

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer – People & Technology****Corporate Services Committee: 6 November 2024**

Subject: Public Holiday Variations**1. Purpose**

- 1.1** The purpose of this report is to set out the proposed changes to public holiday allocation for local government and quasi-craft employees.

2. Recommendations

- 2.1** Committee is asked to approve the following:

- Replace the additional 4 public holidays for pre-2015 quasi-craft employees as per paragraph 4.9 with additional days transferred to annual leave entitlement.
- Replace 1 further public holiday (last Monday in September) for all employee groups, transferring the day to annual leave entitlement.
- Authorise the Chief Officer, People and Technology to implement public holiday variations from April 2025.

3. BackgroundTerms and conditions

- 3.1** The Council previously agreed a revised package of terms and conditions to support the national Single Status Agreement in 2009. One of the fundamental principles of this Scottish Joint Council (SJC) agreement was to harmonise the many disparate sets of conditions that existed at that time with the primary intention of achieving an equality-based package of terms and conditions.
- 3.2** Various incremental changes to further harmonise employment terms have been implemented, as follows:
- Alignment of annual leave accrual with SJC/Local Government (i.e., one additional day per year of service).
 - Application of the SJC Job Evaluation Scheme (JES) to the quasi-craft groups (N.B. Historically, the craft bargaining group were not a signatory to the SJC JES and therefore not covered by same. Over time, local amendments to the standard terms and conditions, including job evaluation of the roles, resulted in the 'quasi-craft' group that enjoys a mixture of terms and conditions.

- Strong encouragement by politicians, officers and trades unions that all employees join an occupational pension scheme (including via auto-enrolment) resulting in a 15% increase to 93% total membership.
- Introduction of new pay arrangements in 2015, including a 4-weekly cycle, removal of weekly pay, moving many processes online and enabling self-service resulting in improved experiences.
- Further simplification of pay frequency arrangements in 2023 with a temporary cessation of fortnightly pay, then becoming permanent in February 2024.

3.3 The Council has also focused on addressing the three main causes of occupational segregation, namely: gender stereotyping, inflexible working practices, and the undervaluing of roles and occupations. The approach included:

- Strong support of flexible working, with this being applicable to all roles, from application stage (recognised by the Council's inclusion within Top 10 Flexible Employers in UK).
- Support for carers through dedicated paid and unpaid leave and guaranteed interviews for parents returning to the workplace after a period out of the workplace.
- Having a robust job evaluation process which ensure all roles are jointly (employer and trade union) analysed following extensive data gathering from jobholders.

3.4 There are still different leave and public holiday entitlements for local government and quasi-craft employees, resulting in approximately 190 pre-2015 employees enjoying four more public holidays than the rest of the workforce.

3.5 Despite the difference in public holiday entitlement being repeatedly raised with the trade unions (2017, 2022, 2023, 2024), they have only recently confirmed acceptance that this exists. However, they remain insistent on retention of the higher number of public holidays for the predominantly male group of 190 workers with the GMB trade union advancing the proposal that all employees receive 12 public holidays with the consequential 4-day annual leave reduction.

3.6 As a result, an online survey was issued, available to all employees via the intranet and trickle engagement platform (both accessible via work and personal devices). The summary of responses is included in Appendix 1.

4. Main Issues

4.1 As a public sector employer, it is essential the Council continues efforts to future-proof terms and conditions of employment, delivering a package that is affordable within the funds available, is gender pay neutral and is otherwise considered fair in terms of consolidation of provisions across different categories of employee.

- 4.2** Analysis of the survey results showed: 29% of respondents (29%) supported a variation to the 8 public holidays voting for a reduction to 6 days; 54% voted for the current 8 days provision; and 83% of respondents rejected a reversion to 12 public holidays with the corresponding 4-day deduction of annual leave. The most popular day to convert to annual leave being the first Monday in May followed closely by the last Monday in September.
- 4.3** Many council services are delivered on a 24/7, 365-day basis and by employees who follow other religions and have different beliefs beyond the traditional Christian public holiday schedule. In recognition of these factors, many organisations are offering a more flexible approach to public holidays/annual leave to allow a diverse workforce to choose when to use leave for celebrations, holidays, religious festivals, and caring responsibilities.
- 4.4** With the trade unions now accepting that there is a difference between the terms offered to different groups of workers and there being a potential direct economic benefit to those in the pre-2015 predominantly male quasi craft roles (with overtime being available at enhanced rates for working days which are in other employee group's normal working days), it is essential that this difference is addressed to remove any perceived discrimination. Where universal agreement cannot be reached on how that is addressed then it may be necessary to impose the changes to arrangements to remove the perceived discrimination.
- 4.5** Consequently, to further support the provision of flexibility, and protect the Council interests, it is proposed that the public holiday entitlement is varied to 7 days (for all local government, quasi-craft employees) with the following declassified as public holidays and added to annual leave entitlement from April 2025:
- Last Friday and Monday in May*;
 - Third Monday in July*;
 - Last Friday in September*;
 - Last Monday in September (noting that while the first Monday in May was marginally more popular with respondents, this day is now most known as 'International Workers' Day' and, as such, it is considered appropriate to retain this public holiday).
- *currently only applicable to pre-2015 quasi craft employees.*
- 4.6** Subject to approval, the minimum paid (full) annual leave entitlement (the 7 public holidays are in addition to this) will increase, for all employee groups, to a minimum 26 days and maximum 36 days per annum
- 4.7** Reduction in the number of fixed public holidays with the addition to annual leave entitlement (as implemented in neighbouring authorities) would enhance service delivery to the residents of West Dunbartonshire, many of whom now expect a service on those days previously regarded as public holidays, as well as further enhancing the flexibility offered to those, predominantly female

employees, with caring responsibilities. Where agreement cannot be reached, it is proposed that the Council imposes the changes in order to address our wider public sector equality duties.

5. People Implications

- 5.1** Effective and regular monitoring and analysis of pay and remuneration is critical to ensure equality and sound people practice for all employees.
- 5.2** The changes proposed will increase the annual leave entitlements of all employees, thereby allowing greater flexibility. The new full-time equivalent (FTE) minimum would be 26 days, rising annually until the maximum 36 days is reached (including the additional day agreed for SJC and SJNC employees in 2022 and in addition to the proposed 7 public holidays). This entitlement is well above the statutory minimum (28 days including public holidays) and remains generous compared with other councils.

6. Financial and Procurement Implications

- 6.1** These changes are not expected to generate savings given the limited number of local government employees expected to work on the Monday of the September weekend. There is no requirement for any of the pre-2015 quasi-craft group to work on the additional 4 public holidays.

7. Risk Analysis

- 7.1** There is a risk of ongoing perceived discrimination from retaining the current leave provisions, as detailed above, and therefore continuing the difference in allocation.
- 7.2** Failure to make the proposed changes risks a challenge in terms of the wider public sector equality duties.

8. Equalities Impact Assessment (EIA)

- 8.1** Equalities Impact Assessments have been undertaken in relation to the above proposals, in addition to inclusion as appendices to the December Council report and which remain available as background papers.

9. Consultation

- 9.1** Discussions with the Trade Unions have continued throughout 2024 with public holidays featuring as a standing item at monthly meetings.
- 9.2** Formal proposals were submitted on 20 June 2024 to allow consultation with the workforce to commence.

9.3 The trade unions began consultation in August/September and at time of writing, GMB remain of the view that members want 12 public holidays (with a reduction of 4 leave days for local government workers), UNITE report that their members and reps are not in favour of a move from public holiday days transferring into annual leave days and UNISON have yet to formally respond beyond that their members are not in agreement.

10. Strategic Assessment

10.1 The proposals set out within this report will assist the Council to deliver against its strategic priority 'Our Council – Inclusive and Adaptable' by contributing to the underpinning objective: 'Our Council is adaptable and focused on delivering best value for our residents'.

Victoria Rogers

Chief Officer People & Technology

Date: 22 October 2024

Person to Contact:

Appendices:

1. Employee Survey Summary
2. EIA 1022 June 2024

Background Papers:

Council Report – Equality Review of Terms and Conditions, 22 December 2022; Appendices - Equality Impact Assessments
Demographic assessments of each element – submitted for negotiation Jan – April 2023
WDC Terms and Conditions (LGE) V3.6 - April 2021
Scheme of Pay and Conditions of Service (Craft Operatives)
Equal Pay Audit – Allowances remitted to JCF in December 2017

Wards Affected:

None