

**CITY AND COUNTY OF CARDIFF
DINAS A SIR CAERDYDD**

Employment Conditions Committee: 24 November 2004

Report of Chief Executive

**EMPLOYEE RELATIONS FRAMEWORK - DECISION MAKING
ARRANGEMENTS**

Background

1. The existing processes supporting the current employee relations framework need to be revisited by the Council in the light of the new Administration's move from a Cabinet to an Executive style of decision-making.
2. The employee relations framework, as agreed by the Council, comprises:
 - Employment Conditions Committee
 - Works Council (supported by Service Area Joint Committees)
 - Health & Safety Advisory Forum (supported by Service Area Health & Safety Committees).
3. The overall picture of employment decision-making is outlined in Appendix A, attached.
4. This report is for information only to this Committee as the appropriate bodies to take the decisions that are required are the Council in respect of the Works Council and the Executive in respect of the Health and Safety Advisory Forum.

Issues

Employment Conditions Committee

5. The Constitution, terms of reference and dates have already been determined.

Works Council

6. The Works Council was established by the Council in June 1999 (Minute No. 32) with membership drawn from Members of the Council and representatives of the recognised Trade Unions. The Chief Executive, in consultation with the Cabinet and the recognised Trade Unions was authorised to finalise the terms of the Constitution.
7. The Works Council is an advisory body to the Employment Conditions Committee where issues of Council-wide concern are discussed and consultation on key strategic issues facilitated.

8. Involving 17 Trade Unions, it provides a framework for regular consultation between the Council, (ie. The Employer's Side) and its workforce, (ie. The Trade Union Side) essential to foster and maintain good employee relations across the Council.
9. Below the Works Council level, "local" employee relations issues are considered by Service Area Joint Committees (SAJCs). The minutes of the Service Area Joint Committees are reported to the Works Council for information. Matters that are not satisfactorily resolved at SAJC level can be referred to the Works Council who will attempt to resolve them.
10. The Works Council is not a decision-making forum but can make recommendations to the Employment Conditions Committee, which has the delegated authority to make decisions on behalf of the Council.
11. The Council side membership of the Works Council was originally the three Resources portfolio members, plus an appropriate number of opposition members and other executive members appropriate to the agenda items. Over the years this Council side membership has changed in line with the changing structure of the Cabinet. The current Council side membership is as follows:
 - Deputy Leader Improvement, Investment and Reform (Chair)
 - Deputy Leader Business Arrangements
 - Other Deputy Leaders, as appropriate to the agenda items
 - An appropriate number of opposition Members (1 x Lib Dem and 1 x Cons).
12. In the light of the election of a new administration the Council is now being asked to re-establish the Works Council, determine the Council side membership and nominate individuals to sit on it.

Health & Safety Advisory Forum

13. The Health & Safety Advisory Forum is the corporate consultative mechanism between the Council and 17 Trade Unions on corporate and strategic health, safety and welfare issues and specific health and safety issues which have not been resolved elsewhere.
14. The current constitution is as follows:
 - Deputy Leader for Improvement, Investment and Reform (Chair)
 - Deputy Leader for Business Arrangements
 - Other Deputy Leaders, as appropriate to the agenda item
 - An appropriate number of opposition members (1 x LibDem and 1 x Cons).
15. Health and Safety responsibilities, as an employer, are Executive functions and will therefore require consideration by the Executive
16. Specific health and safety issues were previously reported to Cabinet as necessary. The constitution of the Health and Safety Advisory Forum needs to be considered to determine if the Forum minutes should continue to be circulated to Executive Members and other health and safety issues reported to the Executive as appropriate.
17. The Leaders' Forum on 16 September considered a report on how the Health & Safety Advisory Forum may operate and its constitution arrangements. The forum proposed that a report be presented to the Executive which would enable them to consider a

number of proposals. Such a report is being prepared for the Executive to consider on 2 December 2004.

Proposals

18. It is proposed that this Committee note that the Council is being asked to re-establish the Works Council, determine the Council side membership and nominate individuals to sit on it and that the Executive is being asked to consider a number of proposals relating to the Health and Safety Advisory Committee.

Investment for Reform/Benefit to service user

19. The opportunity for regular consultation between the Council and its employees is an essential part of effective employee relations. Effective employee relations are vital so that the Council can concentrate on providing ever improving services to service users.

Council Policies Supported

20. This report supports the Council's commitment to collective bargaining and to ensuring an effective employee relations framework.

Advice

21. This report has been prepared in consultation with relevant Corporate Directors and reflects their advice. It contains all the information necessary to allow Members to arrive at a reasonable view, taking into account the following advice.

Legal Implications

22. The Works Council and Health and Safety Advisory Forum may not be formal Committee as they comprise Officers and Members although it may properly be a forum for discussion and take on an advisory role. All decisions taken by or on behalf the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers of behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

23. There are no financial implications arising from this report.

Human Resource Implications

24. The Works Council and the Health and Safety Advisory Forum have not met since before the local elections in June 2004 and they are not therefore currently fulfilling their role of providing a framework for "regular" consultation. Once the Council and Executive have determined the respective issues to be put before them programmes of

meetings for these two bodies can then be arranged, thus ensuring that this vital part of the Employee Relations machinery can begin to function again.

Trade Union Comments

25. The Trade Unions are keen for meetings of the Works Council and the Health and Safety Advisory Committee to re-commence as soon as possible.

RECOMMENDATIONS

It is recommended that the Employment Conditions Committee:

- (i) note that the Council is being asked to re-establish the Works Council, determine the Council side membership and nominate individuals to sit on it,
- (ii) note that the Executive is being asked to consider proposals relating to the operation of the Health and Safety Advisory Forum.

BYRON DAVIES
CHIEF EXECUTIVE

16 November 2004

The following appendix is attached:

Appendix A - How Employment Decisions are made

HOW EMPLOYMENT DECISIONS ARE MADE

Appendix A

1. Formal Delegated Powers

Operational Employment decisions

-- Chief Officer in consultation with CHRO, in accordance with Scheme of Delegations

Approval of new operational HR employment policies and changes to existing ones as required --- Chief Executive in consultation with Trade Unions and in accordance with existing consultation arrangements (CDs, COs, HRD group) (ECC Dec 03)

Establishment changes -- regrading/creation/deletion/redesignating/redefining posts --- Chief Executive/CD, after consultation with CHRO, to determine CO proposals (which must include TU consultation) (ECC March 03)

2. Employment Conditions Committee

- To consider and determine policy and issues arising from the organisation, terms and conditions of the Council's employees
- Decide proposals for the re-organisation of the Council's employee establishment which involve redundancies
- Receive Works Council Minutes and deal with any appropriate matters that require a decision on behalf of the Council

Works Council

- Elected members/Trade Union corporate consultation forum
- Not a decision making body - but advisory body to ECC
- Issues requiring decisions referred to ECC
- Provide framework for regular consultation between the Council and its workforce
- To inform Trade Unions about strategic matters
- Attempt to address issues not resolved at SAJC level

Service Area Joint Committees

- Officers & Trade Unions forums to discuss "local" service area issues
- Issues that can't be resolved at this level are referred up to the Works Council

3. Executive

- Health and Safety responsibilities as an employer are executive functions
- Receive minutes of Health & Safety Advisory Forum and make decisions as appropriate

Health & Safety Advisory Forum

- Elected members/Trade Union corporate forum to deal with Health and Safety issues
- Not a decision making body - but advisory body to Executive -- neither the HSAF nor employer side reps may exercise any power that binds the Council
- Issues requiring decisions referred to Executive

Service Area Health and Safety Committees

- Officers and Trade Union forum to discuss "local" service area Health and Safety issues