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16TH JUNE 2010

ALL MEMBERS WORKING FOR DIRECT DISTRIBUTION, BOURNEMOUTH

New Terms & Conditions

One of the most sinister features of the new Terms and Conditions that the Bank is planning to introduce from 1st August, is the planned removal of the contractual protection available to staff to remain on their current working patterns.

That is why it is important that all members at Direct Distribution who want to maintain their current Working Hours Rights, reject the Bank's latest proposals in LTU's forthcoming ballot.

Furthermore, if the Bank does attempt to implement the new Terms and Conditions without LTU's agreement, the Union will be providing legal guidance to members on how they can protect their existing Working Hours Rights.

Naturally, this legal support will be available only to members.

LTU Survey

To assist LTU and the Bank in understanding fully the views of Sales Staff to the proposed changes to their working patterns, LTU has enclosed with this Newsletter a Survey for all staff to complete.

This gives staff the opportunity to not only indicate what their preferences would be, but to explore whether there are any further changes to working patterns that would lead to even more staff volunteering to work additional Saturdays.

For example, would more staff be willing to work

additional Saturdays if they only worked a four day week for, say, 8 weeks out of every 16 week cycle, working additional hours on remaining days to make up the difference?

All responses to LTU's Survey will be treated with complete confidentiality.

Completed Survey Forms can be posted to LTU's Bedford Office or passed to Mike De Vorchik during one of his regular visits.

Professional Support From LTU

As a result of the progressive Integration of Lloyds TSB's Direct operation in Bournemouth and HBOS' in Leeds, it will inevitably be the case that considerable change will take place affecting staff over the coming months and years.

It will therefore be essential that staff can count on the support of LTU in case they need professional advice, information or representation.

LTU members at Bournemouth can directly access LTU's professional services in one of three ways:

- **Telephone LTU's 24 Hour Advice Line Service at any time on 01234 262868;**
- **Speak to one of LTU's Senior Representatives at Bournemouth: Vanessa Sanders, Susanna De Castro or Mustafa Parandeh-Kany.**
- **Meet with Mike De Vorchik, LTU's Regional Officer for Insurance, during one of his regular visits to Holdenhurst Road.**

And if you are not a member? You really should not delay joining LTU straightaway.

STEVE TATLOW
Assistant General Secretary

Bournemouth Sales Shift Review: Staff Rights Explained

The Bank has announced plans for the introduction of new Shift Patterns for Direct Distribution's Sales Department in Bournemouth, with a specific focus upon significantly increasing the numbers of staff working on Saturdays.

The Bank has said that it needs to make this move because insufficient staff are scheduled to work Saturdays, leading to an average 15% customer abandonment rate (86 lost calls) and therefore lost sales estimated to be worth £390,000 a year. There are not enough volunteers available to work Overtime on Saturdays to cover this shortfall in staffing levels.

The Bank has said that it needs on average 46 FTE staff to work Saturdays, compared to between 16 and 24 staff who are currently rostered to work.

To achieve its objective of increasing the number of Sales Staff available to work on Saturdays, the Bank is proposing:

- **For Full-Time Staff, the introduction of significant additional Saturday working into existing working patterns, increasing the number of Saturdays worked by Sales Staff from 13 to 19 / 20 per year.**

The Bank has considered three different Shift Patterns to achieve this goal, with its preference being a 16 week rotation, during which staff would be scheduled to work 6 Saturdays and 3 six-day weeks during each rotation. This working pattern also provides for 2 four-day weeks where staff would have an extended three-day weekend, though this includes long shifts during these weeks of 9.30 am to 7.30 pm on three days and to 6.30pm on the fourth.

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- **To restructure teams to ensure there are equal numbers deployed on Weeks A and B.**
- **To approach Part Time Staff on a one-to-one basis with a view to encouraging staff to incorporate additional Saturdays in their working patterns.**

The Bank hopes to introduce these new Working Patterns with effect from the beginning of August.

LTU's Position

LTU has told the Bank that the Union has no objection to it inviting staff to change their working patterns and that the Union would encourage any staff who have no objection to working more Saturdays to seriously consider changing their working patterns.

However, this is entirely conditional upon any changes to working patterns being voluntary and that full account must be taken of the personal and domestic circumstances and existing contractual working hours of staff.

Inside, LTU explains the legal and contractual rights of members who may wish to refuse to change their working hours.

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Willing To Consider Working More Saturdays?

Obviously it is in everyone's interest that Direct Distribution's Bournemouth operation operates as successfully as possible.

To achieve this, it cannot make sense that so many customer calls are left unanswered on Saturdays because of the shortfall in numbers of staff either scheduled to work Saturdays or willing to commit to working regular overtime on Saturdays.

So LTU would encourage any Sales Staff who feel willing and able to work additional Saturdays to consider agreeing to do so.

This might also include staff who would be willing to consider working more Saturdays but for whom there are reasons why the specific working pattern being proposed by the Bank might be problematic to them. If this is the case, staff should discuss their situation with their line manager to explore whether a workable solution can be found that meets the needs of both the Bank and individual.

No Choice But To Change?

There will be some staff who have joined the Bank within the last six months and who do not have any grounds for refusing to change their working patterns (see box alongside).

These staff who do not have any legal or contractual working hours rights might have no option but to change their working patterns: unless, of course, they choose to resign from the Bank.

Nevertheless, it is important that even these staff discuss their concerns with their line managers, in case an accommodation can be reached that meets everyone's needs.

Other Saturday Options

LTU has told the Bank that if there are insufficient additional volunteers for working extra Saturdays, it should consider recruiting new staff who have specifically agreed to work most Saturdays - whether on a Saturday-only basis or to replace leavers - rather than focusing exclusively on trying to persuade current staff who say they do not want to change their existing working patterns.

Don't Want To Change Your Working Hours?

Staff Who Can Refuse To Change Their Working Patterns

Below we identify each of these categories of staff and then go on to explain what exactly their Working Hours Rights mean for them.

Fixed Hours Contracts Staff who have worked for the Bank for a number of years may originally have been employed on Fixed Hours Contracts. These Contracts of Employment typically state that staff will be required to work only Monday to Friday, between 9am and 5pm. This means that whilst these staff might want to consider changing their working patterns, they cannot be forced to do so.

Reduced Hours / Key Time Staff Staff who work Reduced Hours - say 5 hours a day Monday to Friday or perhaps just 3 or 4 days a week - will almost certainly also be employed on Fixed Hours Contracts that set out precisely the hours they will be required to work. These contracts do not include broad parameters during which staff may be required to work, such as any day of the week between 8am and 8pm. These staff have a right to remain on their existing working patterns.

Work Options Some staff will have permanently altered their hours of work through the Bank's Work Options process. Where this is the case, staff will effectively now be on Fixed Hours Contracts and, accordingly, are free to choose whether or not to change their working patterns.

Accrued Legal Rights The biggest category of staff who do not necessarily have to change their existing working hours is likely to be those staff who over recent years were originally employed on Flexible Contracts, but have since acquired Working Hours Rights. Through a legal process known as affirmation - effectively 'custom and practice' - *staff will have acquired Fixed Hours Contractual Rights where they have:*

- *Not had to vary their working pattern for at least the last six months. This includes not having to deviate from a set rotation of working hours (i.e. where on a rotating basis they work one set of hours one week, another set the next, etc) and:*
- *Not received a 'Flex Letter' from the Bank over the past six months, in which they are given formal written notice that despite not having to vary their hours, they remain on a Variable Hours Contract.*

It is important that once they have acquired these rights, staff take care to protect and preserve them. They can do this by refusing to sign 'Flex Letters' received after the above conditions have been met. If there is a dispute over whether or not staff have been issued with 'Flex Letters', the onus is upon the Bank to provide written evidence.

Personal & Domestic Circumstances

Even where staff do not have the specific Working Hours Rights detailed in this section, there are still circumstances where they may be able to refuse to move on to alternative working patterns - or restrict the working patterns they might be asked to consider. *These will apply where staff have personal or domestic circumstances that mean it would be difficult - if not impossible - for them to continue working for the Bank on the alternative working patterns they are being asked to consider.* This could include parents with childcare responsibilities, which restricts when they could work, or other staff who have responsibility for the care of elderly or disabled relatives. In these cases, a strong case would need to be established - obviously with LTU's professional assistance - to prove that the working patterns that staff are being asked to accept are unsuitable in their circumstances.

There will undoubtedly be Sales Staff based in Bournemouth who cannot - or do not want to - change their working patterns and who have a legal or contractual right to refuse to do so.

To have these legal or contractual rights, staff must satisfy one or more of the conditions set out in the box alongside.

Checking Your Contract

Staff who are unsure about precisely what sort of contract they are employed on, or whether they have acquired Working Hours Rights since joining the Bank, can do so easily:

- If they do not have an up-to-date copy of their Contract of Employment, they should request a copy from their line manager.
- Once staff have a written copy of their Contract of Employment, they can discuss its content and their Working Hours Rights by calling LTU's Advice Team - at any time - on 01234 262868.

Members can also discuss whether they have a contractual or legal right to refuse to change their working hours - or whether they have strong personal and domestic circumstances to refuse on this basis - by calling LTU's Advice Team on 01234 262868.

No Pressure!

Whilst it is only reasonable that line managers approach staff to discuss and understand their reasons for choosing not to change their working patterns, under no circumstances must any staff who have a right to remain on their existing working patterns be placed under any undue pressure to change these.

Any members who do feel that they have been treated unfairly should call LTU's Advice Team on 01234 262868 or speak to Mike De Vorchik (LTU's Regional Officer) during one of his regular visits to Holdenhurst Road.