

TRADE UNION RECOGNITION AT CITY OF YORK COUNCIL

OVERVIEW

This document provides a framework for the recognition of trade unions for collective bargaining purposes within the City of York Council.

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1.0 INTRODUCTION

- 1.1 The City of York Council supports the practice of collective bargaining and the principle of promoting effective employee relations through discussion and agreement. The council recognises the need to define and clarify the relationship between the council and the trade unions in order to promote a progressive environment in which to create and maintain good employment relations between the council and the trade unions.
- 1.2 The council has established methods and procedures whereby the council and the unions can seek to resolve by collective bargaining or joint consultation, matters affecting employees. These methods and procedures are set down in the Consultation and Negotiation Structure and the Collective Disputes Procedure.

2.0 PRINCIPLES

- 2.1 This document outlines the basic principles shared by the unions and the council and their understanding of their respective roles and responsibility which include:
- a joint commitment to furthering the aims of the council
 - the importance of good employee relations
 - acceptance of the need for joint consultation and collective bargaining
 - the need for both formal and informal channels of communication and problem solving
 - the need to make information available on issues affecting the staff or business of the organisation
 - recognition that it is management's responsibility to plan, organise and manage the activities of the council
 - recognition that it is the union's responsibility to represent the interests of its members and work to improve their conditions of employment

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- commitment to protect the right of employees to join trade unions and for employees to be represented by them if they so wish
- commitment to adhere to and develop policies on equality of opportunities
- to ensure that employment practices in the City of York Council are conducted to the best practicable standards;
- to enhance effective communication with all staff throughout the organisation;
- to achieve greater participation and involvement of all members of staff on the issues to be faced in running and developing the council

3.0 RECOGNISED TRADE UNIONS

The council recognizes, for collective bargaining purposes, certain trade unions for employees in particular employment groups, these recognition arrangements mirror those that operate at national level:

The National Joint Council for Local Government Services

- UNISON
- GMB
- UNITE

The Joint Negotiating Committee for Chief Officers

- Unison
- GMB

The Joint Negotiating Committee for Chief Executives

- ALACE

The Joint Negotiating Committee for Youth and Community Workers

- Unison
- NUT
- Community and Youth Workers Union
- National Association of Teachers in Further and Higher Education

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The Soulbury Committee

- NUT
- ASPECT
- AEP
- NAYCEO

Conditions of Service for Teachers in England and Wales

- NUT
- NAS/UWT
- ATL
- NAHT
- PAT
- SHA

The JNC for Local Authority Craft & Associated Employees

- GMB
- UNITE
- UCATT

Workshop for the Blind

- Community (Previously known as the National League for the Blind and Disabled)

- 3.2 The council accepts that the Union's members will appoint representatives in accordance with their Union Rules to act as their spokespersons in representing their interests.
- 3.3 The trade union concerned will inform the council of the names of all appointed representatives in writing within five working days of their appointment and to notify in writing any subsequent changes, each time within five working days of the change having taken place. Persons whose names have been notified to the council shall be the sole representatives of the union membership.
- 3.4 The council recognises that union representatives fulfill an important role and that the discharge of their duties as union representatives will in no way prejudice their career prospects or employment with the council.

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4.0 SCOPE OF THE ARRANGEMENT

4.1 This document sets out the matters for which the union(s) detailed in section (3) above are recognised for the purposes of collective bargaining and consultation. In the relationship with trade unions there will be occasions when the council wishes to either;

- consult with the trade unions in order to seek their views and opinions on a matter in order to inform the Council's position or actions. Such consultation to be meaningful as defined under the law, timely and with a view to reaching agreement, adhering to any statutory requirements;¹
- negotiate with a view to reaching a collective agreement that is intended to be incorporated into the contracts of employment of staff

When consulting, the Council will ensure the trade unions will be given a fair and proper opportunity to understand fully the matters about which it is being consulted, and to express its views on those subjects. The council will consider those views properly and genuinely with a view to reaching an agreement.

When consulting the council will:

- Consult when the proposals are still at a formative stage;
- Provide adequate information on which to respond;
- Provide adequate time in which to respond ;
- Adopt a conscientious consideration of the response to consultation

Following discussion with appropriate TU representatives the council will always be clear from the outset on which of these approaches it is taking and why,

These matters for which trade unions are recognised include:

- (i) Terms and conditions of employment, or the physical conditions in which workers are required to work. Examples include:
 - Pay;
 - Hours of work;
 - Holidays and holiday pay;
 - Sick pay arrangements;

¹ Whilst the Council will seek to reach agreement it may not be possible on each and every occasion. The council is not obliged to agree and retains discretion to act without.

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- Pensions;
 - Vocational training;
 - Equal opportunities;
 - Notice periods;
 - The working environment;
 - Utilisation of machinery and other equipment.
- (ii) Engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers. Examples include:
- Recruitment and selection policies;
 - Human resource planning;
 - Redundancy and dismissal arrangements.
- (iii) Allocation of work or the duties of employment as between workers or groups of workers. Examples include:
- Job grading;
 - Job evaluation;
 - Job descriptions;
 - Flexible working practices.
- (iv) Matters of discipline. Examples include:
- Disciplinary procedures;
 - Arrangements for representing trade union members at internal interviews;
 - Arrangements for appearing on behalf of trade union members, or as witnesses, before agreed outside appeal bodies or industrial tribunals.
- (v) Trade union membership or non-membership. Examples include:
- Representational arrangements;
 - Any union involvement in the induction of new workers.
- (vi) Machinery for negotiation or consultation and other procedures. Examples include:
- Collective bargaining;
 - Grievance procedures;
 - Joint consultation;
 - Communicating with members;

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- Communicating with other union officials also concerned with collective bargaining with the trade union.

The council has established arrangements for consulting on Health & Safety matters through Health & Safety Committees

5.0 TRADE UNION MEMBERSHIP

5.1 This arrangement recognises the right of any employee to join or not join a Trade Union, if the employee is a member of a trade union they have a right to hold office within the trade union and benefit from trade union representation. It is acknowledged that all employees who are members of a trade union will be subject to the rules and constitution of the trade union concerned.

6.0 GRIEVANCES AND DISCIPLINE

6.1 The council recognizes a trade union's right to represent the interests of all or any of its members at all stages during grievance and disciplinary procedures and to call in full-time trade union officials wherever this is considered appropriate.

6.3 Union representatives will be permitted to spend reasonable paid time inside working hours to discuss grievance or disciplinary matters with affected employees, and to prepare their case, in accordance with the Trade Union Facilities Policy.

7.0 CONSULTATION AND NEGOTIATION

7.1 The council has established formal arrangements for consulting and negotiating with recognized trade unions on a corporate and/or Directorate basis, these arrangements are detailed within the Consultation and Negotiation Structure.

8.0 TIME OFF AND FACILITIES FOR TRADE UNION DUTIES

8.1 The council has established arrangements for providing trade union time off and facilities, these are set out in the Trade Union Facilities Policy.

9.0 DISPUTES

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- 9.1 The council has a mechanism for dealing with disputes between a trade union or trade unions and council managers. Details of this are outlined in the Collective Disputes Procedure.
- 9.3 Where the matter can not be resolved internally and with the agreement of both parties, the procedure allows for access to an external third party, such as ACAS, for conciliation or arbitration.

10.0 MONITORING AND REVIEW

- 10.1 This arrangement will be monitored on an ongoing basis and reviewed periodically as necessary.

On behalf of Council's Corporate Negotiating Committee (CCNC) we note the content and the spirit of the Council's Trade Union Framework and this document.

Signed on behalf of CCNC

Chair (Ian Floyd)Date

Union representative s

GMBDate

UnisonDate

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Unite/UCATTDate

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