

ENERGY SERVICES AGREEMENT



Trade Union
Representation
and Workforce
Engagement COP

Trade Union Representation and Workforce Engagement COP

Code of Practice

This Code of Practice (COP) has been developed to support employees, employers, their clients, and trade unions with regards to trade union workforce representation, employee representation and workforce engagement for offshore employees based on the UKCS.

Simplification, fairness, and transparency are promoted in the developing of this COP. Support will be provided to ensure all stakeholders are familiar with the content, where they can be found and how they work in practice.

Employers are requested to ensure all employees are treated equally and fairly.

Employee relations

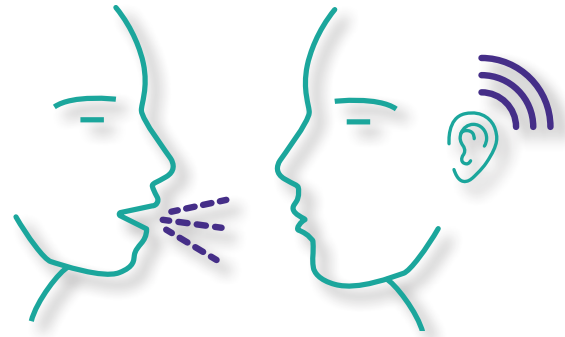
According to Chartered Institute of Personnel and Development (CIPD) employee relations has replaced industrial relations as the term for the relationship between employers and employees.



A positive climate of employee relations, with high levels of employee involvement, commitment, and engagement, can improve business outcomes as well as contribute to employees' wellbeing. Some areas to consider when developing an employee relations strategies include:

Build, maintain and strengthen relationships.

Talk when you don't need to talk, set up regular sessions between management, human resources, the trade unions and the workforce via their trade union workforce representatives or employee representatives. Share information, provide business updates, updates on projects etc. and build relationships out with formal meetings and consultations. Many companies spend and dedicate a lot of time and attention to building relationships with clients, this same effort is required for employee representatives and the trade unions.



Identify the risk and mitigations. If a company has identified employee relations issues, industrial relations issues, or threats of industrial action within their business risk registers, these risks should be mitigated with positive action. Investing time and effort when relationships are stable and positive will pay dividends if any issues do arise. Trying to build trust and confidence at a time where relationships are challenged will take the focus away from dealing with the root problems and divert attentions away from the real issues.

Skills and attributes. Identifying the skills and attributes required to help build, maintain, and strengthen positive employee relations and create a plan to achieve. This could include running joint training sessions for managers, human resources, and employee representatives to support



the sharing of views, understandings, perspectives. The result for all involved is to find a solution that works best for everyone involved and this requires skills in problem solving, listening, empathy and compromise. Working through realistic but not live scenarios will help all stakeholders see the issues from the other perspective but without being emotive and heated.

Roles and expectations. Have a good understanding of the role of Human Resources, Line Management, TU Officials and TU Reps (including Employee Reps) will help see where that individual is coming from. Acknowledging that each role is important and requires respect to be shown. Having to represent the views of the business or the workforce is not a task to be taken lightly and respect should be shown at all times for all involved.

Trade Union Representation

The **Energy Services Agreement** recognises three signatory trade unions for the purposes of collective bargaining across the specified bargaining unit as outlined within section 1.2 Scope and Principles of the ESA. The signatory trade unions are the GMB, the RMT and Unite the Union.



The employers recognise the value and rights of any employee to join a trade union, hold office within a trade union and benefit from trade union representation however, all signatories accept that there is no obligation for employees to become members of a trade union. On commencement of employment, employers will make it known to all employees which trade unions are signatories to the ESA. It is acknowledged that all trade union members will be subject to the rules and constitution of that trade union.

The Fair Work Dimensions



Fair work is work that offers all individuals an effective voice, opportunity, security, fulfilment, and respect.

- It balances the rights and responsibilities of employers and workers.
- It generates benefits for individuals, organisations and society.





Find out more about the Fair Work Framework via this animation
<https://youtu.be/beb3GG8r9X0>

The role of Trade Union Workforce Representatives

Trade union workforce representatives shall be elected from the existing workforce in accordance with the rules of their trade union to act on its behalf.

Prior to election, the nominees should be fully aware of the role, what the expectations are, be satisfied they have the overall experience and capability to carry out the duties and tasks as required. ACAS has produced a guide that provides more information, **Trade Union Representation in the Workplace** which you are encouraged to read.



Due to the requirements of the energy industry, including specific safety requirements it is suggested that nominees should have at least 2 years industry experience.

The employers recognise the rights of the employees to elect trade union workforce representatives but due to the very special nature of the work on an offshore installation and the special safety requirements, representatives may only convene meetings on the offshore installation in accordance with the rules set out by the Offshore Installation Manager (OIM). Otherwise, their representational functions will not be affected.

Every effort will be made to facilitate paid time off for accredited representatives to attend to their duties, attend training to aid and enhance their role and to participate in the Workforce Engagement Forums. This will be in line with the **ACAS Code of Practice on time off work for trade union duties and activities**.



The role of an Employee Representative

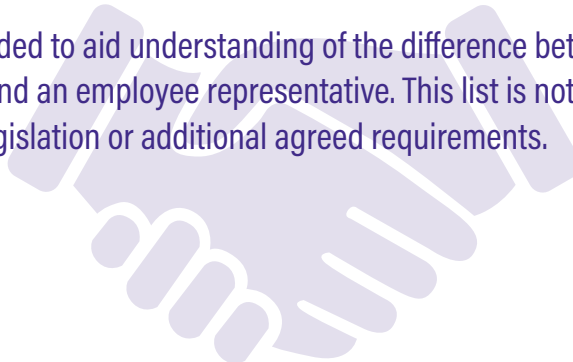
Employee representatives are elected or nominated from the workforce as outlined in employing company guidance.

Employee representatives should be fully aware of the role, what the expectations are, be satisfied they have the overall experience and capability to carry out the duties and tasks required. Within the guidance provided by the employing company it will provide details on the remit of the role and include what the boundaries are.

Employee representatives may be requested to take on an engagement and communications role, they may be elected to represent employees during a consultation process however, it must be recognised this is a separate remit to that of nominated and elected trade union representatives. There are no restrictions on employees fulfilling both types of representative roles at the same time.

Employing company guidance will also outline what facilities are available, expectations of how information is gathered and shared, with training on how to be a successful representative provided up front.

The following table is intended to aid understanding of the difference between a trade union workforce representative and an employee representative. This list is not exhaustive and may be amended in line with legislation or additional agreed requirements.



	Trade Union Workforce Representatives	Employee Representatives
Appointment	Elected by trade union members of officially recognised trade unions	Elected by employer's workforce
Responsibilities	Remit is governed by Trade Union legislation and own trade union rules	Remit is specified within employing company guidance.
Duties	<p>Examples of duties and responsibilities</p> <ul style="list-style-type: none"> ■ Negotiating pay, terms and conditions ■ Supporting union members at disciplinary and grievance meetings ■ Representing union members at consultation meetings e.g., redundancy ■ Communicating and seeking feedback from workforce to ensure views are heard and shared 	<p>Examples of duties and responsibilities</p> <ul style="list-style-type: none"> ■ Gathering and sharing views on behalf of the workforce ■ Providing a focal point role between management and workforce ■ Representing fellow employees at consultation meetings e.g., redundancy consultation ■ Communicating and seeking feedback from workforce to ensure views are heard and shared
Time off	Set by legislation, with specific rights to paid time off to fulfil role.	As outlined within the employing company guidance.
Training	Training provided by trade union	Training provided by employer
Register of Reps	Notified to employers by Trade Union Officials	Employers hold list of employee representatives

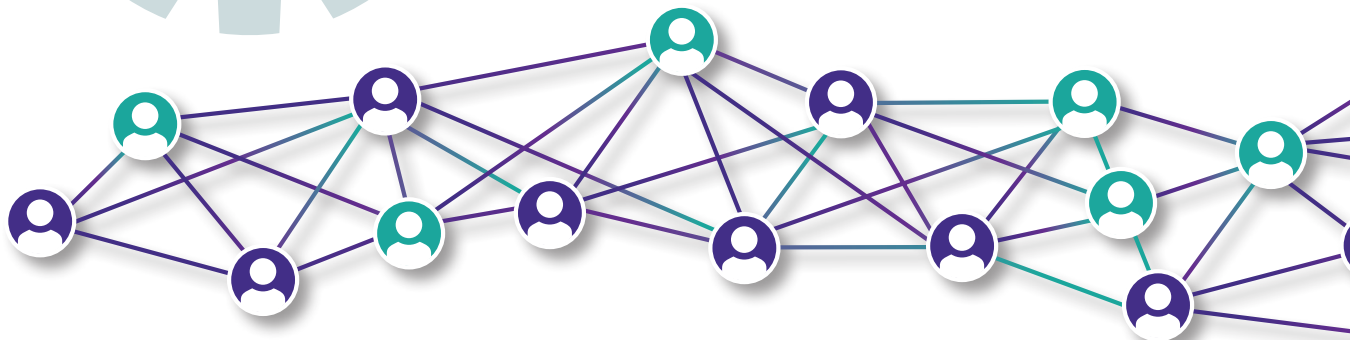
Workforce Engagement Forum

All signatories to the ESA will meet quarterly, including trade union workforce representatives and employee representatives via planned and organised workforce engagement forums. The remit of these forums will be governed by an agreed term of reference. With the purpose outlined as follows.

- To support the strategic objectives of the Energy Services Agreement, actioning and achieving objectives set by ESA Signatories.
- To discuss, debate and provide guidance regarding non-financial updates to the Energy Services Agreement in line with legislation, updated industry requirements and that benefit the efficient and effective running of the agreement, prior to ESA Signatories approval.
- To increase employee voice across the scope of the Energy Services Agreement.



This supports the signatories' vision of the ESA being a 'living document' which is considered vital to capture the changing nature of the energy sector and enable companies and their employees to adapt and transition to zero carbon operations.

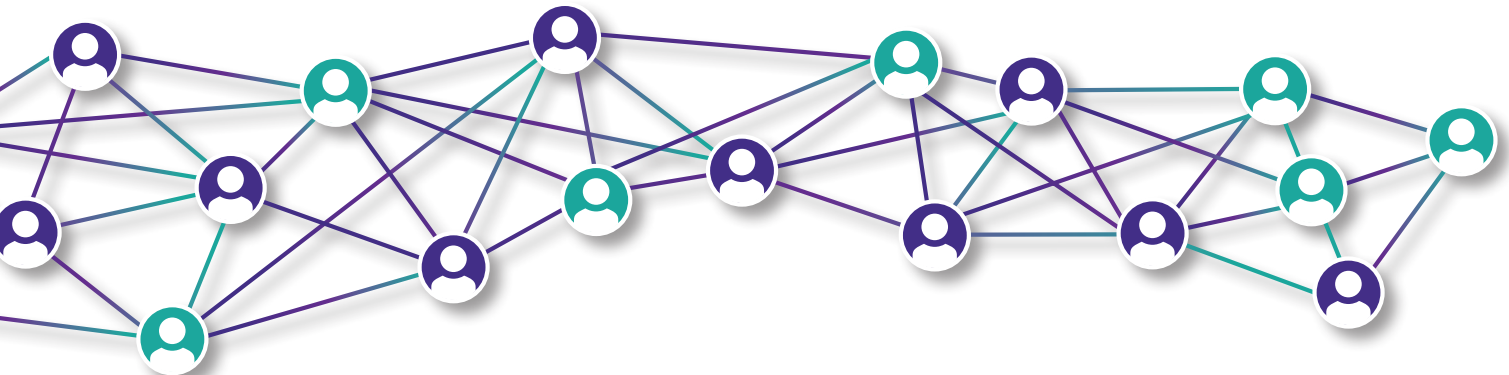


The signatories to the ESA fully support the Scottish Government's fair work Framework and the requirement to ensure the effective voice of all employees, therefore there is a desire to increase the number of trade union workforce representatives along with encouraging the involvement of employee representation. The signatories are keen to see a spread of representation across all locations of the industry and are encouraging employees to put themselves forward.



Through the Workforce Engagement Forum, it is our intention to address and resolve issues that concern and impact all stakeholders, recognising that our industry is changing, and we need to do things differently. Everyone deserves to feel like they belong, that they can and are adding value, and that their views and opinions matter. As detailed within the ESA any changes that will have a financial impact on the terms and conditions outlined in the agreement, will be restricted to ESA Signatory representatives and the trade union workforce representatives via a separately convened negotiations team.

If you want to get involved speak with your employer, trade union or email the ESA team on **esa@oguk.org.uk**



ENERGY SERVICES AGREEMENT

The information contained herein is given for guidance only. These codes of practice are not intended to replace professional advice and are not deemed to be exhaustive or prescriptive in nature. Although the authors have used all reasonable endeavours to ensure the accuracy of these guidelines neither OGUK nor any of its members assume liability for any use made thereof.

In addition, these codes of practice have been prepared on the basis of practice within the UK Continental Shelf and no guarantee is provided that these codes of practice will be applicable for other jurisdictions.

Within these codes of practice, the word 'shall' is only used when the instruction is explicit in legislation or physical laws. Otherwise, the word 'should' indicates the Work Group's understanding of current good practice. "May" is used where there are alternatives available and either, or anyone, of those alternatives is acceptable; in these instances, the employers will have to use its best technical judgement to decide which is preferable in the situation.

While the provision of data and information has been greatly appreciated, where reference is made to a particular organisation for the provision of data or information, this does not constitute an endorsement or recommendation of that organisation.



oilandgasuk.co.uk

 [@oilandgasuk](https://twitter.com/oilandgasuk)

info@oilandgasuk.co.uk

 Oil & Gas UK

