

OUTSOURCING

10 questions to ask your employer

1. What will be the effect on our pay and conditions?
 2. Will Amicus (continue to) be recognised?
 3. What assurances can you offer on job security?
 4. Will we be scattered round or relocated in the outsourced organisation?
 5. What if the outsourcer wants to bring the work back in-house?
 6. What career opportunities will there be in the new organisation?
 7. What is the turnover rate of the workforce in the new organisation?
 8. What has been the experience of other employees transferred to the new organisation?
 9. What has happened to the pay and conditions of previously transferred employees?
 10. Can we have a copy of the outsourcing contract and the service level agreement?
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Amicus Negotiators Checklist

CHECKLIST FOR NEGOTIATORS

The lessons of AMICUS experience with outsourcing are simple; where trade union organisation is strong, employment conditions can be protected.

Actions before the transfer

- Get involved at the earliest opportunity - if possible before the bidding process begins - and maximise membership strength in this period of uncertainty through recruitment
- Secure management agreement to AMICUS involvement in the process, even if members are opposed to the outsourcing
- Make sure you know your rights, and in particular the provisions of TUPE
- Request presentations from the bidding companies and seek to negotiate with the bidding companies, if possible before the bidding or tendering process
- Keep AMICUS members informed of what is happening through whatever communication means you have, including e-mail if available
- Find out information on the bidders or new employing company and whether there is any existing trade union organisation and recognition
- Contact trade union reps in the bidders or new employing company if there is union organisation
- Press bidders for statements on AMICUS recognition, maintenance of terms and conditions etc before bid is made if possible
- Enquire into equal opportunities record of bidders and press for equality standards specifying what is expected to be included in outsourcing contract
- Where employers contract out functions and personnel, negotiate for continued AMICUS recognition and representation rights
- Negotiate protection of existing terms and conditions of employment and contractual benefits
- Make strategic use of publicity - never underestimate the effect of undesirable publicity on an organisation which needs to protect its public image, in bidding for further outsourcing contracts
- Consider all appropriate action, including external campaigns and publicity, poster campaigns, petitions and letters to appropriate sources of influence and the use of industrial action, to protect members' interests

After the transfer

- Ensure that all collective and other agreements, whether written or verbal, are recorded formally in writing
 - Ensure that conditions of employment are clearly recorded in writing
 - Ensure that all rules and regulations are written down, particularly any new rules that are operated by the new employer
 - Agree arrangements for dealing with matters which have been missed or which only become apparent after the transfer of employment. Tripartite meetings involving the outsourcing company, the original employing company, and AMICUS reps from both the outsourced area and the transferor company may be a useful vehicle
 - Police all agreements and challenge any re-interpretations, breaches or attempts to ignore them
 - Reconstitute an active and effective AMICUS committee and membership, particularly if the previous senior reps have remained with the original employing organisation
 - Any changes in working practices should be jointly agreed with AMICUS and there should be proper compensation for the contribution of such changes to both the original and the outsourced organisation's performance
 - Be prepared for disputes arising out of personality clashes and new management styles, and have a procedure and strategy to resolve these
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In summary

- Understand the legal implications and rights
- Communicate with members
- Recruit
- Organise
- Record everything
- Do as much as possible before any outsourcing contract or agreement is signed