

Protecting Your Rights If You Agree To Change Your Hours

Even if one or more of the new Lifestyles Work Patterns is right for you, it is important that you protect your Working Hours Rights if you fall into one of the four categories of staff with legal rights described earlier in this Newsletter.

Otherwise, there is a danger that you sacrifice the legal rights you currently have and could then be forced at a later stage to move onto whatever work patterns the Bank wants you to do.

To protect your Working Hours Rights you should reach a written agreement with the Bank that you agree only to work your new

hours. You might even want to specify that you reserve the right to return to your current work pattern.

Verbal agreements are worthless - such guarantees must be set out carefully in writing.

In these circumstances, you should seek the assistance of LTU's Advice Team to ensure that any agreement you reach really is legally binding.

Remember, LTU's experienced Advice Team is available on **01234 262868** whenever you need to speak to them; whether during the day, night or weekend.

Management Style

LTU has made it absolutely clear to Senior Management that our support for the introduction of new Lifestyles Work Patterns is entirely conditional upon staff not being pressurised or forced to change their working patterns where they do not wish to do so.

The management style and conduct of Centre Managers, STM's and Team Leaders - some of whom do not have a good track record (including over recent weeks) - will therefore be very much under the microscope.

We have been assured by the Bank that it understands LTU's concerns and would take very seriously any examples of 'over-zealousness' by local managers.

Equally, LTU will respond robustly to any misinformation peddled by unscrupulous line managers - such as suggestions that the Union's Newsletter is in anyway inaccurate. It is not.

Members should therefore feel reassured that the Union and Bank centrally will be very closely monitoring how this programme is being managed in local Contact Centres.

Any members who feel that they are being unfairly treated should either speak to their JAOR, their local LTU Official or else contact the Union's 24 hour Advice Line on 01234 262868.

STEVE TATLOW
Assistant General Secretary

Direct Banking's New Lifestyles Work Patterns: LTU Advice

The Bank has unveiled details of its plans to introduce new so-called 'Lifestyles' Work Patterns across Direct Banking.

These plans, which involve moving the overwhelming majority of staff on to one of 45 different work patterns - 23 for full-time and 22 for reduced hours staff - will be introduced first across Phonebank and then subsequently across virtually all other parts of Direct Banking.

The Rationale

The Bank has said that there are currently many hundreds of different work patterns operating within Direct Banking, which makes it extremely difficult to manage staff efficiently and effectively. This is clearly unsustainable.

In particular, having staff in the same Teams on different work patterns impedes effective coaching, communication and team building.

LTU has told the Bank that it understands and accepts the rationale for streamlining the number of work patterns operating but that this support will be entirely conditional upon existing staff not being forced to change their work patterns against their will.

Staff Rights

LTU believes staff will understand the value of Teams all working the same hours and that most will find that one of the Lifestyles Work Patterns will be right for them.

We encourage members to give consideration to

whether one or more of the options meets their needs.

However, some staff inevitably will not want to change from their existing work patterns. In that case, staff can insist on remaining on their existing working arrangements provided they fall into one of the following four categories:

- **They were employed originally on Fixed Hours Contracts, which specifies the hours they will be required to work (e.g. 9 am to 5 pm, Monday to Friday only).**
- **They were employed originally on Variable Hours Contracts, but over the past six months have neither varied their work patterns nor received letters from the Bank confirming that they remain on Variable Hours Contracts.**
- **They have working hours that have been fixed through a Work Options arrangement, specifying the times that they are required to work.**
- **They have family or domestic circumstances that would make it very difficult - if not impossible - to continue working for the Bank if they were required to move onto one of the new Lifestyles Work Patterns.**

Staff in any of the four categories above will be able to insist upon continuing with their current contractual working hours.

Lifestyle Work Patterns Explained

The key features of the Bank's plans for introducing Lifestyles Work Patterns within Direct Banking are as follows:

- **There will be a total of 45 different Work patterns that staff may choose to work: 23 for Full Time and 22 for Reduced Hours Staff.**
- **During the transition process, staff will be able to apply for any of the 45 work patterns; including switching from Full-Time to Reduced Hours, or vice versa.**
- **The actual choice of Work Patterns available to staff will be published over the next couple of weeks. Almost all include some weekend or evening working.**
- **Phonebank is the first area where the Bank plans to introduce Lifestyle Work Patterns, before moving on to introduce them in most other areas of the business unit.**
- **Staff will be given the opportunity to select the four Lifestyle Work Patterns that most suit their personal circumstances, ordering these according to their preference.**
- **Staff will have two weeks to make their choice, completing and returning their Lifestyle Preference Forms.**
- **All staff will be advised by the end of May of the Lifestyle Work Pattern to which they have been allocated, giving them at least a months notice of which Work Pattern they will be working.**
- **The Bank intends to commence operating the new Lifestyle Work Patterns from 1st July.**

Do Staff Have A Choice?

Whether or not staff can be required to move onto one of the new Lifestyle Work Patterns depends

entirely upon their contractual status.

- **If staff are in one of the four categories described on the front page of this Newsletter, they will not have to. In this case, they cannot be required to complete a Lifestyle Preference Form and can instead choose to continue working to their current work patterns.**

However, staff should still consider whether one of the new Lifestyle Work Patterns does suit their needs. If so, they can choose just one - or more - of the options. However, at the same time, they should insist that agreeing to change their working hours would be conditional upon the Bank agreeing to provide written guarantees on their future Working Hours rights, as detailed on the back page of this Newsletter.

- **If staff currently are employed on valid Flexible Hours Contracts - in other words, they are not in one of the four categories of staff described earlier - the Bank continues to be able to change their Work Patterns at any time within the parameters of their contracts of employment.**

In these circumstances, staff have no real option but to transfer onto one of the Lifestyle Work Patterns, since the Bank already has considerable control over when it can require them to work. In this case, we recommend that staff still select three Work Pattern options in order of preference, so that if their first choices aren't available they still have some influence over the other hours they may be required to work.

Team Leaders & STM's

Team Leaders and STM's have precisely the same contractual rights as any other staff and will be affected the same way based on whether or not they fall into one of the four categories described on the front page of this Newsletter.

Work Patterns - Staff Legal Rights & Entitlements

Many staff recruited by the Bank over recent years are employed on what are known as Flexible Hours Contracts.

This means that the contracts they signed state that they may be asked to work at any time between 8.00 am and 8.00 pm on any five out of seven days each week. These Work Patterns can be varied by the Bank with just four weeks notice.

So long as the Lifestyle Work Patterns planned for Direct Banking require staff to work within these parameters, staff have little option but to work the hours they are allocated.

For that reason the introduction of Lifestyles Work Patterns may provide these staff with more influence and certainty over the hours they work.

Affirmation - Accruing Legal Rights

However, it is possible that many staff employed originally on Flexible Contracts have actually accumulated legal rights through a legal process known as 'affirmation'.

In layman's terms, affirmation effectively means a change that has been made by 'custom and practice'.

Its effect is that where members of staff have worked the same Work Patterns for six months - and not received 'Flex Letters' from the Bank over the past six months reminding them that they are on Flexible Contracts - the individuals' current Work Patterns are transformed legally into Fixed Hours Contracts.

Any staff asked to sign 'Flex Letters' who haven't varied their Work Patterns over the past six months - and equally haven't been served with 'Flex Letters' over the previous six months - should refuse to do so and immediately telephone LTU's Advice Line on 01234 262868.

In other words, staff can insist on remaining on their current Work Patterns and cannot be forced to change their hours in accordance with the Flexible Hours parameters that applied to them previously.

Fixed Hours Contracts

Longer-serving staff will have been employed originally on Fixed Hours Contracts, typically requiring them to work only Monday to Friday and between 9am and 5 pm.

This means that whilst these staff may want to consider one or more of the Lifestyle Work Patterns, they cannot be forced to do so. If they wish to remain on their current working hours, they are free to do so.

Work Options

Many staff will have permanently altered their hours of work through the Bank's Work Options process.

Where this is the case, staff will now effectively be on Fixed Hours Contracts and, accordingly, are free to choose whether or not to accept one of the Bank's Lifestyle Work Patterns.

Personal & Domestic Circumstances

The circumstances of the fourth and final category of staff who may refuse to move on to alternative work patterns - or restrict the work patterns they might be asked to consider - are where they have personal or domestic circumstances that mean it would be difficult (if not impossible) for them to remain working for the Bank on the alternative work patterns they are being asked to consider.

This could include parents with children, which restricts when they could work or other staff who have responsibility for the care of elderly or disabled relatives.

In each of these cases, a strong case would need to be established to prove that the work patterns staff are being asked to consider are incompatible with their personal or domestic circumstances.