

Saturday Working & Mobility

* **Availability of Public Transport.** You are not obliged to either own a car or use it to get to and from work (other than where you have been provided with a Bank Car). The maximum journey time is therefore normally based on how long it would take you from door to door, travelling by public transport. However, where you currently use a car to travel to and from work, your manager will be entitled to 'presume' that you will continue to do so, unless you are able to show that this is no longer appropriate.

* **Childcare Arrangements.** Any transfer must take full account of any childcare arrangements that you may have. So if the move would mean you could no longer continue to use the same nursery, or continue to accompany your children to or from school at the same time, then you may have grounds to refuse the transfer.

* **Other Personal Circumstances.** In a similar way to childcare arrangements, if you have other regular domestic commitments that you would be unable to continue as the result of a transfer, then these must also be taken into account. Such circumstances might include the need to visit a dependant relative on a regular basis.

* **Cost of Journey.** Whilst the limitations on journey time and distance will limit the additional cost of many journeys, there may be occasions where a different or longer journey may lead to a significant increase in costs. In these circumstances such an

increase might provide grounds to negotiate a pay rise or temporary travel allowance (paid for a maximum of 12 months) to cover the extra cost. If the increase is sufficiently large you may be able to decline the move altogether.

What should I do?

If you are opposed to being transferred, you must first discuss your concerns with your line manager and ask for a written business rationale setting out the justification for why the transfer is required and why you specifically have been selected.

Next, you should check your own circumstances against the list of 'Potential Objections To Transfer' detailed overleaf, to determine whether or not you might have grounds for declining the move.

If you still believe the move falls outside the guidelines then you should set out your reasons in writing and present them to your line manager within seven days of your initial discussion. Should your line manager still insist that your transfer takes place, you can submit a formal appeal against the decision within seven days of your manager's decision. LTU will help draft that appeal and will manage you through this process. As with most concerns at work it is important that you contact the Advice Team as soon as you think you may need assistance.

Mark V Brown
Assistant General Secretary

The Union's Advice Team had a sweepstake on how long it would take for the first Line Manager to incorporate a Saturday working objective into the Balanced Scorecard for branch staff. Some of my more cynical colleagues said it would happen in a matter of days whilst others said it would take at least a few weeks for Line Managers to use the Balanced Scorecard and the threat of a 'Partially Met' rating to pressurise staff to work on Saturdays.

Well it's happened. Staff in one LDG, all of whom are on fixed contracts, have been told that under the objective of "branch customer service advocacy plan" they will be measured on "supporting our Saturday service to our customers." Failure to achieve that objective could result in a 'Partially Met' rating which would mean no salary increase in 2009. Is that pressure or are we just being overly sensitive? In another group Local Management adopted a new, but as yet scientifically unproven, motivational technique. They divided staff into two groups: those working on Saturdays and those not working on Saturdays. Those working on Saturdays were told that they would be required to work more Saturdays because of the lack of commitment from their colleagues in the other group who refused to work any Saturdays.

As we predicted Line Managers are using the

mobility clause to coerce staff into working on Saturdays. We understand that in some branches staff have said that they don't want to work on Saturdays but the Line Managers are focusing on one individual and telling them that they will be transferred to another branch. The aim is of course to scare the rest of the staff to work on Saturdays. But it does seem to go from the sublime to the ridiculous. We are aware that in one large inner city branch the Line Manager has told all the staff who don't work on Saturdays that they will all be transferred to a smaller branch if they don't change their working hours. The branch in question can accommodate just four members of staff. Does the Line Manager not think that his staff talk to each other?

Whilst Line Managers can move staff to another branch, it is actually easier said than done. Members can challenge that decision and LTU's Advice Team will do that on your behalf. Staff who have been told that if they don't work on Saturdays they will be transferred to another branch should contact the Union immediately on 01234 262868.

Members can tell us what they think of Saturday opening and about their experiences of the 1-to-1 process by completing the attached pro-forma and returning it to the Union's Bedford Office.

Mobility - Your Rights

Whilst some members will welcome the opportunity to move branches the vast majority will not and the fact that they are being forcibly relocated to another branch simply because they refuse to work on Saturdays will create more resentment. However, staff are not bystanders in this process and they can challenge their Line Managers decision and LTU are here to help you do that.

LTU's Advice Team can advise you at all stages of the process and in particular can provide guidance on how to marshal your arguments against a move of office to ensure that you have the best chance of achieving a successful outcome. Our highly trained and experienced Consultants will accompany you at the Mobility Appeal meeting and, if necessary, represent your case through the Bank's Grievance Procedure.

Likely Problems?

Any change of work location is likely to be unsettling particularly when it's because of your refusal not to work on Saturdays. But there may be more practical implications of a transfer, some of which may entitle a member of staff to argue that a move of office is beyond what they can be reasonably expected to accept under the Bank's Mobility Policy.

Such considerations might include one or more of the following:

- Distance from work
- Duration of journey
- Cost of journey
- Availability of public transport
- Childcare arrangements
- Other personal circumstances

Where any of the above considerations apply, a member of staff may have grounds to decline a transfer between work locations.

Saturday Working Charter

- For those staff not on established contracts (i.e. those who do not include Saturday working as part of the normal working week) the decision on whether to work on Saturdays is entirely voluntary. Staff must not be pressurised, either directly or indirectly, to work on Saturdays or asked to justify or explain their reasons for not doing so. The type of behaviours we would find totally unacceptable on the part of Line Managers include calling into question the commitment of staff to the Bank, threats to terms and conditions of employment, staff being asked to speak to the Local Director to explain their decisions or their being asked to reconsider or change their minds. Once members of staff have made their positions on Saturday working clear to their Line Managers, they should not be asked to consider a further option until at least 6 months has elapsed.
- To reduce the risk of coercion, or perceived coercion, the mechanism used to seek staff agreement to changes in working hours should be an individual option form: 1-on-1 interviews or individual verbal approaches are not acceptable.
- If staff on established contracts agree to changes to their work patterns, variations to their existing contracts will be needed; - new, flexible/annual hours, contracts are not required. Amendments to contracts must state the new work pattern and specify how many hours are to be worked on a Saturday.
- Line Managers will adhere to both the spirit and letter of the Bank's mobility clause, which forms part of all contracts of employment. We will not accept any circumstances where the mobility clause is used to coerce staff to change their patterns of work and will monitor mobility transfers within our respective areas to ensure that they have been handled correctly.
- If compensation for Saturday working is to be made through time off in lieu, time off should be agreed at the time the Saturday Rostering Schedule is agreed and then taken within a period of one month from the day worked: longer deferrals are permissible only where these have been agreed in writing by the member of staff concerned. We are all committed to ensuring that staff take the time off they are owed and we will be monitoring TOIL levels to ensure that this happens. Staff entitled currently to be paid overtime for working on Saturdays will maintain this right.
- Staff on established contracts will retain the right to withdraw from Saturday working by giving the necessary 28 days notice. If they choose to withdraw staff will revert to the working patterns in place immediately prior to their original change.
- Those staff that chose to work on Saturdays will have the option of requesting a three month trial period to see whether it is appropriate to their circumstances. If at the end of the trial period members of staff decide not to continue working on Saturdays they must advise their Line Manager accordingly and will revert back to the working pattern in place prior to the change.

Discussions with your Line Manager

If you are to be asked to move office then you have a right to insist your Line Manager first provides you with a written business case justifying the transfer. The business case should include the reasons why the transfer in question is needed and why you as an individual have been selected for the move.

Under no circumstances can a move be designed to cajole (or punish) you to work more flexibly or pressurise you into doing something that is voluntary like, for example, working Saturdays

Your manager must also discuss the proposed move with you, following which an agreed File Note providing a full and accurate summary of the discussion should be signed by you both. This should take place at least two weeks before the proposed move is due to take place (although it is possible that relief duties can be arranged at shorter notice). You will then have up to a week to respond to your line manager's request.

What can I do?

Whilst each individual's circumstances must be dealt with on their own merits, the circumstances that may justify an individual arguing successfully that they cannot be expected to transfer might include:

- * **Distance from Home.** As a general guide, a travel distance of beyond 25 miles from home will be considered unreasonable. Any transfer beyond this distance can typically be declined.
- * **Duration of Journey.** As a general guide, a transfer will only be considered reasonable if the journey from home to work takes less than 1 hour 15 minutes to complete, account should also be taken of reduced hours working or work options patterns . A longer journey time would typically provide grounds to refuse a transfer.