

# TONBRIDGE & MALLING BOROUGH COUNCIL

## GENERAL PURPOSES COMMITTEE

20 November 2017

### Report of the Director of Central Services

#### Part 1- Public

#### Matters for Recommendation to Council

#### **1 IMPLICATIONS FOR TONBRIDGE & MALLING BOROUGH COUNCIL OF THE TRADE UNION ACT 2016**

**This report advises Members of the actions that the Council is required to take in response to the Trade Union Act 2016, and recommends that the statutory tables reporting on Trade Union “Facility Time” are incorporated in future “HR Strategy Update” reports.**

#### **1.1 Introduction**

1.1.1 The Trade Union Act 2016 amends the Trade Union and Labour Relations (Consolidation) Act 1992. The amendments increase ballot thresholds, introduce new information and timing requirements in relation to industrial action and impose legal requirements on unions for the supervision of picketing. In relation to the public sector, the Act introduces a requirement for unions to make a reasonable payment to employers for deducting union subscriptions from salaries and making them over to unions (referred to as DOCAS – deduction of contributions at source). The Act also requires the Council to publish certain information relating to time taken off by trade union officials employed by the Council for trade union duties and activities (referred to as Facility Time).

1.1.2 This report advises Members of the arrangements that the Council intends to put in place in response to the new requirements for DOCAS and Facility Time.

#### **1.2 DOCAS**

1.2.1 The legislation enables the Council to continue operating a check off system providing arrangements have been made for the union to make a reasonable payment to the employer in respect of its operation of the check off system.

1.2.2 The Council is currently in negotiation with Unison concerning the level of payment, and is confident that it will have reached agreement by 10 March 2018 when the Trade Union (Deduction of Union Subscriptions from Wages in the Public Sector) Regulations 2017 are due to come into force.

- 1.2.3 The anticipated payment received for DOCAS will generate a small income of approximately £300 per year.

### **1.3 Facility Time**

- 1.3.1 The Trade Union (Facility Time Publication Requirements) Regulations 2017 came into force on 1 April 2017 and require the Council to publish certain information for the 12 month period beginning 1 April 2017.
- 1.3.2 Facility time is time that is taken off by a trade union official to carry out a range of trade union activities including, the duties of a learning representative, accompanying a worker to a disciplinary, capability or grievance hearing, and carrying out the duties of a safety representative.
- 1.3.3 The information must be published in the form of tables. Table 1 – “Relevant union officials” will specify the number of employees who were union officials during the relevant reporting period, with a full time equivalent employee number also provided. Table 2 – “Percentage of time spent on facility time” will specify the percentage of their working hours spent by employees who were union officials on facility time in multiples of 0%, 1 – 50%, 51 – 99% and 100%. Table 3 – “Percentage of pay bill spent on facility time” requires the Council to provide the figures for the total cost of facility time, and, its total pay bill. Table 4 – will stipulate “the number of hours spent by union officials on paid trade union activities as a percentage of total paid facility time hours”.
- 1.3.4 It is **RECOMMENDED** that the tables containing the statutory information are included in the annual HR Strategy update report, which will next be considered by the June 2018 meeting of this Committee. This will allow sufficient time for the information to be published on the Council’s website before the required date of 31 July 2018. The information must also be included in the annual report.

### **1.4 Legal Implications**

- 1.4.1 The steps outlined above will ensure that the Council is compliant with the Trade Union Act 2016, the Trade Union Act 2016 (Commencement No 3 and Transitional) Regulations 2017, and the Trade Union (Deduction of Union subscriptions from Wages in the Public Sector) Regulations 2017.

### **1.5 Financial and Value for Money Considerations**

- 1.5.1 The Council is seeking to reach a check off arrangement whereby the cost of deducting union subscriptions is in the region of 2.5% of union deductions, which would be in line with the industry standard for such payments.

### **1.6 Risk Assessment**

- 1.6.1 The Council is seeking to mitigate risk by complying with the relevant legislation.

### **1.7 Equality Impact Assessment**

1.7.1 The recommendation in Section 1:3:2 of this report has no relevance to the substance of the Equality Act 2010.

## **1.8 Policy Considerations**

1.8.1 HR

## **1.9 Recommendations**

1.9.1 The Committee is commended to note the implications of the Trade Union Act 2016, and to recommend to Council the inclusion of the Facility Time Monitoring Tables in the annual HR Strategy Update.

Background papers:

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Nil

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