

EMPLOYEES' CONSULTATIVE FORUM: 31/01/2013

EMPLOYEES' SIDE REPORT ON: FORMAL TRADE DISPUTE – WASTE SERVICES

SUMMARY AND DECISION REQUESTED

Unison further requests that the cohort of employees identified within the declaration of the formal trade dispute are removed from the project, ensuring that the council fully complies with its written promise to the recognised Trade Unions of Harrow council under section 15 of the Recognition Agreement

CHRONOLOGY:

DATE	ACTION	OUTCOME
19/11/2012	Letter to Michael Lockwood	As within
23/11/2012	Response from Caroline Bruce to Michael Lockwood's letter of the 19/11/2012	As within
26/11/2012	Gary Martin responds to Caroline Bruce's letter dated 23/11/2012	As within
11/12/2012	Caroline Bruce responds to Gary's letter dated the 26/11/2012	As within
06/12/2012	Email sent to Varsha Patel by Caroline Bruce	As within
07/11/2012	Gary Martin responds to Caroline Bruce dated 06/12/2012	As within
11/12/2012	Caroline Bruce responds to the letter sent by Gary Martin dated 07/12/2012	As within
11/12/2012	Gary Martin responds to Caroline Bruce's letter dated 11/12/2012	As within
18/12/2012	Caroline Bruce responds to Gary Martin's letter dated 11/12/2012	As within
19/12/2012	Gary Martin responds to Caroline Bruce's letter dated 18/12/2012	As within
19/12/2012	Letter from Jon Turner to Gary Martin	As within
21/12/2012	Gary Martin responds to Jon Turner's letter dated 19/12/2012	As within

REPORT

This matter relates to a declaration of a formal trade dispute, issued to the CEO on 19th November 2012. The employer took a vast amount of time to formally respond to this matter (a letter from the Corporate Director of Environment dated 23rd November 2012 requesting this matter is addressed through formal meetings regarding PRISM), and convened a Special DJC Meeting on the 11th December 2012 nearly a month after the original submission. The Special DJC meeting took place in the Civic Centre with the management team attending without any formal documentation and with only a blank note pad.

The response to this matter eventually entered Unison's office on or around the 18th December 2012. The content of the letter is no more than a deflection of the reality of the situation in that the employer failed to consult regarding the proposed redundancies prior to a decision being implemented by Cabinet

on 13th September 2012. The Corporate Director appears to openly mislead Unison by stating that the EqIA submitted in support of the Cabinet report identifies an impact to 500 posts within the Environment Directorate. This is both factually inaccurate and untrue. The main impact within the EqIA submitted to Cabinet with the FBC identified that of a TUPE transfer to a separate organisation; no redundancy impact was identified.

The EqIA, which is attached to this report, does not declare any impact other than TUPE, nor does it identify any impact to the staff profile. Furthermore to stipulate that an EqIA is a 'living document' and would need to be reviewed after a decision has been made falls totally outside of the employer's legal obligations regarding their Public Sector Equality duty.

The time set for formal consultation was issued by the employer on the 3rd May 2012, and did not relate to this service area being impacted by the PRISM project. The Waste Service was duly covered by another Outline Business Case (OBC), The Alternative Delivery Model (ADM), and no redundancies were incorporated or outlined within this document. The formal consultation period regarding the OBC concluded approximately on or around 17th July 2012. This clearly identifies the failure of the employer to comply with Section 15 of the Recognition Agreement between LBH and Unison.

The production of the ADM/PRISM FBC (Not Draft) identified a redundancy situation. This document was produced on or around 3rd August 2012 outside of the consultation period and supplied to Unison on Wednesday 8th August 2012 (hard copy). This document was not subject to change or amendment, and no meetings with the Unions occurred regarding the content of the said document. The Divisional Director Environment requested that we provide a response to the document no later than the 28th August 2012. This left Unison's Public Realm Convenor 8 facility days to absorb and compile a detailed written response to a document with vastly differing implications to the OBC.

What we are deeply concerned about and which has to be noted is the fact that the Divisional Director for Environment services used the opportunity to select certain parts of Unison's response for inclusion in the final cabinet document for decision in September 2012; this further raises a concern that a form of censorship and manipulation of Trade Union input has taken place. The other salient point worth noting is the content of the EqIA supporting the cabinet document (report) did not make any reference to significant job losses nor did it contain any results of consultation and/or engagement with Trade Union stakeholders regarding the implications of PRISM. Despite many requests for the EqIA from May to August 2012, consultation and engagement simply did not take place with UNISON.

The employer further states in the response dated 18th December 2012 that this period was formal consultation. This is completely absurd when reviewing the facts, which the PRISM Document changed without notification to the Trade Unions. The meetings held were in fact briefings and not consultation. This is further supported by e-mail correspondence with Capita.

Unison now formally lodge a request to the officers responsible to produce a set of meeting minutes within the formal consultation period (as detailed above) set by the employer that openly states that redundancies will occur, or any minutes of meetings that suggest a deletion of 12 staff and four vehicles would occur in the Waste Service prior to the production of the FBC.

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