

TRADE UNION TIME OFF AND FACILITIES AGREEMENT

Introduction

1. The three recognised Trade Unions within the five Wiltshire authorities (Unison, GMB and Unite) are seeking an agreement on time off and facilities to apply within the new Wiltshire Council. This paper sets out:
 - 1.1 The statutory requirements;
 - 1.2 The existing arrangements;
 - 1.3 Commentary upon some of the key elements in the Trade Union request;
 - 1.4 Possible options.

Background

2. All five authorities in Wiltshire have encouraged staff to belong to a Trade Union on the basis that this
 - 2.1 facilitates good communication between the authority and staff;
 - 2.2 promotes the Union as representative of staff and staff interests in collective consultation and negotiation.
3. Unison is the majority union. It has members in each of the five authorities and a separate branch in each. It is proposing to create a single branch covering the whole of the county from January 2009. The bulk of GMB members are employed in schools. Virtually all Unite members are employed by Salisbury District Council currently.

Statutory Provisions

4. 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. Essentially those duties are of an industrial relations or employee relations nature such as collective consultation and negotiation, representing members on grading, disciplinary and grievance matters, as well as being trained for such duties.
5. An employee who is a member of a Union is also entitled by statute to reasonable time off for Trade Union activities. Essentially these are domestic to the Trade Union such as attending local, regional or national Trade Union conferences. The employer is not obliged to pay the employee for such time off.
6. It falls to individual employers to determine "reasonable" time off, which is not defined in statute. However, ACAS has issued a code of practice. Any local agreement should comply with its principal provisions.

Existing Arrangements in Each Authority

7. The current arrangements within each authority vary. These are summarised at Appendix A and set out the major elements of each authority's

arrangements with their recognised Unions. Some are more codified than others, but essentially practice across the five authorities is broadly similar.

8. A principal difference between District Councils and the County Council is the more regular and routine involvement of members. While there are local variations District Council members tend to meet directly and more frequently with local Trade Union representatives than County Council members. For example, County Council members do not attend meetings of the local Joint Consultative Committee, whereas in some District Councils they do.

The Proposal from the Wiltshire Unions

9. The agreement proposed by the Wiltshire Unions is extensive and detailed. The main elements of the request are covered in the attached Appendix B. While there has been discussion at the Joint Consultative Committee between the HR Officers of the five authorities and the Trade Union officials, given the operational, financial and governance considerations, the determination of the Trade Union claim should fall to the Implementation Executive. To assist the Implementation Executive the following paragraphs draw attention to some of the key elements within the Trade Union proposals and possible implications.

Time Off

10. The proposed amount of paid time off sought by the Trade Unions is contained in paragraphs 10, 11 and 12 of Appendix B.
11. Based upon:
 - 11.1 An assumed (but understood to be reasonably accurate) estimate of the membership of each Trade Union.
 - 11.2 The proposed allocation of one days paid time off per 100 members (paragraph 10.1 of Appendix B). This would equate to:

Unison with 3,000 members	–	30 days per week	(i.e. 6 FTE)
GMB with 1,000 members	–	10 days per week	(i.e. 2 FTE)
Unite with 100 members	–	1 day per week	(i.e. 0.2FTE)
12. On this basis the amount of time off adds up to just over eight full time equivalents, applying an average labour cost of £30,000 (including on costs). The cost to the new authority under these arrangements would be about £250,000 per annum.
13. Salisbury District Council currently provides funding to Unison of about £23,000 per annum of which about £15,000 goes towards the labour costs of the Branch Organiser there. Unison is asking that this continue. (Please refer to paragraph 10.2 in Appendix B).
14. The amount of time off required by Trade Union representatives to carry out the sort of duties listed in paragraphs 11.1, 11.2 and 12.1 of Appendix B is difficult to assess and cost, particularly as some of those activities listed in paragraph 11 would also seem to fall within the allocation of time under

paragraph 10.1 (i.e. the eight full-time equivalents). It is likely that in the year or two following reorganisation there will be issues of assimilation, redeployment and harmonisation which may impose a workload upon Trade Union representatives greater than would otherwise be the case. If there were to be fifty representatives and each were to spend ten days per annum on those duties for which there is a statutory right to reasonable paid time off, this would equate to 500 days per annum (i.e. two full time equivalents). Again, applying an annual labour cost of £30,000, this would cost £60,000.

15. The total bill would therefore be of the order of £330,000 per annum. This is not all new money. There is currently expenditure by the five authorities on these sorts of arrangements, although the existing expenditure is not easy to quantify. Time off by Trade Union representatives tends not to be monitored in detail in any of the five authorities. Some of the costs of £330,000 would be notional, i.e. "loss of production" rather than increased expenditure. However, in some services where continued maintenance of a staffing level is important it might be necessary to recruit cover for staff members absent undertaking Trade Union duties. That would incur additional expenditure.
16. In addition to the financial considerations it may not always be possible to release those employees who are Trade Union representatives at the time they are seeking absence. The service requirements of the Council would need to be maintained.
17. It has not been easy to obtain good quality and current comparable information from other authorities on the amounts of time off provided to Trade Union representatives. Either "reasonable" is not quantified and/or paid time off is not monitored. However, anecdotally it appears that the amount of time off sought by the Trade Unions in the attached document is more favourable than applies in many authorities.

18. Recommendation (a): The Implementation Executive is asked to determine whether:

18.1 To agree the time off as requested by the Trade Unions; or

18.2 Agree in principle to an agreement for reasonable paid time off but to authorise further negotiations within the Joint Consultative Committee with a view to reducing the amount of time off sought to a more operationally viable and financially affordable level.

Administrative Facilities for The Trade Unions and Their Accredited Representatives

19. Paragraph 9 of Appendix B identifies the range of accommodation and facilities sought by the Unions. In principle these appear reasonable but there are potential constraints upon the availability of accommodation (paragraphs 9.2, 9.4 and 9.6).
20. Demand for office accommodation is currently stretched. However, none of the accommodation occupied by Unison in any of the five authorities is specifically earmarked for Council purposes. Therefore, at least for the time being,

continued occupation would not create particular difficulties. In due course, with changes to service provision and development of the County Hall site some at least of the accommodation might be needed for Council purposes.

21. Unison is seeking retention of its existing office accommodation in Chippenham, Devizes, Salisbury and Trowbridge. The other Unions are seeking “appropriate office provision”. If the Implementation Executive are minded to allocate office space to the Trade Unions, consideration will have to be given on whether to provide it to each Union separately, or to provide accommodation to be shared by all three Unions.
22. In the District Councils the office accommodation provided to the Unions is free of charge. At County Hall Unison is subject to a service charge (currently about £6,000 per annum) determined by the same formula as applies to service departments and designed to cover space, heating, lighting etc.
23. Likewise, some of the facilities sought (e.g. telephone line, computer printer and furniture, photo-copying and printing facilities, notice boards) is currently provided and standard in facilities agreements. Again no charge is currently levied by District Councils. The service charge levied by the County Council (referred to in paragraph 22 above relates to all the services provided on the County Hall site). If the Implementation Executive is prepared to make such facilities available, and this sort of provision is normal in time off and facilities agreements, should it be free of charge levied.

24. Recommendation (b): The Implementation Executive is asked to determine whether:

- 24.1 To provide the accommodation sought by the Trade Unions, and, if so whether there should be separate provision for each Trade Union or common provision shared by all three; or**
- 24.2 To agree in principle that accommodation be provided but to authorise further negotiations within the Joint Consultative Committee on the precise amount/ type of accommodation to be provided to and between the Trade Unions.**

25. Recommendation (c): The Implementation Executive is also asked to determine the financial arrangements to apply to whatever accommodation is provided.

Members Forum

26. There are differences between the five authorities on the degree and nature to which members meet with Trade Union representatives. The Unions are:
 - 26.1 Advocating that there be a forum at which Trade Union representatives can meet regularly and routinely with members.
 - 26.2 Suggesting the terms of reference and the composition on both sides of the forum.

- 26.3 Providing a right of access by the Trade Union Side of the Forum to the Cabinet on any matter about which there is disagreement. (Staffing matters are a Regulatory, and not an Executive function and therefore not directly a matter for the Cabinet).
27. The terms of reference appear very wide (e.g. any matter related to employment with the Council) and potentially overlap with the terms of reference of the Joint Consultative Committee which is currently and would continue to be the body for consultation and negotiation, (the proposed terms of reference of which at Appendix 1 to Appendix B are broadly in line with existing arrangements).

- 28. Recommendation (d): The Implementation Executive is asked to determine whether:**
- 28.1 To agree to the establishment of the Members Forum within the new Council on the terms of reference and membership proposed; or**
- 28.2 To agree that there should be such a forum within the new Council but to leave the determination of the terms of reference, membership and operating method to the new Council; or**
- 28.3 To leave the establishment of any such forum to the new Council.**

Conclusion

29. The Implementation Executive is asked to determine the issues raised in paragraphs 18, 24, 25 and 28.
30. It is suggested that any agreement be reviewed by no later than the 31 March 2011 by which time:
- 30.1 Many of the employee and industrial relations issues likely to arise following local government reorganisation will have been resolved.
- 30.2 The long term accommodation need of Wiltshire Council will be clearer.

Existing TU Facilities and Agreements

Council	Estimated Membership	Current Permitted Paid time Off	Type of Facilities
Kennet	150	Half a day; increased to one day per week but currently not used	Permanent office and computer
North Wiltshire	170	Ad hoc, but currently 18.5 hours per week	Room as required
Salisbury	290	£23,000 per annum towards branch expenses, plus ad hoc for departmental representative	Office
Wiltshire County Council	4,000	£20,000 per annum paid for a branch organiser, plus approved ad hoc time off for other duties of joint nature	Office and phone, access to internal distribution
West Wiltshire	90	Ad hoc, but currently three days per week	Dedicated Office for Unison and phone