



FULL COUNCIL REPORT

Date Written	6 th January 2016
Report Author	Lisa Jones
Service Area	Human Resources
Committee Division	Full Council
Exempt/Non Exempt	Non Exempt
Committee Date	27 th January 2016

To: Chair, Ladies and Gentlemen

Secondment Of A Full Time Trades Union Branch Secretary (Unison)

1.0 SUMMARY OF THE REPORT

- 1.1 Councillors will be aware of the significant change programme that the Council is undertaking. This programme will require the Council to change the way it delivers its services and also to reduce its budget.
- 1.2 Council has set itself a challenge to achieve this change over a two year period. It is therefore critical that the programme can be progressed at pace. As part of the proposal for change, up to 200 job roles will need to be lost during the lifespan of the programme.
- 1.3 The Council has a legal obligation to consult on all proposals that affect employees. Consultation through collective bargaining is with the recognised trades unions. It is therefore imperative that the trades unions have a "reasonable" amount of facilities time to undertake this consultation with the officers of the Council.
- 1.4 This report therefore seeks approval to put in place a full time trades union branch secretary post, for two years initially with a review at that time.

2.0 RECOMMENDATION(S) that

- 2.1 A full time trades union branch secretary secondment, initially for 2 years, be approved to start from 28th January 2016.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 Merthyr Tydfil County Borough Council is a unionised organisation and forms part of the National Employers group for the NJC Green Book terms and conditions of employment. This sets out for the Council a need to recognise collective bargaining with trades unions.
- 3.2 All organisations are obliged to adhere to employment law, and the Trade Unions and Labour Relations Act (TULRCA) 1992 sets out that all employers that recognise unions are legally obliged to consult with them as part of collective bargaining when specific types of employment issues are being changed.
- 3.3 As part of this legal obligation, all employers have to give trades union representatives “reasonable” paid time during working hours to be able to undertake their duties of supporting their union members in any workplace issues.
- 3.4 What constitutes “reasonable” time isn’t defined in law; it is for employers and unions to agree. Having had these discussions locally, and following a review of the other 21 Welsh Authorities and their current amount of trades union facilities time, it was deemed “reasonable” to create a full time branch secretary post.
- 3.5 Unison currently have a 0.5 FTE union administration post within the HR Structure paid for by the local authority. This was created a number of years ago when a previous branch secretary left the authority under early retirement, and the full time branch secretary role was replaced by the administrative role.

4.0 REASONABLENESS OF FULL TIME FACILITIES TIME

- 4.1 Unison has 63% of the corporate workforce as members (i.e. 860 employees out of 1,348) and as such demonstrates that the time that the branch secretary would need to effectively support their members through the change programme is a full working week.
- 4.2 The GMB union have indicated that they are able to manage with the current facilities time, and Unite have a very small number of members and therefore would not trigger any more facilities time than they currently have.
- 4.3 The facilities time will be a secondment for the branch secretary of Unison, which means the substantive post is still legally the main post of the seconded employee. When the secondment ends the employee has a right to return to their substantive role.
- 4.4 Also, if the current branch secretary steps down from the union role or another employee is voted in as branch secretary, then the current incumbent would revert back to the substantive role. This would trigger another employee taking the full time facilities role.
- 4.5 The current 0.5 FTE union administration post , as part of this agreement, will be paid for by Unison.

5.0 FINANCIAL IMPLICATION(S)

- 5.1 The process for agreeing a branch secretary for a trades union is set out in law. There is no means to set a local salary grade for the facilities time as the employee who has been nominated and appointed within the trades union ballot to become the branch secretary must be able to undertake their union duties without any loss of remuneration. This means that the authority would need to continue to pay the salary of the employee's substantive post whilst undertaking the union duties.
- 5.2 There is a Grade 3 post (£21,713) within the HR budget where half a post (0.5 FTE) is used by Unison for administration duties. It has been agreed that Unison will fully pay for this cost. This comes to £10,295 with on costs.
- 5.3 The service that holds the substantive role will also need to have a replacement as there are significant risks if not replaced. This is because the role is of a senior social worker.
- 5.3 The salary budget for 2016/2017 of the current branch secretary is £50,330 (includes the on-costs) which is at a Grade 8. However with the administration post costs subtracted, this is £40,035 for the Council to fund.
- 5.4 This will be taken out of the Efficiencies Reserve.

6.0 SINGLE INTEGRATED PLAN AND SUSTAINABILITY IMPACT SUMMARY

- 6.1 There are no issues.

7.0 EQUALITY IMPACT ASSESSMENT

- 7.1 An Equality Impact Assessment (EqIA) form has been prepared for the purpose of this report. It has been found that a full assessment is not required at this time. The form can be accessed on the Council's website/intranet via the 'Equality Impact Assessment' link.

GARETH CHAPMAN
CHIEF EXECUTIVE

COUNCILLOR PHIL WILLIAMS CABINET
MEMBER FOR GOVERNANCE AND
CORPORATE SERVICES

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location

Does the report contain any issue that may impact the Council's Constitution?	
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Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.