

# Human Resources Policy

## Union encouragement

**Policy Number:** F4 (QH-POL-248)

**Publication date:** August 2021

**Purpose:** To outline the arrangements for union encouragement in Queensland Health.

**Application:** This policy applies to employees of Queensland Health.

This policy does not apply to employees of Queensland Ambulance Service. Instead, Queensland Ambulance Service employees are to refer to their local processes regarding union encouragement.

**Delegation:** The 'delegate' is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual, or Hospital and Health Services Human Resource (HR) Delegations Manual, as amended from time to time.

### Legislative or other authority:

- *Human Rights Act 2019*
- Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016
- Health Practitioners and Dental Officers Award – State 2015
- Hospital and Health Services General Employees (Queensland Health) Award – State 2015
- Medical Officers (Queensland Health) Award – State 2015
- Nurses and Midwives (Queensland Health) Award – State 2015
- Queensland Public Service Officers and Other Employees Award – State 2015
- Aboriginal and Torres Strait Islander Health Workforce (Queensland Health) Certified Agreement (No. 1) 2019
- Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No.3) 2019
- Medical Officers (Queensland Health) Certified Agreement (No.5) 2018
- Nurses and Midwives (Queensland Health and Department of Education and Training) Certified Agreement (EB10) 2018
- Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 7) 2019
- Queensland Public Health Sector Certified Agreement (No.4) 2000
- Queensland Public Health Sector Certified Agreement (No.10) 2019

### Related policy or documents:

- Industrial Relations Education Leave HR Policy C39 (QH-POL-154)
- Queensland Government Commitment to Union Encouragement

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## 1 Policy

### 1.1 Queensland Health commitment to union encouragement

Queensland Health has made a commitment to encourage union membership among its employees where such unions are parties to Queensland Health certified agreements and Awards. This commitment was originally reflected in the Queensland Public Health Sector Certified Agreement (No.4) 2000.

It remains the responsibility of unions to enrol members, however the active cooperation of all managers and supervisors throughout Queensland Health is necessary to ensure Queensland Health honours this commitment and complies with its legal obligations. It requires an appreciation of the important role that unions play in representing employees. Passive acceptance by managers and supervisors of membership recruitment activity by unions does not satisfy the requirements of the agreement. Encouragement requires managers and supervisors to take a positive, supportive role.

This policy aims to ensure managers and supervisors give effect to this commitment with a clear understanding of what is expected of them as employees of Queensland Health, and free of doubt as to the correctness of their actions.

### 1.2 Union encouragement

To give effect to the intention of union encouragement at the workplace, managers and supervisors are to ensure that encouragement is given. The personal views of individual managers or supervisors are not to be used to discourage employees from union membership or neglect to facilitate union membership in the ways provided for in the relevant agreement or award. Managers or supervisors are not to directly or indirectly impede legitimate union activity.

### 1.3 Encouragement provisions explained

The employer recognises the right of individuals to join a union and is to encourage that membership. It is also recognised that union membership remains at the discretion of individuals.

New employees are to be informed of Queensland Health's commitment. Individuals are not obliged to join a union however, Queensland Health encourages its employees to do so.

Managers and supervisors are to ensure that this policy is accessible to all current employees.

Information on relevant unions (supplied by unions) is to be made available to relevant employees at the point of engagement. This places responsibilities on unions as well as Queensland Health. To ensure Queensland Health is able to fulfil its obligations, unions are to supply up-to-date membership material, including application forms, details of fees and how they can be paid and general information about the union.

Union officials or authorised representatives are to be given the opportunity to discuss union membership with new employees (e.g. orientation programs) and provide employees with relevant union material, including membership forms. Unions are to provide suitable information to be included in induction materials. Queensland Health is to allow union representatives to discuss union membership with new employees during working hours. This is to be done so as not to disrupt the operations of Queensland Health.

## 1.4 Complementary provisions

### 1.4.1 Union delegates assistance

The employer acknowledges the constructive role democratically elected union delegates undertake in the workplace in relation to union activities that support and assist members. That role is to be formally recognised, accepted and supported, on condition that unions notify the employer of such delegates. The employer supports the accepted industrial principle that delegates are to perform their roles without fear of victimisation.

Employees are to be given full access to union officials/delegates during working hours to discuss any employment matter or seek union advice, on condition that service delivery is not disrupted and work requirements are not unduly affected.

Union delegates will be provided convenient and reasonable access to facilities for the purpose of undertaking union activities, on the condition that service delivery and work requirements are not unduly affected. Such facilities include telephones, computers, portable devices, email, photocopiers, facsimile machines, storage facilities, meeting rooms and notice boards. It is expected that management and delegates will take a reasonable approach to the responsible use of such facilities for information and communication purposes. These arrangements are to be consistent with the employer's policies and procedures and are to ensure that personal privacy and information security is maintained.

Subject to the relevant employee's written approval and any confidentiality provisions, union delegates may request access to documents and policies related to a member's employment.

Queensland Health recognises employees have a right to confidently raise issues of concern with their unions. The formal recognition, acceptance and support of the role of union delegates are fundamental to union encouragement.

### 1.4.2 Commitment to consultation

Queensland Health certified agreements establish consultative forums (or their equivalent) between the parties of the relevant certified agreements to undertake open and consultative processes for the implementation of the commitments within each agreement.

### 1.4.3 Collective industrial relations

Queensland Health acknowledges that structured, collective industrial relations are to continue as a fundamental principle. The principle recognises the important role of unions in the workplace. This policy supports constructive relations between management and unions and recognises the need to work co-operatively in an open and accountable way.

### 1.4.4 International Labour Organisation (ILO) conventions

Queensland Health as an employer recognises its obligations to give effect to the conventions of the ILO for all Queensland Health workers, including freedom of association, workers representatives, collective bargaining and equality of opportunity.

### 1.4.5 Industrial relations education leave

Employees have access to industrial relations education leave in the form of paid time off to acquire knowledge and competencies in industrial relations. These leave arrangements are outlined in Industrial Relations Education Leave HR Policy C39. This is to allow employees to participate effectively in consultative structures, perform a representative role, and further the effective operation of grievance and dispute settlement procedures.

## 1.5 Communicating the requirements of this policy

It is important Queensland Health communicates this policy to employees at all levels, in all work units and at all localities. Union membership is an issue about which employees (including managers and front-line supervisors) may have strong views. It is not the purpose of this policy to interfere with the right of employees to hold or express a personal view, but to ensure that in their official capacity they follow Queensland Health policy.

An important aim of union encouragement is to improve the workplace culture. It is expected both management and unions adopt a problem-solving approach if there is disagreement over the application of this policy.

### 1.6 Resolving disagreement

Disagreements about the way the union encouragement policy is applied are to be resolved locally when possible. Failing this, the HCFs or equivalent are the appropriate forums to deal with disagreements. If the HCF is unable to resolve a disagreement it is to be referred to the relevant enterprise bargaining implementation group. It is not expected that this referral process is to be commonly used.

### 1.7 Further enquiries

When distributing this information within the Department of Health and Hospital and Health Service, a contact officer is to be nominated to respond to enquiries from employees.

### 1.8 Human Rights

Section 22 of the *Human Rights Act 2019* protects the right of peaceful assembly and freedom of association with others, including the right to form and join trade unions.

**Definitions:**

Union	For the purpose of this policy, means an employee organisation registered under chapter 12 of the <i>Industrial Relations Act 2016</i> .
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**History:**

August 2021	<ul style="list-style-type: none"> <li>• Policy: <ul style="list-style-type: none"> <li>– formatted as part of the HR Policy Review</li> <li>– amended to update references and naming conventions</li> <li>– updated to reflect wording provided in certified agreements</li> <li>– amended to include reference to <i>Human Rights Act 2019</i>.</li> </ul> </li> </ul>
October 2015	<ul style="list-style-type: none"> <li>• Policy: <ul style="list-style-type: none"> <li>– formatted as part of the HR Policy Review</li> <li>– amended to update references and naming conventions</li> <li>– reinstated as a result of the restoration of conditions under the <i>Industrial Relations Act (Restoring Fairness) and other Legislation Amendment Act 2015</i></li> </ul> </li> </ul>
October 2009	<ul style="list-style-type: none"> <li>• Protected IRM 3.6-3 reformatted as a result of the HR policy consolidation project in accordance with EB7.</li> </ul>
September 2002	<ul style="list-style-type: none"> <li>• IRM 3.6-3 Union Encouragement Guidelines - (clause 3.1 Queensland Public Health Sector Certified Agreement (No.5) 2002) amended.</li> </ul>
April 2001	<ul style="list-style-type: none"> <li>• IRM 3.6.3 Union Encouragement Guidelines - (clause 3.2 Queensland Public Health Sector Certified Agreement (No.4) 2000).</li> </ul>