

# HR & OD POLICIES

human resources and organisational development



## Trade Unions

### Recognition, Consultation and Negotiation Procedure

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## 1. NATIONAL POSITION

Councils across Scotland recognise, consult and negotiate with a number of different Trade Unions and national negotiating machinery operates in relation to the pay and conditions of council employees.

There are four bodies that currently play a key role in shaping the terms and conditions of Scottish Council employees:

1. Scottish Joint Council for Local Government Employees – negotiates collective agreements in relation to all 'local government employees' i.e. Former APT & C employees and former Manual Workers. A National Agreement on Pay & Conditions of Service outlines the national provisions (Red Book)
2. Scottish Negotiating Committee for Teachers (SNCT) – negotiates collective agreements in relation to registered Teachers, Educational Psychologists, Advisers and Music Instructors. A Scheme of Salaries and Conditions outlines provision in relation to pay and terms and conditions (SNCT Handbook)
3. Scottish Joint Negotiating Committee for Building & Civil Engineering Operatives, Engineering Craftsmen, Electricians & Plumbers – negotiates collective agreements in relation to Craft Operatives. Similarly a Scheme of Pay and Conditions of Service has been agreed (Orange Book)
4. Joint Negotiating Committee for Chief Officials of Local Authorities (Scotland) – negotiates collective agreements in relation to Chief Officers – A Scheme of Salaries and Conditions of Service detail the key national provisions (Gold Book).

These Councils/Committees:

- Support and develop national frameworks to contribute to the development and training of employees
- Negotiate sustainable collective agreements on employment related matters
- Support the promotion of equality and avoidance of discriminatory practices in employment
- Provide advice and assistance on employment related issues
- Support the development and adoption of local codes of practice
- Settle differences of interpretation and/or application of national agreements

- Promote co-operation between Employers and recognised Trade Unions
- Provide a conciliation service for the resolution of disputes.

Please see [Glossary of Terms](#) for further guidance.

## 2. LOCAL POSITION

Within Aberdeenshire Council, the recognised Trade Unions have the right to:

- Represent their members (either individually or collectively) in situations relating to matters of discipline, grievance, grading and sickness absence
- Contribute via membership of/attendance at Steering Groups, Task Groups and/or Working Groups - such as Organisational Review Groups and Structures Steering Groups
- Be consulted:
  - Mandatory – on matters relating to redundancy and TUPE as outlined in the Consultation Regulations (1995)
  - Good practice – on matters relating to relevant policy development, restructuring and budget
- Bargain collectively - negotiate as appropriate changes to terms & conditions of employment and pay & grading structures.

The Trade Unions recognise the Council's right to plan, organise and manage its activities according to Council Policy and legislative requirements, to keep employees informed of matters concerning the activities of the Council and to formally notify all employees of collective agreements reached.

### Trade Union Membership

Within Aberdeenshire Council, employees are free to join a range of trade unions (provided they meet the membership criteria) although not all Trade Unions that operate within the geographical area are formally recognised by the Council.

The majority of employees are members of one of the 3 largest unions recognised by the Council i.e. EIS, UNISON and GMB.

### 3. RECOGNITION

A Trade Union is 'recognised' by an employer when it consults and negotiates agreements with employers on pay, terms and conditions of employment and working practices on behalf of a group of employees.

#### National Trade Union Recognition Framework

The following Trade Unions are recognised at a national level:

- Teaching Staff in Schools > EIS, SSTA, NASUWT, VOICE
- Chief Officials > UNISON, Other (Members of other Organisations such as ADES, ADSW)
- Local Government Employees (i.e. Former Manual Workers and APT & C staff) > GMB, TGWU, UNISON
- Craft Operatives > GMB, UNITE, AMICUS, UCATT

#### Local Trade Union Recognition Framework

Any Trade Union recognised under the terms of the national framework would be recognised by Aberdeenshire Council providing the Union has members who are employees of the Council. There is no requirement for any nationally recognised Union to have 10% of bargaining unit.

Aberdeenshire Council formally recognises the following Trade Unions as representing its various employee groups:

- Teaching Staff in Schools > EIS, SSTA, NASUWT, VOICE, HAS, AHDS, SLS
- Chief Officials > UNISON, GMB (MPO)
- Local Government Employees > GMB, UNITE, UNISON
- Craft Operatives > GMB, UNITE, AMICUS, UCATT

#### Professional Associations

Within Aberdeenshire it has been custom and practice to work closely with Trade Unions. This together with the fact that the Council support trade union membership and collective bargaining forms the basis for recognition being for Trade Unions only. Some employees within the Council are members of various associations and professional bodies but formal recognition is not extended to such organisations.

## Scope of Recognition

This recognition entitles each Trade Union to:

- Appoint and have recognised local Trade Union officials (for example Stewards, Representatives, Health & Safety Representatives)
- Time off work for its officials to undertake Trade Union business in accordance with relevant legislation and the Council's procedures. Aberdeenshire Council's Time Off for Trade Union Business Procedure, [Special Leave Policy](#) and Time Off for Health and Safety Representatives Procedure
- Represent its members
- Contribute to service and corporate developments
- Be members of relevant committees/ groups
- Be consulted (both mandatory and good practice)
- Enter into negotiation on behalf of its members

However, although all the recognised Trade Unions will be consulted on corporate or council-wide issues, certain service specific consultation will be restricted to Unions that have members affected by the particular proposals (e.g. only the recognised Teaching Trade Unions would be consulted on issues relating to Teachers terms & conditions) Similarly whilst all of the recognised Trade Unions will have a vital role to play in the negotiation process, not all of the Unions will necessarily be members of all Negotiation Forums.

It is proposed that the size, composition and remit of a Negotiation Forum will be determined on an individual basis to address the specific issue(s). Membership will consist of one of the Joint Secretaries and representatives from other Trade Unions with membership within the employee group affected. Membership of any Negotiating Forum will ideally not exceed six Trade Union Members. The composition of each Trade Union Side would be for the Trade Unions to determine.

## Safety Representatives

It is the responsibility of the Trade Union to inform the Council, in writing to the Service Director, of the appointment of a Health and Safety Representative. Employees appointed as Health and Safety Representatives must as far as is reasonably practicable have worked for at least two years with Aberdeenshire Council (or other Local Authority) and have had two years experience in their present or similar Service. This is to ensure that those appointed have the experience and

knowledge of their particular Service necessary to enable them to make a responsible and practicable contribution to health and safety. Please refer to [Health & Safety Policy: Consultation with Employees](#).

## Trade Union Secondees

The Council in its agreement with the Trade Unions on Time Off for TU Business Policy, recognised three trade unions as having membership levels justifying an officer, seconded on a full time basis - UNISON, EIS and GMB. Currently the nominees from UNISON, EIS and GMB act as Joint Secretaries to the Trade Unions.

The three Joint Secretaries will be involved as a matter of routine in the development of policies and are members of various Steering Groups and Working Groups. This form of partnership working is of benefit to employees, the Trade Unions, the Council and service delivery. The role undertaken by the Joint Secretaries is separate but complements the “formal consultation” which the Council extends to all of its recognised Trade Union full-time officials.

## Trade Union Full Time Officials

Trade Unions employ a number of Full Time Officials (FTO's) who operate at a local and national level.

Arrangements vary within Unions in respect of the role of full-time officials. In some Unions the officials are invited to attend/ participate in trade union business by the lay official, in other Unions, the officials have the right to be included.

## Trade Union Officers/ Representatives

A network of Lay Officials, Stewards, School Representatives, Branch Officers, Office Bearers and Health & Safety Representatives supports all three secondees and the full time officials. The Trade Union must notify the Head of Service (Legal and People), in writing, of any new or changes to existing representatives/ stewards as detailed in the Time Off for Trade Union Duties and Activities Policy.

## The Trade Unions' Right to Represent Employees

Trade Union representatives have rights under current employment legislation to represent their members (either individually or collectively) in situations relating to matters of discipline, grievance, grading and sickness absence.

## Time off for Trade Union Business.

Requests for time off must be undertaken in accordance with the procedures outlined within the [Special Leave Policy](#)

## Contributions

Within Aberdeenshire Council, the current framework encourages the recognised Trade Unions to contribute via membership of/ attendance at Steering Groups, Task Groups and/or Working Groups - such as Structures Steering Groups.

The Joint Secretaries, following discussions with the appropriate Union(s), will notify the Council of the trade union representative(s) nominated to join such groups.

## 4. CONSULTATION

Both Aberdeenshire Council and the Trade Unions recognise the importance and value of timeous and effective consultation arrangements. The following structured approach to consultation will be adopted within Aberdeenshire.

Aberdeenshire Council will ensure it follows the procedures in the [Information and Consultation of Employees \(ICE\) Appendix 1.3 Annex A – SNCT Terms and Conditions](#).

### Mandatory Consultation

Aberdeenshire Council will ensure consultation takes place with the recognised Trade Unions and employees on matters relating to Redundancy and TUPE on the basis required in the Consultation Regulations (1995).

### Good Practice Consultation

The Council will ensure that effective and genuine consultation takes place at corporate and service levels on all matters affecting employees.

Most consultation will take place at service level. The attached [Consultation Protocol](#) and [Guidance for Managers on Consultation Processes](#) outlines the process to be followed in relation to specific issues and proposals.

## 5. ABERDEENSHIRE COUNCIL CONSULTATIVE GROUPS

Please refer to the diagram of [Aberdeenshire Council's Consultative Groups](#).

### Council Consultation (Employee Joint Consultative Committee)

The Employee Joint Consultative Committee was established in 1996 and it deals with Council specific consultation issues. The Committee provides a formal mechanism for the Council and its employees to discuss issues affecting the workforce. The Employee JCC meets, if required twice a year (in May and September). The Trade Union side will meet separately prior to or in advance of the Joint meetings. The JCC comprises of 10 Trade Union representatives and 10 members of the Policy & Resources Committee.

### Service Joint Consultative Committees

In addition five Service Consultation Groups (Joint Consultative Committees) meet at least twice a year (or more frequently if required) to improve communication and consultation within Services. These groups are chaired by the Director of the Service (or nominee). The four groups comprise of:

1. Education, Learning & Leisure (which is supported by various sub groups as well as the Local Negotiating Committee for Teachers {LNCT})
2. Housing & Social Work
3. Infrastructure Services
4. Corporate Services.

Each of these Consultative Groups has developed their own constitution on the basis of the [Service Consultative Group Constitution Framework](#). The Chair of each group should ensure that the dates and minutes of these meetings are passed to the Head of Service (Legal and People).

The names of the employees and trade union representatives who attend these meetings are held on Arcadia along with minutes of each meeting and dates for next meetings. Services must also ensure this information is made available to employees who do not have Arcadia access i.e. notice boards, through team briefing.

The group must be chaired by the Director of the Service and composition of the groups should include Joint Trade Union Secretaries and employees from a variety of functions/ grades.

Trade Unions and Services are expected to ensure two way communication of issues to be raised and issues discussed at these meetings with their members. Issues

discussed at these meetings are reported to the Employee Joint Consultative Committee via the Head of Service (Legal and People). These meetings are held twice yearly in February and September.

## Trade Union Strategy Meeting

These meetings are held twice a year attended by the Trade Union Joint Secretaries, the Head of Service (Legal and People), HR Manager and also Leader of the Council. The remit of this meeting is to look at national and strategic level issues.

## Trade Union Liaison

A Trade Union Liaison Group, comprising of the three Joint Secretaries, the Head of Service (Legal and People) and the HR Manager meets six times a year. The Group discusses and reviews corporate issues and relevant policy development. This compliments and supports Service and Council consultation arrangements.

## Cross Service Consultation

In certain circumstances, for example restructuring, it may be necessary to set up cross service consultation groups to focus on a specific issue.

## HR Policy Group

The HR Policy Group comprises representatives from each Service, Trade Unions and Officers from the HR Policy & Conditions of Service team, Chaired by the HR Manager (Strategy). This group meets to consult on the revision or drafting of Aberdeenshire Council's HR Policies and Briefings.

The work undertaken by the HR Policy Group is reported to the Employee Joint Consultative Committee via the Head of Service (Legal and People).

## Kaizen for Daily Improvement (KDI)

The KDI programme provides the tools to empower staff to take ownership of service improvement, supporting the Single Outcome Agreement and National Policy to provide 'Best Value' and furthermore, will have an effective approach to meet the Government's National Outcome 15, 'Our public services are high quality, continually improving, efficient and responsive to local peoples' needs.'

Aberdeenshire Council recognises and values the professionalism and commitment of its employees; by providing them with the tools and techniques necessary to understand and bring about realisable service improvement, they are empowered by

the organisation to make efficiency savings and deliver the best service we can; by harnessing the potential of all of our staff, everyone becomes a stakeholder in the services provided.

The benefit of this approach is that improvement becomes business as usual for all staff; it is visible, measurable and ultimately self-sustaining. To ensure that we are confident in always being fit for the present and have our staff ready with the correct tools and approaches to adapt to the future, however uncertain. The KDI programme was designed to ensure the employees are encouraged to be involved in the process and give them ownership of improvement rather than dictating to them what management thought needed to be achieved.

## Health & Safety Consultation

Please see link to [Diagram of Health and Safety Consultative Groups](#).

Within Aberdeenshire Council each Service has a Health and Safety Committee, their remit is to look at risk assessment control, hazard analysis, service policy development, audit review and accident status analysis.

The Service groups feed into the “Corporate Risk Steering Group” which is chaired by a nominated Director. The corporate group comprises service and trade union representatives. The remit of this group is to:

- Steer all aspects of risk in line with the risk strategy and Council Health and Safety Policy
- Ensure implementation of the Council Action Plan, developed from the identification of a base line through self-assessment and statistical information
- Oversee the progress of the Development and Monitoring Groups to ensure compliance of the Corporate Strategy and Action Plan
- Report progress to the Strategic Management Team and Policy and Resources Committee.

There are also three sub groups who report to the corporate group to look at:

- Business Continuity and Emergency Planning
- Health and Safety, Occupational Health and Sickness Absence
- Property Advisory Group.

Trade Union representatives are invited to attend the Service Committees and these specific sub groups detailed.

The corporate group reports to the Strategic Management Team on a three monthly basis and approval from any recommendations is sought by the Policy and Resources Committee or the Capital Plan Monitoring and Management Committee.

Any changes to HR Policies or Briefings in relation to Health and Safety would also be required to be raised at the HR Policy Group for approval.

## 6. COMMUNICATION

Aberdeenshire Council also ensures that outwith the formal consultation procedures that direct communication of information is passed to employees through a variety of methods on a regular basis.

This includes through Aberdeenshire Council's formal cascading team briefing system, the employee intranet 'Arcadia', employee newsletter 'SQ', Service News Letters, Pay Slip Notices and Notice Boards.

Employees are encouraged to feedback through the team briefing system and also the "Change Channel" suggestion scheme. Monitoring of communication is undertaken through the annual employee attitude survey.

A Corporate Communications Group chaired by the Head of Corporate Communications is also in place to monitor and put in place appropriate and effective communication procedures throughout the authority.

## 7. NEGOTIATION

### Good Practice

The Council will ensure that a co-operative approach to negotiation is adopted. The [Protocols for Negotiation with Trade Unions](#) and [Guidance for Managers on Negotiation Processes](#) outline the basis of conduct for negotiation.

### Service Level Negotiation

Service/Cross Service Negotiating Groups will focus on the implementation issues associated with Council Policies, practices, terms and conditions and working arrangements. The size, composition and remit of the Groups will be determined on an individual basis to address the specific issues. Trade Union membership of the Groups will be determined by the recognised Trade Unions, but will normally comprise of one of the Joint Secretaries and representatives of the other Trade Unions with members affected. Ideally these Negotiating Groups will not have more

than six Trade Union side representatives. Service Managers and a representative from HR & OD will form the Management Side. Specific Teacher issues will be addressed by the Local Negotiating Committee for Teachers (LNCT).

## Corporate Level Negotiation

With regard to corporate issues a Corporate Negotiating Group comprising of the Head of Service (Legal and People), Service Directors and the Trade Unions (with Trade Union Membership determined on the basis previously outlined), will negotiate terms and conditions for all Aberdeenshire Council employees.

## Failure to Agree

Unfortunately no matter how robust and constructive relationships are between employers and Trade Unions, agreements may not be reached in respect of all issues. Formal mechanisms are required to address issues when parties have failed to reach agreement and to resolve conflict.

In the event of a failure to agree or a dispute being declared the matter will be referred to a Service Level Conciliation Group or the Conciliation Committee without delay. During the intervening period the Manager concerned will not implement any change which is subject of the failure to agree/ dispute and the trade union(s) will not implement any form of industrial action. This will allow a 'cooling off period' for both sides and the opportunity to collate new information and/or re-focus.

## Service Level Conciliation

The Head of Service (Legal and People) would be invited to mediate, conciliate and/or arbitrate on any service/cross service level issues. Service Directors and Trade Union representatives may be asked to assist in this process.

## Corporate Level Conciliation

At a corporate level the establishment of a Conciliation Committee comprising of Group Leaders, the Chief Executive, the Head of Service (Legal and People) and Trade Union Representatives was approved at Full Council on 19 January 2006.

The Trade Unions will determine which representatives will attend the Committee meetings, depending upon the nature of the issue(s). (Two from the following 4 will be selected – Aberdeenshire EIS Secretary, GMB Regional Organiser, District Secretary Aberdeenshire SSTA, UNISON Branch Secretary). Advisors may also be invited to attend the Committee meetings as appropriate.

The function of the Conciliation Committee is to mediate, conciliate and with the agreement of both sides to arbitrate to resolve any areas of conflict or failure to reach agreement. The Conciliation Committee will have full powers to decide on all matters relating to those functions which have not been reserved to the full Council or specifically delegated to any other Committee of the Council. A remit as in the scheme of delegation for the conciliation committee has been drawn up.

## Council Level

If the matter is not resolved at a corporate level, depending on the nature of the issue it may be referred to the Joint Secretaries of the SJC/SNCT for conciliation. (In accordance with the terms of the relevant National Agreements)

If conciliation is unsuccessful at a national level the SJC/SNCT may recommend further procedures for resolution of the difference (including external conciliation i.e. ACAS).

For further advice and guidance on any of the above please contact [askHR](#).

# Trade Unions RC & N

## Index of Documents

### Procedure

<b>Revision Date</b>	<b>Previous Revision Date</b>	<b>Summary of Changes</b>
01-11-2010	-	Creation of all documents
06-08-2015	01-11-2010	Format update
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