

EMPLOYEES' CONSULTATIVE FORUM MINUTES

12 NOVEMBER 2015

- Chair:** * Councillor Kiran Ramchandani
- Councillors:** * Jeff Anderson * Susan Hall (3)
* Keith Ferry (2) * John Hinkley (1)
* Ms Pamela Fitzpatrick (1) * Pritesh Patel
- Representatives of HTCC:** (3 vacancies)
- Representatives of UNISON:** * Mr D Butterfield * Mr J Royle
* Mr S Compton * Mr D Searles
† Mr G Martin
- Representatives of GMB:** Ms P Belgrave
- In attendance: (Councillors)** Barry Macleod-Cullinane

* Denotes Member present
(1), (2) and (3) Denote category of Reserve Members
† Denotes apologies received

9. Attendance by Reserve Members

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:-

Ordinary Member

Councillor Graham Henson
Councillor David Perry

Reserve Member

Councillor Pamela Fitzpatrick
Councillor Keith Ferry

Councillor Paul Osborn
Councillor Mina Parmar

Councillor John Hinkley
Councillor Susan Hall

10. Appointment of Vice-Chair

RESOLVED: To note that Mr Steve Compton be appointed Vice-Chair for the 2015/16 Municipal Year.

11. Declarations of Interest

RESOLVED: To note that the following interests were declared:

All Agenda Items

Councillor Jeff Anderson declared a non-pecuniary interest in that he was a member of Unison trade union. He would remain in the room whilst the matters were considered and voted upon.

Councillor Keith Ferry declared a non-pecuniary interest in that he was a member of the GMB trade union. He would remain in the room whilst the matters were considered and voted upon.

Councillor Pamela Fitzpatrick declared a non-pecuniary interest in that she was a member of the Unite trade union. She would remain in the room whilst the matters were considered and voted upon.

Councillor Susan Hall declared a non-pecuniary interest in that she was on the board of the London Fire and Emergency Planning Authority. She would remain in the room whilst the matters were considered and voted upon.

Councillor Kiran Ramchandani declared a non-pecuniary interest in that she was a member of GMB trade union. She would remain in the room whilst the matters were considered and voted upon.

Agenda Item 9 – Part 1 of Annual Equality in Employment Monitoring Report (Data and Corporate Equalities Action Plan Update) For 1 April 2014 – 31 March 2015

Councillor Barry Macleod-Cullinane, who was in the public gallery, declared a non-pecuniary interest in that he had been Deputy Leader and Portfolio Holder for Adults and Housing for some of the period covered by the report. He would remain in the room whilst the matter was considered and voted upon.

12. Minutes

RESOLVED: That the minutes of the meeting held on 13 January 2015 be taken as read and signed as a correct record.

13. Petitions, Deputations and Public Questions

RESOLVED: To note that none were received.

RECOMMENDED ITEMS

14. Trade Union Bill

The Forum received a report from Harrow Unison LG Branch which set out the Branch's concerns regarding the measures contained in the Trade Union Bill.

A Representative stated that the Bill, which had been widely opposed, would have a detrimental impact on industrial relations both nationally and locally for the following reasons:

- the intention to remove check-off arrangements in the public sector and the control and removal of facility time agreements, which were agreed locally between the Council and its recognised trade unions, would have a negative impact on terms and conditions, productivity, female employees and those on low incomes. It would also undermine civil liberties as it would contravene article 11 of the Human Rights Act;
- the new threshold set for strike ballots would undermine trade unions' collective bargaining ability.

A Member stated that, in her view, the bill would make strike action fairer and that the amount of facility time availed to union representatives should be determined by the Council, be logged and in the interest of transparency and openness, be published because it related to public funds. With regard to check-off arrangements, union subscriptions were currently debited at source by the Council's payroll department. However, online and telephone banking facilities meant that in the future it would be easier for staff to pay their subscriptions direct to the union.

A Representative stated that:

- 75% of Unison members were women, and those on low incomes. The measures contained in the bill would negatively impact the Unions' ability to represent these members;
- unions generally used strike action as a last resort once all other avenues had been exhausted. He added that there had been no strike action at Harrow Council in the past 10 years;
- under the proposed bill, if a union wished to call strike action, this would require an indicative ballot followed by a closed postal ballot process and a yes vote of 80%;
- loss of the current check-off facility would mean loss of income for unions as they would be obliged to devote additional staff and resources to administering this process. The current method was inexpensive, efficient and generated a small amount of additional

income for the Council. He added that many other local authorities did not levy a charge for providing this service.

Members stated that:

- the bill would not help industrial relations in this country, which already had the worst trade union rights in Western Europe;
- in recent years there had been a 75% reduction in the number of employees going to employment tribunals due to the high fees involved;
- facility time availed to Unions was already subject to Freedom of Information requests, had been openly discussed at previous meetings of the Forum and was documented in the minutes of those meetings. Local Authorities should be permitted to make local agreements regarding facility time and this should not be imposed nationally by central government;
- employees should continue to have access to check-off facilities because other payments made directly from employees' salaries, for example, the facility to repay season ticket loans, were not being removed.

Following questions from Members, an officer advised that:

- the removal of check-off arrangements would mean a loss of income of approximately £6k to the Council's payroll section. This was because the Council levied an administration charge of 2.5% per subscription and that this process was cost-neutral;
- under current arrangements, union members were asked to confirm that they wished to continue paying their union subscriptions through the check-off facility at commencement of employment.

Resolved to RECOMMEND:

That, Cabinet/Full Council enter into an urgent local agreement with the recognised trade unions to continue Harrow Council's self-determination of facility time agreements and the existing check off arrangements.

RESOLVED ITEMS

15. Part 1 of Annual Equality in Employment Monitoring Report (Data and Corporate Equalities Action Plan update) for 1 April 2014 - 31 March 2015

The Forum received the Annual Equality Monitoring report of the Director of Human Resources and Organisation Development, which set out data

presented by protected characteristics and related to a range of employment matters.

Following a brief overview of the report, Members made the following comments:

- it was useful to see data regarding the Council's workforce profile, however, it was difficult for Members to take a view on raw data presented without analysis or commentary. In the future, it would be more helpful to consider the raw data and commentary together in a single combined report. An officer undertook to ensure this would be done in the future;
- it was of concern that the 'top table' at the Council was currently composed of white, middle-aged men. The Council's senior management team should be more representative and should contain women and BME (black and minority ethnic) staff.

A Member raised a point of order in relation to comments made by another Member with regard to confidential and exempt information relating to a meeting of the Chief Officers' Employment Panel. The point of order was upheld by the Chair.

A Representative stated that it was important to capture data relating to employees' disabilities, religion and sexual orientation in order to identify if there was any discrimination against these groups. He also queried the accuracy of some of the data contained in the report, stating that the option 'prefer not to say' relating to sexual orientation had only be introduced in 2015, whereas this option had been included in the monitoring data for 2014.

An officer undertook to look into the above query from the Representative and made the following points:

- some data had been omitted from the report in order to maintain confidentiality, particularly where the number of responses had been low. For example, if there were 3 dismissals under the capability process, where one of the employees had been identified as Zoroastrian, then this may reveal the individual's identity;
- in completing the monitoring forms, staff may choose not to reveal a disability for different reasons, for example, they may not consider themselves to be disabled or the disability may not impact on the individual's ability to do their job;
- the Council was taking action to encourage as many staff as possible to complete the monitoring forms as fully as possible.

A Member stated that the data showed a discrepancy between the pay grades of BME and white employees and this figure seemed to be more unequal at higher grades. It was important that this issue be fully investigated. In the

future, it would be useful have data regarding the relationship between conduct and capability procedures in relation to pay bands.

An officer advised that the report which would be submitted to the Forum in January 2016 would contain disability data according to departments. The Council was working closely with the Harrow Association of Disabled People to provide disability awareness sessions for staff and working towards a culture change, so that staff would feel comfortable and safe to declare disabilities on the monitoring forms.

A Representative stated that previous equalities monitoring reports had shown pay bands in relation to the use of the Capability procedure. This procedure should provide support to those employees with long-term conditions and the Council should make reasonable adjustments in these employees' working environments to enable them to continue working.

The Chair stated that a number of concerns had been highlighted regarding the lack of female and BME staff at senior levels and this would require further investigation and the implementation of measures to ensure that the Council was more representative.

A Representative stated that at the recent meeting of the Employees Consultative Forum Sub-group it had been agreed to look into mitigation agreement in relation to cases where the Capability procedure should have been initiated but where this had not been done.

RESOLVED: That the report be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.44 pm).

(Signed) COUNCILLOR KIRAN RAMCHANDANI
Chair