

Motherwell, 7 December 2000 at 2 pm.

A Meeting of the JOINT CONSULTATIVE COMMITTEE (MANUAL/CRAFT)

PRESENT

Councillors Gordon, Grant, McCallum, Selfridge, Smith and Valentine, and G. Smith, Vice-Convener; A. Fair, AEEU; F. McKay, GMB; I. Gillespie, MSF; R. Power, TGWU; S. Dillon and M. Farrell, UCATT, and K. Campbell and C. Llewellyn, UNISON.

CHAIR

G. Smith (Vice-Convener) presided.

IN ATTENDANCE

The Chief Committee Services Officer, Head of Personnel Services, Chief Personnel Officer, General Manager, Construction Services, Director of Housing and Property Services, Head of Social Work Resources and Expenditure Manager.

APOLOGIES

Councillor McElroy, Convener, and Councillor Saunders; J. Smith and G. Wilmshurst TGWU.

The Vice-Convener exercised his discretion to vary the order of business as hereinafter minuted.

JOINT CONSULTATIVE COMMITTEE (MANUAL/CRAFT) - MINUTE

1. There was submitted a Minute of the Joint Consultative Committee (Manual/Craft) held on 7 September 2000. With reference to the sederunt of the Minute of the Joint Consultative Committee (Manual/Craft) held on 7 September 2000, Councillor Selfridge advised that he had submitted his apologies for the meeting.

The Committee (1) agreed that Councillor Selfridge's name be added to those of Members who had submitted apologies for the meeting of the Joint Consultative Committee (Manual/Craft) held on 7 September 2000, and (2) noted and approved the terms of the Minute.

MATTERS ARISING

(1) DRAFT REVISED CONSTITUTION

2. With reference to paragraph 4 of the Minute of the meeting of this Committee held on 7 September 2000, the Committee agreed (1) that the words "as there was still a number of issues for this Committee to address" be deleted, and (2) that the words "as the core conditions had to be addressed" be added after the word "premature".

(2) HEALTH AND SAFETY COMMITTEE

3. With reference to paragraph 7 of the Minute of the meeting of this Committee held on 7 September 2000 when the Head of Personnel Services advised that a detailed paper setting out a framework for

a Health and Safety Forum was the subject of departmental consultations and would be issued to the trade unions for discussion and consultation in the near future, the trade union representatives requested that the Committee be advised of the progress made with the formation of a Health and Safety Forum. The Head of Personnel Services advised the Committee that the comments from the directors on the detailed paper were being perused by the Personnel Services Division and the proposals would be issued to the trade unions for discussion and consultation in the near future.

(3) FILLING OF VACANCIES

4. With reference to paragraph 9 of the Minute of the meeting of this Committee held on 7 September 2000 when the Head of Personnel Services advised on the filling of vacancies, the trade union representatives questioned whether jobs were being pursued for those employees in the DLO. The Head of Personnel Services advised the Committee that the employees in the DLO were given the opportunity to apply for certain posts on a restricted basis in the first instance and where employees had requested redeployment they would be considered against any vacancies.

The General Manager, Construction Services also advised that employees would be given assistance regarding training and agreed to send a circular to employees explaining the service available.

DRAFT REVISED CONSTITUTION

5. With reference to paragraph 4 of the Minute of the meeting of this Committee held on 7 September 2000 when it was agreed to continue consideration of the report by the Head of Personnel Services on a draft revised constitution to a future meeting of this Committee, there was re-submitted a report dated 1 September 2000 by the Head of Personnel Services regarding a draft revised constitution (1) indicating that the craft operatives would transfer to the new Public Private Partnerships on 1 January 2001; (2) suggesting that one Joint Consultative Committee could represent all employees' interests, excluding teachers; (3) proposing the implementation date for the revised arrangements be the first meeting of the Joint Consultative Committee in 2001, and (4) intimating that the trade union membership of the Joint Consultative Committee required determination.

The Committee agreed to continue consideration of the report by the Head of Personnel Services to a future meeting of this Committee.

JOB EVALUATION

6. The trade union representatives requested that the Job Evaluation Teams include a trade union representative to ensure fair and efficient interview processes. The Head of Personnel Services (1) explained the job evaluation process; (2) confirmed that the trade unions had two places on the Steering Group; (3) indicated that each employee would have the right to be accompanied by a trade union representative at the interview stage; (4) advised the Committee on the appeals procedure to be developed and the timescales for completion of the scheme; (5) intimated that if an employee was in a detrimental position any query by prospective employers could be confirmed by the Council, and (6) informed that briefing seminars would be run on the job evaluation process for Shop Stewards during the following week.

The Committee noted the position on job evaluation.

HOUSING STOCK TRANSFERS

7. The trade union representatives requested that the Committee be advised of the Council position on housing stock transfers. The Director of Housing and Property Services advised (1) that the matter of housing stock transfers had not been formally presented to the Council to allow a strategy to be formulated; (2) that the position of North Lanarkshire Council was different from Glasgow City Council in relation to the debt, and (3) that an option appraisal regarding the condition of housing stock would be reported to the Housing and Property Services Committee next year to consider whether housing transfer was an option for this Council.

USE OF AGENCY EMPLOYEES

8. The trade union representatives requested clarification of the Council position on the use of agency employees to cover permanent posts, particularly in relation to the window factory and the fact that the Council was a big employer of apprentices. The Head of Personnel Services advised the Committee that agency employees would only be used in the Council if a problem with recruitment had been encountered or use of agency staff was appropriate to the specific circumstances and confirmed that the Council had no remit over the window factory in relation to the employees.

The General Manager, Construction Services explained the remit of the Council in relation to the window factory and advised that the Council could bring the concerns of the trade union representatives to the attention of the company at a meeting of shareholders.

The Committee noted the concerns of the trade union representatives regarding the use of agency employees and agreed that if there was a problem the Council could raise the matter in the appropriate forum at a later stage.

PRIVATE FINANCE INITIATIVES/PUBLIC PRIVATE PARTNERSHIPS

9. The trade union representatives requested clarification of the Council position on any additional private finance initiative or public private partnerships for any work outwith the DLO.

The Head of Personnel Services advised the Committee that there was a Working Group examining options for private finance initiatives and that any proposals would be the subject of discussion with the trade unions. Also it was indicated that the Chief Executive wished to reassure members of this Committee (1) that the Council did recognise a level of workload was being transferred to public/private partnerships which had to be sustained, and (2) that if there were proposals for any private finance initiatives or additional public/private partnerships the level of workload involved would require to be taken into account.

The Committee noted that the trade unions would object to any use of private finance initiatives.

PRIVATISATION OF THE TRANSPORT FUNCTION

10. The trade union representatives (1) raised the issue of the use of private companies to undertake the transport function and particularly referred to the Department of Social Work, and (2) expressed concern regarding the maintenance of vehicles in relation to the new public/private partnership and what assurances had been written into the contract document.

The Head of Social Work Resources explained that the Department of Social Work used both internal transport, private bus operators and taxis in the provision of their service and indicated that, following a review, changes in the arrangements had taken place.

The trade union representatives expressed concern regarding the practice being used by the Social Work Department in relation to taxis and the lack of consultation with the trade unions on the changes being introduced.

The Head of Social Work Resources advised that taxis were chosen on an individual basis, normally utilising the Education Department contract, but that the Social Work Department had recognised that a contract with taxi operators may require to be set up.

The General Manager, Construction Services also advised that provision had been made for the Council to maintain all vehicles in relation to the new public/private partnership for the foreseeable future.

TIME OFF FOR TRADE UNION COURSES

11. With reference to paragraph 8 of the Minute of the meeting of this Committee held on 11 May 2000 when it was agreed that details of courses be forwarded to the Head of Personnel Services to allow the matter to be investigated, the trade union representatives raised concerns regarding time off for trade union courses, and requested that procedures and guidance be issued by the Personnel Services Division on the matter. The Head of Personnel Services explained the current procedure on time off for trade union courses, which was fairly broad, and indicated that assistance could be given to departments to overcome any difficulties with the procedure.

The Committee agreed that the Head of Personnel Services issue guidance to Council departments on the procedure for time off for trade union courses and liaise with the trade union representatives regarding the specific problem identified within a Council department.

LACK OF INFORMATION ON PUBLIC/PRIVATE PARTNERSHIPS

12. The trade union representatives (1) requested consideration of the lack of information on public/private partnerships in particular Regulation 10 of TUPE where the employer had a duty to consult on the effects of the transfer to the public/private partnership, and (2) raised a concern regarding a member of staff included on the transfer order who had been advised there was now no place for him.

The General Manager, Construction Services (1) advised the Committee that a number of consultations had taken place regarding the three partnerships although problems had been encountered in the housing partnership; (2) indicated that the Council had gone beyond the duty required of it under Regulation 10 of TUPE; (3) explained the transfer of employee position under TUPE and the commitment of the new employer to retain full employment for all staff transferring, and (4) agreed to liaise with the trade union representatives to investigate the case of the individual worker identified.

DEPOTS AND DISPLACED EMPLOYEES

13. The trade union representatives (1) raised health and safety concerns regarding the closing of depots and the resultant increase in the loading of vans outside depots, particularly referring to the situation at Souterhouse Depot, Coatbridge, and (2) requested information as to the depots to which employees would be displaced.

The General Manager, Construction Services (1) advised that the loading at depots would be a short term problem until disaggregation had been completed but indicated that the business had to be operated in a safe manner and it would be monitored by the Operational Manager, and (2) intimated that the information as to the depots to which employees would be displaced to was not yet available.

CHANGES TO THE DLO - UNRESOLVED PARTNERSHIP ISSUES

14. The trade union representatives raised the issue of the pension scheme being used for the window factory employees and referred to the transfer to the public/private partnerships and the need to transfer to a comparable pension scheme.

The Head of Personnel Services advised the Committee that the window factory had not been set up on the basis of a comparable pension scheme but there was a requirement in the transfer to the public/private partnerships to transfer to a comparable pension scheme.

Following discussion, the Committee agreed that Mr. Steven Dillon consult with the General Manager, Construction Services on the pension scheme, and thereafter, if the problem had not been resolved approach the Head of Personnel Services on the matter.

COUNCIL BUDGET FOR 2001/2002

15. The trade union representatives requested that the Council work together with the trade unions in the budget process for 2001/2002. The Head of Personnel Services (1) explained the problems associated with the consultation with the trade unions on the budget for the year 2000/2001 which had been mainly due to the lateness of the financial settlement figure; (2) advised that figures for this year were expected shortly which would allow meaningful discussions with the trade unions on the details of the savings, and (3) indicated that as part of the budget process any personnel implications would be identified to enable consideration of the need for any submission to the Department of Trade and Industry of possible redundancies.

The Committee noted the position on the Council budget for 2001/2002.

PAYROLL RATIONALISATION

16. With reference to paragraph 1 of the Minute of the meeting of this Committee held on 12 October 2000 when the request to include an item on payroll rationalisation was refused, the trade union representatives requested that the Committee be advised of the Council position on payroll rationalisation, particularly due to the fact that there was no agreement with the trade unions and changes had been implemented by the Department of Finance which were causing difficulties for employees. The Expenditure Manager explained that the only manual payrun to be moved went without incident or complaint and there had been no contractual issues in that movement of the payrun.

The Committee noted the position.

PAYMENT OF SICK PAY

17. The trade union representatives raised the issue of the Council not paying sick pay to those employees below the national insurance threshold for statutory sick pay prior to the Department of Social Security (DSS) processing the necessary forms, highlighting the hardship this was causing

employees and requesting that the Council review its procedures, to continue to pay the wages of these employees and, if appropriate, reclaim any overpayment made.

The Expenditure Manager explained that the procedure of the Council in these circumstances was to deduct the basic rate of sickness benefit as in most cases the employee would be entitled to sickness benefit, and thereafter correct any differences when the DSS form was received.

The Committee agreed that the Head of Revenue Services investigate the reason for the delay in receiving information from the DSS in an effort to resolve the problem.

LATE SUPPLY OF WAGE DOCKETS

18. The trade union representatives advised that, despite the intervention of the Head of Personnel Services when the issue had been previously raised, problems were still being experienced regarding the late receipt of wage dockets and referred particularly to cleaners who had problems obtaining wage dockets over the school holiday period.

The Head of Personnel Services advised the Committee (1) that the matter appeared to be a problem in more than one department; (2) that the matter would be raised at the Payroll Forum and Personnel Practitioners Forum in an attempt to resolve the problem, and (3) that the issue would be raised with the Chief Executive to advise Directors of the problems encountered.

PENSIONS

19. The trade union representatives requested consideration of the pension situation related to admitted body status and advised that in Norwich and Liverpool following public/private partnership the partners had entered into admitted body status with the full backing of the Councils.

The Head of Personnel Services advised the Committee (1) that the Council could not legally require any of the partners to enter into admitted body status although each party had the opportunity to seek such status or to provide comparable pension benefits, and (2) that there would be requirements of entering into admitted body status that could be detrimental to the partnerships.

The General Manager, Construction Services advised the Committee (a) that the English Authorities were not the same as North Lanarkshire; (b) that Strathclyde Pension Fund had been advised of the number of people transferring into the private sector and would be aware of the impact it would have on the fund, and (c) that the government actuaries had agreed that the scheme was comparable but if the Council felt the scheme was not comparable the new companies would be asked to address the shortfall.

The Committee noted the position.

PAY AND CONDITIONS

20. The trade union representatives asked if pay and conditions in the new partnerships would still be negotiated by the Convention of Scottish Local Authorities. The Head of Personnel Services advised the Committee that the transfer to the new employers would be under TUPE with conditions intact and if the new employers wished to change any conditions that they would require to enter into negotiations with the trade unions.

UNRESOLVED DISPUTES - INTERIM AGREEMENTS

21. The trade union representatives requested clarification of the position of unresolved disputes in relation to travel, the bonus scheme and Saturday morning pay and interim agreements thereon when employees transferred to the new partnerships. The General Manager, Construction Services advised the Committee that the Council's intention would be to resolve as many issues as possible prior to transfer but that if any matter was in dispute it would transfer as a dispute for the partnership to resolve. The Head of Personnel Services advised the Committee that if the matter involved an industrial tribunal it would depend on the particular issue whether the Council or the new employer would attend.

RETIRAL OF THE VICE-CONVENER OF THIS COMMITTEE

(1) VICE-CONVENER OF THIS COMMITTEE

22. The Head of Personnel Services advised the Committee that as the Vice-Convener was retiring the trade union side would require to nominate a replacement as Vice-Convener of this Committee.

The trade union representatives indicated that they would consider the matter and advise the Head of Personnel Services of the replacement at a later date.

(2) VALEDICTORY REMARKS

23. The Head of Personnel Services announced that this would be the last meeting attended by the Vice-Convener, George Smith, GMB who would be leaving the Council's service and extended her thanks to him for his commitment to public service and wished him well in his retirement.

The Vice-Convener took the opportunity to extend his thanks (1) to the Director of Administration and his staff for the assistance given since the inception of the Council, and (2) to the members of the Joint Consultative Committees for their support and assistance over the years.

Thereon a small gift was presented to Mr. Smith by the Head of Personnel Services to mark his retiral and in recognition of his service to the Joint Consultative Committee.

The Vice-Convener being of the opinion that the following item of business was of an urgent nature authorised its consideration to inform members timeously.

TIMETABLE OF MEETINGS FOR JOINT CONSULTATIVE COMMITTEE (APT and C) AND JOINT CONSULTATIVE COMMITTEE (MANUAL/CRAFT)

24. There was submitted and noted a timetable of meetings as detailed below for the Joint Consultative Committee (APT and C) and the Joint Consultative Committee (Manual/Craft) to be held during the coming year:-

JOINT CONSULTATIVE COMMITTEE (MANUAL/CRAFT) - 7 December 2000

Thursday, 8 February 2001	10 am 2 pm	JCC (Manual/Craft) JCC (APT and C)
Thursday, 7 June 2001	10 am 2 pm	JCC (APT and C) JCC (Manual/Craft)
Thursday, 6 September 2001	10 am 2 pm	JCC (Manual/Craft) JCC (APT and C)
Thursday, 8 November 2001	10 am 2 pm	JCC (APT and C) JCC (Manual/Craft)