

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

Employment Conditions Committee: 23 March

Report of Chief Executive

EMPLOYEE RELATIONS MATTERS

Background

1. A meeting of the Works Council took place on 10th February 2005. Under the Council's constitution employment issues are not matters for the Executive but require Council decision. Accordingly the minutes of the Works Council meeting are attached (Appendix A) for the Committee's information as agreed by Members and Trade Unions under the constitution of the Works Council.

Issues

2. The following issues were discussed:

Works Council Constitution

3. The UNISON representatives consider that the number of Trade Union representatives on the Works Council should be proportional to the size of Trade Union membership. They have tried, unsuccessfully, to reach agreement with the other Trade Unions on this matter. GMB, TGWU and AMICUS are happy with the current representation and would seek proof of union membership if the Council agreed to proportional representation. There are currently 17 Trade Unions recognised by the Council for collective bargaining purposes and the current allocation of Trade Union seats on the Works Council allows for 29 Trade Union representatives to attend. The Council, both the previous administration and the current one, have indicated that they would not wish to increase this figure of 29 for the unions currently recognised. UNISON have been asked to put any specific proposal they may have in writing to the Chair of the Works Council so that it can be considered.

Job Evaluation

4. The ECC decision of 24 November 2004 was noted and welcomed and it was confirmed that a meeting of the Steering Group would be arranged at the earliest opportunity. This steering group actually met on 23 February 2005 and it was a positive first meeting. A further meeting is due to take place on 9 March 2005.

Staff Development / Appraisal Scheme

5. A discussion took place about this scheme and all the background surrounding the issue of any link to pay. The Trade Unions asked that the link to pay that was currently suspended in the scheme, be removed completely. It was pointed out that

the link to pay had been agreed during the previous administration and a view on the matter might be sought from the current administration.

6. It was suggested that a report be made on piloting the Staff Development Scheme from April 2005 with OM staff and above (including staff directly managed by OMs), without any link to pay whilst that matter is considered further by the Council, and with the remainder of staff from the following April. There is a report on the agenda for this meeting of the Employment Conditions Committee dealing with this issue.
7. It was also confirmed that legal clarification would be needed on the question of Trade Union access to yellow page reports and Trade Union representatives being able to attend and / or speak at Employment Conditions Committee meetings.

Disturbance Allowance

8. UNISON expressed the view that the inclusion of a mobility clause in an employees contract does not override the payment of a disturbance allowance where appropriate.
9. The view of Human Resources has always been that disturbance allowance can only be paid if there is not a mobility clause in a contract, although any particular cases of extreme hardship could always be considered on their merits. Human Resources also explained that no local agreements have yet been reached on this matter.
10. The Chair of the Works Council stated that members would need to reflect on this and asked that it be referred to a future meeting of the Employment Conditions Committee.

Proposals

11. It is proposed that the Employment Conditions Committee note the issues discussed at the Works Council and express any views it may have on these matters.

Investment for Reform/Benefit to service user

12. This report is for the information of the Committee.

Council Policies Supported

13. This report is for the information of the Committee.

Advice

14. 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

15. Under, the Local Government Act 2000 and regulations thereunder the appointment of staff and the determination of their terms and conditions of employment are not matters for the Executive but require a Council decision. The Council has delegated that function to this Committee. From time to time items on the Works Council

agenda that do not fall within the terms of reference of the Committee but are matters that would properly fall to the Executive for decision. Such matters may be referred to the Committee for information. 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

16. There are no financial implications arising directly from this report.

Human Resource Implications

17. This report is for the information of the Committee.

Trade Union Comments

18. The Trade Union views on the matters discussed are recorded in the report and the attached minutes.

RECOMMENDATION

It is recommended that the Employment Conditions Committee note the issues discussed at the Works Council and express any views it may have on these matters.

BYRON DAVIES
CHIEF EXECUTIVE

11 March 2005

The following appendix is attached:

Appendix A - Minutes of the Works Council 10 February 2005

10 February 2005

Present: Councillors Berman, Stephens, Neale & Walsh

Approved

TU reps: Chris Alders, AEP
Keith Greenslade, Andy Gardner, Mike Love, AMICUS
Derek Daniels, Ken Daniels, Andy Davis, Phil Andrews, GMB
Alan Geach, NAEIAC
Mike Formosa, Jan Coombes, Bob Clarke, TGWU
Robert Collins, UCATT
Mike Hayes, Mark Turner, Liz Morgan, John Rees, UNISON

Officers: Jo Thorne, Assistant Chief Executive
Mike Heffernan, Bryan Johnson, Chris James, Human Resources

Apologies: Councillor Sheppard

1. ELECTION OF CHAIRPERSON

It was resolved that Councillor Stephens be elected as Chairperson.

Councillor Stephens, Chairperson, in the Chair.

2. MINUTES

The minutes of the meeting held on 27 February 2004 were approved as a correct record.

3. WORKS COUNCIL CONSTITUTION

The amendments that had been made to reflect the newly appointed Council side membership and the current operational arrangements in the Council were noted.

UNISON stated its view that the number of Trade Union representatives should be proportional to the size of Trade Union membership. They had tried to reach agreement on this with other Trade Union but had failed to do so. GMB, TGWU and AMICUS were happy with the current representation and would be seeking proof of numbers of Trade Union membership if the Council side agreed to proportional representation. It was pointed out that any union can bring a service area representative for a specific issue in place of a usual representative if they so wished.

The Chair stated that 29 Trade Union representatives was already a large number and the Council would not want to increase this total for the Trade Unions currently recognised. He asked UNISON to put in writing any specific proposals they may have so that it could be considered.

4. JOB EVALUATION

It was noted that in November 2004 the Employment Conditions Committee had agreed that a joint steering group of officers and Trade Union representatives be established to start negotiations about undertaking a local pay review including the introduction of job evaluation and local terms and conditions of employment.

It was agreed that this Steering Group should meet at the earliest opportunity.

5. PAYSLIPS AND BANK ACCOUNT DETAILS

After a discussion on the style of payslip to be introduced as part of the Supporting Business Project the Trade Unions indicated their support for payslips that did not show any bank account details on them.

6. RISK MANAGEMENT

A presentation was made by Tony Riches, the Chief Strategic Planning & Neighbourhood Renewal Officer, on the approach the Council was taking to risk management. He explained that whilst it was not possible to eliminate all risks, the aim was to manage them and improve the capacity to handle risk. The strategy was more open, transparent and participative than it had been in the past and had many benefits, both financial and non-financial. The Trade Unions stated that they welcomed anything that would reduce risk.

7. TRADE UNION TIME OFF AND FACILITIES AGREEMENT

UNISON stated that in their view this agreement was the worst of all UNISON branches and that it was not adequate for their needs. Some parts of it had not yet been implemented and they wanted it to be reviewed as a matter of urgency.

GMB, TGWU and AMICUS stated that they actually welcomed the Facilities Agreement. In their view, the agreement was a marked improvement on what had existed previously. There were proper procedures in place.

It was agreed that not all of the agreement had been fully implemented yet, but it was confirmed that a lot of work had gone into finalising the agreement

and that the Council had not set out to get the worst deal possible for the Trade Unions.

The Chair confirmed that he felt the Trade Unions should be involved in induction courses. He asked UNISON and Human Resources to meet to discuss the areas of concern and then to bring the matter back to the Works Council in six months time.

8. STAFF DEVELOPMENT / APPRAISAL SCHEME

UNISON, having outlined some of the background to this issue, stated that whilst they wanted the scheme to be introduced, they wanted the link to pay be removed not just suspended as was the current position.

It was suggested that a report be taken to the Employment Conditions Committee in March recommending that a Development Scheme be piloted for OM staff and above (including officers directly managed by OMs), without any link to pay, from April this year and with the remainder of staff from the following year. It was pointed out that the link to pay had been agreed during the previous administration and a view on the matter might be sought from the current administration.

It was agreed that clarification needed to be sought on the issue of Trade Union access to yellow page reports and the possibility of Trade Union representatives attending and speaking at Employment Conditions Committee meetings.

It was agreed that a report should be submitted to the Employment Conditions Committee in March about a staff development scheme.

9. DISTURBANCE ALLOWANCE

UNISON stated that in their view the inclusion of a mobility clause in a contract did not override the payment of disturbance allowances when appropriate. It was pointed out that no local agreement had been reached on this yet, but that individual hardship cases could always be considered on merit.

The Chair asked that this matter be referred to the Employment Conditions Committee to consider.

10. CMS RELOCATION

UNISON stated that they were not objecting to the planned relocation of Community Maintenance Services but they wanted all the proper processes to be followed to ensure that the move was a valid one. It was confirmed that the service area would engage in further discussions with the Trade Unions, assisted by Human Resources. It was agreed that if there were any further difficulties the matter should come back to the Works Council.

11. REVIEW OF POLICIES

UNISON and GMB listed a number of employment policies that needed to be reviewed as they felt that they were not all being operated fairly. It was stated that as the policies had been agreed by the previous administration there may be some different views held now on some issues.

It was confirmed that Human Resources was committed to reviewing the policies and the Trade Union concerns would be taken on board. It was also pointed out that the problems may be with the implementation rather than with the policies themselves. It was agreed that not all policies could be reviewed at once but that the Trade Unions would be asked to prioritise the list.

12. SICKNESS PAYMENTS FOR CLEANERS

The GMB explained the background and history to the way cleaners were paid for sickness or cover hours bonus. They felt it should be reviewed but did not want officers just taking unilateral decisions. It was confirmed that there were three service areas affected and it was necessary to ensure consistency. It was suggested that a meeting should be arranged between representatives of the three service areas affected and relevant Trade Union representatives.

13. NOT HONOURING THE PARKS AGREEMENT RE: SICKNESS PAYMENTS WHEN EMPLOYEES TRANSFERRED TO THE SCHOOLS SERVICE

The GMB reported that they were hopeful that this issue could now be resolved in the service area so they were happy to withdraw this item from the agenda. If agreement could not be reached however they would come back at a future meeting.

14. FUTURE MEETINGS

It was noted that now the Works Council had been re-established, arrangements would be made for future meetings in accordance with the constitution.