



# Model Equality Workplace Agreements

February 2017



## Model Equality Workplace Agreements

GMB Member

Enclosed are model equality based workplace agreements designed for you to use to engage with your employer to establish a joint agreement on the subject.

The agreement include the following:-

1. Carers agreement
2. Surveillance and Monitoring
3. Maternity and paternity
4. Domestic Violence

As these are model agreements, you will need to adapt them to suit the particular circumstances in your workplace. The agreements contain contact details for where you can gain further information including from your Regional Equality officer.

The Agreements also contain a checklist, for you to manage progress.

Model Agreements for other equality workplace subjects will be added to this list in the future.

# GMB Model Carers Agreement

## Statement of commitment

[Employer] recognises that employees may be struggling to balance caring for sick, frail or elderly people as well as carrying out their work role. It also notes that many carers are unable to stay in work because of their caring responsibilities.

[Employer] is committed to working with the GMB to create an inclusive workplace culture where such employees feel able stay in work, feel supported and be able to respond to situations as needed as far as possible. This will be spread among staff, line management and senior management.

## Definition of carer

This policy will adopt following definition from the Carers Trust:

A carer is anyone who cares, unpaid, for a friend or family member who due to illness, disability, a mental health problem or an addiction cannot cope without their support.

## Responsibilities

### Senior management

[Employer] will ensure at least one senior member of management will lead on this agenda and will champion the needs of working carers. They will receive training as it necessary to fully equip them for this role.

### Line managers

[Employer] will provide line managers with training so that they understand the demands that working carers experience and are aware of the support available to them. The aim of the training will also be to give line managers the confidence to have sensitive conversations with employees and empower them to tailor their working arrangements to suit their individual caring needs wherever possible.

Line managers will be encouraged to hold development and career conversations with working carers to ensure their careers are not negatively impacted by their caring role.

### Employees

Employees who are carers are encouraged to disclose that information to line managers, though their right to privacy is also respected. Disclosure will help line managers to treat sympathetically requests for time off, sudden changes in working patterns and temporary dips in performance or poor timekeeping.

## **Flexible working and changed roles**

[Employer] recognises that all employees have a statutory right to request flexible working if they have been continuously employed with the same employer for at least 26 weeks and have not made an application in the last 12 months.

However, [Employer] agrees that flexible working requests may be made from day one of employment. Such requests will always be considered positively and will only be refused in exceptional circumstances.

[Employer] will consider positively requests for both temporary and permanent changes in contract and this may include reduced hours, remote working and home working.

Employees may also request temporary flexible working on an emergency basis where this enables the employee to assist someone who is relying on them or respond to that person's caring needs.

[Employer] will also consider sympathetically other requested changes needed to enable an employee to carry out their caring role, such as hours banking, shift swapping, not working shifts, not working overtime or changing roles.

Such requests for flexible working will not be restricted to one per year.

## **Time off in emergencies**

[Employer] recognises that all employees have a statutory right to "reasonable" unpaid time off work at short notice to deal with family emergencies involving parents, children, a spouse or co-habitee, or anyone who looks to the employee for assistance.

However, [Employer] agrees that employees will be entitled to up to 10 days' paid leave in any one year to deal with such circumstances. [Employer] commits to discuss with the GMB increases on this entitlement in future negotiations.

In addition, [Employer] will take a sympathetic and broad-based view of whom the carer may be assisting and will not be restricted by the statutory minimum. The above definition from the Carers Trust may be used for the avoidance of doubt.

[Employer] will also take a sympathetic and broad-based view of the circumstances which qualify for paid time off and will not be restricted by the statutory minimum.

[Employer] will also consider sympathetically requests for unpaid leave beyond the paid entitlement. In such cases, at the employees' request, the cost of unpaid leave may be spread across an agreed time period to minimise the financial impact on the employee.

There will be no unnecessary limit placed on this period of unpaid leave.

The employee in such circumstances will also have continuity of their employment maintained.

## **Guidance and support**

[Employer] will develop guidance materials and/or a section of the organisation's intranet which will contain sources of support – both internal and external - for employees who are carers.

In addition [Employer] will discuss with the GMB the possibility of providing counselling service to carers if needed or signposting them to outside services.

## **Carers network**

[Employer] will consult with carers in its employment and the GMB consider on provision of other forms of help, including the possibility of developing a carers' network within [Employer] to provide peer support.

## **Further information**

[www.gmb.org.uk/](http://www.gmb.org.uk/)

### **Your GMB Region**

Carers UK [www.carersuk.org/](http://www.carersuk.org/)

Carers UK is a national membership charity for carers and give expert advice, information and support. It runs the Carers UK Adviceline, which provides information and advice on:

- benefits and tax credits
- carers employment rights
- carers' assessments
- the services available for carers
- how to complain effectively and challenge decisions.

The Adviceline is open Monday to Friday, 10am to 4pm - 0808 808 7777\*

The Carers UK website also hosts an online forum for carers.

Carers Trust <https://carers.org/>

Carers Trust is a charity working to improve support, services and recognition for unpaid carers. It does this with a Carers Trust Network through a UK-wide network of 150 locally based Network Partners.

Age UK [www.ageuk.org.uk/home-and-care/advice-for-carers/are-you-a-carer/](http://www.ageuk.org.uk/home-and-care/advice-for-carers/are-you-a-carer/)

Age UK provides general information and guidance for carers

NHS Choices [www.nhs.uk/conditions/social-care-and-support-guide/Pages/what-is-social-care.aspx](http://www.nhs.uk/conditions/social-care-and-support-guide/Pages/what-is-social-care.aspx)

The relevant section of the NHS Choices website is called “Your guide to care and support” and gives information on the support and the main benefits available to carers and the people they care for.

The NHS also has Carers Direct helpline - 0300 123 1053\*

This provides help for people with a caring role and someone to talk to about what options are available.

\*Phone numbers current as at February 2017

## **Checklist**

- ✓ Employer should commit to creating positive culture around carers
- ✓ Line managers should be trained and instructed to respond to carers sympathetically
- ✓ Flexible working to be available from day one and not restricted to once per year
- ✓ Wide-ranging flexible options should be considered positively
- ✓ 10 days’ or more paid dependants’ leave should be negotiated (and at least parity for entitlement for parents of young children)
- ✓ Definition of who is entitled to leave for dependants and for what circumstance should not be restricted to statutory ones

## GMB Model Agreement on Surveillance and Monitoring

### Statement of Principles

**(Name of employer)** and GMB agree that systems of monitoring and surveillance of employees should only be implemented in the workplace, or wherever work is carried out by employees on behalf of the employer, for clearly defined purposes.

The form of monitoring and the reasons for it should be identified and communicated by the employer to staff, and implementation of the monitoring should be subject to agreement by the union.

The system of monitoring should be implemented in a manner proportionate to achieve the stated aim of the monitoring.

In implementing the monitoring system the employer must pay due regard to and uphold the rights to privacy of individual workers as guaranteed by the Human Rights Act 1998 and the European Convention on Human Rights.

**(Name of employer)** and GMB recognise that both employers and workers need to set clear boundaries between work and personal life. An agreed workplace policy, incorporating both legal and good practice principles can help to do this, and also help to guarantee mutual confidence between the employers and employees necessary for good workplace relations and organisational effectiveness.

### Data Protection

**(Name of employer)** agrees to ensure compliance with the Data Protection Act 1998 (DPA) which governs activities relating to the processing of personal information and sets out data protection principles which employers collecting and storing data must follow.

This includes a requirement that personal data is processed fairly and lawfully and meets one of the following two conditions:

- (1) that specific, informed, unpressured consent has been obtained;  
or
- (2) that the processing is needed for one of the following purposes:
  - for the performance of the worker's contract;
  - to meet any non-contractual employer obligations (for example, accident recording);
  - to protect a worker's vital interests (for example, health);
  - for the administration of justice; and
  - to protect the legitimate interests of the employer or others to whom the information is disclosed, unless this prejudices the worker's own legitimate interest.

In addition to these principles, data should only be obtained and processed for a specified and lawful purpose, and not be kept for longer than necessary. Data collected should be necessary for the stated purpose but not excessive.



Workers have a right to access their personal data under the DPA. The employer should put in place a procedure for dealing with access requests.

### **ICO Employment Practices Code**

**(Name of employer)** agrees to comply with the principles set out in the Employment Practices Code produced by the Information Commissioner's Office (ICO) to aid compliance with the DPA.

In particular, the employer agrees to comply with the following principles:  
Where it wishes to monitor staff, the employer should be clear about the purpose and satisfied that the particular monitoring arrangement is justified by real benefits that will be delivered.

The employer should communicate to staff the nature, extent and reasons for any monitoring.

**(Name of employer)** should conduct an impact assessment on current or planned monitoring, identifying the purpose behind the monitoring and any likely adverse impact, and considering less intrusive alternatives to monitoring to achieve the desired objective. Alternatives could include better training, communication or supervision by managers, spot-checks or audits rather than continuous monitoring, or targeted monitoring where there is a particular problem.

**(Name of employer)** should not undertake covert monitoring of staff, unless there are exceptional circumstances such as grounds for suspecting criminal activity or equivalent malpractice, and where notifying individuals about the monitoring would prejudice its prevention or detection. Any such monitoring should be for a specific investigation and for a time limited period. The employer should disregard any other information collected in the course of this monitoring unless it reveals information that no employer could reasonably be expected to ignore.

**(Name of employer)** should keep to a minimum those who have access to personal information obtained through monitoring. Personal information collected through monitoring should not be used for purposes other than those for which the monitoring was introduced unless: (a) it is clearly in the monitored individual's interest to do so; or (b) it reveals activity that no employer could reasonably be expected to ignore.

If information about an employee gathered during monitoring is used by the employer to justify actions or processes that are detrimental towards the employee, then the employee concerned should be presented with the information and allowed to explain or challenge, the results of any monitoring.

### **Implementation of the monitoring system at (insert name of Employer)**

Implementation of the monitoring system should be subject to an agreement between the employer and the GMB and be kept under review by the staff-union joint negotiating committee (JNC) or a sub-committee of the JNC.

Any changes to the system of monitoring should be agreed with GMB.

The employer should provide a statement to all staff being monitored explaining the monitoring, where and when it is taking place, the reasons for it, what the information gathered is used for, how and for how long the information is stored and who has access to it.

The statement and the parameters of the monitoring system explained therein should be agreed between the employer and GMB.

Any deviation from the parameters set out in the statement should be agreed with GMB, and explained to staff.

The monitoring should be appropriate and proportionate to meet the objective. It should not be oppressive or demeaning, or unnecessarily intrusive.

Information obtained from the monitoring that is not related to the stated purpose of the monitoring (health and safety, security, tracking of production flow or deliveries) should be discarded, unless it reveals something that no employer could reasonably ignore (including criminal acts or gross negligence).

Workplace monitoring and surveillance, and information gathered from it, should not normally be used for performance management or disciplinary purposes.

Where the employer wishes to use information from the monitoring that is not related to the stated purpose of the monitoring, this should first be raised with a GMB representative. A separate committee to review such requests, including management/HR and GMB representatives may be established.

Where the employer takes action against an employee based on information from monitoring, the employee should have the opportunity to explain or challenge the results of monitoring, and have the right to be accompanied by a trade union representative.

Information relevant to the stated monitoring system should be stored securely. There should be an agreed secure process for storing the relevant information and discarding the irrelevant information.

The number of individuals with access to the information should be limited (for example senior managers/HR rather than line managers). Access and storage of the information should be in accordance with the DPA 1998.

## **Specific forms of monitoring**

### **CCTV and audio and video recordings**

- Audio or video recording will not be used in areas where workers would reasonably expect to be private, e.g. toilets, changing rooms, rest rooms. Where used – and with prior agreement with GMB and communication to staff - cameras will be sited carefully to avoid capturing irrelevant or private images.

- The technology should provide for a sufficient quality of recording to achieve the stated aim and minimise misunderstanding or confusion as to incidents recorded.

### Telephones and Electronic Communications

- **(Name of employer)** will not read employee emails or listen to telephone calls which are evidently personal or private.
- Restrictions on telephone, email and internet use and types of websites which should not be accessed will be made clear in a separate policy agreed by the employer and GMB. This will provide for a reasonable amount of private use of the employer's telephone, internet and email systems to be allowed.
- Monitoring of internet use will be undertaken by automated systems in order to avoid intrusive scrutiny by managers of usage by individuals.
- Email monitoring will be restricted to addresses/headings unless there is a valid and defined reason to examine content.
- Where telephone calls are routinely recorded, the employer will provide staff with a means of making calls that are not recorded.
- The employer guarantees that the GMB and its representatives are guaranteed privacy of trade union communications within the organisation.

### Vehicle Tracking

- Vehicle cameras and tracking systems should not be used for surveillance of individuals and performance management or disciplinary purposes. They should include a privacy function so that monitoring can be disabled during private use.

### Body worn cameras/personal tracking devices

- Body worn cameras and tracking devices (also including handheld devices) should not be used for surveillance of individuals and performance management or disciplinary purposes. They should include a privacy function so that monitoring can be disabled during private use or when taking breaks.

### Impact Assessments

Prior to implementing a monitoring system, the employer will undertake an impact assessment in relation to the proposed monitoring. This will assess whether the intrusion into the privacy of workers likely to arise from monitoring is justified and proportionate.

In conducting the assessment, the Employer will follow the guidance on conducting impact assessments contained in the ICO Employment Practices Code. This states that employers should:

- Identify clearly the purpose behind the monitoring arrangements and the benefits it is likely to deliver;
- Identify any adverse impact of the monitoring arrangement;

- Consider alternatives to monitoring, or different ways it could be carried out;
- Take into account the obligations that arise from monitoring; and
- Judge whether monitoring is justified.

The assessment will also consider the impact of the proposed monitoring on workers with protected characteristics under the Equality Act 2010. If this concludes that there is a discriminatory impact in relation to workers with one or more of these protected characteristics then the employer will make suitable adjustments to the monitoring to address this impact.

**(Name of employer)** will consult with GMB in undertaking all aspects of the impact assessment, and in ensuring that suitable adjustments are made to the proposed monitoring.

### **Review**

The JNC will agree a timetable for a periodic review of this policy and any separate agreements on the implementation of monitoring systems in the workplace.

This will also cover procedures for the storage of data and information gathered from the monitoring systems.

### **Checklist**

- ✓ Surveillance and monitoring systems should only be implemented for clearly defined purposes.
- ✓ The system of monitoring should be clearly communicated to staff and based on an agreement with GMB.
- ✓ Privacy impact and equalities impact assessments should be carried out prior to implementation of monitoring, and the employer should make any necessary adjustments in consultation with GMB
- ✓ Monitoring systems should not be unduly intrusive and should not be used to track individuals' movements, or to inform performance management and disciplinary procedures
- ✓ Only information relevant to the stated purpose of monitoring should be retained by the employer.
- ✓ The employer should put in place a secure system to store information obtained from monitoring and to discard irrelevant information/data.
- ✓ The agreement should include a procedure for dealing with situations in which the employer wishes to use information obtained from monitoring that goes beyond the stated purpose of monitoring.
- ✓ The employer should ensure compliance with the Data Protection Act (1998) and the Employment Practices Code produced by the Information Commissioner's Office.

## Further Information

[www.gmb.org.uk/](http://www.gmb.org.uk/)

## Your GMB Region

### Information Commissioner's Office

The ICO employment practices code can be downloaded from the ICO website here: <https://ico.org.uk/for-organisations/guidance-index/>

This and all other ICO guidance, including guidance on data protection, privacy and electronic communications, and the use of CCTV can be accessed here:

<https://ico.org.uk/for-organisations/guidance-index/>

Calls can be made to Information Commissioner's Office helpline on **0303 123 1113** (local rate – calls to this number cost the same as calls to 01 or 02 numbers). If you prefer not to call the 03 number, you can call 01625 545 745.

Calls can be made in Welsh on 029 2067 8400. Rydym yn croesawu galwadau yn Gymraeg ar 029 2067 8400.

Concerns can also be reported using the on-line form at: <https://ico.org.uk/concerns/>

### Other useful information:

LRD Booklet: *Monitoring and Surveillance at Work*, November 2015:  
<http://www.lrdpublications.org.uk/publications.php?pub=BK&iss=1800>

TUC guide on Privacy at Work:  
<https://www.tuc.org.uk/sites/default/files/tuc/privacyatwork.pdf>

ACAS guidance on monitoring at work:  
<http://www.acas.org.uk/index.aspx?articleid=5721>

### Explanatory Note for GMB model agreement on Surveillance and Monitoring

Advances in technology have led to implementation of new surveillance and monitoring practices in the workplace alongside traditional forms of supervision. In some cases, monitoring systems have been put in place by the employer for justifiable reasons, for example to monitor production flow, track deliveries, call-outs and vehicle whereabouts, keep a record of communications with customers, or to monitor staff and customer safety and the security of premises.

However, in several cases “mission creep” has occurred and employers have also used these systems to intensively monitor workers’ activities, movements and performance, or the employer has introduced systems specifically for the purpose of monitoring workers. Examples of monitoring and surveillance practices implemented include the following:

- **CCTV**, often introduced for safety or security reasons, including in public buildings, warehouses, factories and other industrial premises, public

transport, schools and care homes, but also used to monitor staff activity.

- **Vehicle tracking**, for example GPS tracking systems used to keep track of drivers' whereabouts and in order to help predict delivery times. This is now common for all mobile workers using company vehicles, for example utilities company workers undertaking work at customers' homes.
- **Hand-held digital devices (such as personal organisers or tablets) or wearable electronic devices** which provide detailed instructions to staff. For example, these are used to transmit "picking instructions" in warehouses for retailers such as Amazon and ASOS. These devices are also used to track workers' movements and record the time taken to perform tasks.
- **Recording of telephone calls** - prevalent in call centres. Calls are routinely monitored for "quality and training purposes" but call recordings can also be used for performance management and disciplinary reasons.
- **Monitoring of software usage**, including website logs, photocopier use, email use, as well as phone usage.
- **Digital software, including fingerprinting and iris recognition**, as well as micro-chipped security passes to monitor attendance and whereabouts at workplace premises.
- **Use of mystery shoppers/mystery customers** (e.g. in the retail and banking sector or mystery passengers in transport sector).

## GMB Model Pregnancy and Maternity Agreement

### Statement of principles

**(Name of employer)** commits to being a best practice, family-friendly employer and recognises that fulfilling the agreements in this document will help retain working mothers and shows recognition of them as an essential part of the workforce.

**(Name of employer)** agrees that no woman should face discrimination because she is pregnant, on maternity leave or for any other reason linked to her pregnancy or maternity.

**(Name of employer)** will ensure that women and employers understand their rights and obligations and if any complaints are made that they will be dealt with promptly and fairly. All managers should be trained in handling pregnancy and maternity issues.

All agreements in this document apply to all workers regardless of how long they have been employed.

### Notice of pregnancy

It is up to the woman when she chooses to tell her employer she is pregnant but to qualify for maternity leave she should do this at least 15 weeks before the baby is due. She must tell the employer the expected week of childbirth and the date she intends to start maternity leave.

The employee should notify her employer in writing and she should give her employer a 'MAT B1' form which is the certificate issued by the midwife stating the expected week of childbirth.

If the employee wishes to change the start date of her maternity leave she must give the employer 28 days' notice and within 28 days she will receive in writing her new return to work date assuming she is taking all her maternity leave.

**(Name of employer)** will tell the pregnant employee about any policies which cover pregnancy, maternity leave and other parental leave rights. She may need advice about time off for antenatal care.

**(Name of employer)** can assign a mentor for the pregnant employee, usually someone who has gone through the experience before and can provide them with advice and support.

### Antenatal care

Antenatal care is essential for monitoring and ensuring the health of the mother and unborn child. Employees are entitled to reasonable time off on full pay for antenatal care. Women working part-time are also entitled to take these appointments in their normal working time if this is when the appointment falls.

It is important for fathers to be involved and they will receive paid leave to attend two antenatal appointments.

### Fertility treatment

An employee undergoing fertility treatment will be entitled to reasonable, paid time off to undertake fertility treatment.

**(Name of employer)** will, if the need arises, discuss flexible working arrangements with the employee for the duration of the treatment.

### **Health and safety**

**(Name of employer)** will ensure that a health and safety risk assessment is carried out as soon as a woman tells her employer she is pregnant.

Risks can include:

- heavy lifting or carrying;
- standing or sitting for long periods without breaks;
- exposure to toxic substances; and
- long working hours.

If the risks cannot be avoided, the employee must be offered different suitable work. If this is not possible the pregnant worker must be suspended on full pay for as long as necessary.

A second health and safety risk assessment will be carried out when the woman returns from maternity leave.

### **Maternity leave**

By law all pregnant employees have the right to 52 weeks' maternity leave from day one of employment.

**(Name of employer)** agrees that a pregnant woman does not need to start her maternity leave until she is ready to do so and if she suffers from a short period of illness in the last four weeks of her pregnancy this can be treated as normal sickness absence.

In larger organisations the employee may take a five year career break and be entitled to return to a job at a similar level to the one she left.

Adoption leave is similar to maternity leave. Adoptive parents are entitled to 52 weeks' leave payable at the same rate as maternity leave.

### **Maternity pay**

Maternity pay is essential to ensuring that women are not forced back into work before they are ready. While the law states that SMP is only available to workers who have 26 weeks' service by the 15<sup>th</sup> week before the baby's due date, **(Name of employer)** recognises all employees should be entitled to this and gives contractual rights from day one of employment.

Statutory Maternity Pay (SMP) is paid for 39 weeks. The first six weeks are paid at 90% of average weekly earnings and the next 33 weeks is paid at £140.98 (as of 2 April 2017) or 90% of average weekly earnings if this is lower. **(Name of employer)** recognise that statutory maternity pay is very low. **(Name of employer)** will pay 26 weeks' full pay followed by half pay for the remaining statutory maternity leave.



Maternity pay is based on average weekly earnings over the two months or eight weeks before the 15<sup>th</sup> week before the due date. Workers can lose out if their earnings are low over this period, for example, because of term-time working or being on sick pay. If the calculation includes unpaid or low-paid time, **(Name of employer)** agrees to disregard these periods.

**(Name of employer)** agrees that contractual maternity pay does not need to be repaid if the employee does not return to work or leaves shortly after her return to work. As an alternative, **(Name of employer)** offers a return to work bonus.

### **Maternity rights**

Employees on maternity leave are entitled to all their normal terms and conditions of employment, such as earning annual leave and receiving the same annual pay rise as any other employee. Only their wages or salary will be affected.

If they have any leave remaining when they go on maternity leave this can automatically be transferred to the next period of annual leave. They do not need to use this leave up before they go on maternity leave.

The employer should keep them informed of any changes in the workplace such as job vacancies and make sure they are considered for any promotions. They should also be told about any training opportunities and be sent any relevant newsletters.

### **Keeping in Touch days**

**(Name of employer)** will discuss with the employee how they want to be communicated with while they are on maternity leave.

An employee on maternity leave can choose to work 10 days without it affecting her statutory maternity pay. These Keeping in Touch (KIT) days can make the return to work easier. The days can, for example, be used for training, team meetings or special work events.

Employers are not required to pay for KIT days but **(Name of employer)** recognises the value in maintaining contact with the employee on maternity leave and agrees to pay the employee's full contractual day rate.

No pressure will be placed on women to come in for KIT days.

### **Notice of return to work**

By law the employee must give eight weeks' notice to change her return date. **(Name of employer)** recognises that this is a very long period of time and will accommodate her request within four weeks.

### **Redundancy**

If redundancies occur the employee on maternity leave must be offered a suitable alternative vacancy if one is available and she does not need to apply for it. If this is not possible she may be made redundant but it is unlawful to select a woman for redundancy because she is pregnant or on maternity leave.

A woman on maternity leave must be consulted about any possible redundancies.

## **Pensions**

The law only requires employers to continue occupational pension contributions during the paid part of any maternity leave.

**(Name of employer)** agrees that it is unfair for women on maternity leave to miss out because they have no income or are on a reduced income.

**(Name of employer)** agrees that a woman on maternity leave will only pay into the scheme based on her current income but she will get the same benefits as if she were on her full wage.

If she misses pension contributions due to a period of being unpaid she will when she returns to work be able to make up the missed contributions at a favourable rate.

## **Returning to work**

It is usual for an employee to return to the same job she had before she went on maternity leave. While it is legally possible to change the job if the employee is returning from additional maternity leave the job must be a suitable alternative.

The return to work can be difficult so **(Name of employer)** offers a phased return to make the transition easier. This could for example include flexible start and finish times.

## **Breast feeding**

Employers are legally required to provide a place for pregnant and breastfeeding mothers to rest and to provide suitable facilities for expressing and storing milk. A toilet or sick room is not appropriate.

**(Name of employer)** will find out from the employee before she returns to work what she needs so that there is enough time for suitable arrangements to be made.

## **Childcare**

Quality, reliable childcare is essential to helping parents stay in work. **(Name of employer)** will pay a childcare allowance. Up to 10 days' paid dependency leave is also available to parents with children under 18 to help with, for example, sickness, a breakdown in childcare and medical appointments.

## **Flexible working**

**(Name of employer)** recognises that offering flexible working will help parents balance their work and home lives more effectively and offers a range of flexible working options such as part-time working, compressed hours and job-shares.

Only in exceptional circumstance will a request for flexible working not be accepted.

Employees will also have the right to return to their original working hours/ pattern after an agreed period of flexible working.

## **Ordinary paternity leave**

New fathers are entitled to up to two weeks' paternity leave during the eight weeks following the birth.

By law this leave is paid at a rate of £140.98 (from April 2017). **(Name of employer)** recognises the importance of taking this time off and agrees to pay two weeks' paternity leave at full pay.

### **Shared parental leave (SPL)**

SPL means the mother can choose to share her maternity or adoption leave and statutory pay with her partner if he is also eligible for SPL. SPL must be taken in the baby's first year and a maximum of 50 weeks can be shared between the parents from two weeks after the baby is born.

**(Name of employer)** agrees that all fathers and partners are entitled to SPL as a day one right as it is important that childcare is shared between the parents. **(Name of employer)** commits to publicising SPL across the workforce.

**(Name of employer)** agrees that to encourage the take-up of SPL it will contractually enhance pay and benefits for fathers and partners on SPL to those currently available to women employees who are on maternity leave.

**(Name of employer)** agrees to work with parents taking SPL to accommodate their requests on how they wish to split the leave.

### **Miscarriage, still births and premature births**

If the employee has a miscarriage prior to the 25<sup>th</sup> week of pregnancy any initial absences are treated as sick leave and this sick leave will be recorded separately to other forms of sick leave so it cannot be referred to in any redundancy or disciplinary cases.

**(Name of employer)** recognises that this can be a difficult time and employees may also need to take compassionate leave or unplanned annual leave.

If a baby is born prematurely they may need extra care and a longer stay in hospital.

**(Name of employer)** agrees that mothers of a premature baby will have an extra week of maternity leave for every week that the baby is born prematurely.

If a stillbirth or neonatal death occurs after the 24<sup>th</sup> week of pregnancy the employee is entitled to the same maternity leave and pay as if the pregnancy had reached full-term.

### **Negotiators' checklist**

- ✓ All women are eligible for pregnancy and maternity rights regardless of when they joined the organisation.
- ✓ All pregnant employees are to be properly informed about any policies which cover pregnancy, maternity leave and other parental leave rights.
- ✓ Pregnant employees are to be assigned a mentor who can provide them with advice and support.
- ✓ Partners and fathers are to receive paid leave to attend two antenatal appointments.

- ✓ Employees undergoing fertility treatment will be entitled to reasonable, paid time off.
- ✓ Pregnant employees do not need to start their maternity leave if they just have a short period of illness in the last four weeks of pregnancy.
- ✓ In larger organisations the employees may take a five year career break and be entitled to return to a job at a similar level to the one they left.
- ✓ A health and safety risk assessment will be carried out as soon as a woman tells her employer she is pregnant and also on her return to work.
- ✓ Contractual maternity pay should be set at a minimum of 26 weeks' full pay followed by half pay for the remaining statutory maternity leave.
- ✓ Periods of low pay due to factors such as sick leave should not be used towards calculating maternity pay.
- ✓ Contractual maternity pay does not need to be repaid if the employee does not return to work. A return to work bonus should be offered as an alternative.
- ✓ Employees on maternity leave should be kept informed of any changes in the workplace.
- ✓ The employer will discuss with the employee how they want to be communicated with while they are on maternity leave.
- ✓ Keeping in Touch (KIT) days will be paid at the employee's full contractual day rate.
- ✓ No pressure will be placed on women to come in for KIT days.
- ✓ Employees must give four weeks' notice if they want to change their return to work date (not eight weeks).
- ✓ Employees will not miss out on pension contributions because they are on maternity leave so periods of no income and reduced income will be compensated for.
- ✓ Employees will be offered a phased return after maternity leave to make the transition easier.
- ✓ Only in exceptional circumstances will a flexible working request not be agreed.
- ✓ Employees on maternity leave will be asked what breastfeeding facilities they need ahead of their return to work.
- ✓ Employees with children under 18 will receive a childcare allowance and have access to 10 days' paid dependency leave.

- ✓ Fathers and partners will be offered two weeks' paternity leave at full pay.
- ✓
- ✓ The right to Shared Parental Leave will be fully publicised to fathers and they will be offered the same enhanced pay and benefits as women employees on maternity leave.
- ✓ If a woman suffers a miscarriage, as well as being legally entitled to sick leave, she may also take compassionate leave and unplanned annual leave.
- ✓ If a baby is born prematurely they may need extra care so the mother will be entitled to an extra week of maternity leave for every week that the baby is born prematurely.
- ✓ The employer will monitor the take-up of pregnancy and maternity provisions and the results will be available to staff.

## Further information

[www.gmb.org.uk/](http://www.gmb.org.uk/)

## Your GMB Region

**TUC Pregnancy discrimination webpages:** [www.tuc.org.uk/equality-issues/gender-equality/pregnancy-discrimination](http://www.tuc.org.uk/equality-issues/gender-equality/pregnancy-discrimination).

**WorkSMART**, a TUC website providing free comprehensive, plain-English guides to employment rights, health and safety, pay and pensions and an interactive trade union finder: [www.workSMART.org.uk](http://www.workSMART.org.uk).

## **Equality and Human Rights Commission webpages:**

[www.equalityhumanrights.com/en/our-work/managing-pregnancy-and-maternity-workplace](http://www.equalityhumanrights.com/en/our-work/managing-pregnancy-and-maternity-workplace)

**Working Families:** [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk);  
email: [advice@workingfamilies.org.uk](mailto:advice@workingfamilies.org.uk); helpline: 0300 012 0312.

**SPLasH**, a not-for-profit web resource with advice on shared parental leave: [www.sharedparentalleave.org.uk](http://www.sharedparentalleave.org.uk).

## **Equality Advisory and Support Service**

**(EASS):** [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com); helpline: 0808 800 0082.

**Advisory, Conciliation and Arbitration Service (Acas):** [www.acas.org.uk](http://www.acas.org.uk); Acas

Helpline: 0300 123 1100; Acas Helpline Online (database of frequently asked questions): [www.acas.org.uk/index.aspx?articleid=4489](http://www.acas.org.uk/index.aspx?articleid=4489)

**GOV.UK:** government website providing basic information about legal rights: [www.gov.uk/working-when-pregnant-your-rights](http://www.gov.uk/working-when-pregnant-your-rights).

**Health and Safety Executive (HSE) New and Expectant Mothers webpage:** [www.hse.gov.uk/mothers](http://www.hse.gov.uk/mothers), with Frequently Asked Questions.

The HSE does not run an advice line. There is information on the HSE website explaining how to make a complaint to the regulator about health and safety at work, and which regulator to contact: [www.hse.gov.uk/contact/authority.htm](http://www.hse.gov.uk/contact/authority.htm).

**Government Women and Equalities website:**  
<https://www.gov.uk/government/organisations/government-equalities-office>

**Labour Research Department booklet:** Supporting pregnant workers – a union rep’s guide. Website: [www.lrd.org.uk](http://www.lrd.org.uk), telephone: 020 7928 3649

## GMB Model Agreement on Domestic Abuse

### **Principles and acknowledgement as a workplace issue**

[Employer] condemns domestic violence and abuse, views it as unacceptable in any form and seeks to raise awareness and develop a workplace culture where it is seen as unacceptable.

[Employer] acknowledges that we have a responsibility for the health, safety and welfare of our staff and are committed to working with the GMB to help any member of staff experiencing domestic abuse. This will be done in a sensitive, non-judgmental, confidential and effective manner.

[Employer] will respond sympathetically to any member of staff who discloses that they are experiencing domestic abuse, while respecting their right to privacy if they do not wish to do so.

We understand that domestic abuse may have a range of impacts at the workplace and can affect an employee's performance. It causes distress to those experiencing it and can result in lower productivity and absenteeism. In some cases, acts of abuse take place in the workplace itself.

### **Definition of domestic abuse**

Domestic abuse is the physical, emotional, sexual or mental abuse of one person by another with whom they have or have had a close relationship. Perpetrators are frequently current or previous intimate partners but may also be family members and former close friends.

The government defines domestic abuse as:

"Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional

Domestic abuse includes a wide range of behaviours, including physical violence, rape and sexual violence, sexual harassment, psychological/emotional abuse, stalking, so-called "honour" crimes, economic or financial abuse (for example control over access to money, property or telephone)

The vast majority of perpetrators are men and most who experience it are women, though it also occurs in all social groups irrespective of gender, sexual orientation,

ethnicity, class, nationality, religion, cultural background, disability, marital status or age.

## **Duties of employer**

[Employer] recognises that it has a legal duty to ensure workers have the right to work in a healthy and safe workplace with due regard to their wellbeing. In particular it acknowledges its duties under the Health and Safety at Work Act (1974), the Management of Health and Safety at Work Regulations (1992), Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (1995) and the Health and Safety (Consultation with Employees) Regulations (1996).

It also recognises that domestic abuse is an equality issue and undertakes not to discriminate against anyone who is or has been experiencing it.

## **Responsibilities**

[Employer] and GMB representatives will work co-operatively to help staff who experience domestic abuse.

There will be a named member of management who has been trained to support individuals experiencing domestic abuse and to whom an individual can choose to disclose that they are experiencing it. This individual will be equipped to signpost individuals to support services where appropriate.

In addition [Employer] will ensure that line managers are generally made aware of the issue of domestic abuse and will be expected to respond sympathetically and confidentially to anyone disclosing they are experiencing it. They will treat sympathetically individuals who have difficulties with work as in “Support for individuals” below.

[Employer] will provide guidance for GMB representatives in supporting individuals experiencing domestic abuse and signposting them to further help should they choose to disclose the matter to a GMB representative.

### **Identification of problem**

[Employer] strongly encourages staff experiencing domestic abuse to disclose this for their own safety and others in the workplace but respects employees’ right to privacy.

It also encourages employees to report in confidence if they suspect a colleague is experiencing domestic abuse.

It is the prerogative of individuals themselves to identify that they are experiencing abuse but there are some potential warning signs. These may include:

- obvious effects of physical abuse;
- a drop in performance;



- significant change in behaviour, such as secrecy or depression;
- poor attendance or frequent sickness or lateness; and
- signs that the individual suddenly prefers to be at work rather than at home.

There may be other reasons for these symptoms. Equally the problem may be signalled by other behaviours.

## **Confidentiality and privacy**

If an employee does disclose that they are experiencing domestic abuse, [Employer] undertakes to:

- observe strict confidentiality and to ensure no personal details are disclosed without the express permission of the employee; and
- ensure that employee records of victims of domestic abuse will be confidential.

However, this cannot be categorically assured where there are concerns about children, vulnerable adults or employees.

## **Support for individuals**

Where domestic abuse has been reported, line managers will treat unplanned absences and temporary poor timekeeping sympathetically.

Other support will be available as needed, including:

- paid leave to attend appointments, including with support agencies, solicitors, to rearrange housing or childcare, and for court appointments;
- flexibility over sickness absence policies, as staff experiencing abuse may suffer increased sickness;
- temporary or permanent changes to working times and patterns;
- redeployment or relocation, or changes to role to avoid potential contact with an abuser in a customer facing role; where name badges are worn by staff they may be changed to pseudonyms if required;
- measures to ensure a safe working environment, for example changing a telephone number to avoid harassing phone calls;
- using other existing policies, including flexible working;
- access to counselling/support services in paid time; and
- an advance of pay.

Other existing provisions (including occupational health, independent counselling services) will also be signposted to staff as a means of help.

## **Secure workplace**

Where required and where practicable, a secure workplace will be provided to prevent unauthorised people from entering the location. Where the workplace is

accessible to the public, there will be systems in place for raising the alarm.

Lone working should be avoided if requested by an individual experiencing domestic abuse, or if it is unavoidable there will be a system for raising the alarm.

## **Dealing with employees who are perpetrators**

[Employer] condemns domestic abuse perpetrated by employees and considers such acts to be in breach of the employee code of conduct. This includes use of workplace facilities, such as telephone or email, to commit domestic abuse.

Allegations will normally be dealt with rigorously under the Disciplinary Procedure.

Should a perpetrator approach [Employer] for help to correct their behaviour, [Employer] will provide information on services available and encourage them to follow such a path.

If the perpetrator and individual experiencing domestic abuse both work for [Employer], [Employer] will consider both disciplinary action and immediate action to minimise the potential for them to come into contact in the workplace.

## **Further information and helplines**

[www.gmb.org.uk/](http://www.gmb.org.uk/)

### **Your GMB Region**

Women's Aid [www.womensaid.org.uk](http://www.womensaid.org.uk)

A national charity working to end domestic abuse against women and children. It is a federation of some 220 organisations, and provides support, information, training and qualifications.

Welsh Women's Aid [www.welshwomensaid.org.uk/](http://www.welshwomensaid.org.uk/)

Scottish Women's Aid [www.scottishwomensaid.org.uk](http://www.scottishwomensaid.org.uk)

Refuge <http://www.refuge.org.uk/>

Refuge supports through a range of services, including refuges, independent advocacy, community outreach and culturally specific services.

National Domestic Violence Helpline - 0808 2000 247\*

This is a 24-hour Freephone which can give support, help and information to women experiencing domestic abuse there. The service is staffed by fully trained female workers and volunteers and is run in partnership between Women's Aid and Refuge.

Men's Advice Line – 0808 801 0327\*

This is a confidential helpline for men experiencing domestic violence. Calls are free from landlines and most mobiles.

National LGBT Domestic Abuse Helpline - 0800 999 5428\*

This provides emotional and practical support for LGBT people experiencing domestic abuse, but is not a 24-hours service. For opening times go to:  
<http://www.galop.org.uk/domesticabuse/>

National Domestic Abuse And Forced Marriage Helpline Scotland - 0800 027 1234  
This is a 24/7 helpline run by Scottish Women's Aid

**If a person is in immediate danger they should call 999.**

\*Phone numbers current as at February 2017

### **Checklist**

- ✓ Employer should unequivocally condemn domestic abuse
- ✓ Definition of domestic abuse must be wide-ranging and not restricted to violence
- ✓ Confidentiality must be assured except in exceptional circumstances
- ✓ Line managers must be flexible over temporarily poor time keeping and performance
- ✓ Leave (preferably paid) should be offered for relevant appointments or other needs
- ✓ Employee's work situation to be made secure where appropriate