

UNION/EMPLOYEE CONSULTATION COMMITTEE

Minutes of a meeting of the Union/Employee Consultation Committee of the Bolsover District Council held in Chamber Suite 3, The Arc, Clowne, on Thursday 14th March 2013 at 1100 hours.

PRESENT:-

Council Representatives:-

Councillors R.J Bowler, K. Bowman, Mrs P.M Bowmer, J.A Clifton, H.J Gilmour, D. McGregor, A.M Syrett, A.F Tomlinson and G.O Webster.

Unison Representatives:-

J. Wilmot, R. Frisby, C. McKinney, C. Hirst, K. Shillitto and L. Cheong.

Unite Representatives:-

I. Barber.

Officers:-

W. Lumley (Chief Executive Officer), A. Grundy (Assistant Director of Human Resources and Payroll), P. Wilmot (Human Resources Manager) and A. Bluff (Democratic Services Officer).

1015. APOLOGIES

Apologies for absence were received on behalf of Councillors E. Watts and K. Reid, S. Sambrooks (Unite) and T. Walker (Unite).

1016. ELECTION OF CHAIR FOR MEETING

Moved by Councillor K. Bowman, seconded by Councillor D. McGregor

RESOLVED that Councillor A.F. Tomlinson be elected as Chair for the meeting.

Councillor A.F. Tomlinson in the Chair

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1017. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

1018. DECLARATIONS OF INTEREST

There were no declarations of interest made.

1019. MINUTES – 30TH JANUARY 2013

Minute No 816; - Informal Meeting of UECC held on 24th January 2013

Councillor Bowman referred to the informal meeting of UECC held on 24th January 2013 where Members had indicated that membership of the Union/Employee Consultation Committee would be discussed prior to Annual Council in May on the basis of a proposal of six representatives from the employers side and six representatives from the employees side.

A Union Representative stated that the Unions had no issue with reducing the number of representatives on the Committee.

It was agreed that from the new Civic Year in May, membership of UECC be reduced to six representatives from the employer's side and six representatives from the employee's side.

Moved by Councillor D. McGregor, seconded by C. Hirst

RESOLVED that the minutes of a meeting held on 30th January 2013 be approved as a correct record,

RECOMMENDED that as from the new Civic Year in May 2013, membership of UECC consists of six representatives from the employer's side and six representatives from the employee's side.

(Head of Democratic Services / Council)

1020. SICKNESS ABSENCE / OCCUPATIONAL HEALTH STATISTICS OCTOBER TO DECEMBER 2012

The Assistant Director of Human Resources presented a report in relation to sickness absence / occupational health statistics for the period October to December 2012.

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The target for sickness absence for October to December 2012 was two days per full time employee (FTE) and the outturn was 2.42 days per FTE. The outturn for the same period in the previous year was 2.38 days per FTE. A breakdown of the figures by department and by long and short term sickness absence was attached to the report for Members information.

The Assistant Director of Human Resources reminded Members that at the last meeting she had reported that the corporate target of eight days would not be met this year and an outturn of 9.09 days was projected. It was now projected that this could be 8.87 days, and although still disappointing, it was a step in the right direction.

Six referrals to Occupational Health had been made in the period compared to sixteen in the same period last year. Members were asked to note that there was one additional ill health retirement on 31st July 2012 which should have been reported in the July to September 2012 quarter.

Four routine health surveillance clinics had been held during the period.

The Assistant Director of Human Resources reported that the number of employees absent from work due to stress continued to be monitored, though it was noted that there were relatively few incidents of work related stress.

Moved by Councillor D. McGregor, seconded by C. Hirst

RESOLVED that the sickness absence / occupational health statistics report for the period October to December 2012 be received.

1021. EQUALITIES MONITORING APRIL TO JUNE 2012

The Human Resources Manager presented a report in respect of Equalities Monitoring data for the period April to June 2012 on the Council's performance on equality issues in relation to its employment practices.

Performance Indicators

The report provided information on outturn figures for performance indicators relevant to equalities for the period.

Apprentices

There were no apprenticeship vacancies during the period.

Permanent Employees

Six vacancies were advertised for the period, 73 applications received, 18 candidates shortlisted and four successful candidates. It was noted that two of the six vacancies received no applications.

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Training / Development

Ninety places had been 'taken up' with regard to off the job training.

Disciplinary

There was one disciplinary action during the period.

Grievances (including Harassment / Bullying)

No grievances were lodged during the period.

Labour Turnover

There had been 44 leavers during the period.

Voluntary Leavers

There had been two voluntary leavers during the period.

Dismissals

There were no dismissals during the period.

Redundancy/Efficiency of the Service

There was one redundancy during the period.

Ill Health Retirements

There were no ill health retirements during the period.

It was noted that the 2001 Census figures had been used in the report and Members requested that figures from the 2011 Census be used for future reports.

Moved by Councillor D. McGregor, seconded by C. Hirst

RESOLVED that the Equalities Monitoring report for the period April to June 2012 be received.

1022. EQUALITIES MONITORING JULY TO SEPTEMBER 2012

The Human Resources Manager presented a report in respect of Equalities Monitoring data for the period July to September 2012 on the Council's performance on equality issues in relation to its employment practices.

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Performance Indicators

The report provided information on outturn figures for performance indicators relevant to equalities for the period.

Apprentices

There were no apprenticeship vacancies during the period.

Permanent Employees

Three vacancies were advertised for the period, 49 applications received, 17 candidates shortlisted and three successful candidates.

Training / Development

Eighty Nine places had been 'taken up' with regard to off the job training.

Disciplinary

There was no disciplinary action during the period.

Grievances (including Harassment / Bullying)

No grievances were lodged during the period.

Labour Turnover

There had been 14 leavers during the period.

Voluntary Leavers

There had been seven voluntary leavers during the period.

Dismissals

There were no dismissals on grounds of capability during the period.

Redundancy/Efficiency of the Service

There were four redundancies during the period.

Ill Health Retirements

There were two ill health retirements during the period. Members were asked to note that there was one additional ill health retirement on 31st July 2012 which should have been reported in the July to September 2012 quarter.

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Moved by Councillor D. McGregor, seconded by C. Hirst

RESOLVED that the Equalities Monitoring report for the period July to September 2012 be received.

1023. EQUALITIES MONITORING OCTOBER TO DECEMBER 2012

The Human Resources Manager presented a report in respect of Equalities Monitoring data for the period October to December 2012 on the Council's performance on equality issues in relation to its employment practices.

Performance Indicators

The report provided information on outturn figures for performance indicators relevant to equalities for the period.

Apprentices

There were no apprenticeship vacancies during the period.

Permanent Employees

Eight vacancies were advertised (two of which were unfilled) for the period, 65 applications received, 25 candidates shortlisted and 12 successful candidates.

Training / Development

204 places had been 'taken up' with regard to off the job training.

Disciplinary

There was no disciplinary action during the period.

Grievances (including Harassment / Bullying)

No grievances were lodged during the period.

Labour Turnover

There had been 12 leavers during the period.

Voluntary Leavers

There had been seven voluntary leavers during the period.

Dismissals

There were two dismissals on grounds of capability during the period.

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Redundancy/Efficiency of the Service

There was one redundancy during the period.

Ill Health Retirements

There was one ill health retirements during the period.

Moved by Councillor D. McGregor, seconded by C. Hirst

RESOLVED that the Equalities Monitoring report for the period October to December 2012 be received.

1024. THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Moved by Councillor D. McGregor, seconded by Councillor G.O. Webster

RESOLVED that under Section 100(A) (4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in the stated Paragraph of Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.

1025. ENHANCEMENTS IN LIEU OF ANNUAL LEAVE EXEMPT PARAGRAPH 4

The Human Resources Manager presented a report to inform Members that the Authority's Legal section had identified that a provision included in the Authority's Pay Agreement to provide an enhancement in lieu of annual leave was in breach of the Working Time Regulations.

Under the Working Time Regulations all Workers and Employees were entitled to a legal minimum of 28 days paid leave, including bank holidays, pro rata to hours worked. Providing an enhancement in lieu of annual leave was effectively denying employees a statutory right and therefore the Authority could not legally continue with the practice.

In January 2013, the Trade Unions' agreement was sought to adjust this practice on an interim basis until a report could be submitted to the next available UECC to fully consider what steps needed to be taken to correct the provision to ensure the Authority's legal compliance and to also consider the implications of adjusting the provision.

It was proposed that the Council's Pay Agreement section 3.2.10 be amended.

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The section is currently as follows:

“Where part-time employees/casual employees are required to work ad hoc hours over and above their contractual hours, they will receive the following enhancements on the hourly rate in lieu of annual leave:

| | |
|---------------------------|-----|
| Less than 5 years service | 12% |
| 5 years service or over | 14% |

Any hours worked in excess of 37 hours will not attract this enhancement.

This payment will be shown separately in your contract of employment and on your pay slip. It does not offset your entitlement to take annual leave and managers must ensure that a minimum of 25 days annual/concessionary leave (excluding bank holidays) is taken by every employee (pro rata for part timers).

During periods of annual leave employees will be paid in accordance with their contractual hours.”

The report proposed that the section be revised as follows:

‘Casual workers are entitled to the equivalent of 28 days annual leave during each holiday year (including all bank holiday entitlements), calculated on a pro rata basis depending on the number of hours that actually worked.

Annual leave must be taken in line with the operational needs of the Council and agreed in advance with a supervisor. If any public holidays and/or ‘fixed closure days’ fall during the period of this engagement the casual worker may take annual leave on such days, with the agreement of their supervisor, from their accrued statutory leave entitlement.

When the arrangement for casual work is terminated the casual worker will be paid for holidays accrued but not taken on a pro rata basis.

Part-time employees who work additional hours over and above their contractual hours may accrue additional annual leave on a pro rata basis based on the Council’s annual leave entitlement and the additional hours’.

A lengthy discussion took place.

It was agreed that the recommendation in the report be amended to read;

That the Authority’s Pay Agreement, section 3.2.10, ‘Enhancements in lieu of annual leave’, be adjusted as detailed above and consultation commence with the recommended Unions, affected part-time employees and Casual Workers, leading to a variation of contract, either with immediate effect or subject to a longer time frame depending on legal advice.

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Moved by Councillor J.A. Clifton, seconded by Councillor D. McGregor

RESOLVED that the Authority's Pay Agreement, section 3.2.10, 'Enhancements in lieu of annual leave', be adjusted as detailed above and consultation commence with the recommended Unions, affected part-time employees and Casual Workers, leading to a variation of contract, either with immediate effect or subject to a longer time frame depending on legal advice.

The meeting concluded at 1145 hours.