



## Higher National Unit specification: general information

**Unit title:** Trade Union Organising and Representation: Legislation and Agreements at Work

**Unit code:** H2XG 34

**Superclass:** AJ

**Publication date:** November 2012

**Source:** Scottish Qualifications Authority

**Version:** 01

### Unit purpose

This Unit is for trade union workplace representatives who are new to the role or may not have undertaken this level of training in the subject to date. It is designed to provide trade union workplace representatives with the knowledge and understanding of current legislation and agreements in order to improve their confidence and competence in representing members at work.

It is one of the specialist mandatory Units in the Higher National Certificate in Trade Union Organising and Representation and forms part of the Professional Development Award in Trade Union Organising in the Workplace at SCQF level 7.

On completion of the Unit the candidate should be able to:

- 1 Evaluate policies and agreements in relation to workplace terms and conditions.
- 2 Explain the statutory requirements of the contract of employment.
- 3 Compare how current relevant legislation, policy and agreements relate to workplace terms and conditions issues.

### Recommended prior knowledge and skills

Although entry is at the discretion of the centre, it is recommended that candidates possess good communication and interpersonal skills. In addition, candidates should be able to demonstrate the support of their nominating union.

## **General information (cont)**

### **Credit points and level**

1 Higher National Unit credit at SCQF level 7: (8 SCQF credit points at SCQF level 7\*)

*\*SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

### **Core Skills**

Opportunities to develop aspects of Core Skills are highlighted in the Support Notes of this Unit specification.

There is no automatic certification of Core Skills or Core Skill components in this Unit.

### **Context for delivery**

If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

This Unit is designed to provide trade union workplace representatives with the knowledge and understanding of current legislation and agreements in order to improve their confidence and competence in representing members at work

It is one of the specialist mandatory Units in the Higher National Certificate in Trade Union Organising and Representation and forms part of the Professional Development Award in Trade Union Organising in the Workplace.

It is recommended that it be delivered as part of a trade union's education programme.

## Higher National Unit specification: statement of standards

**Unit title:** Trade Union Organising and Representation: Legislation and Agreements at Work

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The section of the Unit stating the Outcomes, Knowledge and/or Skills and Evidence Requirements are Mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the Knowledge and/or Skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

### Outcome 1

Evaluate policies and agreements in relation to workplace terms and conditions.

#### Knowledge and/or Skills

- ◆ Current relevant legislation.
- ◆ Difference between employer policies and trade union agreements.
- ◆ Current workplace policies and terms and conditions agreements.

#### Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ outline current relevant legislation
- ◆ explain the difference between an employer policy and a trade union agreement
- ◆ evaluate current workplace policies and agreements

### Outcome 2

Explain the statutory requirements of the contract of employment.

#### Knowledge and/or Skills

- ◆ Statutory requirements of the contract of employment.
- ◆ Express and implied terms of the contract of employment.
- ◆ Variation of contract.
- ◆ Sources of information on current relevant employment law.
- ◆ Relevant ACAS and Government guidance.

## **Higher National Unit specification: statement of standards (cont)**

**Unit title:** Trade Union Organising and Representation: Legislation and Agreements at Work

### **Evidence Requirements**

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ explain what terms of the contract are imposed upon the employer by law
- ◆ provide examples of express and implied terms of the contract
- ◆ explain how a contract can be lawfully changed

### **Outcome 3**

Compare how current relevant legislation, policy and agreements relate to workplace terms and conditions issues.

### **Knowledge and/or Skills**

- ◆ Current relevant legislation.
- ◆ Employer policies and trade union agreements.
- ◆ Current workplace policies and terms and conditions agreements.
- ◆ Statutory requirements of the contract of employment.
- ◆ Importance of negotiated agreements in employment relations.
- ◆ Workplace terms and conditions issues.

### **Evidence Requirements**

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ explain the importance of negotiated agreements in employment relations
- ◆ relate current relevant legislation, policies and/or agreements to a minimum of three examples of issues raised in the workplace in relation to terms and conditions

## Higher National Unit specification: support notes

**Unit title:** Trade Union Organising and Representation: Legislation and Agreements at Work

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

### Guidance on the content and context for this Unit

This unit is intended to provide trade union workplace representatives with the knowledge and understanding of current legislation and agreements in order to improve their confidence and competence in representing members at work.

### Guidance on the delivery of this Unit

This unit forms part of the PDA in Trade Union Organising in the Workplace at SCQF level 7.

It is envisaged that it will be:

- ◆ delivered in conjunction with the other two units of the PDA in Trade Union Organising in the Workplace
- ◆ preceded/ followed by further mandatory and optional units of the HNC in Trade Union Organising and Representation

Candidates will be practising trade union workplace representatives, in full or part-time employment, working in groups drawn either from a single workplace or sector or from a variety of workplaces and sectors. Courses incorporating this Unit are therefore best delivered in short blocks or via day release, attended by cohorts of between 10 and 20 participants. The tutor should be an experienced trade union representative with knowledge and understanding of trade union structures, policy and practice.

Participative, co-operative group work is highly recommended. Candidates will bring a range of valuable existing knowledge and experience, whether from trade union involvement, work, previous study or life in general and it is important to promote exchange of knowledge, experience and views in a mutually respectful, mutually supportive environment. Guidelines for working together should be agreed from the outset.

By the end of Outcome 1, candidates should be able to evaluate policies and agreements in relation to workplace terms and conditions. Delivery should ensure that candidates are aware of provisions of the Trade Union and Labour Relations (Consolidation) Act and able to outline key points of both the ACAS Code of Practice on time off for trade union duties and activities and the ACAS Code of Practice on discipline and grievance.

## Higher National Unit specification: support notes (cont)

### Unit title: Trade Union Organising and Representation: Legislation and Agreements at Work

It would be helpful to provide participants with resources to enable them to research, note and reference answers to questions covering, for example:

- ◆ rights to time off for trade union duties and activities
- ◆ implications of failure to follow the Code of Practice on discipline and grievance
- ◆ advice on timings of meetings and decisions
- ◆ guidance on conduct of meetings
- ◆ how the employer should inform the employee of disciplinary allegations
- ◆ whether the same management allowed to investigate and hold a hearing
- ◆ how to raise a grievance
- ◆ appeal rights

It is important to clarify the difference between an employer policy and an agreement and ensure that participants are in a position to evaluate relevant employer policies and trade union agreements.

Candidates might evaluate employer policies on grievance, discipline, dismissal, poor performance, absence, equality, harassment, redundancy, maternity, training, family friendly and/ or health, safety and welfare or any other policy of relevance.

It might be useful to compare trade union recognition agreements and review matters such as whether:

- ◆ the trade union has the right to represent and negotiate
- ◆ the organisation encourages employees to join the union
- ◆ the agreement specifies the grade or grades covered
- ◆ the employer offers the facility to deduct subscriptions from pay
- ◆ management and trade union are committed to negotiate on all matters or if some areas are excluded
- ◆ the employer is committed to prior consultation and negotiation on the implementation of any changes in terms, conditions and working practices
- ◆ the employer is committed to providing adequate facilities for trade union representatives

Consideration of grievance and discipline procedures could include exchange of information on the following:

- ◆ stages and time limits
- ◆ management and trade union involvement
- ◆ examples of good practice or difficulty in using the procedure
- ◆ any changes that might be beneficial
- ◆ supplementary or specialist procedures, eg relating to bullying, harassment, absence management

Candidates might also consider a range of other agreements, for example on negotiating/collective disputes, union learning representatives, health and safety representatives, workforce learning and training, pay, holidays and so on.

## Higher National Unit specification: support notes (cont)

### **Unit title:** Trade Union Organising and Representation: Legislation and Agreements at Work

By the end of Outcome 2, candidates should be able to explain the statutory requirements of the contract of employment. It would be helpful to provide materials on the subject and refer participants to ACAS and Government websites in order that they may develop understanding of the contract of employment; establish what terms of the contract are imposed by law; can provide examples of implied and express terms and can explain how a contract can be lawfully changed.

By the end of Outcome 3, candidates should be able to compare how current relevant legislation, policy and agreements relate to workplace terms and conditions issues. One approach would be to ask participants to identify how they might use their terms and conditions agreements to address either a range of real issues raised by their members or case study problems, covering pay and leave entitlements, time off to look after a sick relative, location of work, changes to hours or shift patterns, flexible working hours requests and so on. They should then be in a good position to explain the importance of negotiated agreements in employment relations.

A similar activity on grievance handling could provide further practice in relating current legislation, policies and or agreements to examples of issues raised in the workplace in relation to terms and conditions. Case studies could ensure that participants gain experience in relating legislation, policies or agreements to a suitable range of issues, including, for example those associated with rights of part-time workers, unfair deduction from wages, dignity at work and equality issues.

### **Guidance on the assessment of this Unit**

This Unit could be assessed holistically with evidence to cover all three Outcomes stored in a portfolio.

Assessment could comprise several separate tasks and it would be possible for a candidate to combine and submit these as one complete assignment. Evidence for assessment can be in any appropriate format as long as the minimum Evidence Requirements are met. For example, assessment may include case studies, group discussion, role play, presentations, written or oral reports and/ or diagrammes.

### **Assessment Guidelines**

#### **Outcome 1**

Outcome 1 assessment could comprise an evaluation of workplace policies and agreements supported by responses in any appropriate format to a series of questions and could include flow chart diagramme of discipline or grievance procedures.

#### **Outcome 2**

Outcome 2 assessment could comprise responses in any appropriate format to a series of questions.

## Higher National Unit specification: support notes (cont)

**Unit title:** Trade Union Organising and Representation: Legislation and Agreements at Work

### Outcome 3

Outcome 3 assessment could comprise responses in any appropriate format to a series of questions and case studies.

### Online and Distance Learning

This Unit could be delivered by open learning; however it would require careful planning by the centre to ensure the sufficiency and authenticity of candidate evidence.

### Opportunities for developing Core Skills

The Core Skill of *Communication at SCQF level 6* will be developed by candidates through a range of activities (both written and oral) as well as class and group discussions.

The Core Skill of *Problem Solving at SCQF level 6* will be developed as the candidate will be dealing with various complex workplace issues and will also learn about the trade union approach to problem solving.

The Core Skill of *Working with Others at SCQF level 6* will be developed as the candidate will be involved in group discussions and group tasks, participate in union team building activities, theory and practice.

The Core Skill of *Information and Communication Technology at SCQF level 5* will be developed as the candidate will likely utilise computer search engines when carrying out research.

### Disabled candidates and/or those with additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering whether any reasonable adjustments may be required. Further advice can be found on our website [www.sqa.org.uk/assessmentarrangements](http://www.sqa.org.uk/assessmentarrangements)



## History of changes to Unit

Version	Description of change	Date

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## General information for candidates

### **Unit title:** Trade Union Organising and Representation: Legislation and Agreements at Work

This Unit is for you if you are new to the role of trade union workplace representative or wish to undertake further training in this subject. In this Unit you will develop your knowledge and understanding of current legislation and agreements in order to improve your confidence and competence in representing members at work.

You must be able to demonstrate the support of your nominating union to undertake the Unit. This is a mandatory Unit in the Professional Development Award in Trade Union Organising in the Workplace and is also contained within the HNC in Trade Union Organising and Representation.

Upon completion of this Unit you will be able to:

- ◆ evaluate policies and agreements in relation to workplace terms and conditions
- ◆ explain the statutory requirements of the contract of employment
- ◆ compare how current relevant legislation, policy and agreements relate to workplace terms and conditions issues

Assessment for the Unit may include evidence generated from role play, case studies, group discussion, presentations, observation, written or oral reports and/ or diagrammes.

There may be opportunities during the Unit for you to also develop your Core Skills in *Communication, Problem Solving, Information and Communication Technology and Working with Others*.