

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

13 FEBRUARY 2012

1. REVISION OF THE EMPLOYEE RELATIONS FRAMEWORK

Report of the Chief Fire Officer.

RECOMMENDED

- 1.1 THAT the Authority notes the amendments to the Employee Relations Framework.
- 1.2 THAT the Authority approves the changes to the terms of reference for the Joint Consultative Panel.

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 and for the Authority to note the amendments and approve the changes to the terms of reference for the Joint Consultative Panel.

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 The Employee Relations Team has met regularly with the Trade Unions to consider revisions to the Framework. Many of the changes proposed by both the Service and the Trade Unions/Representative Bodies have been accepted and included in the revised Framework (please see Appendix A for the revised Framework).

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; and
- 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 HR and Trade Union Joint Working Party.
- 3.6 The draft Employee Relations Framework has been shared with and agreed at the Joint Consultative Panel held in January 2012.

4. **EQUALITY IMPACT ASSESSMENT**

A Full Equality Impact Assessment is being completed in partnership with the Trade Unions.

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.
JCP Minutes – 19th September 2011
JCP Minutes – 23rd January 2012
Authority Report – 27th June 2011

VIJ RANDENIYA
CHIEF FIRE OFFICER