

CONSTITUTION FOR TRADE UNION CONSULTATION AND NEGOTIATION

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1. Purpose

1.1 To agree changes to the Constitution as outlined in this report.

2. Summary

2.1 Following consideration by this Committee in June, discussions have taken place with the Trade Union Co-ordinator, between the trade unions. The following recommendations were proposed by the Joint Negotiating Committee on 7 September 1999 in order to ensure that the Constitutions are clear, and to give scope for an agreed form of proportional representation of the trade unions.

3. Recommendations

3.1 That the following amendments be agreed:

- (a) that paragraph 1.1(a) of the Constitution for Level 2 and 3 meetings be amended as follows:

The maximum number of trade union representatives will be twenty. The allocation of the representatives among the trade unions will be determined by the unions themselves.

- (b) that paragraph 1.1(c) of the Constitution for Level 3 meetings be amended as follows:

At the end of the last sentence replace '... a member of the same Trade Union.' with '... a member of any Trade Union recognised by the Council.'

- (c) that paragraph 1.1(e) of the Constitution for Level 3 meetings be amended as follows:

The Head of Human Resources or her/his representative will attend all meetings in the capacity of Joint Secretary and the attendance of any other Officers of the Council or full time Trade Union Officials to act in an advisory capacity will be at

the invitation of the Joint Secretaries. Any such attendance proposed by one Joint Secretary will not be unreasonably refused by the other Joint Secretary.

- (d) that the following paragraph be inserted prior to 1.7 Quorum in the Constitution for Level 3 meetings:

Voting

The voting shall be by a show of hands, unless the Joint Negotiating Committee decides otherwise. No resolution shall be regarded as carried unless it has been approved by a simple majority of the members present on each side, voting separately.

4. **Background**

4.1 At its meeting on 29 June 1999, this Committee resolved that the framework and Constitution for consultation and negotiations at Levels 1, 2 and 3 be adopted with immediate effect, subject to discussions being held with the recognised trade unions over representation, with a view to achieving a form of proportional representation, to enable changes to be agreed to the Constitutions at this meeting of the Committee.

4.2 During discussions, it was suggested that the following issues should also be clarified within the Constitution:

- (a) the process for agreeing who can attend in an advisory capacity at a Level 3 meeting (paragraph 1.1(e) of Constitution for Level 3 meeting refers); and
- (b) voting arrangements for a Level 3 meeting.

5. **Issues and Choices**

Proportional Representation of Trade Unions

5.1 The Trade Union Co-ordinator is in the process of discussing options for proportional representation with representatives of the recognised trade unions.

5.2 Further advice from South East Employers is that there is no legal obligation to provide for representation by each of the trade unions recognised by the Council and that the allocation of seats should be for the unions themselves to agree, subject to an overall maximum which ensures the meetings do not become unwieldy. At the meeting of the Joint Negotiating Committee held on 7 September 1999, Unison proposed that the maximum number be 20. This was agreed in principle by the Committee.

5.3 Where matters relate to terms and conditions of the Green Book, the total of twenty representatives will still apply and the unions whose members are affected will have scope to allocate seats among themselves as they wish.

5.4 It is, therefore, proposed to replace the existing wording of:

‘The composition of membership from trade unions will be on the basis of the maximum number of representatives equating to the total number of the trade unions recognised by the Council.’

With:

The total number of trade union representatives will be twenty. The allocation of the representatives among the trade unions will be determined by the unions themselves.

Substitution of Representatives

- 5.5 At the request of Unison, that representatives of the Trade Unions may substitute a member of any recognised Trade Union.

Attendance in Advisory Capacity

- 5.6 Clarity was sought over the process for agreeing who was eligible to attend the meeting in an advisory capacity. The existing paragraph states:

- 5.7 ‘The Joint Negotiating Committee will agree the attendance of other officers to the meetings as required, in an advisory capacity.’

- 5.8 It was proposed that this be replaced with:

‘The Head of Human Resources or her/his representative will attend all meetings in the capacity of Joint Secretary and the attendance of any other Officers of the Council or full time Trade Union Officials to act in an advisory capacity will be at the invitation of the Joint Secretaries. Any such attendance proposed by one Joint Secretary will not be unreasonably refused by the other Joint Secretary.’

Voting Arrangements

- 5.9 This issue was not covered in the Constitution. The reference to voting contained in the Southern Provincial Council for Local Government Services’ Constitution was discussed. It was proposed that this was adopted.

6. Implications

6.1 Environmental

None.

6.2 Equalities

The aim of the Constitution is to provide a fair method of consultation and negotiation between the Council and its employees, enabling representation by recognised trade unions. The proposed wording gives the unions scope to agree a method of proportional representation, or to put forward one representative per union if this is their wish.

6.3 Financial

None.

6.4 Legal

None.

6.5 Staff and Accommodation

None.

7. **Conclusions**

- 7.1 The Constitutions for the three Levels of consultation and negotiations should be adopted for implementation with immediate effect.

Background Papers: Minute P5/00 of 29 June Personnel Committee and accompanying report.