it work?**



Most workers will have heard about ill health retirement. However, many workers are unaware that this option is only applicable if you are in the Local Government Pension Scheme.

If Ill Health retirement is granted it means you are no longer able to carry out your work. If you are in the Pension Scheme you are able to access your Pension.

If you are a worker who is not in the Pension Scheme but find yourself so unwell you are no longer able to work there is no such financial option.

**Another reason to join the Council Pension Scheme.**

The cases that come to our attention are where a worker has had significant time off work due to their medical condition. In such cases the Council in conjunction with advice from occupational health should raise this as an option for the worker.

The process of obtaining Ill Health Retirement is often long and stressful which is why it is



important that you seek support from Barnet UNISON.

There are **three Ill Health Retirement Options** :

- Tier 1
- Tier 2
- Tier 3

The Council will write to Occupational Health asking them which of the above Tiers is applicable to the worker.

The worker will be advised to ensure that the medical team providing help with their condition responds to the request from Occupational Health for their view as to which Tier they support.

Common problems are the delays in obtaining medical correspondence from the worker's GP and/or Consultant. It is critical for the worker to chase their medical support to respond promptly.

If the worker is seeking Ill Health Retirement it is important that their Pension

details and calculations are accurate.

Barnet UNISON offers a **Pensions Health check** to all our members which is another reason for Barnet UNISON members to make sure they contact Barnet UNISON if they are seeking **Ill Health Retirement**.

**Another reason to make sure you contact Barnet UNISON.**

## Disciplinary Procedure

If you receive a letter informing you that you are facing an investigation it is very important that you contact Barnet UNISON immediately. In some cases we are not contacted until the day before the fact finding interview. In such case we need to postpone the meeting in order to organise representation.

If you are suspended from your work whilst an investigation is conducted this can be extremely stressful. The letter will often say that **'suspension is a neutral act'** this is not what it feels like to a worker. The letter should provide a copy of the policy being used and it should provide details of which manager you need to remain in contact with and any support such as counselling services.

Unfortunately, although the timescales are included in the Policies, there are often delays and this can place the worker under considerable stress. Barnet UNISON is there to support and advise our members once we have been contacted by the member.



**If in doubt or in need of support please contact Barnet UNISON office on 0208 359 2088 or email [contactus@barnetunison.org.uk](mailto:contactus@barnetunison.org.uk)**