

WEST MIDLANDS FIRE SERVICE

EMPLOYEE RELATIONS POLICY

1. STRATEGY

The West Midlands Fire Service (WMFS) wholeheartedly supports timely and effective co-operation and consultation between the employer, employees and trade unions to help the successful delivery of the Service and the management of change. Employees are encouraged to join and remain in recognised trade unions.

WMFS recognises that all parties' legitimate interests, responsibilities and commitment to working together on:

- the success of the organisation (reward and recognition);
- quality of working life (wellbeing, behaviour);
- working in a transparent manner to develop a 'no surprises' culture;
- continuously improving employee relations (monitoring, capturing the right information and taking the appropriate action);
- agreement within appropriate timescales; and
- ongoing dialogue

...Will benefit the Service, its employees and local communities.

Trade union representatives have considerable knowledge and experience and can make positive and effective contributions to any changes being proposed. Therefore, and in support of the above principles, WMFS will make sure that:

- employees and trade union representatives will be involved early on in consultation and negotiation (as appropriate) on issues which have workforce implications;
- appropriate and timely information will be shared with the trade unions and employees, so that effective consultation or negotiation can take place;
- feedback is given on how employee and trade unions views are taken on board and how they influenced management's subsequent position; and
- reasonable trade union facilities are put in place, in accordance with statutory requirements and ACAS good practice guidelines.

This policy has been based on the Joint Protocol published by the National Joint Council (NJC), the model procedure in the Grey Book and guidelines produced by ACAS. It has been jointly agreed and will govern the relationship between WMFS and its recognised trade unions. It is not legally binding, but relies on all parties to work with a spirit of co-operation.

2. PROCEDURE

2.1 Definitions

Employees and employers need to exchange information, views and ideas, discuss problems, consider solutions and look at future developments, but there are differences in the ways this is done, differences between communications, consultation and negotiation through collective bargaining.

Communications is the giving and receiving of information and instructions. It includes the information, the channels and the ways it is passed along (see paragraph 2.5 and Appendices).

Consultation goes beyond communication and involves managers actively seeking, and then taking account of, the views of employees' representatives before making a decision. Consultation does not remove the right of the employer to manage and make the final decision. However, it obliges them to seek acceptable solutions to problems through a genuine exchange of views and information. The responsibility for decisions remains at all times with the employer (see paragraph 2.6).

Negotiation is the process by which employers and trade union representatives seek to reach agreement through collective bargaining. **Collective bargaining** is the process by which employers and recognised trade unions seek to reach agreement on issues such as pay and terms and conditions of employment. In consultation the responsibility for decision making remains with the employer, however, the employer will give genuine and thoughtful consideration to the trade unions when considering consultation. In collective bargaining both the employer and trade unions take responsibility for fulfilling the bargain (see paragraph 2.7).

Managers must be aware of the need to consult and trade union representatives must be aware of the need to respond.

2.2 Why communications and consultation are important

The way to involve employees in an organisation is through communications and consultation. Good communication is in the public interest because good employee communications and consultation can:

- improve organisational performance;
- improve management performance and decision making;
- improve employees' performance and commitment;
- develop greater trust; and
- increase job satisfaction.

2.3 Who is involved?

WMFS recognises the Fire Brigades' Union (FBU), the Fire Officers' Association (FOA), the Association of Principal Fire Officers (APFO) and UNISON for the purpose of collective bargaining in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992. These are collectively known as trade unions.

2.3.1 Fire Authority Members

The Fire Authority members are elected members from the local communities we serve. The members can select representatives to attend The Joint Consultative Panel (JCP). The JCP provides a forum for the Authority as the employers, and the trade unions, to discuss employment issues affecting the whole workforce. Many of the issues discussed relate to creating a culture that both recognises and values the diversity of individual members of staff in delivering an inclusive service to the community. In addition, the panel endeavours to ensure that all staff, irrespective of the roles they undertake, are treated with respect and dignity to enable them to reach their full potential. The facility of an effective Joint Consultative Panel will contribute to the Authority's corporate aims.

2.3.2 Corporate Board

Corporate Board are committed to the principles outlined in this policy and take a positive lead in the development and implementation of a successful employee communications and consultation plan. They have nominated the Director, Human Resources as the senior

manager responsible for making sure that the policy is put into practice, properly maintained, regularly reviewed and that the chains of communication and methods of consultation are clearly understood. However, other senior managers need to ensure that the agreed consultation process is followed by all concerned.

2.3.3 Senior managers

Senior managers take an active role in employee communications and consultation by chairing consultation committees, participating in staff meetings and addressing employees and their representatives. The HR Employee Relations team role is to support and guide the managers on legislation, policy and best practice but it is the senior manager's responsibility to consult.

2.3.4 Line managers/supervisors

Line managers play a key role, as they are responsible for passing on and receiving information facilitating employee's access to information, as well as acting on and issuing instructions. Ineffective communication by managers can cause inefficiency and disaffection. It is essential that line managers and supervisors are not by-passed when information is given to employees. Sometimes it is important that senior managers communicate directly with employees, but they must also keep the middle and line managers informed. It is best to keep chains of communication as short as possible.

2.3.5 The Human Resources (HR) service

The HR service has a substantial interest in giving information to employees, particularly on terms and conditions of employment. HR is well placed to identify needs, advise on policy and monitor arrangements. The HR Employee Relations Manager has direct responsibility for supporting the communication of information and facilitating consultative committees. HR provides the forum and framework for consultation. However, it is a manager's responsibility to lead consultation with the support of HR.

2.3.6 Trade Union officials

Trade Union officials are elected representatives and are accountable to their membership and have a responsibility to convey balanced views with members and management. Trade Union officials also have responsibilities for communications. They communicate with their members and make sure that their members' views and opinions are conveyed effectively to management. Union officials need information to bargain effectively and recognised trade unions have certain legal rights to information for collective bargaining purposes (see paragraph 2.4.3). Trade Union officials also need time off and facilities to enable good communication with their members (see section 2.8). All methods of communication should be delivered in line with the West Midlands Fire Service core values.

2.3.7 Employees

Employees have a responsibility to make sure that their views and opinions reach management through the appropriate channels. This can include one to one meetings, team meetings, section meetings, meetings with their trade union representative or other regular or occasional opportunities for employee communication and consultation. Information is a two-way process, flowing from employees or from managers. WMFS employees are encouraged to join a recognised trade union to aid communication.

2.4 What information is communicated?

It may be appropriate at times to send out agreed joint communications.

2.4.1 General information

Managers can give employees information about:

- **terms and conditions of employment** – includes all contractual details, such as pay, hours of work, holidays, period of notice, disciplinary rules;
- **their job and its performance** – includes the workplace, objectives, operating and technical instructions, health and safety, supervision, training and development, equal opportunities, trade union representation;
- **the organisation's performance, progress and prospects** – includes objectives and policies, financial performance, management and staff changes, developments in technology, return on investment; and
- **changes** to any of the above.

Information is shared with trade unions in line with data protection, which means that some information may have personal details removed, although much of the general information is available on the Service's intranet and through the Annual Report and Service Plan.

The HR Employee Relations Team can give updates on policy information, giving regular reviews and presentations to individuals or teams.

Trade union officials also need information about:

- time off for trade union duties and activities (see section 2.8);
- access to management, members, potential members and new employees; and
- collection of union dues or subscriptions.

2.4.2 Information for consultation

The European Union Directive 2002/14/EC for informing and consulting employees gives employees the right to be:

- informed about the Service's economic situation;
- informed and consulted about the Service's employment prospects; and
- informed and consulted about decisions likely to lead to substantial changes in work organisation or contractual relations, including redundancies and transfers.

It also states that employers have a legal responsibility to consult with employees, with a view to reaching agreement, on:

- health and safety;
- redundancies – if it is proposed to dismiss 20 or more employees at one establishment over a period of 90 days or less including discussion on avoiding or reducing redundancies;
- business transfers – transfer of a business under The Transfer of Undertakings (Protection of Employment) Regulations (TUPE);
- works councils – or equivalent procedure to provide information and consultation for the entire workforce; and
- occupational pensions – providing employees with information and communication on financial participation and economic awareness about pension schemes and consulting on a regular basis.

2.4.3 Information for collective bargaining

The Trade Union and Labour Relations (Consolidation) Act 1992, Sections 181 and 182, imposes a duty on employers, who recognise a trade union, to disclose information requested by a union representative for the purposes of collective bargaining. There is no legal obligation for an employer to disclose any specific piece of information, but there is a general duty to disclose information in harmony with good employee relations practice.

The information must be in the employer's possession and the trade union should state as precisely as possible the information they require and confirm their request in writing. The employer does not have to produce original documents or information that would contravene security, confidentiality or cause injury, nor does the employer have to go to unreasonable expense. Any refusal to provide information will be explained clearly by the employer.

Providing relevant information helps the process of constructive negotiation, and the employer will endeavour to be as open and helpful as possible in giving trade unions the information they need. Trade unions should try to co-ordinate requests wherever possible.

If a trade union thinks the employer has failed in its duty to provide information, it can complain to the Central Arbitration Committee (CAC). The CAC is an independent body adjudicating on applications relating to the recognition and derecognition of trade unions.

The types of information for collective bargaining depend on the subject matter and the issues raised, but some examples are:

- pay and benefits - job evaluation systems and grading criteria; earnings and hours, out-workers and home-workers, total pay bill, fringe benefits;
- conditions of service – policies and procedures;
- workforce planning – numbers employed, absenteeism, overtime, planned changes in work methods;
- performance – productivity and efficiency data; and
- finance – cost structures, sources of earnings, assets, liabilities, financial assistance, loans, interest.

2.5 How do we communicate?

To be effective, employee communications must be:

- clear, concise, understandable;
- objective;
- in a manageable form;
- regular;
- relevant, local and timely; and
- open to questioning.

It is important to remember that just because information is 'sent' does not mean it is also 'received' and that communication from employees to managers is important to the organisation and employees should therefore acknowledge such information.

Please see Standing Order 1/24 Communications Strategy for details of communication methods within WMFS.

2.6 How do we consult?

The purpose of consultation between the employer, the employees and trade union representatives is to reach agreement in a respectful, transparent and timely manner with recognition of our common interests.

Consultation is an integral part of day-to-day management. It can be through informal discussions with individual members of staff to more formalised group meetings or seminars. It should take place at the appropriate level of the organisation, for example, if the issue is a corporate matter, it is dealt with at a corporate level.

Consultation starts at the earliest opportunity, involving employees and trade union representatives in the development of new projects or policies or in the consideration of

changes, and before any final decision is made. The employer endeavours to consult widely, but at times may only be able to consult with trade union representatives, because of timescales and the nature of the issue or change.

The employer will consider proposals put forward by the employee representatives and if there are times when the employer is unable to agree, the reasons will be clearly stated. The employer has the right to implement the notified changes even if agreement from one or more of the representative bodies has not been reached.

2.6.1 Confidentiality

The employer provides all relevant, non-confidential information to trade union representatives, so that constructive and meaningful consultation can take place. Sometimes confidential and/or sensitive information may be given to trade union representatives and managers to aid consultation. Members of the consultation group will be asked to respect the confidential nature of this information and not to share it outside the meeting.

2.6.2 Timescale

All consultations (see 2.6) will have an appropriate timescale agreed at the beginning and to which all parties agree to adhere. Consultation will end when there is agreement or when the issues not agreed have been fully responded to. If one party wishes to bring in external help, it must seek the agreement of the other parties, but no one should unreasonably refuse such a request.

2.6.3 Joint working parties

Joint working parties (JWP) are ad hoc arrangements, set up to consider specific issues and identify appropriate actions to resolve, for example, attendance rates. The emphasis is on managers and trade union representatives working together to understand issues and overcome common problems in a non-confrontational way. Once the issue has been considered recommendations can be made to the Joint Consultative Committee (JCC).

The size and make up of the JWP depends on the subject to be discussed, but it is important to keep the meetings small, so that everyone can be fully involved in the discussions, and have a representative cross section of the groups directly concerned with the issue, reflecting the Authority's core values. Sometimes an independent facilitator may be invited to attend to help the parties work together more productively.

Meetings are usually held more frequently to keep momentum going, so meetings can be held weekly or fortnightly to facilitate progress on the issue.

2.6.4 Informal meetings

These can be held between employee representatives and managers, or between employees and trade union representatives, to discuss local issues as they arise. An informal meeting can take place as and when needed at section or station level so that employee representatives have a facility to raise matters. Managers or employees with knowledge of particular issues may be invited to attend if necessary. It is important that the issues from these meetings, though informal, are followed through and communicated to the necessary bodies, and referred to the JCC. It is strongly recommended that a member of the HR Employee Relations team is contacted prior to informal and formal consultations to provide the necessary advice guidance to ensure consistency.

2.6.5 Joint Consultative Committee

The JCC is the formal consultative meeting in the organisation. It is the corporate level of the organisation's consultation mechanism. It is where new initiatives or amendments to correct practices are agreed and formally recorded. Ideally, the role of the JCC is to sign off information and decisions that have been discussed previously within the organisation's consultative mechanisms.

The Committee is made up of a representative of Corporate Board, a member of the HR Employee Relations team, trade union representatives and advisors called as and when necessary. The Committee meets informally or formally every two weeks. The constitution, which has been agreed with the trade unions, lays down the rules and procedures that govern the Committee.

2.6.6 Joint Consultative Panel

The Joint Consultative Panel (JCP) is the highest consultative body within WMFS.

The JCP acts as the appeal body of the employer and considers and makes recommendations to the employer on any matter referred to it.

2.7 Negotiation

Negotiation should be used for matters subject to collective agreement between the Fire Authority and recognised trade unions. The objective is to resolve issues jointly.

Issues should be dealt with at the appropriate level but issues of a corporate nature should be dealt with at corporate level at first instance.

2.7.1 Confidentiality

The employer provides all relevant information to trade union representatives, so that constructive and meaningful negotiation can take place. Sometimes confidential and/or sensitive information may be given to trade union representatives and managers to aid in dealing with any issue. Members of the negotiation group will be asked to respect the confidential nature of this information and not to share it outside the meeting.

2.7.2 Timescales

Any negotiations will have an appropriate timescale agreed which has been jointly agreed to which all parties should comply with.

2.7.3 Collective bargaining

Collective bargaining is the process by which employers and recognised trade unions seek to reach agreement on issues such as pay and terms and conditions of employment. In consultation the responsibility for decision making remains with the employer, however, the employer will give genuine and thoughtful consideration to the trade unions when considering consultation. In collective bargaining both the employer and the trade unions take responsibility for fulfilling the bargain.

2.8 Trade Union facilities

Under the Trade Union and Labour Relations (Consolidation) Act 1992, trade union officials have a statutory right to reasonable paid time off to carry out trade union duties and to undertake trade union training. They also have a statutory right to reasonable unpaid time off when taking part in trade union activities.

Trade union duties should relate to the official's own employer.

Under Employment Act 2002, union learning representatives also have the statutory right to take paid time off during working hours to carry out their duties and attend relevant training.

This agreement is in accordance with the ACAS Code of Practice 'Time off for Trade Union Duties and Activities'.

2.8.1 Who is an official?

An official is an employee who has been elected or appointed in accordance with the rules of the trade union to be a representative of all or some of its members in WMFS.

2.8.2 Time off provisions

Time off for trade union duties will not be unreasonably refused, as long as the person balances the duties of their job with their trade union duties. All time off is subject to the needs of the Service and must be with the prior permission of the manager. Unless exceptional circumstances apply, any request shall be made no less than 7 days in advance.

Time off should be recorded by the representative on the form available on QuickForms, detailing date, time, duration and nature of duties. The form should be given to the representative's line manager each month, together with any known commitments. A copy will be signed by the manager and given to the trade union for their own records.

2.8.3 Time off for trade union duties

Trade union duties are those related to consultation, negotiations or the performance of functions, for example; to prepare for negotiations, inform members of progress, explain outcomes to members, to prepare for meetings with the employer.

It is recognised that trade union officials need to consult with their members before and after meetings with management.

Trade union officials can take reasonable time off for duties dealing with negotiations, or for other duties connected with WMFS, such as:

- terms and conditions of employment or physical work conditions, for example, pay, working hours, training needs, equality and diversity;
- engagement or non-engagement, the termination or suspension of employment or duties, of one or more workers, for example, redundancy;
- allocation of work or duties, for example, job evaluation, flexible working;
- discipline or grievance matters, for example, representing members at hearings, acting as a witness;
- trade union membership, for example, induction of new workers;
- negotiation and consultation procedures, for example, joint consultation, communicating with members or other union officials, collective bargaining;
- attendance at meetings arranged by management, for example, Joint Consultative Committee, working parties, health and safety committee;
- attend committees, forums or meetings agreed by employer and trade unions. These may include meetings that are outside of the WMFS; and
- this is not an exhaustive list please refer to the HR Employee Relations Team who will consult with the recognised trade unions officials.

2.8.4 Time off for trade union training

Trade Union officials are given reasonable, paid time off to attend training relevant to their trade union duties and role, such as employment relations, collective bargaining, representation and negotiation skills, equality and diversity and legislative change (this is not an exhaustive list). The training must be approved by the Trades Union Congress (TUC) or the representative body of which the employee is an official.

There is no statutory requirement to pay for time off where training is taken at a time when the official would not otherwise have been at work. Staff who work part time that undertake training on their days off may, at the manager's discretion, receive either paid overtime or time off in lieu.

2.8.5 Who is a member of a trade union?

A trade union member is an individual who subscribes to a recognised trade union.

2.8.6 Time off for trade union activities

The activities of a trade union member can be, for example:

- attending workplace meetings to discuss and vote on the outcome of negotiations with the employer;
- meeting trade union officials to discuss issues relevant to the workplace; and
- voting in union elections.

Reasonable time off will be given for members taking part in trade union activities in relation to which the employee is acting as a representative of the trade union. This time will be unpaid, however, in exceptional circumstances payment may be considered.

There is no right to time off paid or unpaid for trade union activities which consist of industrial action.

2.8.7 Union learning representatives

Union learning representatives are entitled to reasonable time off to carry out the following duties:

- analysing learning or training needs;
- providing information and advice about learning or training matters;
- arranging learning or training;
- promoting the value of learning or training;
- consulting management about undertaking such activities;
- preparation to carry out the activities; and
- undergoing relevant training.

Union learning representatives must be sufficiently trained in order to qualify for paid time off. Training should commence when the trade union gives notice in writing to management that they are to become a learning representative. Training should be completed within six months of that date. Trade union should give details of completed training; any previous training will be taken into account.

Reasonable time off is considered for further training to help union learning representatives develop their skills and competencies (refer to 2.8.4).

2.8.8 Health and safety representatives

The WMFS will provide reasonable time off with pay to health and safety representatives undertaking health and safety duties in accordance with the safety representatives and Safety Committees Regulations and provide necessary facilities and assistance in undertaking their duties. Time off must be requested by the relevant trade union official via line management. Training of trade union safety representatives will be carried out by the relevant union.

The Safety, Health and Environmental (SHE) Team must be informed in writing of any such appointment and will provide guidance and training commensurate with the role. See also Standing Order 19/01 Consultation.

2.8.9 Disciplinary and grievance hearings

Trade union officials are statutorily entitled to take a reasonable amount of paid time off to prepare and accompany an employee at a disciplinary or grievance hearing, as long as they have been authorised by their trade union as being capable of acting as an employee's companion.

The right to time off extends to the employee's representative whether they belong to a recognised trade union or not. However, the worker being accompanied must be

employed by the WMFS. Occasionally, regional or sectional officials have a duty to represent people in other Fire Authorities. WMFS recognises that this is a reciprocal arrangement with other Services and will give time off for these occasions.

2.8.10 Notification of officials

An official from the trade union must inform the Director, Human Resources, in writing, as soon as possible of appointments or resignations of trade union officials. They should also give details of any special duties that the official undertakes, which includes national, regional, sectional, brigade, borough and branch duties and others as required, such as environmental.

Trade unions should make sure that officials are aware of their role, responsibilities and duties, that they hold the correct written credentials and receive necessary training promptly.

It is the role of the HR Employee Relations Team to inform managers when their staff become elected officials, so they know that time off should be considered when requested.

2.8.11 Physical facilities

It is important that facilities are available to trade union representatives to help them carry out their duties and deal with local issues. WMFS will make available the facilities necessary for officials to perform their duties efficiently and communicate effectively.

Where resources permit, these facilities will include: office accommodation for full time officials; access to and reasonable use of a telephone and other office equipment, the use of notice boards, reasonable use of e-mail and intranet.

The trade union can provide their own communications and copying facilities where requested, this has to be compatible with current technical systems in place.

WMFS reserves the right to monitor levels of usage and will review annually to determine if any changes need to be made.

2.8.12 Commitment of officials

Trade Union officials should carry out duties for the benefit of, and within, WMFS only. However, it is recognised that, on occasions, they will be required to attend area, regional, national, sectional or organisational meetings.

Records of planned or actual duties and training should be submitted to the representative's substantive line manager.

The representative's line manager is responsible for the day to day line management of full time officials for example sickness reporting, annual leave requests, continuous professional development, appraisal and competency training for their respective jobs.

The role of a full time/part time official will be subject to annual review. The organisation will determine the criteria for what constitutes a full time official.

2.9 Monitoring and review

It is important to make sure that employee communications and consultation policies and procedures are working and to see if there are ways in which they can be improved. Therefore they should be regularly monitored, particularly to make sure that:

- those communicating and consulting know their roles;
- employees are regularly consulted on matters of interest to them;
- information is appropriate and reaches the required audience;
- information is accepted and understood;
- the policies and procedures bring the desired results; and

- practice matches policy.

Monitoring and review should also involve employee representatives. A Joint Working Party (JWP) can carry out an audit on communications and consultation. An audit should take into account:

- how engaged employees are;
- level of involvement by senior management;
- quality of decision making by managers;
- attendance and turnover levels; and
- cost effectiveness.

3. CROSS REFERENCES

Standing Order 1/2 Orders and Strategies

Standing Order 2/1 Disciplinary Procedure

Standing Order 2/2 Grievance Procedure

Standing Order 1/24 Communications Strategy

Standing Order 1/19 E-mail Acceptable Use Policy

Standing Order 19/2 Safety, Health and Environmental Committees

Standing Order 2/20 Whistle Blowing Policy

Freedom of Information Act 2000

Standing Order 19/1 Consultation

NJC CIRCULAR 08/07 – Joint Protocol for Good Industrial Relations In the Fire and Rescue Service

4. KEY CONSULTEES

Operations Commander Solihull

Station Commanders Billesley

Station Commanders Kings Norton

Station Commanders Sheldon

Station Commanders Erdington

Station Commanders Smethwick

Dudley Green

Solihull Purple

Bournbrook Blue

Woodgate Valley White

Aston Red

Equality and Diversity

Safety, Health and Environmental Team

Integrated Risk Management Team

FBU

UNISON

Fire Officers Association
All of the Operations Commander Groups
Management Briefing Group
Human Resources Advisors
Senior Occupational Health Advisor
Equality and Diversity Manager
Assessment and Development Manager
Chief's Policy Advisor
Word Processing Unit

5. EQUALITY IMPACT ASSESSMENTS

An Initial Impact Assessment has been carried out which found that no adverse impact would be created by the implementation of this policy.

6. OWNERSHIP

This Standing Order did not require Corporate board or Authority approval.

7. RESPONSIBILITY AND REVIEW

7.1 Responsible Corporate Board Member/Department

Director, Human Resources

7.2 Created/fully reviewed/amended

This Standing Order has been created by the HR Officer, Employee Relations Team, in August 2009.