

JOINT NEGOTIATING COMMITTEE

MONDAY 8 DECEMBER 2014

MINUTES OF THE MEETING

Attending:

Councillors: Adeleke, B Chapman, and G Sutton (Vice-Chairman).

Trade Union: Will Cherry (Chairman), Nalin Cooke, William O’Gorman, Christopher Plested and Roger Wallage.

Officers: Paul O’Day, Corporate Health and Safety Officer; Anne Stunell, Human Resources Team Leader and Pat Duff, Member Support Officer (Minutes).

The meeting began at 6.38 pm

1. APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor McLean.

2. MINUTES

The minutes of the meeting held on 8 September 2014 were agreed by the members present and signed by the Chairman.

3. MATTERS ARISING

None.

4. HEALTH AND SAFETY UPDATE

Paul O’Day, the Corporate Health and Safety Officer, summarised his report and gave the following updates:

First Aid Provision at the Civic Centre:

Two three-day courses and one one-day course had been booked to take place in the Old Town Hall cellar bar.

Fire Warden Training:

A fire drill had recently taken place and all personnel were out of the Civic Centre within 7 minutes. The aim was to get everybody out of the Civic Centre and at the assembly points within 3 minutes. Some lessons needed to be learned.

Evacuation Chair Personnel:

To encourage volunteers there would be a demonstration on 15 December at 11.00 am on the second floor. Emails would be sent round asking people to attend. Other sites would be dealt with.

Level 2 Principles of Health and Safety Risk Assessment:

The courses in December and January were now fully booked. Two further courses were planned for next year, in February and May and would be advertised on EIS to enable staff to book themselves on.

DES/Workstation Assessments:

This was causing some concern but the software would enable people to complete assessments on line.

Health and Safety Action Plan:

The Corporate Health and Safety Committee had been resurrected, the terms of reference agreed and was meeting monthly.

A Health and Safety Assistant was being appointed so that the Corporate Health and Safety Officer could concentrate on the strategic issues. Interviews would be held on 9 December. This post had been advertised internally with no success and then externally.

Vaccination: Waste Services and Clean, Safe and Green had been well provided for. The cleaning side would be encouraged to participate.

Councillor G Sutton asked if the new Corporate Health and Safety Committee could admit a councillor to its membership to observe.

W Cherry said the Council had a Corporate Health and Safety Committee up until September. It was a joint committee as advised by Health and Safety Regulations and only ended because management did not bother to attend. The unions represented the employees who were abused by the public and had the most difficulties and brought the major issues to management. The union had been pushed out of this committee and there was now another barrier between the employees and management. The union did not have enough input into the main Health and Safety Committee. Everybody needed to know what was going on.

P O'Day said Jim Doyle was on the committee and could liaise with the unions. The unions had a sub-group which would feed into the main committee.

Councillor H Chapman moved that the Corporate Health and Safety Committee should have a balance of representation from both unions and members.

This was seconded by Councillor G Sutton.

N Cooke asked the committee to endorse these comments and send them to the Health and Safety Officer.

Councillor Adeleke suggested the level of training for fire wardens should be scaled down. When the new move takes place, a whole new programme would be needed.

P O'Day said fire warden training was done in-house to explain the escape routes throughout the building and the assembly points. The reason for more training was that there was now greater flexibility with the workforce with hot desking and home working.

Councillor H Chapman referred to the Accident and Incident Management System and asked what the timescale was for this.

P O'Day said it was an add-on to the current software and would record how much time off people had. Data recording would start in April 2015.

ACTION

The union to write to the Chairman of the Corporate Health and Safety Committee with any concerns about membership of that committee.

Vote

For: Unanimous

RESOLVED

That the Corporate Health and Safety Committee be advised that this committee believes the Corporate Health and Safety Committee should be a Joint Health and Safety Committee.

5. TIME OFF FOR TRAINING

N Cooke said there was concern in the Unison branch regarding members being allowed time off for training. It was a legal requirement for union activists to have training in order to be able to do their jobs properly. Some requests had not been approved and one member had to take annual leave to do the training. Unison used to have full time release and there was a commitment when that ended that the Council would support training and the development of new stewards to represent members' interests. This had been a big problem. The union wanted the committee to:

1. Express its support and commitment for the Council to continue to allow employees time off to attend Unison training in order to have well trained people to represent staff.
2. That HR be requested to look into reinstating leave used by a member for Unison training.

A Stunell said she had spoken to the Group Manager People who had met with W O'Gorman. Guidelines were on Sharepoint detailing how these leave requests should be made. As far as the Council was concerned trade unions should have time off for training.

The Group Manager People had requested details of how much training had taken place over the last few years. When N Devlin stepped down the commitment was that the Council would support 3 days training. The training now took 5 days. The Group Manager People wanted to know what the training was, why it had increased from 3 days to 5 days and how many union representatives there were across the Council.

A Stunell said the person who had asked for 5 days training leave had given very short notice and it had been turned down for operational reasons.

W Cherry said up until recently all union training courses were 3 days. The training structure then changed to enable people to get open college points. All courses were now run by local further education colleges who had stipulated that in order to clarify for the points all courses had to be 5 days. The unions did express concerns about that.

A Stunell said there could be a problem with people having 5 days off at once. When N Devlin left 3 days training was agreed. Nobody had been informed about the increase to 5 days.

N Cooke said the manager who refused the leave gave the reason that there were too many stewards. N Cooke had written to the Group Manager People to express concern about the reason given. There was a general unhappiness about the approach of the Council regarding time off for training and asked the JNC to support training. There had to be a good reason for not releasing someone for training. No response had been received from the Group Manager People.

Councillor Adeleke asked if there was a proper ruling and guidelines on this procedure.

A Stunell said the policy, including all forms, was on Sharepoint and it had been reviewed last year. The understanding was that 3 days training may be needed and then refresher courses. There were a lot of representatives at Cupid Green and this was having an impact on running the service.

N Cooke said the concern was regarding the general point of leave for training. Hopefully in the future people would not need 5 days training as the union was trying to tailor it to the needs of the workforce.

N Cooke said recruitment of stewards was difficult and there could be 2 – 3 people per year. There was nobody in the Civic Centre. There could be flexibility within the 5 training days.

C Plested said, although there were a lot of union representatives at Cupid Green, some would be supporting staff at the Civic Centre.

N Cooke said he had responsibility for all local authorities in Hertfordshire and looked at the needs of councils and stewards. It was hoped that future training would be for 2 – 3 days and there would probably be 3 – 4 people maximum requiring the training.

A Stunell suggested that this should not wait until the next JNC and asked Unison to give her the information.

ACTION:

1. Unison to give A Stunell information regarding the number of employees past and future affected/requiring training, how much training had taken place over the last few years, what the training was, why it had increased from 3 days to 5 days and how many union representatives there were across the Council – **Unison**.
2. N Cooke to speak to the Group Manager People and report back to the March meeting if there were any issues – **N Cooke/M Rawdon**.

6. INDUSTRIAL INJURIES

N Cooke said there was concern about how the Council's Sickness Absence Scheme was being implemented. If somebody sustained an injury at work and was absent above a certain threshold, a manager could penalise that person by not paying sick pay. There were two main concerns:

1. Suspicion that because of the discretionary nature of the decision to pay sick leave it was not being applied fairly across the Council.
2. Concern that this was a factor within the Sickness Management Scheme. If somebody was sick they should be paid.

A Stunell said the current policy says the procedure should be used for all cases of sickness, including industrial injury. The manager must discuss cases with HR and with the Corporate Health and Safety Officer.

A Stunell then read out from a paper that had been agreed with E Gomez and W O’Gorman. This paper was about how to apply the Sickness Absence Policy, including industrial injury.

A Stunell understood from speaking with the Group Manager People this paper had been agreed with the Union.

Councillor H Chapman suggested that any agreements should be dated and should have a review date on them.

A Stunell said she would find out the date of signing of the agreement and the review date. The Group Manager People had said this was an acknowledgement that a proper investigation would need to be done when there was an industrial injury.

R Wallage expressed concern that it was a management decision as to whether an injury should be classed as industrial or not. There was no paperwork to show how these decisions were made.

A Stunell said there were not a lot of industrial injuries but if one person had more than one industrial injury, training would need to be investigated.

W Cherry said he had attended an accident investigation course and could help with investigations.

ACTION:

The paper to be circulated to members of the committee – **A Stunell.**

7. DISABILITY LEAVE POLICY

W Cherry said there were two ongoing cases of discrimination against people with disabilities. There should be a proper Disability Leave Policy. The proposal was to work with this draft model agreement that allows people with disability to take time off for treatment.

A Stunell referred to the Sickness Absence Procedures. Under the Equality Act the triggers were not the same as for people with a disability, they were double. This was already in the Sickness Absence Procedure. Other authorities had been consulted regarding having a separate Disability Leave Policy. The Council did everything possible to support people with disabilities and HR did not think they were being discriminated against.

If somebody hit the trigger they would be sent to see Occupational Health. If there were two events within a certain time, HR would meet with them and send them to Occupational Health. Staff were always asked if they were covered under the

Equalities Act. A separate policy would not add any benefits and this was covered within the Sickness Absence Policy.

W Cherry suggested DBC should be the lead council for once and should take the lead in improving the lives of the disabled.

N Cooke asked if this document had been looked at and if the Council was comfortable with what was included in it and if there was enough protection in the current policy.

A Stunell said she had looked to see if it was similar to the Council's Sickness Absence Policy. The Council did make reasonable adjustments and the current policy was sufficient.

N Cooke suggested that W Cherry and another person could sit down and look at both policies.

A Stunell said the Council's current policy covered this but would be happy to meet and talk about it.

Councillor H Chapman said this needed careful consideration and referred to paragraphs 5.4 and 3.6 of the agreement which could mean that someone could be employed and not disclose their disability and then the Council would have to transfer them to another job because of the disability.

A Stunell said that was covered in the Sickness Absence Policy. New employees were asked to complete an on-line questionnaire. Human Resources submit the job description to Occupational Health so that they can review the questionnaire against it and suggest reasonable adjustments if the employee is covered under the Equality Act where necessary. Under the Equality Act the Council could not ask for sickness records from previous employers.

Councillor Adeleke asked if the Council had its own Disability Policy in place.

A Stunell said the Council did not have a Disability Policy, this was covered under the Sickness Absence Management and other policies. The Council did not have separate policies for people who came under the Equality Act.

ACTION:

W Cherry and A Stunell to meet to discuss the draft Agreement on Disability Leave – **W Cherry/A Stunell.**

8. ANY OTHER BUSINESS/FUTURE AGENDA ITEMS

The following items to be considered at the next meeting:

- Health and Safety Update – P O'Day
- Time Off for Training – N Cooke

8. DATES OF FUTURE MEETINGS

Meeting Date – start time 6.30 pm	Date agenda to be circulated
Monday 2 March 2015	Monday 9 February 2015

8 June 2015	18 May 2015
7 September 2015	17 August 2015
7 December 2015	16 November 2015
7 March 2016	15 February 2015

This was agreed and noted.

The meeting ended at 8.02 pm.