

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by Head of Human Resources and Organisational Development**

**Joint Consultative Forum – 11 December 2009**

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#### **Subject: Trade Union Recognition and Facilities Agreement**

##### **1. Purpose**

- 1.1** To report back to JCF on the development of the proposed Trade Union Recognition and Facilities Agreement which was jointly developed by management and trades union representatives and outlines mutually agreed arrangements.
- 1.2** The introduction of a Trade Union Recognition and Facilities Agreement is critical in underpinning key legislative requirements and will support the promotion of positive employee relations practices within the Council.

##### **2. Background**

- 2.1** West Dunbartonshire Council is committed to working in partnership with the recognised Trades Unions in promoting and developing good employee relations, and ensuring the effectiveness of relationships between the Council and the Trades Unions. The Council supports the system of collective bargaining and the principle of resolving employee relations problems by discussion and agreement. It recognises that it is vital to good employee relations for the workforce to be properly represented by recognised Trades Unions and that truly representative and effective Trade Unions will enhance workforce employee relations.
- 2.2** The Trade Union and Labour Relations (Consolidation) Act 1992 (S168(1) and (2)) makes provision for employees to be given the right for time off under various circumstances. A local Trade Union Recognition and Facilities Agreement would set out mutually agreed working arrangements and address issues previously raised by trade union representatives at both a local and corporate level in respect of time off.
- 2.3** In March 2009 the JCF agreed that a short life working group consisting of management and trades union representatives be established to develop the Trade Union Recognition and Facilities Agreement which would incorporate the principles of the ACAS Code of Practice - (Time Off for Trade Union Duties and Activities) and would also specify trade union recognition and how reasonable time off for trade union duties, activities and training would work.

### **3. Main Issues**

- 3.1** In the absence of an agreed Trade Union Recognition and Facilities Agreement the Council does not have a clear framework within which to take forward collective bargaining arrangements, employee relations matters, or facilities for time off to support Trade Union duties and activities. This has resulted in inconsistencies in practice across the Council.
- 3.2** The working group recognised that both the employer and the union have a joint responsibility to ensure that agreed arrangements work to mutual advantage by specifying how reasonable time off for trade union duties, activities and training will work. The Trade Union Recognition and Facilities Agreement was developed through the working group and incorporate the principles contained within the ACAS Code of Practice and covers the following areas:
- Details of the recognised trades unions
  - Notification of accredited trade union officials/representatives
  - Entitlement to time off for trade union duties/activities/training
  - Payment for time off
  - Training
  - Process for requesting time off
  - Complaints
  - Trade Union facilities
  - General considerations

The draft Agreement is attached at Appendix 1

#### Full-time Convenor

- 3.3** The remit of the working group included the development of a role profile for the position of Trade Union Convenor which would be evaluated under the Council's job evaluation scheme. However this matter was not progressed as UNISON made their view clear that a role profile and job evaluated grade for the role would mean the post was regarded as a council position which could not be supported by them. They clarified their position that where time off is granted for an individual to undertake the role of trade union Convenor on a full-time basis the individual must be paid the rate of pay for their substantive post and not a pre-determined rate set through the job evaluation process.
- 3.4** This was not the view of all unions and therefore the Agreement clarifies that where an individual is released on a full-time basis to undertake the role, they will be paid at the rate of their substantive post, or can be matched across to an appropriate predetermined grade in situations where

the individual is employed in a lower graded post which does not reflect fairly the requirements of the role. This would be agreed prior to appointment.

#### Impact Assessment

- 3.5** The Council has a statutory duty to carry out impact assessments in relation to race, disability and gender equality on any new policy and the impact assessment report is included at Appendix 2.

#### **4. Personnel Issues**

- 4.1** The establishment of a clear framework for trade union recognition and facilities is critical for the promotion and maintenance of effective employee relations.

#### **5. Financial Implications**

- 5.1** It is not anticipated that there will be any additional financial implications associated with the introduction of a Trade Union Recognition and Facilities Agreement.

#### **6. Risk Analysis**

- 6.1** Failure to implement agreed arrangements for time off for trade union duties/activities or training carries the risk of inconsistent practice across the Council which can impact on effective partnership working.

#### **7. Conclusions & Officers' Recommendations**

- 7.1** Employers and unions have a joint responsibility to ensure that agreed arrangements work to mutual advantage and the Trade Union Recognition and Facilities Agreement will establish clear working arrangements.
- 7.2** JCF is asked to support the proposed Trade Union Recognition and Facilities Agreement and note it will be progressed to the next Corporate and Efficient Governance Committee for approval.



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<b>Appendices:</b>	Draft Trade Union Recognition and Facilities Agreement Appendix 1 Summary Impact Assessment Appendix 2
<b>Background Papers:</b>	ACAS Code of Practice 3 – Time Off for Trade Union Duties and Activities
<b>Wards Affected:</b>	N/A