

6th January 2010

All Members Newsletter

Just Say No!

In late February the Bank will send all staff covered by harmonised terms and conditions new contracts of employment. Those contracts of employment will set out the new terms and conditions and will cover pensionable pay, overtime, working hours, mobility and sick pay arrangements.

There is a famous line in the book "The Leopard", a story incidentally about decline, which says "If we want things to stay as they are, things will have to change." The thing that is going to have to change is the feeling amongst staff that they are passive bystanders and the Bank has some inalienable right to walk all over them whenever it chooses to do so. It doesn't and "things can stay the way they are" but for that to happen staff are going to have to be prepared to look the Bank in the eye and say "No you can't change my contract of employment without my agreement and if you do then I will defend myself and my family." A number of years ago the Bank did the same thing to Senior Executives and many refused to sign the contracts which, amongst other things, included severance terms which were inferior to those available to staff in the rest of the Bank. Following integration many of those same Senior Executives were made redundant and those that refused to sign the new contracts got significantly better redundancy terms than those that did sign. Even at that level individuals were prepared to protect their contractual rights.

Saying No Is The Only Option

The Bank can change your contract of employment in two ways. They can reach a collective agreement with LTU and that agreement is then incorporated into individual contracts of employment. LTU has said that unless there are fundamental changes to the proposed new terms and conditions there is no prospect of us agreeing to the proposed changes. UNITE have at least rejected the Bank's proposals and they should be commended for at least being prepared to defend their members. However, time will tell whether they run for cover when the bullets start flying. ACCORD are a lost cause and are looking for an agreement, any agreement, whatever the cost to their members. The second way of changing contracts is through affirmation. That is when you carry on working without taking any action and that counts as acceptance of the new terms even if you don't sign anything. When the time comes, and assuming the Bank's proposals haven't changed much, we will provide letters for members to sign and send back to the Bank making it clear they are working under protest and are treating the changes as a breach of contract. The Bank is relying on staff apathy and the fact that they will complain and create a bit of noise but that's as far as it will go. However, if all staff object to the changes and are prepared to defend their contractual rights, the Bank will have a major problem on its hands.

Those staff who were appointed into new roles following integration on their existing terms and conditions may be able to argue that the new terms are significantly worse than their existing terms and that they are not prepared to continue in the new role on that basis. In those circumstances, staff would be able to argue that their current job is redundant and they are entitled to the agreed severance terms.

Our advice to members, should the Bank not change the proposed terms significantly, will be covered in a further Newsletter. In the meantime members with any questions can contact the Union's Bedford Office on 01234 262868 or email us at 24hours@ltu.co.uk.

Mark V Brown
Assistant General Secretary