

SLOUGH BOROUGH COUNCIL

REPORT TO: Employment and Appeals Committee **DATE:** 26th January 2012

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WARD(S): All

PART I **FOR DECISION**

HR POLICIES & PROCEDURES – EMPLOYEE RELATIONS MACHINERY IN THE COUNCIL AND COLLECTIVE GRIEVANCE POLICY AND PROCEDURE

1. **Purpose of Report**

This report seeks agreement to amend the Council's Employee Relations Framework for consultation and negotiations arrangements between the Council and its employees, and to the introduction of a new Collective Grievance Policy and Procedure.

The report also introduces changes to the Framework the facilities arrangements that will be made available to recognised Trade Unions and how the Joint Trade Union Committee facilitate these processes.

Attached to this report are the revised Employee Relations Framework and the new Collective Grievance Policy and Procedure. Both these documents have been jointly drafted by Human Resources and trade union colleagues.

2. **Recommendation(s)/Proposed Action**

The Committee is requested to RESOLVE: that the amended Employee Relations Framework and Collective Grievance Policy and Procedure as detailed in Appendix A and B be approved,

and NOTE that:

- (a) The Employee Relations Framework will ensure that a framework is in place to give clear guidance to all aspects of consultation and negotiation which will help to ensure that good employee relations continue to exist between the Council and its staff, the basis of that relationship being in the spirit of partnership. The new policy also ensures that the Council has a clear route to achieve collective agreements which are contractually binding on all employees.
- (b) The introduction of a new Collective Grievance Policy and Procedure will support the Council in handling grievances which are brought by a group of staff (i.e. 2 or more) and deal with collective disputes raised by trade unions on behalf of a group of Council employees / members.
- (c) The amended Employee Relations Framework and the new Collective Grievance Policy and Procedure have both been mutually discussed

through a consultation process between management representatives representing the Council and Trade Union colleagues representing employees.

- (d) Subject to approval, the framework and the new policy and procedure are to be implemented with immediate effect.

3. **Community Strategy Priorities**

This report indirectly supports the Council's community strategy priorities.

4. **Other Implications**

(a) Financial

There are no financial implications to the proposed action, however having fair and transparent procedures reduce the risk of financial award against the Council at Employment Tribunal.

(b) Risk Management

Risk	Mitigating action	Opportunities
Legal	The absence of the two HR Policies discussed in this report creates an unnecessary risk of grievance and employment tribunal claims and also makes it difficult for the Council to achieve binding collective agreements	Full consultation with the recognised trade unions has taken place and agreement reached.
Property	Not applicable	Not applicable
Human Rights	The Council requires a fair and equitable approach to the treatment of staff	These proposals cover the requirement to satisfy employment law and Human Rights legislation
Health and Safety	No applicable	Not applicable
Employment Issues	Adoption of the policies minimises challenge to the Council and promotes constructive employee relations.	
Equalities Issues	The proposals apply to, and are accessible by, all members of staff	The new policies are clearer and provide an open framework for greater employee engagement.

Community Support	Not applicable	Not applicable
Communications	Staff will be advised of the amendments to the Framework and the new Policy and Procedure.	
Community Safety	Not applicable	Not applicable
Financial	The proposals are considered cost neutral as outlined above.	
Timetable for delivery	Not applicable	Not applicable
Project Capacity	Not applicable	Not applicable

(c) Human Rights Act and Other Legal Implications

The Council has a duty to comply with all employment legislation and requires fair and equitable procedures for the effective maintenance of high employment standards. These arrangements cover the requirement to satisfy the amendments as outlined in the ACAS Code of Practice 2009 and Human Rights legislation.

(d) Equalities Impact Assessment

This scheme will be applied equally to all staff and it is considered that there will be no disproportionate impact on any specific groups of staff.

(e) Workforce

Our employment procedures cover all staff within the Council except School based staff.

5. **Supporting Information**

Employee Relations Framework

- 5.1 The Employee Relations Policy ensures that a framework is in place to give clear guidance on all aspects of consultation and negotiation with Trade unions.
- 5.2 This is essential to ensure that good employee relations continue to exist between the Council and its staff and relationship are based on partnership. Changes to the policy will help to ensure the Council has a clear route to achieve collective agreements which are contractually binding on all employees.
- 5.3 Unitary status meant a new approach needed to be taken about the employee relations structure within the Council. The workforce became larger, and was represented by a wide range of trade unions. The areas of conditions of service were more complex in terms of the variety of employees, and the complications from single status and equal pay factors.

- 5.4 Many of the agreements and practices date from this time and the council and the trade unions has taken the opportunity to review the framework to ensure that it is fit for purpose and meets the needs of both a modern council and trade union's.

The Employee Relations Machinery has been reviewed in the following areas

- Formal / informal consultation and negotiations arrangements
- Trade union recognition
- Trade union representation at committees
- Trade Union Facilities.

- 5.5 In doing this the main objectives were:

- To ensure that the Council has an effective representative body for consultation and negotiation;
- To ensure that appropriate resources are made available to employee representatives to ensure they can discharge their responsibilities;
- To ensure that employees in every area of the organisation are appropriately represented;
- To develop and use proactive communication and consultation channels to improve information sharing;
- To ensure that the organisation is able to effectively respond to changing demand and priorities;
- To ensure that all employees have channels to raise ideas, concerns and share good practice;
- To ensure clear mechanisms are in place for achieving policy and contractual change where appropriate;
- To ensure effective employee engagement in all Council activities.

- 5.6 Doing this involved reviewing the current JTUC arrangements and developing/reviewing relevant policies to ensure a contemporary and effective approach to employee relations. Members of the JTUC were invited to attend the meetings to discuss the review and agree scope, terms of reference and timescales.

- 5.7 Significant changes to the Framework include:

- The terms consultations and negotiations have been defined and the process separated.
- Clarity on the functions of the Consultative Forums respective membership of these groups
- A formal Facilitates Agreement

6 **Collective Grievance Policy and Procedure**

- 6.1 Although the Council has a Grievance Policy and Procedure which provides a mechanism for an individual employee to raise a concern to be considered fully and for them to be resolved there was no procedure which allowed for collective issues to be dealt with together.

- 6.2 This new Collective Grievance Policy and Procedure complements the Grievance Policy and Procedure and is informed by the ACAS guidelines. It allows for group grievances to be considered where the issue affects 2 or more employees.
- 6.3 This new policy broadly follows the same steps as outlined in the Grievance Policy and Procedure the three stages include. Stage 1, which is the informal stage where collective grievances are discussed with immediate line managers to resolve the issues raised. Stage 2 is the formal stage whereby the matter is raised to the Assistant Director level to formally discuss. The final Stage is where a senior management panel considers the grievance and determines whether it is upheld or not.
- 6.4 The main benefit of having a separate collective grievance policy is that it allows the Council and Trade Unions to deal with issues which are of concern to several employees quickly and consistently and therefore reduces the risk of a formal dispute arising.

7. **Comments of Other Committees**

None.

8. **Conclusion**

The Committee is requested to agree introduction of this Revised Employee Relations Framework and the New Collective Grievance Policy and Procedure for immediate implementation.

9. **Appendices Attached**

Appendix A – Employee Relations Framework – To Follow
Appendix B – Collective Grievance Policy and Procedure – To Follow

10. **Background Papers**

None.