

REGULATORY COMMITTEE

18<sup>th</sup> December, 2002

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**REVIEW OF TIME OFF ARRANGEMENTS FOR INDUSTRIAL RELATIONS AND TRADE UNION ACTIVITIES - DECEMBER 2002**

**Purpose**

1. The purpose of this report is to review the current arrangements in Wiltshire County Council for time off for industrial relations and trade union activities. The report looks at the costs to the County Council of the current arrangements and considers alternative arrangements that might be made which fulfil both the statutory obligations and the practical requirements particular to the County Council.

**Introduction**

2. The various National Joint Councils are committed to the principle of solving problems by discussion and agreement. For practical purposes, this can only be conducted by representatives of the employers and employees.
3. The arrangements currently in place were agreed at a time when the branch covered a wider range of employees than is now the case.

**Statutory Responsibilities**

4. The County Council has a statutory obligation to allow an employee, who is a trade union official of an independent trade union recognised for collective bargaining purposes, to:
  - ◆ take reasonable paid time off during working hours for the purpose of enabling the employee:-
    - to carry out any duties relating to or connected with collective bargaining matters;
    - to undergo relevant training.
  - ◆ take reasonable unpaid time off during working hours to take part in trade union activities.
5. Collective Bargaining matters include attendance at joint forums and representation of employees at meetings such as disciplinary interviews.
6. Trade Union Activities refer to the internal organisation and general policy making activities of the union. These include:
  - ◆ discussing trade union matters with other members.
  - ◆ attending union meetings.
  - ◆ recruiting new members.
  - ◆ distributing union literature.
  - ◆ meetings of official policy making bodies such as the Executive Committee.
7. There is a statutory duty to give unpaid time off but the amount of time taken must be reasonable in all the circumstances. This is a management decision, which must balance the needs of the business with the difficulties the trade unions experience in ensuring representation and communications with its members.

## **Current arrangements in Wiltshire County Council (implemented March 1995)**

8. The Personnel Sub Committee on 15th March 1994 agreed time off provisions for UNISON:
- ◆ The County Council supports paid time off for the UNISON Branch Secretary equivalent to a full-time post (5 days per week).
  - ◆ Workplace stewards will be granted one day's paid leave of absence for training.
  - ◆ Senior workplace stewards will be granted paid time off to attend an initial half-day briefing followed by a three-day training course.

The post of Branch Secretary is covered by Janet Dapson. This secondment is due to expire at the end of March 2003.

9. An additional full-time Branch Officer appointment was agreed at Corporate Services Sub-Committee in February 2001. This was based upon representations from UNISON that the significant issues facing the County Council over the next two years (transfer of Mental Health Services, transfer of Adult Care, review of Learning Disability Services) would require detailed consultation with staff, which was beyond the resources of the Branch at that time. This additional post is currently covered by Russ Brook, agreed until the end of March 2003. There is no commitment to continuation beyond that date.
10. There has also been a longstanding arrangement that, in addition to paid time off for collective bargaining and training of workplace stewards, the County Council grants a further 60 days' paid leave of absence per annum to cover trade union activities. These activities include: -
- ◆ Attendance at the Trade Union annual conference
  - ◆ Attendance at other Trade Union, District, Regional and National meetings
  - ◆ Editing of "Moonrakings" (i.e. the Branch magazine)
  - ◆ Attendance at quarterly branch meetings - providing the meeting does not start before 3.30 p.m.

## **Costs of Time off for Industrial Relations & Trade Union Activities in 2001/02**

11. These costs can be split into four areas:

### **11.1. The cost to the County Council of secondments:**

- ◆ For the post of Branch Secretary: the agreed level of reimbursement is an amount up to the maximum of Scale 6 (salary plus on costs).
- ◆ For the additional post of Branch Officer: the agreed level of reimbursement is up to a maximum of £30,000p.a.
- ◆ The Annual salary costs for the two seconded members of staff are both within these limits and currently add up to £31,443. On costs of 28.7% give a total cost of £40,467.
- ◆ These costs are found from within the Central Management Budget.

### **11.2. Attendance at JCC meetings:**

The estimated average annual cost based on 4 JCC meetings per year (with an average of 8 members attending for half a day, average annual salary taken as £16,371, daily rate being £62.79) is £1,005 per annum.

**11.3. Costs for Representational role (e.g. disciplinary hearings):**

The estimated cost based on approximately 10 days' representation calculated as above is £628 per annum.

**11.4. Trade Union Activities:**

The Trade Unions appear to be using the best part of the 60 paid days. Again taking a daily rate of £62.79, the annual cost to the County Council would be £3,767.

**Considerations**

12. Indications are that other County Councils second at least one member of staff full-time for trade union duties.
13. There is no statutory requirement to provide full-time secondments. In Wiltshire, one secondment is long established, the second recent and time limited to 31<sup>st</sup> March, 2003.
14. The current secondments have been agreed on the basis that the increase from one to two full-time secondments, during a period where there is considerable change affecting staff, will assist both the speed and effectiveness of joint consultations and negotiations.
15. During the period since February, 2001, these major changes affecting staff have taken place:
  - a) Wiltshire Direct Services has transferred to Sodexo.
  - b) Mental Health Services have moved to the Avon & Wiltshire Mental Health Partnership NHS Trust.
  - c) The Children, Education & Libraries and the Adult & Community Services Departments have been established.
16. There are a number of strategic issues which are continuing and which are likely to have an impact on the workforce in the next two years:
  - a) The possible transfer of Social Care staff to Care Trusts.
  - b) Changes to the provision of Learning Disability Services.
  - c) Review of the job evaluation scheme.
  - d) The County Council's Change Management Programme (including e-government, internal communications) and its response to the Comprehensive Performance Assessment.
17. UNISON wishes both of the secondments to continue. UNISON was invited to make written representations in support of this, though no letter has yet been received.

**Recommendations**

18. With these considerations in mind, the Regulatory Committee is asked to take a view on whether the current secondment arrangements should continue and, if so, for how long.
19. To continue the arrangements, whereby the County Council pays up to 60 days for trade union activities because UNISON has been able to produce evidence that it is using this

entitlement.

20. To recommend the Cabinet to make appropriate budgetary provision for 2003/04 for funding reasonable paid time off for trade union activities.

PETER SMITH  
Director of Corporate Services

9<sup>th</sup> December, 2002

Unpublished documents relied on in the production of this report:	NONE
Environmental impact of the recommendations contained in this report:	NONE