



Spotlight Review: GMB Union Recognition Application

March 2026 – April 2026

**Climate Change and Communities Scrutiny
Committee**

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Declaration of Interest:

The Scrutiny Officer who is conducting and writing the extraordinary mini review is disclosing an interest within the review. The Scrutiny Officer is a member of Unison. One of the two recognised unions within Bolsover District Council. The Scrutiny Officer has no decision-making authority within the review and is bound by contract to be impartial and apolitical. The Scrutiny Officer is a member of Unison and has no official role within the organisation beyond being a member.

1. Introduction

On the 17th of March 2026 notification was made to the Scrutiny Officer that Bolsover District (BDC) had received an expression of interest from General, Municipal, Boilermakers and Allied Trade Union, which is represented as GMB. Regarding GMB's intention to request recognition under Schedule A1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

A member of the Executive in line with the Constitution has referred this potential application to scrutiny. Within the terms of reference Part 3 states that the application would fall under the functions of the Climate Change and Communities Scrutiny Committee (CCCSC). 3.6.5 and 3.6.3 states the relevant function this application falls under and what actions the committee can take. Part 5.6 states the role and responsibilities of members of a Scrutiny Committee. This includes pre-decision scrutiny.

Pre-decision scrutiny enables a Scrutiny Committee to scrutinise a decision before it is formally made if the decision is referred from the Executive to a Scrutiny Committee. It enables the Scrutiny Committee with the relevant functions to determine how they would like to proceed with scrutinising the referred decision.

The Strategic Director of Governance, Legal Services & Monitoring Officer informed the representee of GMB that their request will go through scrutiny with the objective of recommending to the Executive of whether or not GMB should be recognised.

The Chair of CCCSC agreed that this item should be brought to the attention of the Committee at its next meeting on the 14th of April 2026. The Scrutiny Officer and the Strategic Director of Governance, Legal Services & Monitoring Officer came to the conclusion that the most effective and efficient method of scrutinising this pre-decision was Spotlight Review.

The Scrutiny Officer passed this advice to the Chair, who agreed and instructed the Scrutiny Officer to commence the extraordinary mini-review and keep him apprised throughout.

This document contains the extraordinary mini-review report. The purpose of this document is to provide members of the committee with the necessary information to make an informed decision and recommendations on the application to recognise GMB as a union at BDC.

2. Recommendation

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer/s	Resources	Service Response/Details
N/A	That the Executive Approve the Formal Application for recognition of GMB as a Trade Union. With full bargaining powers within the Council once the application is submitted formally.	That GMB receives recognition under Schedule A1 of the Trade Union and Labour Relations (Consolidation) Act 1992.	TBD	HR Business Partner Head of HR and Payroll	Staff Resources	<i>“Should GMB be formally recognised, we will review and strengthen our current consultation and negotiation framework to ensure it is fit for a tripartite model. This will include exploring what additional meeting structures, resources, and accommodation may be required to facilitate effective joint working between all recognised unions.”</i>

On the 14th of April 2026 the committee voted unanimously to recommend to the Executive that once a formal application is submitted by GMB under Schedule A1 of the Trade Union and Labour Relations (Consolidation) Act 1992. The application should be approved. During the CCCSC, two members of the committee stated on the public record whilst conducting pre-decision scrutiny through reviewing the application that:

“A Member noted it was always reassuring to know unions were present in the workplace.”

“A Member shared previous membership of the GMB Union and agreed it was most appropriate.”

3. Scope of the review

The Climate Change and Communities Scrutiny Committee agreed to undertake the extraordinary mini-review review of the GMB application for recognition, under the request of the Executive, as pre-decision scrutiny, under Part 5.6 of Bolsover District Council's Constitution.

This review related directly to the remit of the Climate Change and Communities Scrutiny Committee as per Part 3.6 of the Constitution. Per the terms of reference Human Resources (HR) and Legal and Governance, both fall within the functions of CCCSC. The referred pre-decision scrutiny item would have a direct effect on HR and Legal and Governance operations within the Council. Therefore, falls within the functions of CCCSC and can be scrutinised by the committee.

The aim of the review was:

- To review the application of GMB for recognition and determine if it is in the best interest of the Council to approve or deny this application. and to provide recommendations to the Executive.

The objectives agreed were:

1. To assess the demand for GMB.
2. To assess the position of the two recognised unions at BDC.
3. To assess the ethics of GMB, to determine if they align with the Council's values.
4. To determine the value GMB would add to employee representation compared to the current offering of Unite and Unison.
5. To determine if any employees (If the application was successful) would stand to be a union representative for GMB members within the Council.

The key issues identified for investigation included:

1. The demand for a third union.
2. If there would be willing Council GMB members to represent their interests at the Council.
3. What would GMB offer that is different to Unison and Unite?
4. How popular would GMB be if their application was successful amongst Council employees.
5. The potential changes to the bargaining unit if successful.

The Committee comprised the following Members from the Climate Change and Communities Services Scrutiny Committee:

Councillor Ashley Taylor (Chair)
Councillor Mark Hinman
Councillor Cathy Jeffery
Councillor Sandra Peake

Councillor Anne Clarke (Vice-Chair)
Councillor Catherine Tite
Councillor Deborah Watson

Support to the Committees was provided by the Scrutiny Officer, Coby Bunyan.

4. Methodology

4.1 Introduction

Chapter 4 sets out the methodology for the Spotlight Review. It is a mixture of primary and secondary data both qualitative and quantitative. The overall methodology is a mixed methods approach. Each section will outline the research methods and their purpose in relation to the objectives and key issues within the review scope.

4.2 Primary Survey

The Scrutiny Officer designed a survey that had been distributed to all frontline workers in the relevant professions that GMB would represent. At appendix 4 is a copy of the survey. It was aimed at addressing Objectives 1, 2 and 5. In addition to Key Issues 1,2 and 4 as set out in section 3. The survey was distributed as a paper survey.

4.3 Document Analysis

GMB's application and supporting documents were analysed to address all objectives and key issues within the review scope. This was conducted within the case study analysis. Alongside the analysis of documentation for Unite and Unison.

4.4 Secondary Data and Document Collection

The Scrutiny Officer collected pre-existing internal and external data on the offering of the two current unions that are recognised at the Council. This included writing to the only two recognised unions within the Council, Unison and Unite on their position on the potential application of GMB to join them as a recognised union. Addressing objective 2. The data and document collection included GMB. With all data and documents collected being analysed in the case study analysis.

4.5 Case Study Analysis

A case study analysis between all three unions was completed to compare what they all offer to what GMB is proposing. To assess the value GMB could offer the Council employees as well as if their ethics align with the values of BDC. Addressing objectives 3 and 4.

4.6 Validity and Reliability

The researcher who is the Scrutiny Officer has no association with the decision making of the committee nor with GMB. The sources of information cited and used in the research come from verified bodies that provide accurate sources of information in relation to the review scope. The Scrutiny Officer is committed to being objective The research includes the most up-to-date information to further make the findings of the review valid and reliable.

5. Literature Review: History and Background of GMB

5.1 Introduction

Chapter 5 provides background on GMB, their brief history, membership numbers and their aims and objectives.

5.2 GMB

GMB can trace its roots to 1889, where former MP Will James Thorne CBE founded the trade union back in 1889. However, it was first known as National Union of Gas Workers and General Labourers. Will James Thorne CBE was one of the first Labour Members of Parliament (UK Parliament, n.d) it has had four name changes since its founding and is now known as the GMB.

GMB has over 500,000 members in the United Kingdom and offer their services for a variety of public services (Union, n.d.). GMB also offers its services for members in the private sector. With over 10,000 trained representatives in over 800 branches GMB is one of the largest unions in the UK. GMB stands for better pay conditions, fair treatment of all employees, safety at work, better maternity, paternity, and care cover as well as specialist and legal representation at work if required. The above are some of the primary services GMB offers its members (Union, n.d.).

GMB has many active campaigns. The most common type of campaign GMB is involved in is equal pay or pay disputes. GMB also has campaigns on fair treatment of employees and suitable workplace environments (Union, n.d.).

5.3 GMB Locally and Union Recognition in Surrounding Authorities

Locally GMB has multiple branches in Derbyshire with its regional office being placed in Nottingham City Centre, around an hours' drive from most parts of Derbyshire.

There is a recently opened GMB Chesterfield C41 Branch which is much more local to Bolsover than the regional office (GMB Chesterfield C41 Branch, Experts in the World of Work, n.d.).

Derbyshire County Council has recognised GMB as per their facilities agreement, alongside five other trade unions. They are Unison, Unite, AEP, UCU and Aspect (Trade Union Time off and Facilities Agreement - Our Derbyshire, n.d.).

North East Derbyshire District Council recognises three Trade Unions. GMB is one of them alongside Unison and Unite (North East Derbyshire District Council, Joint Consultative Group, Terms of Reference, n.d)

The Scrutiny Officer made contact with a fellow LGA authority who has recognised GMB who also confirmed that the representative attends all applicable meetings regularly.

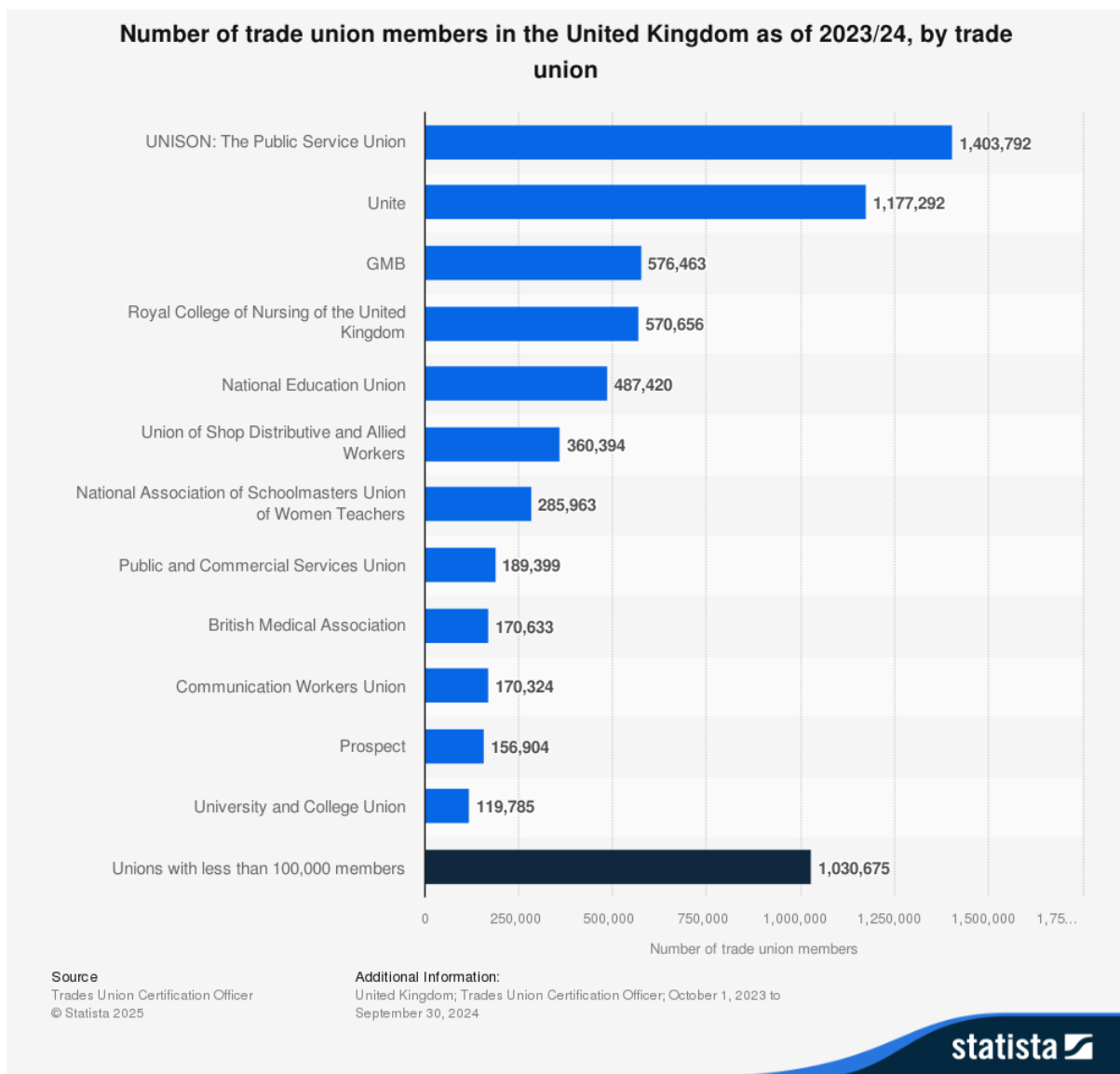
6. Case Study Comparative Analysis

6.1 Introduction

Chapter 6 conducts a comparative analysis between the current two recognised Unions at Bolsover District Council. Unions and Unite, to identify what each union offers or would offer the Council, to determine if GMB would bring value to the Council and to determine if GMB would be able to offer the same level of service and scope as Unison and Unite do to the Council.

6.2 Unison

Unison is the largest Trade Union within the country in terms of membership.



All unions offer similar services and benefits outlined in Chapter 5.

The Unison representative regularly attends the Union and Employee Consultation Committee alongside Unite. The committee contains an employee of the Council who is a member of Unison and is the designated representative and who plays a major role in the welfare of all employees across the Council. Reports from HR on sickness and absence from work are reported to this committee on a quarterly basis as support mechanisms that the Council has put in place for employees. In addition, updates on the benefit schemes at the Council such as the cycle to work scheme are reported. Pay agreements are also discussed at these meetings with members of this committee making up the bargaining unit.

In addition to this committee Unison is represented on the Safety Committee, which takes care of employee safety at the Council. The Chair of the Employee Consultation Committee is a Union member.

6.3 Unite

Just like GMB and Unison, Unite offer similar services being smaller than Unison but larger than GMB. Just like Unison, Unite sits on the Union and Employee Consultation Committee and the Safety Committee. Unite and Unison have both collaboratively worked together over the years in representing its members at the Council.

As mentioned previously Unite has been recognised in other local authorities, with the regional office based in Leicester. It should be noted that Unite's representative does not attend meetings as regularly as Unison's.

6.4 Conclusion

The services all unions offer their members similar. Benefits may vary union to union; however, their principles and values are the same. If GMB can guarantee regular representation at the quarterly committee meetings, it would add value to the Council.

7 . GMB's Application

7.1 Introduction

The application is being made by the Regional Organiser for the Midlands Region based out of 542 Woodborough Road, Nottingham, NG3 5FJ. The application is informal and will be formalised following the conclusion of the pre-decision scrutiny of the CCCSC, and once its findings have been delivered to the Executive.

7.2 GMB Application

The below extracts are from the GMB application document that was delivered to the Scrutiny Officer via email on the 8th of April 2026.

MIDLANDS REGION



Our ref: CM/SD
Email:

07th April 2026

Coby Bunyan
Bolsover District Council
The Arc
High Street
Clowne
S43 4JY

Emailed to: Coby.Bunyan@bolsover.gov.uk

Dear Coby,

The GMB welcomes the opportunity to submit this informal application, in support of its request for recognition at Bolsover District Council for collective bargaining, negotiation and consultation purposes.

GMB is one of the UK's largest general trade unions, representing over half a million members nationwide, with a long-established presence in local government. The GMB

sits on the National Joint Council for Local Government Services (NJC), where decisions and agreements are reached on pay and other conditions within the Green Book. The GMB is the second largest union sitting on the NJC, holding 16 seats. Bolsover District Council recognises the NJC and Green book for the Terms and Conditions of their employees and we therefore believe that including GMB within your recognition agreement will reflect the union's existing and growing membership within the authority and would support the Council's commitment to the Green Book and positive industrial relations with its unions.

Recognition of GMB would provide a broader and more inclusive representation framework for staff, particularly for our current members and other employees who may not currently be represented or engaged with our 2 sister unions. This can help improve participation in consultation processes and increase trust between staff and management.

Our union has a strong track record of working collaboratively with employers to resolve issues early, reduce conflict, and promote stable industrial relations. At Mansfield District Council, as a local example, the GMB is the majority membership union and has worked proactively and positively with the Council's officers over recent years in relation to an array of topics including pay and grading and notably, the Council's pledge to support the TUC's 'Dying to Work' Charter

- www.dyingtowork.co.uk/?s=mansfield+district+Council&check_employer=check_employer

We understand that the current climate is presenting some real challenges for local authorities. The GMB continues to work with Councils who recognise us through their financial pressures, to review services and support in workforce transformation consultation processes. At Ashfield District Council, where GMB holds a majority membership in the refuse department, we helped navigate the Council and our membership through a tricky consultation which saw them move from a 5-day working week, based on 'banking of hours', onto a more set 4-day working week model. Our local shop stewards, regional GMB officials and Council officers worked together throughout this process to ensure an outcome which was favourable for the Council and its employees. We also note the uncertainty Local Government Reorganisation is bringing to our members and, at times, Council officers. We believe that as Councils begin to merge, recognising all 3 NJC unions for TUPE transfer and merger consultations, will benefit the authorities and the employees of these Councils.

GMB recognises the importance of partnership working and would operate within existing joint negotiating and consultative arrangements. We sit on the NJC nationally, where we work collaboratively with our sister unions to represent our respective membership. On a local level, our shop stewards and regional officials work in the same manner, all with the goal of voicing our members concerns and opinions, to reach an amicable agreement with Council officials.

GMB believes that recognition at Bolsover District Council would add clear value to both the Council and its employees. It would strengthen employee engagement, support effective consultation, and contribute positively towards industrial relations.

GMB would welcome the opportunity to support the Committee's review further and to engage constructively with officers, Members and other recognised unions as part of any future arrangements.

Your sincerely,

Regional Organiser

 **0330 165 5585**  **@GMBMidlands**  **GMB Midlands**

Regional Secretary : Martin Allen

Website: www.gmb.org.uk

8 . Unison and Unite's Response to GMB's Application

8.1 Introduction

As part of the review methodology a letter was sent out to both recognised unions within the Council by email, to establish their position on GMB potentially becoming the third recognised union at the Council. This letter is at appendix 3. Below is Unison's and Unite's Response.

8.2 Unison's Response

The Scrutiny Officer had received a response from the Unison Regional Officer (URO) for Unison East Midlands. The URO discussed the matter with elected Branch officials, whom unanimously agreed that they do not oppose the idea of an introduction of another Trade Union Congress affiliated union that already has places in the local government sector elsewhere.

Unison is confident that they could work in partnership with GMB to try and present a consensus view to the employer (Bolsover District Council). Unison accepts that this may not always be possible but is certain that in the majority of circumstances it could.

The only concern Unison has is that currently there is no structure to support a tripartite relationship as building a relationship and a consensus is straightforward with two parties. However, with three parties it becomes more difficult, a need for a formal structure is required to provide additional resources and space to do so.

The request from Unison is that the Council facilitates such a structure in order to ensure continued efficient operation of industrial relations.

8.3 Unite's response

Unite see no reason why GMB should not be recognised by Bolsover District Council, as the Council falls under the National Joint Council (NJC) for Local Government Services. The NJC is the primary negotiating body for pay and employment conditions of over 1.4 million government employees (Local Government Services, Local Government Association, n.d)

The NJC recognises Unite, Unison and GMB. Based on this, Unite sees no reason to exclude GMB from the Council, thus being recognised.

8.4 Bolsover District Council's Response to Unison's Request

The below extract is from the HR Manager and the HR Business Partner at Bolsover District Council is following a discussion with the Scrutiny Officer in relation to Unisons request.

"We acknowledge the concern raised about moving from a bilateral to a tripartite arrangement. As noted, building relationships and reaching consensus is naturally more straightforward with two parties, and the introduction of a third representative

body will require the right structures to ensure continued clarity and effective communication.

The Council is committed to supporting this transition. Should GMB be formally recognised, we will review and strengthen our current consultation and negotiation framework to ensure it is fit for a tripartite model. This will include exploring what additional meeting structures, resources, and accommodation may be required to facilitate effective joint working between all recognised unions.

Our intention is to maintain efficient, transparent, and collaborative industrial relations, and we will work closely with Unison, Unite and, if recognised, GMB to agree an approach that provides the space and structure needed for constructive partnership working.

Thank you again for providing this helpful feedback. We look forward to continuing this positive dialogue as the process develops.”

9. Primary Survey Responses – GMB

9.1 Introduction

Chapter 9 contains the survey responses data from the physical surveys that were distributed at the Depot which asked four questions, please see appendix 4.

9.2 Survey Responses

Unfortunately, to date there have been no responses received to the survey, which is located where employees sign in and out every day.

9.3 Conclusion

Either there is no demand for GMB, or employees do not feel the need to complete the survey as there are already two Unions who are recognised.

10. Analysis of GMB's Application

10.1 Introduction

Chapter 10 presents an analysis of GMB's application based on the research findings in all previous chapters.

10.2 Unite and Unison

Both recognised unions do not oppose the recognition of GMB into BDC. This factor supports their application.

10.3 National Joint Council

The NJC is comprised of both Unison and Unite. Additionally, GMB is also a member, a factor Unite highlighted in their response for comment on the GMB application, a supporting factor in favour of GMB's application.

10.4 BDC Facilitation of Tripartite Arrangement

As Chapter 8 states, the Council is able to adapt to the change if GMB's application for recognition is approved. This would require changes to the Constitution and the policy attached at **Appendix 5** to address suggestions made by Unison.

10.5 Primary Survey Data

As outlined in Chapter 9, no responses to the survey were received. This could suggest there is not a desire for GMB. A contributing factor to this may be that fact that GMB are not recognised so employees may be unaware who GMB are or what they stand for.

10.6 GMB's application

The application sets out the values of GMB, alongside their aims and objectives. GMB have gained an increase in memberships in the Derbyshire region and are recognised at North East Derbyshire District Council and Derbyshire County Council. The application sets out how GMB would add value to the Council and the employees of the Council whom they may represent.

North East Derbyshire District Council has confirmed GMB representatives are in regular and consistent attendance at all applicable meetings, showing a strong commitment to those whom they represent. Being the third largest union in the country, GMB has the resources to support its members.

10.7 Conclusion

The analysis has found no objections to GMBs recognition application. None of the stakeholders have objected to the application. The only concern raised by one of the stakeholders has been addressed. A positive is GMB's large membership and a growing membership in Derbyshire. However, the lack of a response to the survey may indicate a lack of appetite for GMB within the Council which could be due to GMB not currently being recognised within the Council and therefore have no bargaining powers.

11. Conclusion

11.1 Introduction

This chapter presents the conclusion of the review based on its findings. The purpose of the recommendation is to provide the committee with valuable information to assist it to make an informed decision.

11.2 Conclusion

The review has found no opposition to GMB application for recognition. The review has also found insufficient evidence to support any recommendation for rejection of the application. The only concern found through the attempted primary research was the zero respondents to the survey. As stated in prior chapters, there are mitigating factors to this that should be considered. Specifically, the fact GMB not being recognised, which could result in employees not knowing what they offer. Therefore, not filling out the survey. The committee should consider these factors when coming to a decision on whether or not to approve the forthcoming application under Schedule A1 of the Trade Union and Labour Relations (Consolidation) Act 1992 for GMB recognition at Bolsover District Council.

Appendix 1: Stakeholders

Stakeholders engaged during the Review:

- Assistant Director of Streetscene
- Bolsover District Council Employees
- HR Manager
- HR Business Partner
- GMB Representatives
- Unison Representatives
- Unite Representatives
- Executive Member of Bolsover District Council
- Strategic Director of Governance, Legal Services and Monitoring Officer

Stakeholders impacted by the Review:

- Assistant Director of Streetscene
- Bolsover District Council Employees
- HR Manager
- HR Business Partner
- GMB Representatives
- Unison Representatives
- Unite Representatives
- Executive Member of Bolsover District Council
- Strategic Director of Governance, Legal Services and Monitoring Officer

Appendix 2: References

1. **Birks, C.** (2025) 'Bringing Bolsover's services back in house is the right call', UNISON East Midlands, 29 July. Available at: <https://eastmidlands.unison.org.uk/news/article/2025/07/bringing-services-back-in-house-is-the-right-call-says-unison/> (Accessed: 1 April 2026).
2. **Derbyshire County Council** (no date) Trade union time off and facilities agreement, Our Derbyshire. Available at: <https://staff.derbyshire.gov.uk/working-here/trade-unions/trade-union-time-off-and-facilities-agreement/trade-union-time-off-and-facilities-agreement.aspx> (Accessed: 1 April 2026).
3. **GMB Chesterfield C41 Branch** (no date) GMB Chesterfield C41 Branch | Experts in the world of work. Available at: <https://www.gmbchesterfield1.org.uk/> (Accessed: 1 April 2026).
4. **GMB Union** (no date) GMB Union website. Available at: <https://www.gmb.org.uk/> (Accessed: 1 April 2026).
5. **Local Government Association** (no date) Local government services. Available at: <https://www.local.gov.uk/our-support/finance-and-business/local-government-services> ([local.gov.uk in Bing](#)) (Accessed: 1 April 2026).
6. **Statista** (2025) Number of trade union members in the UK 2023/24, by trade union, 28 November. Available at: <https://www.statista.com/statistics/285256/union-membership-in-the-united-kingdom-uk-by-union/> (Accessed: 1 April 2026).
7. **UK Parliament** (no date) Will Thorne (1857–1946). Available at: <https://members.parliament.uk/member/4440/contact> ([members.parliament.uk in Bing](#)) (Accessed: 1 April 2026).

Appendix 3: Letter to Unions



Please Ask For: Coby Bunyan
Direct Line: 01246 242520
E-mail: coby.bunyan@bolsover.gov.uk
Date: 17/03/2026

The Arc
High Street
Clowne
Chesterfield
Derbyshire
S43 4JY

Potential Union Recognition

To whom is my concern,

I am writing to today to inform you that Bolsover District Council is expecting a formal request to recognise General, Municipal, Boilermakers and Allied Trade Union, more commonly known as GMB. As a Union with collective bargaining purposes. Through Schedule A1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

As you may be aware the council currently only recognises two Unions, Unison and Unite which both represent employees within the Bargaining Unit.

In anticipation of this application. It is due to be referred to a Scrutiny Committee by the Executive for review. Within the Council to scrutinise the application and advise the Executive whether the application should or should not be accepted along with any recommendations contingent on the application being accepted or recommendations why it should be denied.

Per Part 3 of the Constitution. Within the terms of reference Part 3 states that the application would fall under the functions of the Climate Change and Communities Scrutiny Committee (CCCSC). 3.6.5 and 3.6.3 states the relevant function this application falls under and how the actions the committee can take. Part 5.6 of the Constitution states the role and responsibilities of members of a Scrutiny Committee. Which includes pre-decision scrutiny which is why this application has been referred from the Executive to the CCCSC for review.

As part of the review the CCCSC would like to understand your position on this application. As you may be aware the Council have 10 working days to respond to the request once submitted under the Trade Union and Labour Relations (Consolidation) Act 1992.

If you could either write to me or email me your formal response for the review as soon as possible that would be greatly appreciated.

Looking Forward to hearing from you.

Yours Sincerely,

A handwritten signature in black ink that reads "Coby Bunyan".

Coby Bunyan, MSc, BA (Hons)
Scrutiny Officer
Governance and Civic Team



Tel 01246 242424 Email enquiries@bolsover.gov.uk Web www.bolsover.gov.uk

Appendix 4: Employee GMB Survey

GMB - REVIEW

The Council is expecting a request from GMB to recognise them as a Union. A review is being prepared to scrutinise the application. To assist the review please answer the following questions.

	Yes	No
Would you be in favour of GMB being recognised as a Union at the Council?	<input type="radio"/>	<input type="radio"/>
If recognised would consider becoming a member?	<input type="radio"/>	<input type="radio"/>
If you became a member, would you consider becoming a GMB Union Representative at the Council?	<input type="radio"/>	<input type="radio"/>
Had you heard of GMB before this survey?	<input type="radio"/>	<input type="radio"/>

Your Name:

Date:

By The Scrutiny Officer

Appendix 5: Trade Union Facility Agreement

TIME OFF AND FACILITIES AGREEMENT

Between
Bolsover District Council
The Arc
High Street
Clowne
Derbyshire

and
UNISON, UNITE

DEFINITION OF TERMS

In this agreement:

The Council	refers to Bolsover District Council
The Unions	refers to: (i) the Bolsover Branch of UNITE and (ii) The Derbyshire Branch of UNISON

Employees refers to all employees of the Organisation.

1. COMMENCEMENT DATE

This Agreement commences from 1 March 2020.

2. INTRODUCTION

- 2.1 The Council supports the system of collective bargaining and the principle of solving employee relations problems by discussion and agreement.
- 2.2 All parties recognise that it is vital to good employee relations for the workforce to be properly represented by the recognised unions.
- 2.3 The Trade Union and Labour Relations (Consolidation) Act 1992 (S168 (1) and (2)) makes provision for employees to be given the right to time off under various circumstances. The following document sets out these provisions as recommended by the ACAS Code of Practice and agreed by the Unions and the Organisation in this respect.

3. DEFINITIONS

A trade union official (either a work place representative and/or a branch

executive officer) is a person who has been elected or appointed in accordance with the rules of the union.

Trade Union Learning Representatives (ULRs)/ Lifelong Learning Representatives are a type of lay union representative whose main function is to advise union members about their training, educational and developmental needs. They must be a member of a recognised independent trade union, they must be elected or appointed in accordance with the union's rules, they must have met a statutory training condition and the trade union must have given written notice to the employer that the employee is a ULR.

4. REPRESENTATION

- 4.1 The provisions of this agreement shall apply to accredited representatives of the Unions, who have been duly elected or appointed in accordance with the rules of their Union.
- 4.2 The Unions will determine the appropriate number of representatives they wish to appoint, having regard for the size and location of its membership. The Unions agree to inform the Council in writing of the names of all elected representatives at the earliest possible opportunity and to notify the Council of any subsequent changes. Persons whose names have been notified to the Council shall be the sole representatives of the Unions' membership.

5. TIME OFF FOR GENERAL TRADE UNION REPRESENTATION

- 5.1 This agreement seeks to establish a formal policy and procedure on trade union duties and activities in accordance with the legislative framework. It is recognised that it is not possible to be prescriptive about all duties and activities, or the time required to carry them out. It is agreed that requests for time off will not be unreasonably made or unreasonably refused.
- 5.2 Accredited representatives will be permitted reasonable paid time off during working hours to carry out duties that are concerned with any aspect of collective bargaining and representation of individual members, including but not limited to:
 - terms and conditions of employment including physical working conditions, job evaluation etc;
 - engagement, termination or suspension of employment and the duties of employment;
 - allocation of work or the duties of employment as between employees or groups of employees;

- discipline and grievance
- activities associated with trade union membership;
- facilities for officials of the union
- machinery for negotiation or consultation and other procedures;
- procedures for collective bargaining, disputes, joint consultation, communicating with members and other trade union branch officers.

7 TIME OFF FOR HEALTH AND SAFETY REPRESENTATIVES

7.1 Trade Unions are responsible for the appointment of health and safety representatives. The Organisation has the duty to permit safety representatives such reasonable time off with pay as necessary for the purposes of:

- Performing their functions under health and safety legislation;
- Undergoing such training as is reasonable
- Attending health and safety meetings at local, regional and national levels where appropriate and with prior agreement with management.

8 TIME OFF FOR LIFELONG LEARNING ADVISERS / UNION LEARNING REPRESENTATIVES

8.1 Accredited lifelong learning advisers / learning representatives are entitled to take reasonable paid time off for the following specific purposes:

- Analysing learning or training needs;
- Providing information and advice about learning or training matters;
- Arranging learning or training;
- Promoting the value of learning or training;
- Consulting the employer in relation to such activities;
- Preparation in relation to such activities;
- Undergoing training relevant to their functions as a ULR

It should be noted that trade union members have the right to reasonable UNPAID time off to avail themselves of the services of a Union Learning Adviser/ Learning Representative, but can ask the Council to consider granting paid leave.

9 TIME OFF FOR TRADE UNION ACTIVITIES

9.1 To ensure that workplace meetings are fully representative, paid time off for trade union representatives and members may be considered for the following, but it is agreed that requests for time off will not be unreasonably made or unreasonably refused.:

- Attending workplace meetings to discuss and vote on the outcome of negotiations;
- Meeting full-time officials to discuss issues relevant to the workplace;
- Conducting union elections.

9.2 BDC and the Unions also recognise that it is in the interests of the effective and democratic operation of the Unions that representatives or officials participate in other activities of the Trade union. Reasonable time off without pay during working hours will be granted for these purposes which may include:

- Participation, as a representative, in meetings of official policy making and consultative bodies of the Union such as regional meetings, annual conference etc. (NB BDC allows paid time off for one nominated representative to attend the annual conference of each Union).
- Representing the union on external bodies such as committees or working parties within the official union structure;
- Holding office on official bodies of the union;

The Unions will notify the Organisation at the beginning of each year of the anticipated calendar of such events wherever possible and the likely number of representatives who wish to attend.

The form attached at Appendix 1 should be used to request time off.

10 TIME OFF FOR CONVENORS, BRANCH CHAIRS AND SECRETARIES

10.1 The Convenor for the Bolsover members of UNISON will be allowed to take two days contractual employment time per week (two days in total if shared between officials) for the purpose of carrying out trade union duties.

The Branch Chair and/or Secretary of UNITE will be allowed to take half a day's contractual employment time per week (half a day in total if shared between officials) for the purpose of carrying out trade union duties.

It is recognised that on occasion when there is a particularly high level of issues, it may be necessary to agree to additional paid facility time, either on a one-off or a longer term basis. Such cases will be subject to agreement between the appropriate Branch Secretary, the Head of Corporate Governance & Monitoring Officer, and appropriate management. It is agreed that requests for time off will not be unreasonably made or unreasonably refused.

10.2 The Council understands the positive contribution that local UNISON members can make to the wider Derbyshire Branch

and the importance of Bolsover having a voice within the Branch Committee. In recognition of that the Council will permit one day per week of paid time off for one employee elected to one of the following recognised branch officer roles:

- Branch chair
- Branch secretary
- Branch treasurer
- Branch health and safety officer
- Branch young members' officer
- Branch equalities co-ordinator
- Branch education co-ordinator
- Branch lifelong learning co-ordinator
- Branch communications officer
- Branch membership officer
- Branch welfare officer
- Branch women's officer
- Labour Link officer

Facilities time for other union branch officers (in addition to existing entitlement to time off where those branch officers are also accredited representatives and/or are the Learning and/or Health and Safety Representative) will be subject to agreement between the appropriate Branch Secretary/Convenor, the Head of Corporate Governance and Monitoring Officer and appropriate management.

- 10.3 At the end of a period in office, the Convenor/Chair/Branch Secretary shall:

EITHER return to their substantive post subject to availability of the post, or subject to some other arrangement agreed either prior to or during the term of office;

OR be redeployed under the Council's Redeployment Procedure, and shall be no better off nor worse off as a result of their period of office as Convenor/Chair/Branch Secretary.

- 10.4 Representatives appointed as described in paragraph 5.1 will be given reasonable paid time off during normal working hours to carry out functions related to their responsibilities as representative.

It is recognised that within some service areas ad hoc facility time can make service planning difficult. In recognition of this fixed minimum periods of facility time for representation may be agreed for individual representatives.

11. SPECIAL ARRANGEMENTS FOR TIME OFF

- 11.1 In the case of employees who work shifts or unsocial hours, the Council will allow reasonable time off for trade union duties and normally will make suitable arrangements when the duties fall outside their on-duty hours (see 11.2 – 11.5 below).
- 11.2 Where representatives attend meetings called by management, management will make every effort to ensure that the meetings take place at a mutually convenient time, and where this is not possible will try to facilitate the amending of rotas by agreement with the individual concerned.
- 11.3 When representatives, other than those on full-time secondment, attend meetings called by management during their normal working hours which extend beyond normal finishing time / the end of the flexitime band width, they will be paid at plain time rates. Where earnings vary with the work done, the amount will be calculated by reference to the average hourly earnings for the work they are employed to do.
- 11.4 Where representatives attend meetings called by management which occur in their off-duty time or on their day off, they will be reimbursed for the hours spent at the meetings at plain time rates.
- 11.5 If a meeting is to take place on the representative's day off or while the representative is not on duty and the proposals mentioned in 11.2 above are not possible, then an equivalent amount of time off in lieu will be given at a time agreeable to both parties, subject to the contingencies of the service. If it is impossible to arrange time in lieu then payment for this time will be made.
- 11.6 In the case of disabled representatives, the Council will allow additional time and facilities, if necessary, and make suitable arrangements to allow them to carry out their responsibilities.

12. PAYMENT FOR TIME OFF

- 12.1 Where it is indicated that Trade Union representatives on recognised duties should receive paid time off, they will be paid either the amount they would have earned had they worked during the time taken or, where earnings vary with the work done, an amount calculated by reference to the average hourly earnings for the work they are employed to do. This amount will include average overtime payments where these are contractual.
- 12.2 Senior branch officers who spend the majority or whole of their contractual time on trade union duties will be entitled to the full package of pay and conditions which they would normally have received had they been working, including all

allowances and any rights to professional training or registration.

- 12.3 Travelling and subsistence costs will be reimbursed to accredited representatives for periods of work approved in accordance with this agreement.

13. COVER AND BACKFILL

- 13.1 During the approved absence of UNISON and UNITE workplace representatives carrying out their duties under this agreement, the Council will make every effort, where necessary, to provide alternative cover at the representative's workplace. However it is acknowledged that there may be rare occasions when suitable cover is not available, eg within the Leisure Services. In these circumstances discussion between the management and trade unions should take place with a view to arriving at a way forward, which may include rearranging the meeting, or the employee not being released.
- 13.2 Where major projects (such as, for example, single status) require sustained time off for workplace representatives, the project plan will take account of, and fully fund backfill, for the duration of the project. The Council and the unions will jointly agree the numbers of trade union representatives to be involved.

14. TRAINING

- 14.1 Reasonable time off with pay will be granted to attend training courses relevant to the official's duties at the workplace and which are approved by the TUC or the official's union.
- 14.2 This would include but is not limited to:
- initial basic training
 - training for changes in legislation
 - training for changes in structure or topics of negotiation
- 14.3 The Trade Unions will give as much advance notice as possible (preferably at least 21 days) of course dates in writing to relevant line managers and co-operate in making arrangements to cover jobs during their absence on courses. Details of the course should be provided on request.
- 14.4 Where attendance at an approved course of training falls outside of an employee's normal hours, then this will be dealt with in accordance with the Council's general agreement on training.

15. PROCEDURES

- 15.1 Before taking time off, the accredited representatives must obtain the permission of their line manager, informing the manager of

the general purpose of the time off, the intended location, the expected timing and the duration of time off required. The form attached at Appendix 1 should be used for this purpose.

- 15.2 Representatives will be required to complete and submit facility time recording sheets on a regular basis to the relevant Branch Secretary, who will forward the recording sheets to the appropriate manager.

16. TRADE UNION FACILITIES

- 16.1 The Council agrees to provide defined facilities to the Union representatives to enable them to discharge their duties including: provision of secure office space where appropriate; a notice board; access to confidential telephone, fax, internal mail, email, and intranet; reasonable use of equipment such as telephones, franking machines, photocopiers and PCs; reasonable accommodation for meetings and trade union education, and reasonable access to administrative support.

17. NO DETRIMENT

- 17.1 Individuals will not be discriminated against during the course of their employment for membership of a trade union or activities as a trade union representative.

18. DISPUTES

- 18.1 The Council and Unions agree to make every effort to resolve disputes in relation to time off for trade union duties and activities.
- 18.2 Where permission to take time off is withheld, an explanation for the reason(s) will be given by the appropriate management representative.
- 18.3 If the Union official is dissatisfied with the decision, the matter may be referred to the Head of Corporate Governance and Monitoring Officer.
- 18.4 If agreement cannot be reached, the matter may be referred to the Council UECC.
- 18.5
- 18.6 The Council recognises that individual union representatives have the right to take a claim to an Employment Tribunal if internal procedures fail to resolve a dispute related to time off for trade union duties.

19. AMENDMENT OR TERMINATION OF AGREEMENT

- 19.1 Either side may submit proposals in order to amend this agreement. Such proposals will be in writing to the sides concerned, and will be the subject of joint discussions.

19.2 Both sides agree to review this Agreement in twelve months, and annually thereafter.

APPLICATION FOR TIME OFF FOR TRADE UNION DUTIES AND ACTIVITIES

I request *paid/unpaid time off from work for the reason shown.

Name		Trade Union
Date of Duties:		Location of Duties
Purpose of Time Off:		
<hr/>		
<hr/>		
Time Start :	Time Finish if known:	Total Time:
Signature:		Date:

* delete as appropriate

Approved/Not Approved* Reason Not Approved

This form should be given to your Service Manager to give the maximum possible notice and if possible at least 14 days prior to the date on which time-off is requested. In the case of a union training course 21 days prior notice must be given, and your Service Manager will provide a response at least 10 days prior to commencement of the course. A copy of the form will be returned to you. This form cannot be authorised by another union member.