

**General Purposes Committee** On 29<sup>th</sup> June 2006

Report title: A Review of Trade Union Time-Off and Facilities Arrangements

**Report of: Head of Personnel****1. Purpose**

This paper seeks to review trade union time off arrangements, facilities arrangements and consultation framework.

**2. Recommendations**

- 2.1 That Members note the discussions to date with the Employee side based on the terms of reference for reviewing trade union time off outlined in paragraph 7.2 which were agreed at General Purposes Committee on 2<sup>nd</sup> March 2006.
- 2.2. That Members agree to the recommended changes to the trade union time off provision as described in paragraph 7.1.6. In summary this means: delete the formula for converting shop steward time off into full time release; change full time release formula from 1 Branch Officer per 1000 union members to 1 per 600 union members. Net effect of changes is to reduce Unison time off by 3.5 full time equivalent.
- 2.3 That Members agree the policy for Trade Union Facilities and Time Off Arrangements at appendix C.
- 2.4 That Members note that any subsequent recommendations for change will be reported to General Purposes Committee.
- 2.5 That Members agree to implement the changes with immediate effect by serving notice on the Employee Side that the changes will take effect from the forthcoming Unison elections in January 2007.

Report authorised by: **Chief Executive**



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**3. Policy summary**

Current time off provision is calculated using a formula of one full time block release for every 1000 members plus three hours a week shop stewards allowance for every 50 members. Allowances can be consolidated to increase the block release. The formula has not been updated or reapplied for some years.

**4. Access to information:**

## 5. Introduction

This report proposes changes to the trade union facilities and time off agreement and the way in which we engage and consult with staff.

## 6. Background

- 6.1 Part of our HR Strategy recognises the need to have effective engagement and consultation with staff on matters that affect them.
- 6.2 Whilst there are formal systems of communication in place with trade unions, e.g. directorate consultative committees, it must be acknowledged that the unions represent approx. 53% of the workforce.
- 6.3 Officers are reviewing the current consultation machinery to ensure an effective dialogue with the staff. The review of trade union time off is linked to this.
- 6.4 The Council's arrangements for time-off for trade union activities were agreed at the Personnel Sub-Committee on 27<sup>th</sup> January 1992. The agreement provides a formula for the calculation of full time and steward release as follows.
- One full time official release for every 1000 members.
  - Three hours a week shop stewards allowance for every 50 members – can be consolidated to increase the block release.
- 6.5 This report does not address time-off for teaching unions. That will be subject to further review.

## 7. Proposals for Change

### 7.1 Time Off for Trade Union duties

- 7.1.1 In accordance with the Council time off arrangements trade unions are granted the following levels of time off at present.

Union	Membership numbers using check off figures	Branch Officers	Amount of additional TU time off based on 3 hrs per week per 50 members
UNISON	3394	4 FTE	5.5 Full time equivalent
GMB	349	1 FTE	
TGWU	85	1 FTE	
Craft unions	160	1 FTE	

- 7.1.2 In addition to the above up to 4 days per week time off is granted to the Employee Side Secretary, who is a UNISON member and also represents UNISON members.

- 7.1.3 Benchmarking with other London boroughs highlights that Haringey is more generous in giving trade union time off than most other London boroughs. We are 3<sup>rd</sup> in the league table of London boroughs in terms of number of union members per seconded trade union official. See table attached at Appendix A. However, it should also be noted that in terms of union membership compared to the numbers of staff we are also one of the highest ranked boroughs at No. 7 in the list.
- 7.1.4 We are particularly generous in giving time off to UNISON. At present we allow time off for 9.5 full time equivalent officials for UNISON. This is generous compared to other London boroughs who tend to grant on average time off for 3 full time equivalent officials for UNISON. Appendix B shows how the council ranks compared to other boroughs. Haringey is ranked 2<sup>nd</sup> in terms of UNISON membership density and the council is ranked 5<sup>th</sup> in terms of UNISON members per FTE officials.
- 7.1.5 Most of the UNISON time off derives from the consolidated shop steward calculation contained in the current agreement. This provides that we allow 3 hours per week per steward per 50 members for general trade union work. This does not include time off to represent people in cases or in consultation/negotiation meetings with management, which is granted in addition to the 3 hours per week. The shop steward allowance can be consolidated to increase block release in stewards time off and this is what UNISON have done to claim time off for an additional 5.5 full time equivalent officials.
- 7.1.6 It is proposed to reduce the time off entitlement for Unison by deleting the formula so that it is no longer possible to translate shop steward time off into full time release. Reasonable time off would be allowed at service level to accommodate local shop steward matters but this is envisaged to be fraction of that currently enjoyed. In recognition of the change, it is proposed to adjust the formula for full time release from 1 full time union officer per 1000 union members to 1 full time union officer per 600 union members (rounded to the nearest 600) but capped at 6 full time release subject to annual review by the Head of Personnel . In this way Unison will qualify for 6 full time branch officials, a reduction of 3.5 full time equivalents. Any subsequent recommendations for change would be reported to General Purposes Committee.
- 7.1.7 In order to achieve a harmonious implementation of the change it is proposed that Unison be served notice immediately of the decision but that it take effect from the union's next election scheduled for January 2007.
- 7.1.8 It is proposed that the Council operate a minimum facility of 1 full time equivalent release for any union that is recognised.
- 7.1.9 These provisions will be reviewed annually by the Head of Personnel and reported to General Purposes Committee if any changes are recommended.
- 7.1.10 It is proposed to leave the time off facility for the Employee Side Secretary at 4 days per week.
- 7.1.11 The Council will adopt a new policy outlining the arrangements for time off provision for the trade unions. Incorporated within this policy will be provision for

amendment/ termination of the arrangements subject to six months notice. The Council will also that in return for the generous levels of time off granted to the unions an annual report will be produced by the Branch Secretary of each union stating how the time off facility by their union was utilised in the furtherance of representation, employee relations, etc. A copy of the new policy is attached at appendix C.

## **7.2 Terms of Reference for Review**

7.2.1 A review took place between the Head of Personnel with the Employee Side Secretary of the Joint Consultative Committee and representatives of Unison, GMB, and TGWU with a view to reducing the current time off provision. The discussion followed the terms of reference below.

- i. To analyse current application of the trade union time off formula in Haringey Council.
- ii. To benchmark the provision in other London boroughs
- iii. To review the use of the current formula for trade union time off with a view to placing the Council close to the median of provision compared with other London boroughs.
- iv. To actively consult the respective unions with a view to reaching agreement on the proposed changes
- v. To limit consultation to a period of three months or until the meeting of General purposes in June 2006.
- vi. To report back to General Purposes Committee in June 2006 with the recommendations from the review, ideally agreed with the union stakeholders, but not dependent upon such agreement.
- vii. To identify implementation arrangements for any changes arising from the review also to be recommended at the General purposes Committee in June 2006.
- viii. To discuss the implications of paragraph 7.3 below about staff communication with the unions.

## **7.3 Communication and Consultation arrangements**

7.3.1 At present the Trade Unions have two distinct functions; they act as advocates representing individual members, and they act together to deal with “collective” matters such as a reorganisation, terms and conditions, etc.

7.3.2 There are arrangements in place at Directorate and Corporate level for officers to meet with trade union officials to discuss matters affecting staff within directorates or across the council.

7.3.3 Members on behalf of the Council meet formally with the Employee Side (trade unions acting on behalf of the whole workforce) at the Haringey Council and Employee Joint Consultative Committee

7.3.4 These arrangements satisfy the Council’s obligations with regard to the legislative requirements contained in the Information and Consultation Regulations 2004.

- 7.3.5 Within the Council structure the responsibility for determining the terms and conditions of staff and the conduct of IR lies with General Purposes Committee including Health & Safety, Pensions, appointing senior officers (Deputy Chief Officers and above). Any functions that do not reside under General Purposes Committee fall under the relevant portfolio functions of the appropriate Executive Member – e.g. OD and Performance, which covers, improvement and performance, organisational development and learning.
- 7.3.6 In more general terms managers will consult directly with staff individually, or with trade union representatives, or with groups of staff through correspondence, notices or meetings.
- 7.3.7 However, we want to develop a wider base of consultation than the current arrangements and therefore we will seek to engage a wider audience where practicable through development of more inclusive channels of communication. For example, through greater utilisation of team brief and the Harinet intranet website.

## **7.4 Trade union facilities**

- 7.4.1 Trade union accommodation was until recently based at 48 Grand Parade. It was in need of general improvement. Occupants complained of poor telephone connection, internal repair needs, ant infestation, and carbon monoxide poisoning. The lease on the accommodation was due for renewal in 2004.
- 7.4.2 As part of the Accommodation strategy Unison have been moved to 14a Willoughby Road. The remaining unions are located in 38 Station Road. These buildings are much better in comparison with the unions' previous accommodation. The trade unions are generally happy with their new accommodation.
- 7.4.3 The Council recognises that it is beneficial to provide the unions with reasonable facilities to further good industrial relations. It therefore proposes to provide appropriate accommodation to allow trade union business to be conducted and permit access to Harinet, but not the email facility of the council.
- 7.4.4 It will be the responsibility of the unions to provide their own information and communications technology. Representations for support and advice may be granted to the smaller unions, at the discretion of the Head of Personnel.

## **8. Legal Implications**

The Head of Legal Services has been consulted on the content of this report and makes the comments set out below.

Sections 168 and 169 of the Trade Union and Labour Relations (Consolidation) Act 1992 provide that union officials have the statutory right to reasonable paid time off to carry out union duties and to undertake training. The union duties to which this right applies are set out in the 1992 Act and include a range of collective bargaining and representation matters for which the union is recognised and the receipt of information and consultation concerning TUPE and redundancy matters. The determination of what constitutes reasonable time by a local government employer should take into account the need for the authority to

carry out its functions and its fiduciary responsibility in relation to its council tax payers as well as the requirements for the union duties to be undertaken.

From March 2005 employees undertaking the roles of either negotiating representatives or information and consultation representatives, within the meaning of the Information and Consultation of Employees Regulations 2004, will be entitled to reasonable time off during working hours to perform their functions. The scope of the regulations encompasses the whole of the Council's workforce.

Section 179(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 provides that a collective agreement shall be conclusively presumed not to have been intended to be a legally enforceable contract unless the agreement is in writing and contains a provision that states that the parties intend that it shall be a legally enforceable contract. A collective agreement concerning the facilities for trade union officials comes within this statutory presumption. Thus the previous arrangements arrived at in 1992 do not constitute a legally enforceable contract.

## **9. Financial Implications**

The full year reduction in expenditure relating to trade union time off will be dependent on which individuals are deselected following the union election in January 2007. It is estimated to be in the region of £120K full year saving including on-costs.

## **10. Equality Implications**

The recommendations are compliant with the Council's equal opportunities policies.

Appendix A

**ALG – Trade union time-off survey of London Boroughs 2005**

Table 1 - Rank of union members compared to employee numbers using adjusted union membership figures. Table 2 - Rank of union members per FTE trade union official.

Table 1

<i>Rank</i>	<i>Borough</i>	<i>Total staff</i>	<i>Total TU Mbrs</i>	<i>Union Ratio</i>
1	Tower Hamlets	8334	6244	75%
2	Greenwich	9726	5741	59%
3	Hammersmith & Fulham	4422	2604	59%
4	Merton	2726	1566	57%
5	Barking & Dagenham	6119	3359	55%
6	Camden	6661	3651	55%
7	Haringey	7565	3988	53%
8	Waltham Forest	4500	2345	52%
9	Lewisham	6525	3395	52%
10	Westminster	4,000	2061	52%
11	Hillingdon	3388	1708	50%
12	Croydon	7516	3706	49%
13	Hackney	3713	1825	49%
14	Newham	9007	4341	48%
15	Lambeth	4883	2331	48%
16	Southwark	5200	2399	46%
17	Islington	2891	1267	44%
18	Barnet	6563	2826	43%
19	Ealing	6200	2646	43%
20	Sutton	3500	1485	42%
21	Redbridge	4500	1897	42%
22	Havering	6214	2452	39%
23	Harrow	4626	1778	38%
24	Wandsworth	5672	1957	35%
25	Brent	5744	1872	33%
26	Enfield	10487	3396	32%
27	Hounslow	5584	1779	32%
28	Bexley	6068	1726	28%
29	Kensington & Chelsea	3712	1015	27%
30	Richmond	3470	817	24%
31	Bromley	3827	825	22%
32	Kingston upon Thames	4133	783	19%

Table 2

<i>Rank</i>	<i>Borough</i>	<i>Total TU FTE</i>	<i>Total TU Mbrs</i>	<i>Union Mbrs per FTE official</i>
1	Hammersmith & Fulham	12.7	2604	205
2	Kensington & Chelsea	3.2	1015	317
3	Haringey	12.5	3988	319
4	Lambeth	7.2	2331	324
5	Islington	3.7	1267	342
6	Harrow	5.0	1778	356
7	Croydon	9.0	3706	412
8	Southwark	5.6	2399	428
9	Waltham Forest	5.0	2345	469
10	Camden	7.5	3651	487
11	Brent	3.7	1872	506
12	Newham	8.5	4341	511
13	Barking & Dagenham	6.5	3359	517
14	Greenwich	10.4	5741	552
15	Barnet	5.1	2826	554
16	Hackney	3.0	1825	608
17	Hillingdon	2.5	1708	683
18	Lewisham	4.8	3395	707
19	Sutton	2.0	1485	743
20	Ealing	3.5	2646	756
21	Kingston upon Thames	1.0	783	783
22	Merton	2.0	1566	783
23	Wandsworth	2.2	1957	890
24	Tower Hamlets	6.4	6244	976
25	Westminster	1.8	2061	1145
26	Bexley	1.3	1726	1328
27	Enfield	2.1	3396	1617
28	Bromley	0.5	825	1650
29	Havering	0.8	2452	3065
30	Richmond	1.5	817	n/a
31	Hounslow	1.0	1779	n/a
32	Redbridge	no info	1897	n/a

**ALG – Trade union time-off survey of London Boroughs 2005**

Table 1 - Rank of UNISON members compared to employee numbers using adjusted union membership figures. Table 2 - Rank of UNISON members per FTE trade union official.

Table 1

Rnk	Borough	Total staff	UNISON Mbrs	UNISON Ratio
1	Tower Hamlets	8334	3770	45%
2	Haringey	7565	3394	45%
3	Camden	6661	2863	43%
4	Waltham Forest	4500	1810	40%
5	Hillingdon	3388	1331	39%
6	Westminster	4,000	1561	39%
7	Sutton	3500	1347	38%
8	Southwark	5200	1937	37%
9	Harrow	4626	1714	37%
10	Lewisham	6525	2355	36%
11	Hackney	3713	1316	35%
12	Hammersmith & Fulham	4422	1565	35%
13	Islington	2891	947	33%
14	Merton	2726	892	33%
15	Lambeth	4883	1556	32%
16	Havering	6214	1942	31%
17	Croydon	7516	2183	29%
18	Ealing	6200	1794	29%
19	Newham	9007	2585	29%
20	Hounslow	5584	1497	27%
21	Greenwich	9726	2530	26%
22	Redbridge	4500	1141	25%
23	Wandsworth	5672	1430	25%
24	Barnet	6563	1623	25%
25	Brent	5744	1203	21%
26	Enfield	10487	2140	20%
27	Bromley	3827	761	20%
28	Kensington & Chelsea	3712	685	18%
29	Richmond	3470	631	18%
30	Bexley	6068	927	15%
31	Kingston upon Thames	4133	624	15%
32	Barking & Dagenham	6119	666	11%

Table 2

Rk	Borough	Unis on FTE	Unison mbrs	Unison Mbrs per FTE official
1	Hammersmith & Fulham	8.2	1565	191
2	Lambeth	5.2	1556	299
3	Croydon	7.0	2183	312
4	Harrow	5.0	1714	343
5	Haringey	9.5	3394	357
6	Islington	2.5	947	379
7	Kensington & Chelsea	1.6	685	428
8	Camden	6.4	2863	447
9	Brent	2.5	1203	481
10	Southwark	3.8	1937	510
11	Barnet	3.1	1623	524
12	Greenwich	4.4	2530	575
13	Waltham Forest	3.0	1810	603
14	Kingston upon Thames	1.0	624	624
15	Barking & Dagenham	1.0	666	666
16	Bexley	1.3	927	713
17	Lewisham	3.3	2355	714
18	Hillingdon	1.8	1331	739
19	Merton	1.0	892	892
20	Ealing	2.0	1794	897
21	Tower Hamlets	3.0	3770	1257
22	Newham	2.0	2585	1293
23	Westminster	1.2	1561	1301
24	Hackney	1.0	1316	1316
25	Sutton	1.0	1347	1347
26	Bromley	0.5	761	1522
27	Enfield	1.4	2140	1529
28	Wandsworth	0.7	1430	2043
29	Havering	0.5	1942	3884
30	Richmond	0.0	631	n/a
31	Hounslow	0.0	1497	n/a
32	Redbridge	no info	1141	n/a



# Trade Unions Facilities and Time Off Arrangements

## 1. Introduction

This document sets out Council agreed procedures for trade union facilities and time off arrangements.

## 2. Scope

The arrangements contained in this document cover trade union matters relating to all non-teaching staff (subject to the provisions of the Education Reform Act regarding Locally Managed Schools and establishments).

## 3. General Statement of Policy

The purpose of this policy is to aid and improve the effectiveness of relationships between the council and trade unions. Regard has been taken of the ACAS Code of Practice on Time Off for trade union duties and activities. The Council provides generous time off provisions and in return expects the following principles to be complied with.

- Time off, with or without pay, must be sought and agreed in advance in accordance with the requirements of this policy. Requests for time off must be made as far in advance as possible in the circumstances
- Requests for time off have to be balanced with the requirement placed on the Council to provide a properly staffed service. The maintenance of service provision remains paramount.
- The election of accredited Trade Union representatives (including union learning reps and safety reps) will be in accordance with the rules of the Union.
- The Union will notify the Head of Personnel of all properly appointed Trade Union representatives. Only representatives notified in this way will be recognised by the Council as accredited Trade Union representatives.
- Time off for representatives will be considered subject to the needs of the Council service.
- The Union will notify the Head of Personnel of any alteration or amendment to its Trade Union representatives.
- An annual report will be produced by the Branch Secretary of each union stating how the time off facility by their union was utilised in the furtherance of representation, employee relations, etc.
- For its part, the Council recognises that trade unions need to represent and communicate with their members and will respond to requests for time off positively subject to the exigencies of the service and the consideration of safety problems which may be caused by their absence(s).
- These provisions will be reviewed annually by the Head of Personnel and reported to General Purposes Committee (or alternative) if any changes are proposed.

## 4. Time off for trade union duties and activities

### 4.1 Time off for trade union duties

This section sets out the level of paid time off which the Council considers reasonable to grant accredited trade union and safety representatives in accordance with the statutory frameworks and the ACAS Code of Practice.

### 4.2 Branch Officers

In order to support good industrial relations the Council has agreed that the Branch Officers of Unions can be seconded from their normal duties to undertake trade union duties. The Branch Officers are awarded paid time off for trade union duties subject to the following conditions:

- The Head of Personnel has the delegated authority to agree the actual maximum amount of time off that may be taken by each branch officer
- Proper advance notification of time off being given;
- In addition to the above, Branch Officers will be allowed reasonable time off to attend:
  - approved training courses
  - official trade union annual conferences as approved delegates

The formula is to grant the equivalent of full time release for 1 full time union officer per 600 union members (rounded to the nearest 600) but capped at 6 full time release.

It is proposed that the Council operate a minimum facility of 1 full time equivalent release for any union that is recognised.

Both the above provisions would be subject to annual review by the Head of Personnel. Such review should include both the formula for union release and its operation.

Based on trade union membership levels obtained from the councils management information system at the end of 2005 the following levels of time off for branch officers would be granted -

Union	Membership numbers using check off figures	Branch Officers
UNISON	3394	6 FTE
GMB	349	1 FTE
TGWU	85	1 FTE

Following the annual elections of each union, the Head of Personnel shall confirm time off subject to the needs of the Council's services.

### **4.3 Trade union representatives**

Notwithstanding the specified arrangements for the Branch Officers reasonable time off with pay will be granted to other elected trade union representatives to undertake trade union duties and activities (as outlined in the attached appendices). This will include

- Reasonable time off to attend meetings called by management, including meetings to discuss terms and conditions, restructuring, meetings with employees that require a TU rep in attendance, etc.
- plus reasonable time off to prepare for meetings.

The number of union representatives granted time off for these purposes will be subject to reasonable limits and the proper authorisation arrangements.

Reasonable time off with pay will also be allowed to elected representatives of a recognised trade union to undergo training relevant to the carrying out of their trade union duties. The training should be in aspects of industrial relations relevant to the duties of a representative and must also be approved by the Trade Union Congress or by the independent trade union of which the employee is a representative.

### **4.4 Union Learning Representatives**

Reasonable time off with pay will be granted to properly elected Union Learning Representatives. Reasonable time off should be allowed for the following activities

- Analysing learning or training needs
- Providing information and advice about learning or training matters
- Arranging and supporting learning or training e.g. encouraging union members to access learning opportunities.
- Promoting the value of learning or training
- Consulting the employer about carrying on any such activities
- Preparation time to carry out the above activities
- Undergo relevant training

### **4.5 Time off for Safety Representatives**

The Council will allow Safety Representatives to take such time off with pay during working hours as shall be necessary for the purpose of:-

- Performing their functions under the Health and Safety at Work Act.
- Undergoing such training in aspects of those functions as may be reasonable in all the circumstances.

The activities/ duties of a Safety rep cover the following

- Representing workers in consultations with employers
- Investigating potential hazards and dangerous occurrences
- Examining the causes of accidents, dangerous occurrences and diseases
- Investigating complaints by members
- Making representations to the employer
- Carrying out workplace inspections
- Representing employees in consultations with inspectors
- Receiving information from inspectors
- Attending joint health and safety committee meetings

In return for granting time off it will be expected that the Safety Representative will share with management reports/ findings concerning their duties and activities.

#### **4.6 Conferences**

Time off with pay will be granted to delegates from the local branch of the trade union to enable attendance at their Annual Trade Union conference to consider pay and conditions matters. This is subject to the arrangements set out previously for Branch Officers, reasonable numbers of delegates being nominated and service and work requirements permitting.

#### **4.7 Payment for time off for trade union duties and approved training**

When a representative is allowed time off during normal working hours, they are entitled to payment for the time taken. The amount paid would be either the normal pay which the representative would otherwise be paid or a payment based on their average hourly earnings where the earnings vary with the work done.

There will be no requirement to pay for time off for trade union duties or training when such time is outside of the representative's normal working hours. The Council will not meet the travelling and subsistence costs of trade union representatives who attend courses or conferences.

### **5. Facilities**

Reasonable office and administrative facilities will be made available. Access to interview rooms will be provided subject to their availability at the time of need. Free use of the internal postal service will be provided for correspondence relating to trade union duties.

Unison accommodation is based at 14a Willoughby Road. The remaining unions are located in 38 Station Road.

The Council recognises that it is beneficial to provide the unions with reasonable facilities to further good industrial relations. It therefore intends to continue the provision of appropriate accommodation to allow trade union business to be conducted.

It will be the responsibility of the unions to provide their own information and communications technology. The Council will permit the unions access to Harinet, but not the email facility of the council. Representations for support and advice regarding IT may be granted to the smaller unions, at the discretion of the Head of Personnel.

### **6. Check-Off arrangements**

The Council will continue to provide check off and related facilities subject to a reasonable percentage charge on the total membership deductions. The rate and arrangements for check-off may be varied by the Council subject to prior consultation with the representative union(s). Details of the check-off service are provided in a separate document.

## **7. Alteration or termination of the Agreement**

The Council may amend any of the provisions of this policy subject to six months' notice in writing. It is assumed that during the course of the notice period consultation will be had between the Head of Personnel and the unions about the proposed changes with a view to reaching an understanding about the changes.

Should a trade union representative fail to adhere to these arrangements, they may be reviewed on an individual basis subject to consultation with the appropriate full time union officer.

No contractual status is attached to this policy and questions regarding its interpretation should be dealt with by the Head of Personnel.