

CITY OF PLYMOUTH

Subject: Unison De-recognition
Committee: Support Services Overview & Scrutiny Panel
Date: 15 March 2012
Cabinet Member: Councillor Ian Bowyer
CMT Member: Director for Corporate Services
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Ref:
Part: 1 (ONE)

Executive Summary:

During 2011, the Council entered into Collective Bargaining negotiations with the Council's recognised trade unions in respect of changes to terms and conditions of service, including contractual changes to pay arrangements, harmonisation of conditions of service and changes to working practises.

Following negotiations, the recongised trade unions (GMB, Unison and Unite) undertook a consultative ballot of their membership in respect of the proposals and the outcome negotiated. These proposals were set out to staff by the Council's management team with trade unions present to advise their membership.

On the first ballot, the proposals were accepted by a majority of Unison members and rejected by GMB and Unite members. Following further discussions, a revised offer was put to the trade unions. The subsequent revised offer was accepted by all three trade unions. Having a mandate from their membership, the Council sought to enter into a Collective Agreement with the trade unions.

Both Unite and GMB entered into the Collective Agreement with Unison setting out opposition to the proposals. Following further discussions with the Branch Secretary of Unison, the regional full time officer and the Regional Secretary, it was concluded that there would be no circumstances where Unison would enter into the agreement without re-opening negotiations. At that point the Corporate Management Team reviewed the options. A recommendation was made to the Cabinet Member that, having sought agreement through negotiation and given the on-going risks to the Council's budget savings delivery, that it was in the interest of the Council at that time to seek an agreement solely with GMB and Unite unions who had indicated a willingness to enter into a Collective Agreement. To effect this, the recommendation was made to seek to de-recognised Unison from the Collective Bargaining group for 'Green Book' employees.

The delegated decision was enacted under urgency provisions in order to address the financial health of the authority, and the potential risk to the Council of a perceived threat of legal action by the trade union. At this time, the decision was also recommended to avoid the issuance of an HRI order for the compulsory redundancy of up to 500 employees as an alternative to the savings achieved through the negotiations.

Corporate Plan 2012-2015:

1. The negotiation of terms and conditions was set in in the Council's Corporate Plan and the Council budget 2011/12 as a savings target.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

An £18million savings was identified through the Council's corporate and budget planning process to support the reduction in the Council's expenditure over three years. This would be achieved by £6million reduction in pay and conditions of service, the reduction of 500 posts through natural turnover and efficiency through modernising ways of working.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

An equalities impact assessment was undertaken as part of the terms and conditions negotiations and in respect of the de-recognition of Unison.

Recommendations & Reasons for recommended action:

- None.

Alternative options considered and reasons for recommended action:

Alternative actions considered were:

1. Dismissal and re-engagement of the workforce: this would involve a 3-month consultation on dismissal and 3-month implementation, including reissuing contracts under new terms and conditions requiring additional project resource and cost implications, as well as a further 6-month delay in achieving savings.
2. Issuance of an HRI notice and consultation on 500 compulsory redundancies across all levels of staff and across all services.

Following feedback from the workforce and in consultation with managers, there were considered to be general support from the workforce for the proposals negotiated and accepted by the trade union membership.

Background papers:

[De-recognition of Unison, delegated decision](#)

[Re-recognition of Unison, delegated decision](#)

Background information and the Collective Agreement:

<http://www.plymouth.gov.uk/myjobplymouthbook>

Sign off:

Fin		Leg		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member: Mark Grimley, Assistant Director											

1.0 REPORT

- 1.1 In October 2010, as the local government settlement for 2011/12 was becoming clearer following announcements from the Chancellor of the Exchequer, HM Treasury and the Department for Communities and Local Government, the Council shared the financial impact assessments with the trade unions, including a number of workshops held jointly with local representatives and regional officers from the trade unions to examine options for addressing the reduced resources over a three year period.
- 1.2 The Council published a draft medium term financial plan which included financial savings through a reduction in the overall spend on the workforce. The means of reduction would be subject to consultation and negotiation with trade unions.
- 1.3 In January 2011, the Council and trade unions agreed the terms of reference for a set of consultations and negotiations to undertake a three year reduction in the workforce costs and overheads, as well as addressing the modernisation of services and budget delivery plans for each department of the Council.
- 1.4 The negotiation and consultation was led by Adam Broome, Director for Corporate Support on behalf of the Corporate Management Team (CMT). Mr. Broome was advised by Martin Boyce, Head of Human Resources. Mark Grimley, Assistant Director for Human Resources and Organisational Development attended as Chair of the Joint Consultative Committee.
- 1.5 Trade union representation for negotiation included the three local branch secretaries, the regional officers for Unite and GMB, and a member of the local Unison Branch Committee. Additional facilities time was given to the officers of the Council representing trade unions.
- 1.6 The negotiations were jointly chaired by Adam Broome (Council), Darren Turner (Unison Branch Secretary) and Robin Beal (Unite Secretary (PCC)).
- 1.7 Following intensive negotiations, both sides agreed a final package of measures that the trade union side agreed they would put to their branch committees and local membership in March 2011. Similarly, the Council undertook to brief employees through an intensive period of road shows and meetings at which trade union representation was permitted, indeed, encouraged. The intended implementation date of the package would be phased in from the 1st April 2011.
- 1.8 In March 2011, both GMB and Unite local branches undertook a local consultative ballot on the proposals with a 'neutral recommendation' to their membership. Unison branch committee undertook a consultative ballot with a recommendation to 'reject' the proposals.
- 1.9 On 31st March 2011, the Council was notified that Unison members had voted in favour of the proposals. GMB and Unite membership rejected the proposals.
- 1.10 Further negotiations and consultation took place between management and all three trade unions. A further, better offer was put to all three trade unions in June 2011. Both GMB and Unite re-balloted their membership in July 2011 resulting in an acceptance of the revised proposal. Unison did not re-ballot their membership as the revised offer was a better offer than the original ballot. Unison reserved their right to consult their membership on the revised offer.

- 1.11 A Lead Representatives meeting was held on 28 July 2011 to sign the Collective Agreement following acceptance from the membership of all three trade unions. GMB and Unite signatories were present. Unison's full time officer attended to advise that their lead signatory (the Regional Secretary) would not attend to sign as they had further concerns about the impact on certain groups of staff. This was the first time any such concern was raised since their membership was consulted and accepted the proposals.
- 1.12 The meeting was adjourned for the Council to consider its position. A series of meetings was held with trade unions and management to address the concerns raised.
- 1.13 Following a meeting with the Regional Secretary of Unison, it was confirmed that Unison would not sign the agreement without re-opening negotiations. A request for mediation was mutually agreed not to be appropriate given the impasse. Unison did not request the dispute mechanism as set out in the terms of reference.
- 1.14 Further discussions took place with the regional officers from GMB and Unite, as well as the national officer from Unison.
- 1.15 Following these discussions no further way forward would be found. Both GMB and Unite had indicated that they were prepared to accept the Collective Agreement put forward following a mandate from their membership and in the interests of industrial relations.
- 1.16 The Corporate Management Team considered the range of options open given the risk to the budget. It was concluded and collectively agreed that a recommendation would be made to the Cabinet Member to de-recognise Unison with the intention of reaching a Collective Agreement with the remaining two unions for the purposes for collective bargaining.
- 1.17 The delegated decision was signed on the 18 August 2011 by the Cabinet Member and the Chair of the Overview and Scrutiny Management Board under the Council's urgency provisions resulting in the removal of Unison from the Collective Bargaining unit.
- 1.18 Unison was re-recognised on 16 September 2011, following the signature of the Unison Regional Secretary on the original Collective Agreement.
- 1.19 The Collective Agreement was implemented with immediate effect on the 16 September 2011.