



Partnership Working: The City Council and the Trade Unions



A report from Overview & Scrutiny





Contents

Preface	3
Glossary of Terms	4
Summary of Recommendations	8
1 Introduction	10
1.1 Purpose of the Review	10
1.2 Terms of reference	10
1.3 The Report	12
2 Background: Trade Unions in the Workplace	13
2.1 Introduction	13
2.2 The Role of Trade Unions	13
2.3 The Wider Context	15
2.4 The Potential Benefits of Trade Unions in the Workplace	16
3 Background: Guidelines for partnership working	19
3.1 Introduction	19
3.2 Undertaking Trade Union Work	20
3.3 The Provision of Facilities	21
3.4 'Reasonable' Time Off	22
3.5 Formal Agreements	23
4 Findings: Trade Union Representation in the City Council	24
4.1 Introduction	24
4.2 Representation in the City Council	24
4.3 Formal Arrangements	31
5 Findings: The Working Relationship	33
5.1 Introduction	33
5.2 General Findings	33
5.3 The Formality of the Relationship	35
5.4 Communications	40
5.5 Resources and Funding	41
5.6 Maintaining a Link with the Business	43



Partnership Working: The City Council and the Trade Unions

6	Conclusions	46
6.1	Introduction	46
6.2	Future Considerations	46
	Appendix 1: Employee Survey results	47

Further information regarding this report can be obtained from:

Lead Review Officer: Rebecca Short (tel: 0121 303 7770)
e-mail: rebecca.short@birmingham.gov.uk

Reports that have been submitted to Council can be downloaded from www.birmingham.gov.uk/scrutiny.

Front cover photo: Picture by Dave Warren.



Preface

By Councillor Robert Alden, Chairman of the Equalities and Human Resources Overview and Scrutiny Committee.



I would like to thank everyone on the Committee and the officers for their hard work on helping to produce this report to Full Council. In particular I would like to thank all the witnesses, other Councils and outside organisations who provided evidence for the Committee. Without these contributions we could not have put together the report we have.

It is clear that the relationship between Trade Unions, Council staff and the City Council as an employer is a very important one. The difficulties experienced in this relationship have the potential to spill out into the every day business that the Council carries out. When this occurs the people who suffer the most are the taxpayers, the residents of Birmingham - the people who need services to be there the most and also the people who pay for everything the Council does. It is therefore reasonable for the taxpayer to expect the service they need to be usable when they want it.

Trade Unions have a valuable service to offer staff in terms of providing protection and legal care. However it is also clear that the City Council as the custodians of the taxpayers' money should be ensuring that the resource provided to the Trade Unions, be this in terms of people, budgets or facilities, is appropriate. This is vital even more so during this time of global economic hardship and financial instability.

What became clear during the review was that the current relationship is based mainly on goodwill between all sides. There are limited written frameworks and practices which govern how the relationship is maintained and works, within the legal framework as it currently exists. We have therefore proposed recommendations which, if followed, will enable the Council to put in place the solid frameworks in which the relationship should operate and can flourish, so that all sides and employees benefit.

Finally, it became clear from some comments that there are a number of employees who would like more opportunity to have their own voices heard rather than have a Trade Union put forward their views. In the long term I feel it could well be beneficial to the Council to look at ways to extend the way it conducts consultation and negotiation to allow non-unionised employees the voice that many stated they would like.

I hope that this report proves useful to the Council.



Glossary of Terms

ACAS	Advisory and Conciliatory Arbitration Service
BTUC	Birmingham Trade Union Consortium
ET	Employment Tribunal
FTE	Full Time Equivalent
HRBP	Human Resources Business Partner
PDR	Performance Development Review
TULRCA	The Trade Union and Labour Relations (Consolidation) Act 1992
TUPE	Transfer of Undertakings, Protection of Employment
Recognised Trade Union	When a Trade Union and an employer voluntarily agree to negotiate and consult on various employment terms and conditions (see bargaining), the employer is said to 'recognise' the Trade Union.
Bargaining	Negotiating (to reach agreement or not) and/or consulting (with a view to reach an agreement) on various terms and conditions. It is up to the Trade Union and employer to decide what will be included in bargaining.
Collective bargaining	Recognised Trade Unions consult and negotiate with the employer, the results of which effect all employees, not just Trade Union members.
'Duties'	Defined by the ACAS code of practice, tasks which include for example any negotiated matters which fall under the remit of collective bargaining or matters related to TUPE consultation. Union representatives are entitled to paid time off to carry out Trade Union duties.
'Activities'	Defined by the ACAS code of practice, tasks which include taking part in branch, area or regional meetings, meetings of official policy making bodies such as the annual conference or meetings with full time officers to discuss issues relevant to the workplace. There is no statutory requirement that members of unions, or those who are Trade Union reps, be paid for the time taken off for trade union activities.
'Facility Time'	Defined by the ACAS code of practice, the amount of time or number of posts which an employer gives the Trade Union for them to carry out their role.
TU Facilities	The provisions given to the Trade Unions by the employer, such as office space, access to telephones, photocopiers etc.
Substantive role	The job that an employee is contracted to do.



Summary

In July 2011 Members of the Equalities and Human Resources Overview and Scrutiny Committee agreed to undertake a Scrutiny Review into the working relationship between the City Council and its recognised Trade Unions.

This was undertaken as part of the Committee's role in supporting and examining the portfolio of the Cabinet Member for Equalities and Human Resources. By challenging existing arrangements, the Committee helps to ensure that the City Council is achieving excellence and value for money and is making the best use of resources to achieve excellent outcomes for Birmingham citizens.

Trade Unions in the workplace

Trade Unions should aim to protect and advance the interests of their members and provide a route through which the members can, through a 'collective voice', respond to issues in the workplace. They are independent of an employer but aim to develop a close working relationship.

Trade Unions perform a number of roles for their members. These can include for example negotiations and / or consultations on things such as pay and conditions or major changes to the workplace; discussing members' concerns with employers; providing help and advice to employees with problems at work; and providing a range of services such as legal advice, learning and development and consumer benefits such as discounted insurance.

To ensure that Trade Unions are able to undertake their responsibilities to their members, employers support Trade Unions in having an active presence within the workplace. This is mainly through releasing employees to act as Trade Union representatives (Union reps). They then represent their immediate work colleagues / section or the wider organisation depending on the type of role they undertake. Employees put themselves forward to be Union reps and do not receive additional pay, but in line with best practice continue to be paid in accordance with their substantive role in the organisation.

Whilst having no statutory legal standing, best practice guidance produced by ACAS has the same force in law; in this way it is comparable to the status of the Highway Code. As such it is followed in the vast majority of workplaces. The Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) is also a basis for partnership working. These two sources provide information for employers on the split between 'duties' and 'activities' as well as guidance on facilities, 'reasonable' time off and formal agreements.

Our findings

There are some difficulties in establishing a definite number of Trade Union members in the organisation. Some employees will choose to pay their Trade Union subscriptions through Direct Debit or other methods, meaning that the City Council will not be aware they are a Trade Union member. However an indicative number of Trade Union members, based on a snapshot of the number of employees paying their subscriptions directly through the Council payroll system, can be generated. From this information and



Partnership Working: The City Council and the Trade Unions

supplementary information from one Union, about members paying through Direct Debit, we found that around half of the non-teaching staff within the City Council were Trade Union members.

A number of City Council employees are Union reps. Some of these work in their Union role full time, i.e. they have full time release and do not currently undertake their substantive role. However a larger proportion of Union reps perform their Union role for only part of their contracted hours, spending some time in their substantive role. We found that in the 2010/11 financial year there were just over 49 Full Time Equivalents (FTE) (headcount of around 114 employees) with formal regular release time to undertake a Union role for non-teaching Trade Unions. It is important to highlight that it is unclear as to how long each Union rep undertook the role i.e. it may not have been for the whole financial year and it does not include workplace reps which do not have formal release time, but are in the workplace to represent their section as and when necessary. It therefore does not provide a complete picture of how many Union reps were in place at any one time.

From the data the majority of Union reps were based within the 'Housing and Constituencies' (now Homes and Neighbourhoods) and 'Environment and Culture' directorates. In some cases these Union reps may not represent solely the directorate in which they are based, but support their members across the organisation.

With regards to the current working relationship specifically, both sides are confident that they are working together reasonably well. Managers in the organisation also agreed that for the most part they have a positive working relationship with the Trade Unions and senior officers were keen to reinforce that the Trade Unions play an important role. Evidence showed that a lot of the good partnership working is due to the willingness of the people currently involved. Whilst this is welcome, it did reinforce that there was little in the way of formal structure.

There is an opportunity now to put measures in place to ensure the future development of the relationship, and ensure that current and new Union reps and officers work to a clearer set of rules and guidelines. Underpinning these measures is a recommendation for a revised, more detailed partnership framework. This would reflect ACAS best practice and ensure that the right for Trade Union reps to conduct their work is balanced with the need for the efficient running of the organisation.

From this framework, further improvements can be made, for example clearer information around the numbers and types of Union reps in the organisation should become more readily available, contributing to increased transparency within the organisation. In addition further guidance can be developed around such things as communication, and further clarification on the split between 'duties' and 'activities' developed.

We understand that crucially, the City Council should continue paying employees whilst they undertake their Trade Union role. They remain City Council employees on Council terms and conditions, so it is only right that they continue to be paid through their substantive role. However after examining the concentration of Union reps in directorates we felt that some bear the burden of having to release more staff whilst still paying salaries through their budget. Thought should be given as to how this pressure can be alleviated from these directorates and a more equitable arrangement put in place.



One particular aspect of the relationship which requires attention is the links that Union reps have with their substantive role and the City Council as a whole. We are keen that issues around de-skilling and training are addressed as a priority, and that Union reps continue to be subject to the same policies and procedures as other employees, such as the PDR process. Solutions to this may take the form of a training agreement, a process in which some time is spent back in the substantive role, or by rotating which Union reps are given full time release, ensuring that the employee is not absent from the substantive role for a lengthy period of time.

Conclusions

There is no doubt that senior officers and Councillors within the City Council recognise and value the contribution the Trade Unions bring to the workplace. The purpose of this review therefore was to examine how the relationship between the City Council and the Trade Unions is functioning at this point in time and how this can be strengthened to ensure that both sides, as well as Council employees, maximise the potential benefits.

The recommendations which we have proposed in this report exist to encourage debate between the two groups – The City Council and the Trade Unions - on areas which we believe could ensure stronger, more efficient partnership working and increase the benefits to those involved. Any changes which can be taken forward will, of course, need to be consulted on in the proper manner.



Summary of Recommendations

	Recommendation	Responsibility	Completion Date
R01	<p>That the Cabinet Member for Equalities and Human Resources review the most recent working arrangements with the non teaching Trade Unions and develop this into a stronger, more defined framework for partnership working.</p> <p>This framework should include:</p> <ul style="list-style-type: none"> • A method for determining the number of Union reps with formal release time, taking into consideration both full and part time reps; • A method for determining the appropriate number of workplace reps in a service area which do not have formal release time; • A process for the number of Union reps, and who they are, to be monitored centrally; • A method for Union reps to account for their time, similar to other staff; • Clearer guidance on what duties and activities are through a protocol on paid time off. 	Cabinet Member for Equalities and Human Resources	April 2012
R02	That the Cabinet Member for Equalities and Human Resources introduces a process by which additional Union reps can be created for a time limited period, with agreement from the City Council and the Trade Unions, in order to deal with significant peaks in demand.	Cabinet Member for Equalities and Human Resources	April 2012
R03	That in order to further promote transparency, the Cabinet Member for Equalities and Human Resources publish the following, ensuring that it is kept up to date: <ul style="list-style-type: none"> • Guidelines for working with the Trade Unions; • Detail on the numbers and types of Union reps within the City Council. 	Cabinet Member for Equalities and Human Resources	April 2012
R04	That the Cabinet Member for Equalities and Human Resources, in conjunction with the Trade Unions, consider mechanisms to further develop the current consultation and negotiation timetable.	Cabinet Member for Equalities and Human Resources	April 2012
R05	That the Cabinet Member for Equalities and Human Resources continues to engage the recognised Trade Unions in discussion and consultation around significant change, in order to allow those Unions to engage in the future way forward of the City Council.	Cabinet Member for Equalities and Human Resources	April 2012



R06	That a set of guidance notes are introduced around communication. This should include: <ul style="list-style-type: none"> • how the City Council will provide facilities to support the Unions with their communications; • guidance on the appropriate items which would be channelled through Council networks and be publicised in Council buildings. 	Cabinet Member for Equalities and Human Resources	April 2012
R07	That the Cabinet Member for Equalities and Human Resources develops a way of ensuring that the responsibility for supporting Union reps is more equitable across directorates.	Cabinet Member for Equalities and Human Resources	April 2012
R08	That the Cabinet Member for Equalities and Human Resources puts measures in place which allows for the monitoring of Trade Union spend under all budget headers, and provides Union reps within directorates with an easy method of charging to that budget code.	Cabinet Member for Equalities and Human Resources	April 2012
R09	That the Cabinet Member for Equalities and Human Resources review the financial contribution made to one Trade Union in respect of their office accommodation, and if necessary identify sufficient office provision within the Council's portfolio of buildings.	Cabinet Member for Equalities and Human Resources	April 2012
R10	That the Cabinet Member for Equalities and Human Resources reopens discussion with the recognised Trade Unions around the completion of the Performance Development Review (PDR) for full time Union reps.	Cabinet Member for Equalities and Human Resources	April 2012
R11	That the Cabinet Member for Equalities and Human Resources develops, in conjunction with the Trade Unions, a way forward to ensure Union reps further enhance links with their substantive role and continue training in line with other employees.	Cabinet Member for Equalities and Human Resources	April 2012
R12	Progress towards achievement of these recommendations should be reported to the Equalities and Human Resources Overview and Scrutiny Committee in June 2012. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.	Cabinet Member for Equalities and Human Resources	June 2012



1 Introduction

1.1 Purpose of the Review

1.1.1 In July 2011 Members of the Equalities and Human Resources (EHR) Overview and Scrutiny (O&S) Committee agreed to undertake a Scrutiny Review into the working relationship between the City Council and its recognised Trade Unions. The key question for investigation was:

How is the City Council ensuring that its relationship with the Trade Unions is strong, effective, provides value for money, meets legal requirements and is of benefit to all involved?

1.1.2 This was undertaken as part of the Committee's role in supporting and examining the portfolio of the Cabinet Member for Equalities and Human Resources. By challenging existing arrangements the Committee helps to ensure that the City Council is achieving excellence and value for money, and is making the best use of resources to achieve excellent outcomes for Birmingham citizens.

1.2 Terms of reference

1.2.1 The terms of reference set out several lines of enquiry and areas for investigation, including;

- The working relationship:
 - Understanding the agreements in place between the Council and the Trade Unions;
 - Ensuring that consultation and negotiation procedures are sound and working well;
 - Examining procedures which aim to ensure a well balanced split between Trade Union duties and the substantive role;
 - Determining whether the City Council's arrangements reflect good practice.
- Value for money / added value:
 - Developing an understanding of how Trade Unions function;
 - Examining the provisions for Trade Unions made by the City Council;
 - Understanding the monitoring arrangements in place with regards to Trade Union work;
 - Understanding how each side is maximising the benefits and added value of the relationship, including employees and Trade Union members.

1.2.2 A review group, made up of three Members of the EHR O&S Committee (Cllrs Robert Alden, Paulette Hamilton and Mike Ward), held evidence gathering sessions with representatives from



Human Resources and the non-teaching Trade Unions recognised by the City Council. Written submissions were invited from a range of sources.

1.2.3 We are thankful to those who contributed to the review, including:

(Evidence gathering sessions)

- Corporate Human Resources (Bill Fletcher, Donna Williams, Ann Conroy and Hilary Fray Andrew);
- Legal Services (Kate Charlton);
- Unison (Caroline Johnson, Sarah Brookes-Tetley, Mark Spence, Julie Cochrane and Tracey New);
- GMB (Steve Carter, Paul Coombes, Roger Jenkins, Geoff Matthews, Richard Clarke and Ronnie Hill);
- Birmingham Trade Union Consortium & Unite (Steve Foster);
- Unite (Harry Harris, Ben Cochrane and Pete Allenson);
- UCATT (Martin Orper and Dave Wright).

(Written submissions)

- Birmingham Councillors;
- Birmingham City Council officers;
- Birmingham Teaching Unions;
- The University of Birmingham;
- Birmingham MP Labour Group;
- Severn Trent Water Ltd;
- Jaguar Land Rover;
- Other Local Authorities.

1.2.4 To ascertain the views of City Council employees, both Trade Union members and non-Trade Union members, in a number of Council buildings (the Council House, Lifford House, Louisa Ryland House and Lancaster Circus) were surveyed, resulting in 316 responses. A copy of the overall survey results can be found in Appendix 1. Information from this will be used throughout the report, however the headlines can be found in section 5.2 of this report.



1.3 The Report

- 1.3.1 Chapter 2 begins by providing contextual information in relation to Trade Unions and their position in the workplace both historically and today. It also outlines their expected role and through what means Trade Unions try to achieve their aims.
- 1.3.2 Chapter 3 examines the rules and regulations surrounding the relationship between an employer and a Trade Union, including the support an organisation should ideally give to recognised Trade Unions, and the considerations that Unions themselves should have in working with the employer.
- 1.3.3 An overview of the Trade Union presence within the City Council is provided in Chapter 4, giving a recent snapshot of levels of Trade Union membership, the number of Trade Union representatives in the Council and how they are organised.
- 1.3.4 Chapter 5 outlines the main findings gathered through the written and verbal evidence submitted, including results from the employee survey. From this information, coupled with the snapshot presented in the previous chapter and taking into consideration the best practice outlined in Chapter 3, we have made a series of recommendations which we believe will strengthen the working relationship between the two groups.
- 1.3.5 Chapter 6 provides the overall conclusions for this piece of work, suggesting that whilst the relationship appears to at times work well, there is room to improve the effectiveness, efficiency and value for money of these relationships to create a more stable and sustainable platform for future partnership working.



2 Background: Trade Unions in the Workplace

2.1 Introduction

- 2.1.1 Trade Unions should aim to protect and advance the interests of its members in the workplace and provide a route through which their members can, through a 'collective voice', respond to issues in their workplace. They are independent of an employer but aim to develop a close working relationship.
- 2.1.2 When a Trade Union and an employer voluntarily agree to 'bargain' about employment terms and conditions, the employer is said to 'recognise' the Trade Union. Once a Trade Union is recognised in a workplace, negotiations with the employer on the terms and conditions of employment are known as 'collective bargaining'. This ensures that any arrangements agreed on behalf of Trade Union members apply to rest of the organisation.
- 2.1.3 In this section, we provide a brief overview of the role and development of Trade Unions, including figures from the latest research into Trade Unions, their potential benefits and the potential added value they bring to the workplace.

2.2 The Role of Trade Unions

- 2.2.1 Trade Unions undertake a number of roles for their members. These can include:
- Negotiations, for example, on pay and conditions or major changes to the workplace;
 - Discussing members concerns with employers and providing help and advice to employees with problems at work;
 - Providing a range of services such as legal advice, learning and development and consumer benefits such as discounted insurance.¹
- 2.2.2 Trade Unions may also represent their members' interests outside the workplace. For example, they may actively lobby the Government, public bodies, the European Union (EU) or others for policies that promote their objectives.
- 2.2.3 Some may choose to maintain a political fund. This is a separate account which the Trade Union can use to provide financial support for a political party. For example, they could donate to a party, produce leaflets in support at an election, or support party conference costs. If a Trade Union wishes to start a political fund, its members must vote in favour of creating one. If this is

¹ http://www.direct.gov.uk/en/Employment/TradeUnions/DG_10027544



Partnership Working: The City Council and the Trade Unions

approved by members a fund can be maintained for a period of ten years, alongside a set of rules which specify how money is collected for the fund, and the amount to be paid into the fund by members who contribute to it. A Trade Union must pay for party political activities from its political fund, and must not use money from its other accounts for this purpose.²

2.2.4 To ensure that Trade Unions are able to undertake their responsibilities to their members, employers support the Trade Union in having an active presence within the workplace. This is mainly through releasing employees to act as Trade Union representatives (Union reps). These employees put themselves forward for the role and it is usual practice for a representative to be elected by the members that they are going to represent, through annual elections. They then represent their immediate work colleagues / section or the wider organisation depending on the type of role they undertake. These members and other activists are described by Unison in their branch practice guide as:

...all those members who volunteer to give their time and energy for the benefit of other members, many operating under considerable constraints and pressure³

2.2.5 Employees who put themselves forward for a Trade Union role in the City Council do not receive additional pay, but continue to be paid in accordance with their substantive role in the organisation. Many are entitled to time off with pay to undertake their role from the City Council.

2.2.6 There are a number of different types of Union rep. These include Convenors and Stewards, who have agreed release time from their substantive role, full time or part time, and may be involved in local negotiations or in grievance or disciplinary cases. Their role also includes talking to and recruiting members and being involved in how the Trade Union or Branch is run. Senior Stewards and Convenors often take part in negotiations about terms and conditions. There are also a number of Union reps who are general workplace contacts. They normally do not have formal regular release time, but seek agreement from their manager as and when necessary to carry out Union work. They are in place to represent their immediate workplace on issues as and when needed.

2.2.7 There are also a number of themes which Union reps may focus on as a specialism or as part of a statutory role, including:

- Transfer of Undertakings, Protection of Employment (TUPE);
- Pensions;
- Learning and development;
- Health and safety;
- Equality issues;

² http://www.direct.gov.uk/en/Employment/TradeUnions/Tradeunionmembership/DG_179239

³ Unison 2011 Code of Good Branch Practice, page 10

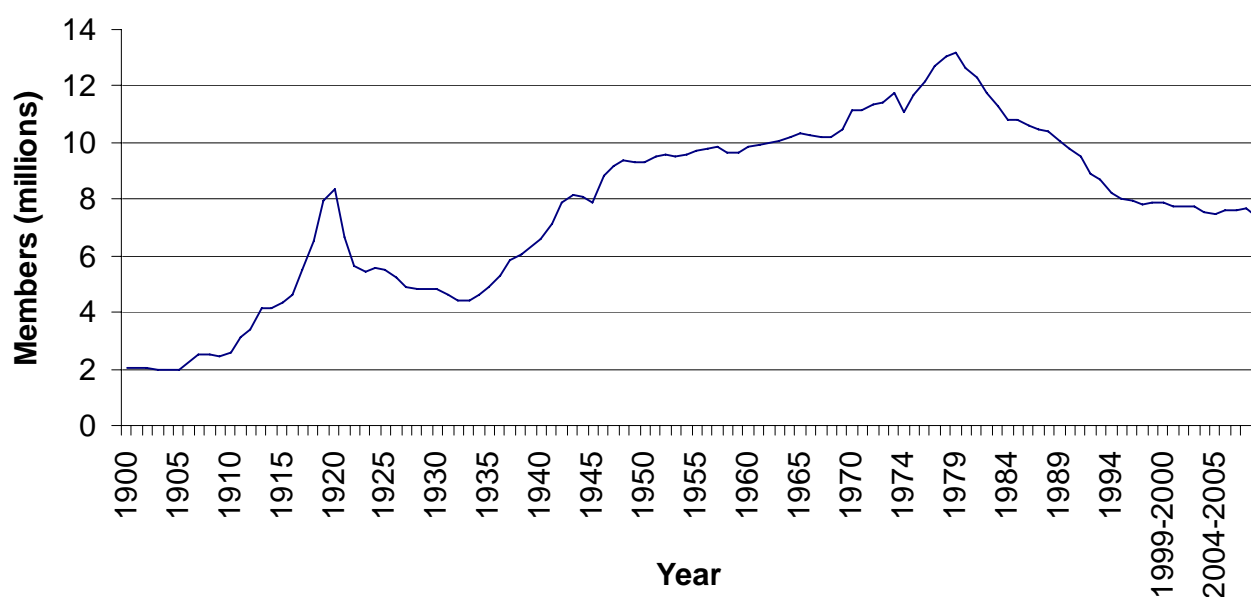


- Information and consultation.

2.3 The Wider Context

- 2.3.1 The Department for Business, Innovation and Skills in April 2011 published a statistics paper on national Trade Union membership in 2010.⁴ This paper shows that Trade Union membership peaked in the late 1970's, followed by a sharp decline until the mid 1990's when figures stabilised (see Chart 1).
- 2.3.2 In terms of a Trade Union presence in 2010, across all sectors just under half of UK employees were in a workplace where a Trade Union was present. Fewer employees said their pay and conditions were affected by a collective agreement than in 2009, moving from 36.4% to just over 30%.

Chart 1: Trade union membership levels in UK from 1900 to 2010



- 2.3.3 Historically males were more likely to be Trade Union members. However from 2002 females overtook males in terms of numbers of Trade Union members and this gap has continued to grow. One explanation for the increase of female Trade Union members could be that the majority of Trade Union Members can be found in the public sector, which has a greater proportion of female workers. The density of Trade Union membership by industry (Chart 2) supports this and

⁴ Following adapted from BIS – Trade Union Membership 2010 - available from <http://www.bis.gov.uk/policies/employment-matters/research/trade-union-stats>

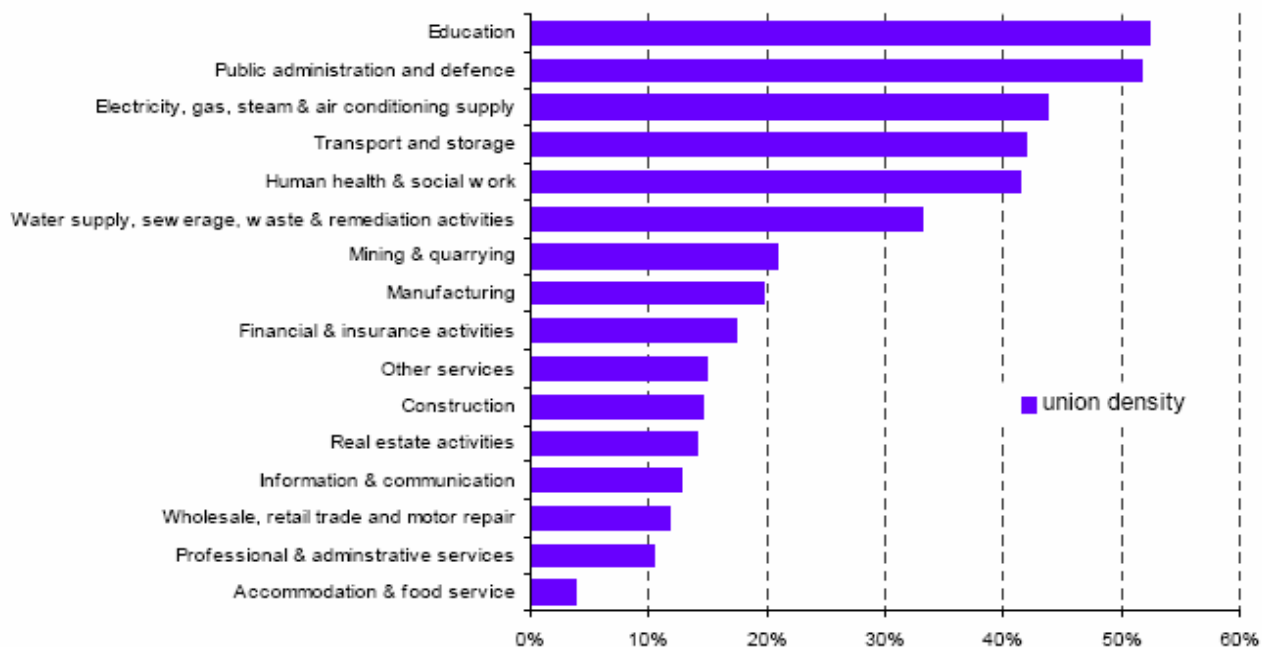


Partnership Working: The City Council and the Trade Unions

highlights that Education and Public Administration roles have the highest levels of Trade Union Membership.

2.3.4 In 2010 around 4.1 million public sector employees in the UK were Trade Union members, down by around 34,000 compared with 2009, but up by 340,000 from 3.7 million in 1995. By comparison, total Public Sector employment also fell slightly by around 0.5% over the year. The report comments that whilst a decline in Trade Union membership might accelerate in the next few years, it is hard to say what the impact on Trade Union density might be, i.e. there may be fewer public sector workers, but more of them may choose to be in a Trade Union.

Chart 2: Trade Union density by Industry, 2010



2.3.5 The relationship between employers and their recognised Trade Unions is currently of interest both locally and nationally. Through a number of Freedom of Information requests across a range of organisations, the media has recently brought to the forefront the issue of funding Trade Union facility time, that is the money spent paying employees who work in a Trade Union role, given that it is paid for by the employer rather than the Trade Union itself.

2.4 The Potential Benefits of Trade Unions in the Workplace

2.4.1 Quantifying the added benefit that Trade Unions bring to the workplace is difficult. For example it is hard to put a value on the number of grievances that are not lodged with an employer because a Union rep has helped to resolve an issue before formal processes are initiated. There are



however some general observations that can be made in terms of benefits. ACAS provides some suggestions in their booklet 'Representation at work'⁵ which includes:

- An increase in employee engagement and helping employers to tap into the expertise and creativity of their employees;
- Improving employment relations as employee representatives can act as a useful sounding board for management on plans they have for the organisation and as a barometer of the level of trust and cooperation between employees and managers;
- Identifying grievances in the workplace and helping to diffuse potential conflict at an early stage;
- Encouraging employees to voice their views;
- Providing access to training via their learning reps.

2.4.2 The Department for Trade & Industry (DTI) Consultation Document 'Workplace representatives: a review of their facilities and facility time'⁶ begins to present some possible values, however these are wide ranging and rely on a number of factors being taken into consideration. Table 1 overleaf provides a few examples of what the costs and benefits might be, and the assumptions that lead to the overall values.

⁵ Available at www.acas.org.uk/publications

⁶ Department for Trade and Industry (DTI) now known as the Department for Business Innovation and Skills (BIS) - <http://webarchive.nationalarchives.gov.uk/20100107175031/http://www.berr.gov.uk/files/file36336.pdf>



Partnership Working: The City Council and the Trade Unions

Table 1: Summary of Potential Benefits of Employee Representation⁷

Area of Benefit	Assumptions	Value
Training and Learning – Union Learning Reps (ULRs)	<ul style="list-style-type: none"> 14,000 active ULRs, 12 employees benefiting and increase marginal product as direct result of ULR. 	<ul style="list-style-type: none"> Enhanced productivity. £94m-£156m to employers and employees.
Representative ‘voice’ and Impact on Labour Turnover and Dispute Resolution	<ul style="list-style-type: none"> Dismissals: Representation reduces dismissal rate in the workplace by 5-10%; average cost of each dismissal to employers £4,200. 	<ul style="list-style-type: none"> 13,000-25,000 fewer dismissals, £107m-£213m to employers, unquantified benefits in form of avoided distress to employees.
	<ul style="list-style-type: none"> Voluntary exit: Exit rate = 3.3 per 100 employees, representation reduces voluntary exit rate by 5-10% cost of exit to employer £4,200. 	<ul style="list-style-type: none"> 17,000-34,000 fewer exits, £72m-£143m to employers, avoided costs to employees.⁸
	<ul style="list-style-type: none"> Employment tribunal (ET): 0.24 dismissals per 100 employees, representation reduced mean dismissal rate by 10-20%. 	<ul style="list-style-type: none"> 3,600-7,300 fewer ET cases: £22m-£43m to business and exchequer.
Worker Safety	<ul style="list-style-type: none"> Injury rate per 100 employees 0.57. Indirect H&S reps reduce injury rate by 10-15%. Various assumptions on number of working days lost per injury and cost of working days lost to society. 	<ul style="list-style-type: none"> 8,000-13,000 fewer injuries, equivalent to 161,000-241,000 fewer working days lost. Benefits range £136m-£371m to society.
	<ul style="list-style-type: none"> Illness rate per 100 employees 1.76. Indirect H&S reps reduce incidence of work related illness by 1-3%. Various assumptions on number of working days lost per illness and cost of working days lost to society. 	<ul style="list-style-type: none"> 3,000-8,000 fewer cases of work related illness equivalent to 125,000-375,000 fewer working days lost. Benefits range £45m-£207m to society.

⁷ DTI Consultation Document - Workplace representatives: a review of their facilities and facility time, interim report published in January 2007 pg 97

⁸ Including anxiety, stress and inactivity as workers become discouraged from participating in the labour force



3 Background: Guidelines for partnership working

3.1 Introduction

3.1.1 An independent Trade Union recognised by an employer has certain legal rights. These include the rights for its:

- Officials to be given time off work by the employer to carry out their Trade Union duties;
- Members to be given unpaid time off work to take part in Trade Union activities;
- Officials to be given information by the employer that they can use in collective bargaining with the employer;
- Learning representatives to be given time off for their duties in relation to the learning and training of employees and to have training to carry out those duties.⁹

3.1.2 Whilst having no statutory legal standing, the best practice guidance produced by ACAS¹⁰ has the same force in law; in this way it is comparable to the status of the Highway Code. As such it is followed in the vast majority of workplaces. The Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA)¹¹ is also a basis for partnership working, the aim of the Act being to:

- Define Trade Unions and state they are the subjects of legal rights and duties;
- Protect the right of workers to organise into, or leave, a union without suffering discrimination or detriment;
- Provide a framework for a union to engage in collective bargaining for better workplace or business standards with employers;
- Protect the right of workers in a union to take action, if necessary by strike, to support and defend their interests, when reasonable notice is given, and that action is in contemplation or furtherance of a trade dispute.

3.1.3 Much of the following information in this chapter is derived from ACAS guidance as a minimum standard of working between a Trade Union and an employer.

⁹ http://www.direct.gov.uk/en/Employment/TradeUnions/Tradeunionsintheworkplace/DG_179204

¹⁰ Including Code of Practice 3: Time off for trade Union Duties and activities; 'Trade Union representation in the workplace' booklet; and 'Representation at work' booklet. Copies of the guidance available from the Scrutiny Office

¹¹ Available at <http://www.legislation.gov.uk/ukpga/1992/52/contents>



3.2 Undertaking Trade Union Work

3.2.1 In order for the working relationship between an employer and Trade Union to be effective, ACAS comments that:

...representatives need the security of knowing that they can gain time off with pay, be trained and have access to communication and other facilities. Employers, in turn need assurance that these are legitimate requests and that they will be made with due regard to business circumstances.¹²

3.2.2 The work that Trade Unions do can be classified in two ways: duties and activities. Union 'duties' are not the same as union 'activities' and they attract different rights and obligations under TULRCA.

Trade Union Duties

3.2.3 Union reps (in recognised Trade Unions) are entitled to paid time off to carry out the duties set out in section 168 of TULRCA. This includes for example any negotiated matters which fall under the remit of collective bargaining or matters related to TUPE consultation. Trade Union health and safety reps and Union learning reps are also entitled to paid time off to perform their duties.

3.2.4 Guidance on paid time off highlights that:

The employer must pay either the amount that the union representative would have earned had they worked during the time off taken, or where earnings vary with work done, an amount calculated by reference to average hourly earnings for the work they are employed to do.¹³

3.2.5 Pay should only be given where the employee would otherwise have been in work, if duties are undertaken outside of their working hours there is no entitlement to pay. This is unless the worker works flexible hours e.g. night shift, but needs to perform duties during the day.

3.2.6 Union reps have a right to paid time off to carry out their duties, regardless of how many reps there are in the organisation. It may be that the reps are responsible for different parts of an organisation or for different issues. Even where they have the same responsibilities they have the right to paid time off, but only if the time off requested is 'reasonable'. Further guidance on what the term 'reasonable' might mean is presented in section 3.4 of this report.

¹² 'Trade Union representation in the workplace' guidance booklet, page 3

¹³ ACAS Code of Practice 3 'Time off for Trade Union duties and activities', page 10



Trade Union Activities

- 3.2.7 Trade Union activities apply to both those who are members of Trade Unions, and those who are Union reps. With regards to the latter, activities could include taking part in branch, area or regional meetings, meetings of official policy making bodies such as the annual conference or meetings with full time officers to discuss issues relevant to the workplace.
- 3.2.8 There is no statutory requirement that members of unions, or those who are Union reps, be paid for the time taken off for Trade Union activities.

3.3 The Provision of Facilities

- 3.3.1 Employers should ideally provide facilities for Union reps where the duties that they are carrying out are concerned with collective redundancies or TUPE transfers. ACAS highlights that there is no legal obligation for the employer to provide facilities for other types of union duties.
- 3.3.2 Over and above this legal obligation however, the ACAS code of practice on time off recommends that employers should provide facilities to allow Union reps to conduct their duties efficiently and effectively. This is likely to allow representatives to complete their duties more quickly and to keep relations between the employer and the Trade Union amicable. Examples include:
- Accommodation for meetings which could include provision for Union Learning Representatives and a union member(s) to meet to discuss relevant training matters;
 - Access to a telephone and other communication media used or permitted in the workplace such as email, intranet and internet;
 - The use of notice boards;
 - Where the volume of the union representative's work justifies it, the use of dedicated office space;
 - Confidential space where an employee involved in a grievance or disciplinary matter can meet their representative or to discuss other confidential matters;
 - Access to members who work at a different location;
 - Access to e-learning tools where computer facilities are available.¹⁴
- 3.3.3 Taking the different aspects of Trade Union work into consideration, the guidance does recognise that the differences in rights to time off with and without pay and access to facilities can become confusing in developing an effective system of Trade Union representation. If for example a Union rep takes part in collective bargaining, they have the right to paid time off and for training, but if that same representative is working in a TUPE or redundancy situation, they are also entitled to the provision of facilities for those duties.

¹⁴ ACAS Code of Practice 3 'Time off for Trade Union duties and activities' p21



3.4 'Reasonable' Time Off

- 3.4.1 Employers should allow Union reps as much time off as is 'reasonable' for them to carry out their role. There is no strict definition of what is considered 'reasonable', but when considering this employers need to balance the right that the Trade Union reps have to conduct their work with the need for the efficient running of the organisation. It is important to note, however, that efficiency and business need should not be used as an excuse to prevent Union reps undertaking their role.
- 3.4.2 As there is no legal definition of 'reasonable time off' it is important for Trade Union members, officials and learning representatives to be reasonable and flexible in asking for and handling these requests for time off.
- 3.4.3 ACAS Guidance suggests that Union reps, when considering taking time off, should take into account factors such as the impact on:
- The nature of the employer's business;
 - The need to carry out their work;
 - The needs of their line manager and colleagues;
 - The importance of health and safety at work;
 - The amount of time off they have already taken for Trade Union duties and activities.
- 3.4.4 Ideally, Union reps should provide "as much notice as practically possible" when requesting time off to carry out their Union role. The notice should include details of the reason for the time off, the intended location and the timing and anticipated duration of time off required. Where the rep intends to undertake training, ACAS suggests that he or she should give at least a few weeks' notice of the time off required, along with details of the proposed course.
- 3.4.5 It may be reasonable for an employer to ask a representative to carry out his or her Union activities at a particular stage of the production process, or time of day, when it will have less of an impact on production or the service provided. It may be reasonable to expect a large employer to be more flexible in allowing time off than a small employer that lacks resources to cover the work of the representative.
- 3.4.6 The code also recommends that employers should consider the factors that affect how Union reps communicate with and represent their members, for example whether or not they work different shifts or at different locations, or have disabilities or special requirements. The more complex and time consuming it is for Union reps to carry out their duties, the more time off they should ideally be allowed.
- 3.4.7 An employer can refuse a request for time off to conduct either Trade Union duties or activities where the time off requested is considered unreasonable. Whether or not an employer can refuse at a particular time due to the requirements of the business will depend on the particular circumstances. Guidance suggests that the employer should consider each request on its merits



and ensure that it acts reasonably if refusing a request due to the requirements of the business. It should also cooperate with the Trade Union to find a mutually acceptable alternative time for the duties or activities to be carried out.

- 3.4.8 Where an employer fails to allow a Union rep or Union member reasonable time off for duties or activities, the employee can make a complaint to the Employment Tribunal (ET). Where the tribunal finds that the employer failed to allow the union representative or member reasonable time off for union duties or activities, it has the power to make a declaration to that effect and award the employee compensation that it considers to be just and equitable. With regards to a failure to pay a union representative for time off, the tribunal can award the amount that should have been paid.¹⁵

3.5 Formal Agreements

3.5.1 Taking all of the above into consideration, ACAS suggests that there are many benefits to be gained by drawing up an agreement as to how the relationship between the Employer and the recognised Trade Union is expected to work; this includes the operation of time off arrangements and expectations from both sides. It suggests that in setting out an agreement, the following should be taken into consideration:

- The size of the organisation and the number of employees;
- The need to maintain a service to the public;
- Statutory requirements;
- The complexity and volume of issues that are expected.

¹⁵ <http://www.xperthr.co.uk/faqs/topics/7,152/time-off-for-trade-union-duties-and-activities.aspx?articleid=100400&mode=open#100400>



4 Findings: Trade Union Representation in the City Council

4.1 Introduction

- 4.1.1 Employees have a choice over whether they would prefer to join a Trade Union or not. The City Council operates an access to new starter's policy in which new employees are asked whether their information can be disclosed to the Trade Unions, who will approach that employee and offer them membership.
- 4.1.2 We sought to examine the current picture in the City Council with regards to the scale of Trade Union membership and representation. This involved gathering data from Human Resources and speaking directly to the Trade Unions. The following provides a summary and analysis of that data.
- 4.1.3 It is important to note that, with there being no central process in place to monitor Trade Union work or representatives the data we were provided with was of limited quality, making our analysis difficult. This will be addressed later in this report.

4.2 Representation in the City Council

- 4.2.1 The recognised non-teaching Trade Unions within the City Council are:
- Unison;
 - Unite (formerly TGWU and Amicus);
 - GMB;
 - UCATT.

Trade Union Membership

- 4.2.2 Our initial query was on the number of employees within the City Council who are Trade Union members, in order to provide an overall picture of the numbers the Trade Unions are representing on a daily basis.
- 4.2.3 There are difficulties in producing a definite number of Trade Union members in the organisation. Some employees will choose to pay their Trade Union subscriptions through Direct Debit or other methods, meaning that the City Council will not be aware they are a Trade Union member. When querying with the Trade Unions how many of their members chose to pay through a method other than Council payroll, the majority were reluctant to provide us with this additional information in evidence gathering. The reasons given for this were that some employees do not wish to let the



employer know that they are a Trade Union member (although alternatively this could be for the convenience of the employee).

- 4.2.4 We received an indicative number of Trade Union members, based on a snapshot of the number of employees who pay their subscriptions directly through the Council payroll system. This is a service commonly known as 'check off' which Local Authorities and employers can voluntarily choose to provide (it is not a statutory obligation). From this information we found that around 16,282 of the circa 34,777 non-teaching staff within the City Council¹⁶ are Trade Union members. Table 2 provides further information, giving the breakdown of membership by Trade Union, and comparing this with similar points in previous years.
- 4.2.5 Unison was able to provide us with a snapshot figure on the number of employees who pay subscriptions through Direct Debit, resulting in overall evidence that around half of employees in non-teaching roles are Trade Union Members. This broadly correlates with the results of our employee survey, where of the sample who responded, 65% said they were a Trade Union member.
- 4.2.6 In addition, our survey also indicated that the majority of those responding who were in a Trade Union had been longstanding members of over 5 years (79% of those who said that they are in a Trade Union).
- 4.2.7 Whilst, given the City Council's size, the membership figures in terms of headcount are much higher than in other Local Authorities, they are similar in terms of the proportion between members and non members. Of those Local Authorities who provided the relevant statistics, between half and two thirds of their employees were Trade Union members. In all of the Core Cities that submitted information to the Review Group, Unison has the largest membership base, followed by GMB. The Core Cities also formally recognise the same Trade Unions as this City Council.

Trade Union Representation

- 4.2.8 A number of City Council employees are Union reps. Some of these work in their Union role full time, i.e. they have full time release and do not currently do their substantive role. However a larger proportion of Union reps perform their Union role for only part of their contracted hours, spending some time in their substantive role.
- 4.2.9 Human Resources were able to provide information on Union representation over the financial year 2010/11. This information was gathered in an exercise working with directorates, who provided

¹⁶ Statistics on the non-teaching headcount of the organisation taken from the July 2011 Workforce Report presented to Equalities and Human Resources Overview and Scrutiny Committee and additional information provided by CYPF, combining the non schools headcount and those listed as in schools, but who are not teachers. This figure does not include casual and sessional staff.



Partnership Working: The City Council and the Trade Unions

the data. Whilst this information does not give the precise current picture, it gives a reasonable indication as to the spread of representatives across the organisation.

- 4.2.10 After additional analysis of the data, we found that in 2010/11 there were just over 49 Full Time Equivalents (FTE)¹⁷ (headcount of around 114 employees) with formal regular release time to undertake a Union role for non-teaching Trade Unions.¹⁸ The breakdown of this by Trade Union is shown in Table 2, alongside FTE figures for the previous two years. Not included in the information was all the number of workplace reps who do not have formal release time, but are in the workplace to represent their section as and when necessary. This does mean that the headcount of those with a Trade Union role could be much higher.
- 4.2.11 In looking at the headcount and FTE figures, it is important to highlight that we received no indication as to how long each Union rep undertook the role i.e. it may not have been for the whole financial year and does not identify employees who may have undertaken Trade Union duties for a proportion of their time over a short period. It is therefore difficult to say how many Union reps with agreed release time were in place at any one time over the 2010/11 financial year.

Table 2: Changes in Representation and Membership in Birmingham City Council¹⁹

	2009		2010		2011	
	Number of Members	FTE number of reps	Number of Members	FTE number of reps	Number of Members	FTE number of reps
Unison	13,100	20.45	12,455	21.54	10,997	27.72
GMB	4,539	5.25	3,783	6.25	4,303	14.60
Unite	1,098	4.1	1,011	4.1	711	5.00
UCATT	195	1.7	263	2.25	271	1.85
TOTAL	18,932	31.5	17,512	34.14	16,282	49.17

- 4.2.12 The table above shows that in some cases, as membership has risen, so has the number of Union reps, but this is not in all cases. Both Unison and Unite have seen an increase in the FTE number of Union reps, despite an apparent overall fall in membership numbers.

¹⁷ The formal release time which all the Union reps have been given adding up to a total number of Full Time posts.

¹⁸ This and the following statistics are based on information provided about Union reps, where data on their release time and salary costs were available

¹⁹ Information provided by Finance and Human Resources.



- 4.2.13 There are a number of points to consider. The first is that there may have been an increase in the number of employees paying through Direct Debit and other methods, which cannot be reflected in the figures as this is unknown. The Trade Unions themselves highlighted that they have seen a shift towards this payment method more recently, although we received no evidence to confirm this. The second is that the figures give no indication as to the workload of Union reps and as such the resource required to support members.
- 4.2.14 Comparative data with other Local Authorities, particularly on the FTE headcount of Union reps, was limited and due to differences in the recording of information, makes comparison difficult. Some information that was provided however shows that:
- One Local Authority with around 5,500 non-teaching Trade Union members has around 16 FTE Union reps;
 - Another Local Authority of just under 7,000 non-teaching Trade Union members has 13 FTE Union reps;
 - A third Local Authority that provided information had 5 FTE Union reps for a membership base of around 4,300 non-teaching Trade Union members.
- 4.2.15 In 2010-11 the majority of employees who put themselves forward to be Union reps in the City Council fell within the Grade 2 to 4 pay bands (Table 3). This is the same across all of the recognised Trade Unions. Only in a small number of cases is a Union reps substantive Grade GR5 or above.

Table 3: Substantive Grade of Trade Union representatives' financial year 2010/11

Grade	Unison	GMB	Unite	UCATT	Total
GR1	0	0	1	0	1
GR2	13	2	3	0	18
GR3	27	16	9	4	56
GR4	19	4	5	2	30
GR5	4	2	0	0	6
GR6	3	0	0	0	3
GR7	0	0	0	0	0
Total Headcount	66	24	18	6	114



Partnership Working: The City Council and the Trade Unions

4.2.16 Tables 4 and 5 identify the number of full time and part time Union reps in 2010-11 respectively. Again it is worth highlighting that it is unclear how many of these Union reps undertook their role at the same time within the year.

Table 4: Substantive Grade of Full Time Trade Union Representatives Financial Year 2011-11

Grade	Unison	GMB	Unite	UCATT	Total
GR1	0	0	0	0	0
GR2	8	1	0	0	9
GR3	3	7	2	0	12
GR4	2	2	0	1	5
GR5	1	2	0	0	3
GR6	0	0	0	0	0
GR7	0	0	0	0	0
Total Headcount	14	12	2	1	29

Table 5: Substantive Grade of Part Time Trade Union Representatives Financial Year 2011-11

Grade	Unison	GMB	Unite	UCATT	Total
GR1	0	0	1	0	1
GR2	5	1	3	0	9
GR3	24	9	7	4	44
GR4	17	2	5	1	25
GR5	3	0	0	0	3
GR6	3	0	0	0	3
GR7	0	0	0	0	0
Total Headcount	52	12	16	5	85



4.2.17 More recent information provided to us shows that there are currently 26 reps with full time release from their substantive role to undertake Trade Union work.²⁰

4.2.18 We were also able to examine where Union reps substantive directorates were, showing that the majority of Union reps are based within Homes and Neighbourhoods and Environment and Culture directorates (Table 6). In some cases these Union reps may not represent solely the directorate in which they are based, but support members across the organisation.

Funding Trade Unions and Union Reps

4.2.19 Also presented in table 6 are the approximate salary costs for each directorate, as directorates themselves continue to pay the Union rep as if they were in their substantive post. These have been calculated taking into account the proportion of time the 114 employees we received data on have spent on Trade Union duties, with the assumption that this was undertaken for the whole financial year. Figures include pensions and National Insurance costs averaged at 24%.

Table 6: Directorate Spread of Trade Union Representatives financial year 2010-11

Directorate	Unison	GMB	Unite	UCATT	Total Head-count	Salary Costs
Chief Executives ²¹	4	1	-	-	5	£66,116
Housing and Constituencies ²²	15	8	7	2	32	£470,360
Adults and Communities	11	-	-	-	11	£182,236
Children, Young People and Families	8	8	-	-	16	£364,602
Development	8	-	-	-	8	£41,720
Environment and Culture	20	7	11	4	42	£229,948
Total	66	24	18	6	114	£1,354,982²³

²⁰ Information provided by Human Resources, correct as at August 2011.

²¹ Service areas formerly in Chief Executives are now mainly in Corporate Resources, though some have moved to other Directorates

²² Now Homes and Neighbourhoods

²³ Total salary costs include pensions and NI averaged at 24%



Partnership Working: The City Council and the Trade Unions

- 4.2.20 It is worth noting that in one case we were made aware of a Union rep where some of the salary cost was recharged to the Trade Union. This is contrary to what we expect to happen, as guidance says that any salary should continue to be paid by the employer.
- 4.2.21 Of the other Local Authorities which provided information to us, the total salary costs of Union reps ranged from around £192,000 to £500,000. It is unclear whether these figures include on costs such as pension and National Insurance contributions. Like this City Council, salary costs in other Local Authorities are paid through directorate budgets, however some Union reps are funded corporately.
- 4.2.22 We examined the issue of salary payments and questioned the rationale behind the payment of salary by the Council for employees whilst they are undertaking Trade Union work. Legal Services helpfully clarified that because those people remain City Council employees on the organisations terms and conditions, it is important that their salaries continue to be paid only by the organisation, which maintains the link with the substantive role and the Council as the employer
- 4.2.23 In addition Trade Unions are allocated a budget, which sits within the wider Human Resources budget. With regards to financial spend by the Trade Unions over 2010-11, funding was spent on such things as:
- Office rent;
 - Meeting room hire;
 - Office Equipment, photocopying and stationery;
 - Mobile Phones;
 - Hospitality.
- 4.2.24 We queried as to whether the budget given to Trade Unions had changed over time and increased or reduced in line with other services in the Council. It was confirmed by Human Resources that the budget had been reducing over time and we were provided with the historical data, as shown in Table 7 below.

Table 7: Budget provided to Trade Unions and their expenditure 2008 - 2012

Year	Budget	Actual Spend	Variance
2007/08	£80,838.00	£26,389.10	(£54,448.90)
2008/09	£47,288.00	£45,572.35	(£1,715.65)
2009/10	£37,262.00	£27,100.26	(£10,161.74)
2010/11	£24,587.00	£25,467.13	£880.13
2011/12	£24,616.00	-	-



4.2.25 Much like other Local Authorities and in line with ACAS guidance, the City Council also provides the Trade Unions with facilities such as:

- Office space;
- Access to photocopying facilities, stationery and other materials as necessary;
- Accommodation for meetings and facilities for Union reps to meet their members in private;
- Space for the display of Union notices.

4.2.26 Limited information is available on the costs of facilities in other Local Authorities but two responses were received quoting around £16,000 and one of around £43,000. One Council in particular noted that they do not pay facility costs as the Union reps use their branch office.

4.2.27 The budget and facilities provision, particularly around office rent, was a concern and will be reflected on later in this report.

4.3 Formal Arrangements

Agreements for Working with the Unions

4.3.1 Achieving a substantive signed agreement with the Trade Unions is difficult in the current climate. There are however several City Council documents which provide guidance and refer to the working arrangements with the Trade Unions. These are available on People Solutions²⁴ and include:

- Arrangements for Regular Corporate Consultation;
- Consulting with employees and their representatives;
- Resolution of Collective Procedural Disputes;
- Consultation Protocol between Birmingham City Council and recognised Trade Unions;
- Time off agreement.

4.3.2 Regular corporate consultation meetings are held with the Council and non-teaching Trade Unions to assist in promoting a positive employee relations environment. There is a scheduled meeting each week for this to occur, which is chaired by a representative from Corporate Human Resources.

4.3.3 Informal corporate consultation meetings occur on a six to seven weekly basis, which gives the opportunity for an informal structured discussion to take place. It is at these meetings that the Trade Unions can express their views to the Cabinet Member for Equalities and Human Resources, who chairs the meeting and to those on the Corporate Management Team.

²⁴ Web based portal in which Birmingham City Council employees can access general information as well as personal details.



Partnership Working: The City Council and the Trade Unions

4.3.4 In addition a formal consultation committee occurs on a quarterly basis. It is chaired by the Cabinet Member for Equalities and Human Resources and the composition of Trade Union representatives is a matter for agreement between the Trade Unions.

4.3.5 A time off agreement was reached by the City Council and the Birmingham Trade Union Consortium (BTUC), which includes the recognised Trade Unions with the exception of Unison. This notes that the ACAS guidance should be followed as a minimum and highlights that the approach:

...attempts to overcome the difficulties of a quantitative approach and permits Trade Unions, with the agreement of the Chief Officer, to determine the number of officials they need to carry out the Unions functions at the workplace'²⁵

4.3.6 Some Local Authorities have attempted to put a framework together which bases the number of Union reps on a Trade Unions membership figures. One Local Authority for example gives guidance on the number of full time convenors it will approve, as below:

Table 8: Guidance on the Number of Full Time Convenors in a Local Authority

Total Membership	Number of Convenors
500 - 1500	1 full time Convenor
1501 - 3000	1 further Convenor
3001 - 5000	1 further Convenor
5001 - 8000	1 further Convenor
8001 and above	1 further Convenor

4.3.7 Each of the frameworks in other Local Authorities however recognise the need for additional support in particular times when resources are needed and contain caveats, agreeing that additional release will be considered when it is required.

²⁵ Birmingham City Council Trade Union time off agreement, p1



5 Findings: The Working Relationship

5.1 Introduction

5.1.1 The recent Birmingham Contract outlines the position of the Council with regards to its relationship with the Trade Unions:

In the opinion of Birmingham City Council each employee should be a member of a Trade Union in order that collective bargaining is satisfactory and fully representative of all employees.²⁶

5.1.2 It is therefore important to ensure that the relationship between the two groups is sound and that both are working in a way that supports Trade Union members, without disadvantaging other employees.

5.1.3 This section summarises the findings from our discussions with Human Resources, the Trade Unions, employees and senior officers in the organisation. It also provides, on the basis of this evidence and that in section 4, recommendations as to how the working relationship might be strengthened.

5.2 General Findings

5.2.1 Initially we, as well as those we spoke to through evidence gathering, were surprised to see the above statement in the Birmingham Contract documentation. We would ask whether the Council should consider whether this helps maintain a neutral position.

5.2.2 Helpfully we were told of some of the factors that restrict the development of the relationship between a Trade Union and an employer, particularly the impact of national decisions and ever developing case law. As a result of an increase in activity by no-win no-fee solicitors, who focus on litigation against Trade Unions as well as employers, reaching formal agreement is now much more difficult.

5.2.3 One particular example of this is the case against GMB in Middlesbrough (GMB v Allen) around equal pay issues. Middlesbrough Borough Council introduced new terms and conditions for staff in the form of an agreement negotiated between Trade Unions and the Council. In the negotiations leading up to the agreement GMB prioritised issues of pay protection and better future pay rather than maximising claims for past unequal pay. This led to compensation being offered in the region of 25% of the full value of successful equal pay claims. The complainants (all women) claimed that the Trade Union's prioritisation of pay protection and future pay over compensation for past

²⁶ Birmingham City Council Contract of Employment, p10



Partnership Working: The City Council and the Trade Unions

inequalities was discriminatory. The Employment Tribunal and the Court of Appeal found that the GMB had indirectly discriminated against its female members by pushing for acceptance of an offer without releasing the full facts upon which an informed decision could be taken. This included informing their members that part of the reason they were being asked to accept a settlement which was smaller than their full entitlement was so that some of the available money could be used to protect the pay of those losing out in the Job Evaluation System (JES), including male bonus earners.²⁷

5.2.4 One of the consequences of the Trade Union being found to have failed in its duty to its members has been a greater distinction more widely between employment practice (guidance) and employment policy (agreement), with it being much harder to achieve the latter.

5.2.5 Moving onto the City Council specifically, we wanted to find out about the types and volume of work that Union reps are undertaking. Human Resources commented that the amount of casework Union reps are expected to do has increased and some are facing significantly increased workloads. This mirrored evidence given by the Trade Unions, who wished to make clear that the work they undertake is uncontrolled and at the present time is rapidly increasing. The intensity of work is also increasing with rising expectations from Trade Union members.

5.2.6 We explored the subject of workload further with the Trade Unions, asking what a typical day might look like for a Union rep. The Unions were clear that no day is the same as the next and they undertake anything that is required in their role. Some examples were provided, both verbally and through copies of diaries, which include:

- Attending strategy meetings (the example given relating to Business Transformation);
- Feeding back into the Branch office;
- Coordinating and meeting with stewards in particular sections;
- Attending grievance hearings;
- Attending Corporate consultation meetings;
- Workplace meetings with Trade Union members;
- Time spent on case preparation, digesting and responding to minutes and reports.

Feedback from Employees

5.2.7 As highlighted previously in this report, we undertook a survey of City Council employees in a number of City Council buildings. The decision was taken to survey all employees in these buildings, not just Trade Union members as through collective bargaining the work of the Trade Unions affect all employees.

²⁷ Local Government Employers (LGE), Equal Pay: Case Law Developments www.lge.gov.uk/lge/aio/121325



5.2.8 Of the 316 employees responding to the survey, we found that:

- 65% of those who responded were a member of a Trade Union;
- 79% of those who were a member of a Trade Union have been a member for over five years;
- 87% joined the Trade Union to ensure workplace representation;
- 54% have contacted their Trade Union about work related issues in the past year.
- 68% of employees find being a Trade Union member useful;
- 50% of those who are not a member of a Trade Union have been a member in the past;
- 5% of those not currently in a Trade Union are planning to join one in the future.

5.2.9 We found that there was mixed support for Trade Unions directly from those that they represent. Many respondents commented on the importance of the Trade Unions within the organisation, some highlighting that:

Being a member of a Union is, in my opinion, essential – particularly in the current climate

You wouldn't go on holiday without holiday insurance. You shouldn't go to work without being a member of a Trade Union

5.2.10 Other employees however raised concerns:

They seem to have forgotten what their purpose is

I do not think they are as representative of the workforce as they once were

5.2.11 Several of the respondents to the survey highlighted wider issues, both with the City Council side and the Trade Unions. These will be reflected as appropriate in the following part of this report.

5.3 The Formality of the Relationship

5.3.1 On the current working relationship specifically, we were encouraged to hear that in such an unprecedented time in the City Council, both sides believe that they are working together reasonably well. Managers in the organisation also agreed that for the most part they have a positive working relationship with the Trade Unions and senior officers were keen to reinforce that the Trade Unions play an important role. We heard from Directorate HR Business Partners (HRBP) that a number of consultation forums exist at the local and directorate level which gave a forum for discussion with both managers and Union reps, as well as a support structure for managers dealing with Trade Union issues.



Partnership Working: The City Council and the Trade Unions

- 5.3.2 Reflecting on this anecdotal evidence leads us to conclude that a lot of the good partnership working is due to the willingness of the people currently involved. Whilst this is welcome, this did reinforce for us that there was little in the way of formal structure.
- 5.3.3 As highlighted in Section 4, a non-prescriptive arrangement exists between the City Council and the Trade Unions with regards to the number of posts that can be given release time, particularly full time release (the approach permits Trade Unions, with the agreement of the Chief Officer, to determine the number of officials they need to carry out the Unions functions at the workplace). The decision as to which employees are released is dependent on who puts themselves forward to be a Union rep, combined with discussion with managers on whether it is appropriate for that person to be released. Human Resources have the right to reject a request if they would like to keep that employee within their substantive role. This type of approval process was used in other Local Authorities. In addition, Union reps can also be deselected by their members and as a result the employee would need to be reabsorbed back into the organisation.
- 5.3.4 We queried as to why a firmer agreement was not in place and whether one could be established around the working arrangements and the numbers of people involved. Human Resources commented that a formal agreement on the number of Union reps might set a precedent on what should be expected, and changes in circumstances may no longer mean that level of support is required. Support for a firmer agreement was found across the organisation however, with senior officers commenting that there needs to be better control mechanisms and guidance on such things as what 'reasonable' time off means.
- 5.3.5 Whilst less regulation means more freedom to respond to particular circumstances, we would like to see something put in place to further ensure the future stability and development of the relationship, and ensure that new Union reps and officers work to a clearer set of rules. Creating a stronger partnership framework would reflect ACAS best practice and ensure that the right for Trade Union reps to conduct their work is balanced with the need for the efficient running of the organisation.
- 5.3.6 Whilst there was some trepidation from both sides in developing a more structured agreement, we would like to see the options explored. In particular we would like to see the City Council and the Trade Unions examine the various aspects that could be incorporated into a framework, which would need to be subject to regular review. We would also like to see the process for establishing the amount of formal Union representation in the Council reviewed, to identify a 'core' number/FTE of Union reps that the organisation and the Trade Unions require. This should consider both full and part time roles. The methods or ratios involved in developing this may reflect something similar to the example presented in section 4 of this report; however we will rightly leave decisions as to how this should be shaped with the Executive and through consultation with the Trade Unions.
- 5.3.7 Additional consideration should be given to those workplace reps that do not have formal release time, but support the Union as and when necessary within their service area. We are not clear as



to how many of these type of Union reps there are in the organisation, but would like to be reassured that the numbers within a service area adequately reflect the size of the service and the number of Trade Union members within it. This may involve using a different ratio based on Trade Union Membership, for example 1 Union rep for every 50 – 100 members.

- 5.3.8 In taking forward the above two suggestions, there may be a need for clearer evidence of the overall number of Trade Union members. We understand the reasons why the Trade Unions may be reluctant to share overall membership figures, and would suggest that ACAS can mediate this if necessary.
- 5.3.9 Any redeveloped protocol or framework should also include more detail on the split between duties and activities and what is 'reasonable', as well as a way of allowing the Union reps to record their work to show compliance with these guidelines. Whilst, of course, a final decision on this can always be taken by an Employment Tribunal, it will ensure that there is consistent application across the organisation.
- 5.3.10 In particular, given the difficulties in gathering data around the number and types of Union reps in the organisation, we would like to see a process for monitoring Union reps which will be held and updated centrally.

	Recommendation	Responsibility	Completion Date
R01	<p>That the Cabinet Member for Equalities and Human Resources review the most recent working arrangements with the non teaching Trade Unions and develop this into a stronger, more defined framework for partnership working.</p> <p>This framework should include:</p> <ul style="list-style-type: none"> • A method for determining the number of Union reps with formal release time, taking into consideration both full and part time reps; • A method for determining the appropriate number of workplace reps in a service area which do not have formal release time; • A process for the number of Union reps, and who they are, to be monitored centrally; • A method for Union reps to account for their time, similar to other staff; • Clearer guidance on what duties and activities are through a protocol on paid time off. 	Cabinet Member for Equalities and Human Resources	April 2012



Partnership Working: The City Council and the Trade Unions

5.3.11 We understand that creating a set of core Union reps is unlikely to alleviate the pressure currently faced by the Trade Unions. As such, based on the evidence we have heard, we believe there is scope to develop a process for additional Union reps to be created for a time-limited period. This has already happened for one significant piece of work, with two time limited Union reps being released to work on issues surrounding the Birmingham Contract. It is also a method which is used in some other Local Authorities.

5.3.12 We believe there is an added value in proposing this recommendation. The Trade Unions will have additional resources they need for the period in which it is required and the organisation will be able to bring an employee back into their substantive role within a reasonable period. In addition employees will have the opportunity to gain new skills and knowledge through the Union work, which they can use as a development opportunity and bring back into the workplace.

	Recommendation	Responsibility	Completion Date
R02	That the Cabinet Member for Equalities and Human Resources introduces a process by which additional Union reps can be created for a time limited period, with agreement from the City Council and the Trade Unions, in order to deal with significant peaks in demand.	Cabinet Member for Equalities and Human Resources	April 2012

5.3.13 To complement the above two recommendations and contribute to further transparency in the organisation, we would like to see clearer and more readily available information around the numbers and types of Union reps in the organisation, alongside the guidelines for working with Trade Unions. We felt that, whilst officers within HR may have a good understanding around this due to their regular contact with the Trade Unions, for managers in directorates and other employees this may not be so clear. Publishing the relevant information with personal details removed, will allow all interested parties to have easy access to the most up to date information.

	Recommendation	Responsibility	Completion Date
R03	That in order to further promote transparency, the Cabinet Member for Equalities and Human Resources publish the following, ensuring that it is kept up to date: <ul style="list-style-type: none"> Guidelines for working with the Trade Unions; Detail on the numbers and types of Union reps within the City Council. 	Cabinet Member for Equalities and Human Resources	April 2012



5.3.14 Building on the discussion around workload pressures, we asked the Trade Unions what would be helpful to them in addressing the difficulties they face. They replied by explaining that the current programme of restructures and consultations within the City Council often caused intense peaks in workload on a particular day or period of time, meaning that in some cases they found it difficult to provide the level of support that they would like.

5.3.15 We are aware that a consultation and negotiation plan exists, however in order to respond to demands effectively, we believe there may be an opportunity for further coordination of the timetable, for the benefit of both the Trade Unions and the Council. Developing this picture of activity across the organisation has the potential to make work more manageable for both sides and alleviate any need for extra Union reps to be brought in.

	Recommendation	Responsibility	Completion Date
R04	That the Cabinet Member for Equalities and Human Resources, in conjunction with the Trade Unions, consider mechanisms to further develop the current consultation and negotiation timetable.	Cabinet Member for Equalities and Human Resources	April 2012

5.3.16 Another aspect that the Trade Unions believed would make them more effective concerned openness and transparency. The Trade Unions highlighted to us that often they feel that changes which they are consulted on are a 'fait accompli' and that for the most part changes suggested by the Trade Unions are rarely incorporated into a final decision. This was something which employees did comment on in our survey:

I feel that the City Council does not engage with the unions at a level and time or frequency for the Unions to have the significant input into the decision making process as they should have

...things would go a lot better if a more collaborative process could be found...

5.3.17 Officers in the organisation however maintain that discussion and consultation is full, open and timely, this being proven through the City Council's success in recent tribunal cases. Whilst this evidence of success at tribunal leaves us confident that the Council is acting appropriately, we would like to reinforce that this is a practice that should continue as there are advantages for both sides; Trade Unions will have an opportunity to influence decisions at an early stage, and the City Council could potentially minimise any disputes further along in a process as all sides should have contributed to a final decision. In considering this as a strong aspect of partnership working, we would stress that discussions and consultations must be met with willingness on the Trade Union



Partnership Working: The City Council and the Trade Unions

side to discuss a range of options in a pragmatic and forward thinking manner, respecting any necessary confidentiality that is involved.

	Recommendation	Responsibility	Completion Date
R05	That the Cabinet Member for Equalities and Human Resources continues to engage the recognised Trade Unions in discussion and consultation around significant change, in order to allow those Unions to engage in the future way forward of the City Council.	Cabinet Member for Equalities and Human Resources	April 2012

5.4 Communications

- 5.4.1 Communication, both between the Trade Union and the City Council, and the Trade Union and its membership, was raised regularly through our discussion and research. One regional Union rep commented that he considered communication one of the most important things that Union reps are responsible for, but with rising workloads this is becoming more and more difficult.
- 5.4.2 We learnt that there are several channels through which the Trade Unions communicate with their members. The City Council allows Trade Unions to communicate with their members through Council channels as recommended by ACAS, particularly through notice boards that are provided across Council buildings. We conducted a visit of one Council building to examine the provisions given to Trade Unions and were pleased to see that notice boards were in use on each floor. Whilst concerned with the nature of some of the material being posted within a Council building, the Trade Unions did appear to be complying with rules stating that only those notice boards were to be used for Union materials.
- 5.4.3 In addition Trade Unions communicate through their own routes such as newsletters, or more recently for Unison, the development of a Branch website. Despite these options, the Trade Unions stressed that communication can be difficult, particularly with those employees working in front line services which do not have easy access to I.T. for emails, websites etc.
- 5.4.4 Communication was one of the regularly highlighted concerns of employees who completed our survey. This was both in terms of how the Unions communicate with them, but also how the Council supports the communications effort. Some comments included:

Like most institutions, communication is a real problem for my TU

I have not been impressed with the level of communication about general matters



- 5.4.5 Those who were not in a Trade Union also provided some feedback on communication, highlighting that as the Trade Union acts on their behalf through the collective bargaining process, they would like to be consulted with directly for their views. This ties in with the City Council's right and obligation to engage directly with the workforce and we support the actions already being developed to address this e.g. portals to be available in the workplace.
- 5.4.6 There could certainly be some benefits in strengthening the guidelines around communication, reinforcing that both sides are entitled to communicate with employees, which may not have been seen as the position in the past. Whilst naturally there may be some things that are inappropriate to be cascaded through Council channels, we would like to see something in place which confirms the communication routes that can be used and for what kinds of material, including what is suitable for public facing parts of Council buildings. We would also expect that any information which is relevant to non Trade Union members also be disseminated across the organisation to ensure equal access to information.

	Recommendation	Responsibility	Completion Date
R06	<p>That a set of guidance notes are introduced around communication. This should include:</p> <ul style="list-style-type: none"> • how the City Council will provide facilities to support the Unions with their communications; • guidance on the appropriate items which would be channelled through Council networks and be publicised in Council buildings. 	Cabinet Member for Equalities and Human Resources	April 2012

5.5 Resources and Funding

- 5.5.1 We recognised the importance of the Council supporting the Trade Unions to carry out their role, as explained in ACAS guidance, and examined what more can be done to make processes more efficient whilst still meeting the required obligations. As such we examined areas around the budget and provisions of facilities focusing on the current legal guidance and frameworks.
- 5.5.2 We understand that crucially, the City Council should continue paying employees whilst they undertake their Trade Union role. They remain City Council employees on Council terms and conditions so it is only right that they continue to be paid through their substantive role. However after examining the concentration of Union reps in directorates we felt that some bear the burden of having to release more staff and continue paying their salaries from the directorate's budget. The result is that they are left with either vacant posts or having to pay to backfill those positions. This is something senior officers highlighted as one of their key concerns, particularly in areas such as Housing and Constituency offices.



Partnership Working: The City Council and the Trade Unions

- 5.5.3 Given that Union reps with formal release time are often not restricted to working within their particular substantive directorate, we felt that each directorate should make an equal contribution to the support for Union reps. As such we would like to see thought given to how pressure can be alleviated from particular directorates and a more equitable arrangement put in place, ensuring that all areas of the organisation are contributing to the provision of Trade Union support.
- 5.5.4 Recommending this way forward also reinforces the value of recommendations 1 and 2, as a clearer picture of Union representation across the organisation will allow managers to regularly identify if any additional pressures are being placed onto particular directorates.

	Recommendation	Responsibility	Completion Date
R07	That the Cabinet Member for Equalities and Human Resources develops a way of ensuring that the responsibility for supporting Union reps is more equitable across directorates.	Cabinet Member for Equalities and Human Resources	April 2012

- 5.5.5 Whilst we heard that monitoring arrangements were in place with regards to the overall Trade Union budget, highlighted in section 4, there were some outstanding queries on specific spend. These included general costs such as printing and room hire we would like to see examined by officers.
- 5.5.6 One particular concern was to ensure that the costs of producing Trade Union materials was not being taken from directorate budgets, but kept solely within the Trade Union budget. Within other Local Authorities, budget codes for printing and other materials are used by Union reps to differentiate between the printing of Council and Union materials. We would like to see something like this in place consistently across the Council.

	Recommendation	Responsibility	Completion Date
R08	That the Cabinet Member for Equalities and Human Resources puts measures in place which allows for the monitoring of Trade Union spend under all budget headers, and provides Union reps within directorates with an easy method of charging to that budget code.	Cabinet Member for Equalities and Human Resources	April 2012

- 5.5.7 When focusing on the budget headers in the overall Trade Union budget, we queried the payment given to one Trade Union as a contribution to the rent of their branch office, and whether it would not be a better arrangement to provide office facilities within the Council buildings, just as is done for the other Trade Unions. We were able to visit the Council offices of one Trade Union to



examine the facilities and were satisfied that they had been given adequate space to carry out their work and were not being treated differently to any other team that requires an office in Council premises. There were some concerns raised around security from the Trade Unions using City Council facilities, with very little space to store files with private details, and we hope that the relevant officers will address this.

- 5.5.8 We believe that all Trade Unions should be treated equally and provided with an offer of Council accommodation. After taking legal advice we would fundamentally question whether the funding of a Branch office is appropriate and are confident that space exists to comfortably accommodate the City Councils Union reps within the current provision of Council buildings. Developing on the previous recommendation, the Cabinet Member for Equalities and Human Resources is asked to review this budget area in particular, to determine whether that provision is appropriate.

	Recommendation	Responsibility	Completion Date
R09	That the Cabinet Member for Equalities and Human Resources review the financial contribution made to one Trade Union in respect of their office accommodation, and if necessary identify sufficient office provision within the Council's portfolio of buildings.	Cabinet Member for Equalities and Human Resources	April 2012

5.6 Maintaining a Link with the Business

- 5.6.1 Through this line of questioning we sought to ensure that a Union rep is treated in the same way as any other employee of the City Council, but also that the Union reps themselves understand and maintain the links with the business through their substantive role. We had some concern that Union reps, particularly full time reps that have been in position for a significant length of time, may begin to lose their links as an employee of the organisation.
- 5.6.2 We began by querying how full time Union reps would be included in any restructuring arrangements of their section. The Unions were confident that they were and would be included in any process, and HR highlighted that full time reps would be fully engaged in any process occurring in their service area. We queried further as to whether the Union rep would be at a disadvantage in any selection process given that they may not have worked in their substantive role for some time. We were pleased to hear that in the selection process managers are not limited to looking at the particular substantive job but the competencies and transferable skills which a person has.
- 5.6.3 We were also encouraged to hear that Union reps continue to be subject to the same policies and procedures as other employees. We heard that with regards to sickness for example, this



Partnership Working: The City Council and the Trade Unions

continues to go through the line manager for both full and part time Union reps. The Trade Unions were clear that the manager remains a key link to the business and completes all the normal procedures with the employee.

- 5.6.4 This line of questioning led us to consider the Performance Development Review (PDR) process, which is important for performance and pay progression and is taken into consideration in the new restructuring and ring fencing policy. In asking how PDRs are undertaken for full time Union reps we discovered that most are awarded an average grade based on the performance of their peers in the same role. Union reps we spoke to commented that they understand taking on a union role might mean sacrificing some of the benefits of a 'regular' employee.
- 5.6.5 In response to this we felt that there should be equal treatment for all regardless of whether employees undertake a Union role, particularly as they remain City Council employees. If the Union rep role is viewed in a similar way to a secondment, then a full and proper PDR should still be applicable.
- 5.6.6 Options to address this issue were discussed, and there was no easy answer. Some suggestions were made, for example Human Resources could undertake all full time Union reps' PDRs or a set of generic objectives could be developed for those reps, which line managers could use in assessment. We would like to see the discussions with regards to PDR reopened and various options assessed for their viability. This should focus on the ways in which the PDR process can best reflect the contributions and work of these Trade Union reps.

	Recommendation	Responsibility	Completion Date
R10	That the Cabinet Member for Equalities and Human Resources reopens discussion with the recognised Trade Unions around the completion of the Performance Development Review (PDR) for full time Union reps.	Cabinet Member for Equalities and Human Resources	April 2012

- 5.6.7 Our final major concern, and one we kept returning to in our evidence gathering, was that of Union reps keeping a link with their substantive job. We discussed with both sides options for making sure that Union reps, particularly full time reps keep the links with their post and ensuring that our employees do not become de-skilled in the job which they were contracted to do.
- 5.6.8 However we received some conflicting evidence on this issue. Feedback from officers suggested that there have been examples where Union reps who had been released on a full time basis, and had been so for a long period of time, have successfully been able to make a case that they should not be involved in restructures which involve their substantive role. The Trade Unions overall though were happy that, should they need to, they could easily fit back into the substantive role as and when needed. Some Union reps we spoke to responded by saying they spend time in the



workplace in order to meet with team members and keep up to speed with developments. They are also offered the same training opportunities as other employees and are regularly included in team communications.

5.6.9 When the Union reps were asked whether a portion of their time should be spent back in the substantive role, this was not widely supported. One Union rep commented that despite being back in their regular job, Union related work would not stop and should not be ignored. Senior officers however were clear that it may be more appropriate if full time release is rotated around Union Reps or that they do some of their day job so they maintain their links with their substantive post. Officers also highlighted that the City Council needs to continue to be supportive of training for these reps.

5.6.10 We are keen that issues around de-skilling and training are addressed as a priority. This may take the form of a training agreement, a process in which some time is spent back in the substantive role, or by rotating which Union reps are given full time release for Union work. Any way forward agreed should be incorporated into the overall agreements recommended earlier in this report.

	Recommendation	Responsibility	Completion Date
R11	That the Cabinet Member for Equalities and Human Resources develops, in conjunction with the Trade Unions, a way forward to ensure Union reps further enhance links with their substantive role and continue training in line with other employees.	Cabinet Member for Equalities and Human Resources	April 2012



6 Conclusions

6.1 Introduction

- 6.1.1 There is no doubt that senior officers and Councillors within the City Council recognise and value the contribution that Trade Unions make in the workplace. The purpose of this review therefore was to examine how the relationship between the City Council and the Trade Unions is functioning at this point in time and how this can be strengthened to ensure that both sides, as well as Council employees, maximise the potential benefits.
- 6.1.2 The recommendations which we have proposed in this report exist to encourage debate between the two groups – The City Council and the Trade Unions - on areas which we believe could ensure stronger, more efficient partnership working and increase the benefits to those involved. Any changes which can be taken forward will, of course, need to be consulted on in the proper manner.

	Recommendation	Responsibility	Completion Date
R12	Progress towards achievement of these recommendations should be reported to the Equalities and Human Resources Overview and Scrutiny Committee in June 2012. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.	Cabinet Member for Equalities and Human Resources	June 2012



6.2 Future Considerations

- 6.2.1 There are of course aspects of the relationship with the Trade Unions which we have not examined in detail; this includes for example how effective Trade Unions are in representing their members and how they ensure they are representative of all their membership (as this is for their members to decide). This review therefore has only considered a fraction of the story and only one of the strands in the three way relationship between the Council, the Trade Unions and employees.
- 6.2.2 Future more wide-ranging work in this area might helpfully focus on the relationship between the City Council and employees as well as Trade Unions and employees, with a focus on engagement, examining in more detail the added value for those being represented and indeed those who are affected by the collective bargaining process.









Appendix 1: Employee Survey results

1. Are you a member of a Trade Union?

		Response Percent	Response Count
Yes		65.1%	205
No		34.9%	110

Responses from those who answered YES to Question 1

2. How long have you been a member of a Trade Union?

		Response Percent	Response Count
Up to 6 months		2.9%	6
6 months - 2 years		5.8%	12
2 - 5 years		9.7%	20
Over 5 years		78.7%	163
Unsure		1.0%	2
Prefer not to say		1.9%	4



Partnership Working: The City Council and the Trade Unions

3. Why did you join a Trade Union? (please tick all that apply)

		Response Percent	Response Count
To ensure workplace representation		86.7%	169
Felt like a good thing to do		12.3%	24
Colleagues or friends are in a Trade Union		10.8%	21
Membership Benefits		20.5%	40
Prefer not to say		4.1%	8



4. Please answer the following:

	Yes	No	Prefer not to say / Unsure	Response Count
Are you aware of who your Trade Union representative is?	78.7% (163)	19.8% (41)	1.4% (3)	207
Do you know how to contact your Trade Union representative?	86.0% (178)	13.5% (28)	0.5% (1)	207
Do you know where you can access Trade Union information in your work building?	74.3% (153)	23.8% (49)	1.9% (4)	206
Have you contacted your Trade Union about a work related issue in the past year?	53.6% (111)	44.9% (93)	1.4% (3)	207
Overall, do you find being a member of a Trade Union useful?	67.8% (139)	15.1% (31)	17.1% (35)	205







Responses from those who answered NO to Question 1

6. Have you ever been a member of a Trade Union?

		Response Percent	Response Count
Yes		49.6%	57
No		50.4%	58
Prefer not to say		0.0%	0

7. Do you have any plans to join a Trade Union over the next year? Can you give any reasons for your answer?

		Response Percent	Response Count
Yes		5.2%	6
No		77.4%	89
Unsure		11.3%	13
Prefer not to say		6.1%	7