

CHESHIRE EAST COUNCIL

REPORT TO: STAFFING COMMITTEE

Date of Meeting: 7 January 2010
Report of: Paul Bradshaw, Head of Human Resources & Organisational Development
Subject/Title: Trade Union Recognition, Facilities and Time off Agreement
Portfolio Holder: Cllr Keegan

1.0 Report Summary

- 1.1 The purpose of the report is to provide the Staffing Committee with a draft Trade Union Recognition, Facilities and Time off Agreement with a view to reaching agreement.

2.0 Decision Requested

- 2.1 That the Staffing Committee reach agreement about the content of the Trade Union Recognition, Facilities and Time off Agreement, (attached at Appendix A), and the additional arrangements contained within the Agreement in respect of the numbers of Unison seconded Officers.

3.0 Reasons for Recommendations

- 3.1 To ensure that the Council has agreed time off and facilities arrangements for the recognised trade unions in order to allow for effective consultation, negotiation and employee relations.

4.0 Wards Affected

- 4.1 None

5.0 Local Ward Members

- 5.1 N/A

6.0 Policy Implications including - Climate change - Health

- 6.1 No significant policy implications.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 Time off for Trade Union Duties will be paid provided that the representative would normally have been at work during those hours.
- 7.2 Pay will be the amount that the official would have earned had they worked, or where earnings vary, an amount calculated by reference to average hourly earnings.
- 7.3 Employees who are seconded into a Trade Union role on a full time basis will be paid on their substantive terms and conditions for the duration of their secondment and normal incremental progression will apply where appropriate.
- 7.4 The costs associated with some of the seconded Officers will be met by the specific Directorate they support. The costs of granting time off for others will need to be met corporately as representatives cover members across all directorates. This replicates the funding arrangements that have been in place on an interim basis in 2009-10.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The Agreement complies with the requirements for authorising time off and facilities for Trade Unions, as set out in the Trade Union Labour Relations (Consolidation) Act 1993 and the Employment Act 2002. It also recognises the requirements of the Safety Representatives and Safety Committees Regulations 1977, as amended by the Management of Health and Safety at Work Regulations 1999, (made under HASWA 1974.)

9.0 Risk Management

- 9.1 N/A.

10.0 Background and Options

- 10.1 The requirement for a Collective Agreement on Trade Union Recognition, Time Off and Facilities is governed by the legislation covered in section 8 above. ACAS have also issued a Code of Practice on Time off for Trade Union Activities and Time Off for Union Learning Representatives (2003).
- 10.2 As a result of Local Government Reorganisation four existing Local Authorities were brought together on 1 April 2009 to form Cheshire East Council. All four legacy authorities would have had their own Trade Union Recognition, Facilities and Time off Agreements which would have differed as a result of the functions and groups of staff employed by each.
- 10.3 For the first year of the Council interim arrangements have been in place which largely maintained the status quo in terms of time off and facilities. A new, Cheshire East, agreement has now been drafted and it is proposed that this should come into effect from 1 April 2010.

- 10.4 The Agreement provides that employees who are officials/representatives of a recognised trade union be permitted to reasonable paid time off during working hours, with pay, subject to the needs of their service, to carry out official union duties and activities, to undergo relevant training or attend conferences as approved by the TUC or trade union, to carry out the duties of a Health and Safety representative and to undertake the duties of a Trade Union Learning Representative.
- 10.5 The Council will also make available to officials the facilities necessary for them to perform their duties efficiently and to communicate effectively with their members, other officials and full time officers.
- 10.6 Unison has significantly more (non-teaching) members than the other trade unions and historically within the County Council was granted a number of full time secondments to trade union duties in order to facilitate effective employee relations. It is proposed that Cheshire East agrees to 4 full time secondments for Unison representatives.
- 10.7 It is suggested that these secondments be reviewed on an annual basis and it is anticipated that this level of secondment would no longer be required once the significant additional work associated with Local Government Reorganisation has been completed.

11.0 Conclusions

This Agreement will:-

- provide framework arrangements between Cheshire East Borough Council and the recognised trade unions.
- provide managers, trade union representatives and members with clear guidelines under which requests for time off for trade union duties, activities and facilities will be determined.
- avoid or minimise misunderstandings, ensure fair and consistent treatment and facilitate better planning for managers, trade union officials, representatives and stewards.
- Facilitate and improve consultation, enhance collective bargaining and employee relations within the Council

12.0 Access to Information

- 12.1 The background papers relating to this report can be inspected by contacting the report writer:

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