

# WEST DUNBARTONSHIRE COUNCIL

## Report by Director of Corporate Services

Corporate and Efficient Governance Committee - 26 May 2010

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### Subject: Trade Union Recognition and Facilities Agreement

#### 1. Purpose

- 1.1 To update Committee 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 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

#### 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 position clear that a role profile and job evaluated grade for the role would, in their view, 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 minimum grade, which will be no lower than the grade of the substantive post. This would be agreed by Council on appointment in recognition of an individual in a lower graded post taking up the role.

#### **4. People Implications**

- 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. Equalities Impact**

- 7.1** An Equalities Impact Assessment has been undertaken on the Agreement and there is no evidence of disproportionate application of the agreement to any equalities group.

#### **8. Conclusions & Recommendations**

- 8.1** Employers and unions have a joint responsibility to ensure that agreed arrangements work to mutual advantage. The Trade Union Recognition and Facilities Agreement will establish clear working arrangements which will enable requests for time off to be managed in a fair and effective manner.
- 8.2** Committee is asked to support the introduction of the proposed Trade Union Recognition and Facilities Agreement as contained at Appendix 2.

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**Appendices:** Appendix 1 - Draft Trade Union Recognition and Facilities Agreement

**Background Papers:** ACAS Code of Practice 3 – Time Off for Trade Union Duties and Activities  
Pro-forma Summary Impact Assessment

**Wards Affected:** N/A