

TRADE UNION RECOGNITION AND FACILITIES AGREEMENT

Purpose of Report

To brief Staffing Policy Committee on the proposed Trade Union Recognition and Facilities Agreement and seek approval for this.

For Staffing Policy Committee to consider UNISON's request for a set number of regular days to be paid for each month for specific Branch roles to be carried out.

Background

Prior to 1 April 2009, each of the five previous Wiltshire authorities had Recognition Agreements with UNISON, GMB and UNITE. Arrangements differed and in December 2008 the Implementation Executive agreed to an interim Recognition and Facilities Agreement. This superseded the existing five different arrangements and was a temporary measure for the transition to One Council. The Implementation Executive stated that it would be for the newly formed Wiltshire Council to determine the future arrangements. These interim arrangements have now been reviewed by Officer and Trade Union officials. This has resulted in the revised attachment (Appendix 1) for which Staffing Policy Committee approval is sought.

Main Considerations for the Council

A Recognition Agreement outlines the Trade Union(s) or Professional Association(s) formally recognised by an employer for the purposes of collective bargaining and employee consultation. The Facilities element of such an agreement defines the facilities such as accommodation, equipment etc that will be made available as well as any time off arrangements.

The proposed Recognition and Facilities Agreement (appendix 1) defines the general principles, duties, roles and responsibilities of representatives and defines what is negotiable and what is for consultation. Importantly it also outlines administrative arrangements including accommodation, and equipment ie facilities. The differences between this and the interim arrangements are minimal, the exception being around the funding and paid time off arrangements.

In consideration of whether to accept the Recognition and Facilities Agreement the following should be taken into account:

- 1) Wiltshire Council (and each of the 5 authorities previously) encourages staff to belong to a Trade Union on the basis that this:
 - promotes a positive and constructive industrial relations climate;
 - facilitates good communication between the authority and staff;

- promotes the Union as representative of staff and staff interests in collective consultation and negotiation.
- 2) Most, if not all, local authorities and larger organisations have Trade Union Recognition and Facilities Agreements in acknowledging the mutual benefits of staff being fully consulted and represented by properly constituted Trade Unions.

Given this and the amount of ongoing change that faces the Council over the next few months and years and the potential implications for staff, such as the significant budget savings required, pay harmonisation as well as the workplace transformation reviews and restructurings, these benefits can only increase.

- 3) ACAS have produced a Code of Practice for Time Off for Trade Union Duties and Activities and it is likely that an Employment Tribunal would take a negative view of an employer the size of Wiltshire Council not adhering to the principles of the Code.

Therefore with all this in mind, it is recommended that Staffing Policy Committee accept the Recognition and Facilities Agreement. This is all with the aim of achieving and retaining a climate of positive industrial relations based upon a partnership approach, effective communications with employees to work towards a high quality public service.

The second consideration relates to the number of days each month for specific Trade Union Official Branch roles to be carried out. Where a Recognition and Facilities Agreement exists Trade Union Officials have a statutory right to reasonable paid time off from employment to carry out trade union activities and training.

The Council currently provides funding of £38,000 per annum to pay for time off for trade union activities. UNISON has chosen that this funds part of the backfill for their Branch Secretary (£23,000) and Branch Organiser (£15,000).

Within the proposed Recognition and Facilities Agreement, UNISON is seeking the following days off for these roles:

	per month
• Secretary	20 days
• Asst Branch Secretary	8 days
• Chair	4 days
• Area Conveners (4 x 8)	32 days
• Health & Safety Officer	4 days
• Welfare Officer	1 day
• Conditions of Service Officer	1 day
• Equality Roles	6 days (shared)
• All other branch officers *	4 days (shared)

* includes: Treasurer, Membership Officer, Communications Officer and Events Co-ordinator.

This equates to 80 days per month. At an average salary of £30,000 pa this would cost: £6,575.34 per month, £78,904 per annum. After the £23,000 per annum currently going towards the funding for the Branch Secretary is deducted the remaining balance which will be picked up by employing departments is £55,904.

Staffing Policy Committee is asked to consider whether they accept this request as reasonable paid time off.

The funding of the other trade union activities such as case work and individual representation is picked up by the employing department. It can mean that some departments incur considerably greater costs than others.

To help Staffing Policy Committee understand the various Union Official and Steward roles they are described within appendix 4 of appendix A and appendix 1 of appendix B.

Appendix C outlines the management recorded time off from 1 April 2010 to 30 June 2010. Again at an average salary of £30,000 pa the cost of this is: £1,002.98. However, both management and unions recognise that systematic recording of approved time off is still in its infancy.

Staffing Policy Committee is asked to note this figure which will be kept under regular review.

Environmental Impact of the Proposal

None

Equalities Impact of the Proposal

To have an agreed framework of Recognition, in accordance with the legislation should maximise consistency of approach.

Risk Assessment

Not having a clearly defined Agreement could lead to a disharmonious industrial relations climate.

Financial Implications

£38,000 has been allocated within base budget and currently goes towards the funding for the UNISON Branch Secretary and Branch Organiser.

There is no budget provision set aside within departments to cover the cost of any cover and backfill arrangements.

Legal Implications

The legislation covering Trade Union Recognition and Facilities arrangements is contained within the Trade Union and Labour Relations (Consolidation) Act 1992 within sections 168 and 170. Section 43 of the Employment Act 2002 extended this to include Union Learning Representatives.

Where a Recognition Agreement exists, an employee who is an official of an independent recognised Trade Union has a statutory right to reasonable paid time off during working hours to carry out Trade Union duties. These duties are of an industrial relations or employee relations nature such as collective consultation and negotiation, and includes case work such as representing union members on pay, disciplinary and grievance matters.

Proposal

Staffing Policy Committee is asked to note the above, consider it in conjunction with Appendix B provided by UNISON, and:

- a) consider whether to agree to the UNISON request for the number of days per month which may result in backfill by the employing department;
- b) subject to a) above agree the Recognition and Facilities Agreement;
- c) consider whether the £38,000 which currently backfills two Trade Union Official roles within UNISON [namely Branch Secretary and Branch Organiser] should continue.

Barry Pirie
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Appendices

Appendix A - Trade Union Recognition and Facilities Agreement
Appendix 1 – Wiltshire Council Joint Consultative Committee
Constitution
Appendix 2 – Wiltshire Council Joint Consultative Committee
for Teachers – Constitution
Appendix 3 – Constitution of the Wiltshire Council Joint Health
and
Safety Committee
Appendix 4 – Trade Union Lay Roles Recognised by the Council

- Appendix B - Wiltshire UNISON Branch Report to Staffing Policy Committee
 - Appendix 1 – Roles of UNISON Branch Officers
 - Appendix 2 – Wiltshire UNISON Income and Expenditure 2009
 - Appendix 3 – Wiltshire Council Activists
 - Appendix 4 – Lead Contacts for Wiltshire Council Departments
 - Appendix 5 – Wiltshire UNISON Case Management/Activities

- Appendix C - Management Monitoring of Trade Union Activity from 1 April 2010
to
30 June 2010.