

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2011

1. **UPDATE ON THE REVISION OF THE EMPLOYEE RELATIONS FRAMEWORK**

Report of the Chief Fire Officer.

RECOMMENDED

THAT the Authority note the content of this report.

2. **PURPOSE OF REPORT**

This report is submitted to the Authority to provide an update on the progress made to review the Employee Relations Framework.

3. **BACKGROUND**

3.1 The Employee Relations Framework was jointly agreed by employers and the Trade Unions between November 2008 and July 2009. It was approved at Corporate Board and received at the Authority meeting on 21 September 2009, Minute No. 75/09 refers.

3.2 Following approval at Authority, the Employee Relations Framework was implemented into the Service and the first meeting of the Joint Consultative Panel (JCP) took place on 7 October 2009.

3.3 At the meeting of the Joint Consultative Committee (JCC) in August 2010, the Trade Unions requested a review of the Employee Relations Framework. This request was agreed by the Service.

3.4 Framework Document:

The amendments proposed by management following the review of the framework document include:

- manager and trade unions representatives will take responsibility for ensuring necessary and appropriate discussion/consultation/negotiation takes place to foster continued improved employee relations (Appendices 2, 3 and 4 as detailed below in paragraphs 3.4.1 and 3.4.2).

- that time off for trade union activities relates to trade union members and officials (Appendix 6 as detailed in paragraph 3.4.3 below).

3.4.1 It is proposed to amend Appendices 2 and 3 - Terms of Reference Joint Consultative Panel (JCP) and Elected Member Responsibilities to ensure they reflect that:

- The Chair of the JCP reviews the agenda in consultation with the Director Human Resources (HR) or his nominated representative prior to finalising the agenda.
- The Elected Member group will adjourn to consider the presentations made. If further information is required both parties will be called back to the Elected Member group even if the query relates to one side.
- The Terms of Reference of the JCP are amended to clearly reflect that the Elected Member group of the JCP, after due consideration, make a recommendation back to the Fire Service or Authority as appropriate.
- The Elected Member group may be assisted by a Technical Advisor. The Advisor and the representative of the Clerk to the Authority will adjourn with the panel. The Technical Advisor and the representative of the Clerk are not part of the decision making process. Their role is to give advice on the Service's policy, process or interpretation of the legislation.
- The presenter of the management case must not be the Advisor to the panel.

3.4.2 Appendix 4 – Joint Consultative Committee (JCC) Terms of Reference:

- the Chair of the JCC determines in advance of the meeting whether agenda items are for: information, discussion, consultation or negotiation.

3.4.3 Appendix 6 – Request for Facilities Time for Trade Union Officials to undertake Trade Union Duties:

- change has been made to this document to reflect the appeals process for the annual facilities time reviews.

- additionally, it has been clarified that the Trade Unions may in exceptional circumstances, request additional time to support the Service in timely and effective co-operation and consultation.

- 3.5 The revised draft of the Employee Relations Framework has been shared with the Trade Unions and is a 'Standing Item' on the agenda at the Informal Joint Consultative Committee meeting.
- 3.6 The Trade Unions have made revisions and suggested amendments to the revised draft. The Employee Relations Team are currently considering the response and continuing discussions with the Trade Unions.
- 3.7 As part of these ongoing discussions a Full Equality Impact Assessment is being completed in partnership with the Trade Unions.
- 3.8 On completion of the review of the Employee Relations Framework and its appendices, the revised terms of reference for the JCP will be implemented following approval by Authority.
- 3.9 A final draft of the Employee Relations Framework will be submitted to the Authority on completion of the dialogue with the Trade Unions. It is anticipated this will be September 2011.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required as the content is for information purposes only.

5. **LEGAL IMPLICATIONS**

- 5.1 Information and Consultation of Employees Regulations 2004: these regulations set out the employer's legal responsibility to inform and consult with employees.
- 5.2 Sections 181 and 182 of the Trade Union and Labour Relations (Consolidation) Act 1992 sets out the duty of employers to disclose information requested by a union representative for the purposes of collective bargaining.

6. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

BACKGROUND PAPERS

Employee Relations Framework
JCP Minutes – 15th February 2010
JCP Minutes – 12th July 2010.

VIJ RANDENIYA
CHIEF FIRE OFFICER