

HR Committee

28th April 2022



Report of: Director: Workforce & Change

Title: Trade union facilities agreement

Ward: N/A

Officers Presenting Report: Mark Williams (Head of HR) and
James Brereton (HR Business Partner)

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Recommendation

That the Committee notes the report.

Summary

The report briefs the Committee on work that has recently started to update the Council's approach to facilities for trade union representatives.

The significant issues in the report are:

- The Council has legal duties in relation to trade unions. Its approach exceeds statutory limits for time off and has not been reviewed in many years.
- This review is separate to the recent proposal to reduce the budget for corporate trade union duties but may lead to a reduction in 2023/24.
- From the management perspective, the aim of the work is to properly account for the time off of trade union representatives between duties (paid) and activities (unpaid) and between service-based and council-wide activities. We will also be seeking to agree minimum and maximum levels of representation across the organisation.
- A first draft of an agreement has been proposed as a starting point for discussions with Single Status trade union representatives.
- It is envisaged that any changes to current arrangements will be in place ready for the start of the 2023/24 financial year.

Policy

- 1.** The right to time off normal duties for trade union representation and related provisions are set out in a number of laws, principally the Trade Union and Labour Relations (Consolidation) Act 1992. As required by law, ACAS produces a statutory Code of Practice on time off for trade union duties and activities including guidance on time off for union learning representatives, which the Council is bound to observe.
- 2.** The Council recognises trade unions for the purposes of consultation and negotiation on terms and conditions of employment and supports trade union membership.

Consultation

3. Internal

The review of the Council's approach to trade union time off and facilities will be conducted in conjunction with the trade unions, involving both branch and regional trade union officials as appropriate.

4. External

Not required.

Context

- 5.** As noted above, the Council has a number of legal duties in relation to trade unions, covering both time off for their elected representatives and facilities.
- 6.** Whilst a written agreement was in place from the creation of Bristol as a unitary authority in April 1996, day-to-day practice over the past 25 years or so has since diverged to the point that a proper review of current arrangements is appropriate. In relation to time off in particular, the Council's current approach goes over and above legal requirements.
- 7.** This review is separate to the recent proposal to reduce the budget for corporate trade union duties, but one clearly has an impact on the other. The budget is solely provided to enable an effective framework for council-wide information, consultation and negotiation between the Employees' Side (represented by the trade unions) and the Management Side.
- 8.** The Management Side is approaching discussions with an open mind and with the aim of:
 - a.** Ensuring the correct balance between funding council-wide duties and services bearing the cost of local representation within existing budgets.
 - b.** Achieving clarity between paid duties and unpaid activities is also desired.
 - c.** Setting sensible minimum and maximum levels of representation across the Council that enables effective and efficient workplace representation to thrive in a leaner organisation.

9. A first draft of an agreement has been proposed as a starting point for negotiations with Single Status trade union representatives.
10. It is envisaged that any changes to current arrangements will be in place ready for the start of the 2023/24 financial year.

Proposal

11. That the Committee notes the report.

Other Options Considered

12. None because this report is for information only.

Risk Assessment

13. Not required because this report is for information only.

Public Sector Equality Duties

- 14a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
 - i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - tackle prejudice; and
 - promote understanding.

14b) An Equalities Impact Assessment has not been completed because this report is for information only. However, an Equalities Impact Assessment is in place in relation to the potential workforce changes arising from the budget proposals for 2022/23 and beyond, and this is available via the Council's website as part of the report to the Cabinet.

Legal and Resource Implications

Legal

Not required because this report is for information only.

Financial

(a) Revenue

(b) Capital

Not required because this report is for information only.

Land

Not applicable.

Personnel

Not required because this report is for information only.

Appendices:

None.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None.