

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	8 th December 2015
Report of:	Peter Bates
Subject/Title:	Notice of Motion – Trade Union Membership
Portfolio Holder:	Paul Findlow, Performance

1.0 Report Summary

- 1.1 The purpose of this report is to consider and respond to the following motion which had been moved by Councillor Damian Bailey and seconded by Councillor Nick Mannion at the Council meeting on 22nd October 2015 and referred to Cabinet for consideration:

"That this Council recognises the positive contribution that trade union members make in our workplaces. This Council values the constructive relationship that we have with our trade unions and we recognise their commitment, and the commitment of all of our staff, to the delivery of good quality public services.

This Council notes with concern the Trade Union Bill which is currently being proposed by the Government which would affect this Council's relationship with our trade unions and workforce as a whole. This Council rejects this Bill's attack on local democracy and the attack on the right to manage our own affairs.

This Council is clear that facility time, negotiated and agreed by us and our trade unions to suit our own specific needs has a valuable role to play in the creation of good quality, responsive local services that truly puts our residents first. Facility time should not be determined or controlled by the Government in London.

This Council is happy with the arrangements we currently have in place for deducting trade union membership subscriptions through the payroll. We see this as an important part of our positive industrial relations and a cheap and easy way to administer a system that supports our staff. This system is an administrative matter for this Council and it should not be interfered with.

This Council further resolves to seek to continue its own locally agreed industrial relations strategy and will take every measure possible to maintain its autonomy with regard to facility time and the continuing use of check-off."

2.0 Recommendations

That for the reasons set out in this report, Cabinet reject the motion referred to in paragraph 1.1

3.0 Reasons for Recommendations

- 3.1 The full implications of the final Act are as yet unclear. The Council is therefore monitoring the progression of the Trade Union Bill through Parliament to its potential royal assent as an Act of parliament and will consider the implications of the Act once it is published and the details are finalised. It will then work with the unions to assess the impact of the Act on the Council's current policies and procedures to maintain strong and positive industrial relations.
- 3.2 The Council has established a collective agreement with the Trade Unions for the purposes of local consultation and negotiation on pay and conditions of service as well as representation of trade union members at internal hearings and appeals. This agreement is known as the Trade Union Facilities Agreement and is reviewed regularly with the Trade Unions to engender positive industrial relations. This agreement recognises the positive role played by the Trade Unions in assisting the Council and its employees in meeting the Council's values of putting residents first. It also includes time off for Trade Union activities and facilities which are detailed in section 11 of this report.
- 3.3 The Council also currently has an arrangement with the Trade Unions for subscription deduction through payroll which is also known as "check-off" and this will continue until the Council is required to review this arrangement.

4.0 Wards Affected

- 4.1 This report does not have a major effect on Council Wards

5.0 Local Ward Members

- 5.1 This report has no effect on Ward Members

6.0 Policy Implications

- 6.1 As mentioned in detail elsewhere in the report the Council does have a Trade Union Facilities Agreement with the Trade Unions which is reviewed on an annual basis. Currently this Agreement is still operational and it is likely to be needed to be reviewed when the Trade Union Bill becomes an Act and the implications of this are considered with the unions.

7.0 Implications for Rural Communities

- 7.1 There are no implications for rural communities.

8.0 Financial Implications

- 8.1 There are no immediate financial implications arising from this report and it is recommended that status quo is continued. The impact of the Trade Union Bill and any resulting financial implications will be considered when the Act receives Royal ascent and is required to be implemented by the Council.

9.0 Legal Implications

- 9.1 There are no legal implications at this stage as no change to the current Council policies and procedures are proposed at this stage.

10.0 Risk Management

- 10.1 Positive employee relations and good industrial relations with the Trade Unions are essential to help the Council move forward with its current and future plans and objectives.
It is too early to risk assess at this stage the implications of the Trade Union Bill and the effect on Council policies and procedures. Once the Act is published an assessment of the implications will be done and whether current policies and procedures require amendment. This will be done in consultation with the Trade Unions.

11.0 Background and Options

- 11.1 This report addresses the issues raised by the motion referred to in paragraph 1.1 as outlined below.
- 11.2 The Council currently recognises a wide range of Trade Unions for the purposes of consultation and representation of employees. It has agreed a Trade Union Facilities Agreement which is a collective agreement which covers those trade unions who are recognised by the Council for the purpose of local consultation and negotiation on pay and conditions of service and for representation of their members at internal hearings and appeals.
- 11.3 The collective agreement aims to;-
- Provide a framework arrangement between the Council and recognised trade unions.
 - Provide managers, TU reps and members with clear guidelines, under which time off for TU activities and facilities are determined.
 - Avoid or minimise misunderstandings, ensure fair and consistent treatment and facilitate better planning for managers and TU officials, reps and stewards.
 - Facilitate and improve consultation, enhance collective bargaining and employee relations with the Council.
- 11.4 The agreement and its principles has been drawn up in accordance with existing legislation and covers Health and Safety requirements as well. The agreement is reviewed annually with the Trade Unions and any implications arising from new legislation or changes in Council practice are

reviewed and agreed with the Trade Unions and included in the agreement.

11.5 The current agreement in summary covers:-

- Definitions of trade unions and health & safety reps.
- Time off for Trade Union duties and procedures and recording
- Trade Union Learning reps
- Training for Trade Union officials
- Time off and payment for Trade Union activities
- Trade Union facilities and expenses
- Dispute resolution
- Additional arrangements for UNISON only in relation to secondment of reps.

This agreement is also supported by procedures on recording facilities time for Trade Union duties and activities and time off request procedures. Statistics on Trade Union time off is also recorded and published publically as part of the Transparency Code regulations.

11.6 As mentioned in this report the Government is progressing through its Parliamentary procedures a Bill to reform the law governing trade unions and in particular industrial action. The Bill is likely to be wide ranging with further restrictions on picketing, use of agency workers as cover for striking employees, introduction of "shelf life" for industrial action, changes to ballot thresholds for industrial action and changes to the "check off" scheme.

The Council will continue with current arrangements until the legislation is issued and will be in a position to consider the implications with the Unions and the impact on its policies and procedures.

12.0 Access to Information

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

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