

EAST AYRSHIRE COUNCIL

CABINET 17 JUNE 2009

TRADE UNION CONVENOR/ TIME OFF FOR TRADE UNION DUTIES, ACTIVITIES AND TRAINING

Report by Depute Chief Executive / Executive Director of Corporate Support

1. PURPOSE OF REPORT

1.1 The purpose of this report is to seek Cabinet's approval to:

- (i) the proposal to have one Full-time Trade Union Convenor covering all employee groups within the Council other than teachers for whom there are separate arrangements; and
- (ii) proposed amendments to the Council's Time Off for Trade Union Duties, Activities and Training Policy and Procedure.

2. TRADE UNION CONVENOR

2.1 BACKGROUND

2.1.1 The post of full-time Trade Union Convenor (Manual & Craft) has been filled on a temporary basis since 2006 and the temporary appointment has been confirmed at the Central Joint Consultative Committee on an annual basis.

2.1.2 The Central Joint Consultative Committee at its meeting on 4 December 2008 agreed that the current appointment to the post of full-time Trade Union Convenor (Manual & Craft) should be extended on a temporary basis until April 2009 to allow a further report to be submitted to the Central Joint Consultative Committee prior to April 2009.

2.1.3 The Central Joint Consultative Committee at its meeting on 18 March 2009 noted the Council's proposal that with effect from 1 September 2009, there should be one Full-time Trade Union Convenor to replace the current two Convenor posts.

2.2. FULL TIME TRADE UNION CONVENOR - PROPOSAL

2.2.1 The reason for the temporary filling of the post of Trade Union Convenor (Manual & Craft) was because it was considered that as the implementation of the Single Status Agreement removed the previous differentiation between Manual Workers and APT&C etc Staff the current position of having two separate Convenor posts within the Council was inconsistent with the revised position at national level.

2.2.2 In addition, it is considered that the operation of the Convenors' posts can impede departmentally based shop stewards operating as effectively as they might as all cases irrespective of their complexity or otherwise are routinely pushed up to the Convenors to deal with.

- 2.2.3** Having regard to the issues detailed above it is proposed, with effect from 1 September 2009, that there be one Full-time Trade Union Convenor covering all employee groups within the Council other than teachers for whom there are separate arrangements. The post would continue to be located within the Human Resources Service for budgetary purposes.
- 2.2.4** The effective date of 1 September 2009 is proposed to allow the Trade Unions to put in place the necessary arrangements to select an appointee to the Full-time Trade Union Convenor's post.
- 2.2.5** Any redeployment issues arising from the appointment will be dealt with in accordance with the Council's Redeployment Policy.
- 2.2.6** The foregoing proposal has been discussed with the Trade Unions who have indicated that it is not acceptable to them. Their complete response is contained in a letter of 8 March 2009 from Tracey Dalling, Regional Organiser, UNISON on behalf of all the Trade Unions. A copy of the letter is attached at Appendix 1.

3. TIME OFF FOR TRADE UNION DUTIES, ACTIVITIES AND TRAINING

3.1 BACKGROUND

- 3.1.1** The Time Off for Trade Union Duties, Activities and Training Policy and Procedure was last updated by the then Personnel and Property Sub-Committee at their meeting on 21 November 2000. This was communicated to employees via Per Circular 5/2001.
- 3.1.2** As part of ongoing review, changes have been required to be made to ensure that the Council continues to take account of new legislation and reflect best human resources practice.
- 3.1.3** The Central JCC at its meeting on 16 December 2004 approved a framework for the provision of Time – Off for Undertaking Trade Union Duties for Trade Union Learning Representatives and also approved the adoption of a Protocol on Trade Union Consultation.
- 3.1.4** The Central JCC at its meeting on 13 May 2009 noted the proposed changes to the Time Off for Trade Union Duties, Activities and Training Policy and Procedure.
- 3.1.5** The Policy and Procedure is applicable to Chief Officers, Local Government Employees and Craft Operatives. They do not apply to Teaching Unions who have their own arrangements for this purpose.

3.2 PROPOSAL

- 3.2.1** The Council has made provision for employees who are officials of the Trade Unions recognised by the Council to be permitted reasonable time off during working hours, subject to the exigencies of the service, to carry out certain trade union duties, activities and training including those associated with being a Safety and Learning Representative.

3.2.2 The term Trade Union Representative as used throughout the documentation applies to all Shop Stewards, Safety Representatives and Learning Representatives of the recognised Trade Unions.

3.2.3 The documentation has been updated to reflect the:

- definition of a Learning Representative (Para 2.3);
- roles and responsibilities of a Learning Representative (Para 4.6);
- introduction of a procedure for requesting Time Off For Trade Union Duties (Para 11.8);
- introduction of an approved list of Training Courses for Trade Union Representatives (Appendix B);
- review arrangements for the Policy and Procedure (Para 13);

3.2.4 It is proposed to incorporate the Teachers Trade Unions Time Off arrangements into the above documentation to create one Policy and Procedure relating to Time Off which will apply to all employees.

3.2.5 The finalised Policy and Procedure will be submitted to the LNCT for approval in respect of teachers.

4. FINANCIAL IMPLICATIONS

4.1 Any costs associated with granting paid time off for Trade Union Representatives are met from within existing budgets. Any additional costs associated with the reduction to one Convenor's post will also be met from within existing budgets.

5. POLICY/LEGAL IMPLICATIONS

5.1 The proposed changes will ensure that the Council continues to meet its legislative requirements as an employer.

6. TRADE UNION CONSULTATION

6.1 Consultations on the proposed changes to the Time Off for Trade Union Duties, Activities and Training Policy and Procedure are ongoing with the relevant Trade Unions. However, as outlined in paragraph 2.2.7 above, they do not agree to the proposal that there be one Full-time Trade Union Convenor covering all employee groups within the Council other than teachers.

7. CORPORATE MANAGEMENT TEAM

7.1 The Corporate Management Team has considered and approved the content of this report.

8. RISK MANAGEMENT

8.1 There are no risk management issues arising from these proposals.

9. RECOMMENDATION

9.1 Cabinet is asked to :

- (i) approve the appointment of one Full-time Trade Union Convenor covering all employee groups within the Council other than teachers with effect from 1 September 2009;
- (ii) approve the proposed changes to the Time Off for Trade Union Duties, Activities and Training Policy and Procedure, subject to ongoing Trade Union consultation;
- (iii) note that the finalised Policy and Procedure will be submitted to the LNCT for approval in respect of teachers; and
- (iv) otherwise note the contents of the report.

Elizabeth Morton
Depute Chief Executive/
Executive Director of Corporate Support
9 June 2009

BACKGROUND PAPERS

1. Report on Trade Union Consultation Protocol by the Depute Chief Executive/Executive Director of Corporate Resources to Central JCC of 16 December 2004.
2. Report on Time Off for Trade Union Duties by the Depute Chief Executive/Executive Director of Corporate Resources to Central JCC of 16 December 2004.
3. Report on Trade Union Duties, Activities and Training by the Depute Chief Executive/Executive Director of Corporate Resources to the Personnel and Property Sub-Committee of 21 November 2000.
4. Per Circular 5/2001 dated 23 March 2001 – Time Off For Trade Union Duties, Activities and Training.

Any person wishing further information should contact Martin Rose, Head of Human Resources, Tel: (01563) 576092.

Implementation Officer: Martin Rose, Head of Human Resources

Our ref: TD/FM

Your ref:

Tracey Dalling

When telephoning please ask for:

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6 March 2009

Dear Martin

FULL TIME TRADE UNION CONVENOR (MANUAL & CRAFT)

I refer to the report that is intended to be discussed at the forthcoming Central Joint Consultative Committee on 18 March 2009.

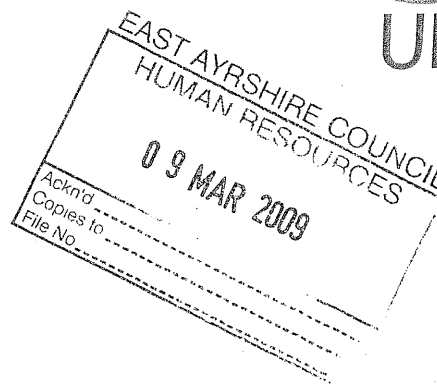
My response to you has been agreed by all affected trade unions and is on behalf of both the Manual and APT&C Staff Convenors.

I think it important from the outset that I stress that the trade unions, collectively, do not agree with the proposal to delete the Manual Convenor post. It is perhaps opportunistic of the Council to review the post in light of the pay and grading element of Single Status having been imposed. So far all Single Status has achieved is the payment of staff on new grades within a single pay spine. The terms and conditions element has still not been completed and those two sets of conditions remain.

Whilst it is inevitable that this situation will change and a single set of conditions prevail for the majority of the Council staff the trade unions are of the view that this alone does not alter the requirement for two Convenors. The report makes mention that the 2009/10 budget implications and any issues from the cross cutting review will be complete by 1 September 2009. As there are implications that arise annually from the budget and have done every year the Council has been in existence the trade unions cannot be sure what bearing this has either on the need to reduce the number of Convenors. In addition although one review is finalised there can be no guarantees that there will not be further reviews that are equally as time consuming for the Convenors.

Further reasons are as follows:

- Following Single Status the number of trade union members has not reduced, indeed membership numbers with East Ayrshire has risen. There are as many members, more even, to be consulted, supported and represented now as there were before pay and grading was imposed.
- Paragraph 2.4 indicates that the Convenor role impedes the development of stewards at Departmental level. This we refute and in the Convenors' experience that there are a number of stewards who are taking on work in departments and who consult with the Convenors and receive support from convenors in their role as steward. Stewards currently provide members with advice and undertake the representation at a local level.




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- It is acknowledged from a trade union perspective that there is always a need to increase the number of Stewards and we will work to continue to recruit and train Stewards in order to expand their network. This is no substitute for the role of the Convenors who undertake strategic high level consultation, negotiating, bargaining and representation and are a single point of contact for the employer in co-ordinating that work.
- Documentary evidence can be provided via case records, diary information and records of negotiations that indicates there is more than sufficient workload for two Convenors. There is some scope for discussing the titles of the two convenors in the light of single status.
- Para 3.5 of the report talks about reviewing and revising the Time Off policies and procedures in the Council. On behalf of the trade unions I wish to formally request a detailed discussion on this point.

I trust this formal response to you clarifies the position and the trade unions look forward to discussing this further with you and with the Councillors at the forthcoming JCC.

Yours sincerely



TRACEY DALLING
Regional Organiser

cc Arthur West
Andrew Wilson
Louise Gilmour
Jim Winter
Paul Bennett