

EXETER CITY COUNCIL

**SCRUTINY RESOURCES
19 JUNE 2013**

**EXECUTIVE
1 JULY 2013**

**COUNCIL
16 JULY 2013**

CONSULTATION & NEGOTIATION FRAMEWORK

1. PURPOSE OF REPORT

- 1.1. To establish a framework for undertaking effective, timely and meaningful consultation and negotiations at the Council for incorporation into the Council's Constitution.

2. BACKGROUND

- 2.1. The Employee Liaison Forum is a consultative committee only, and therefore does not provide for negotiations and collective consultation (as defined in section 195 of the Trade Union and Labour Relations (Consolidation) Act 1992) arrangements at the Council. As such, the Council has no agreed framework with the recognised trades unions to negotiate changes to existing terms and conditions of employment. Whilst it is possible to undertake negotiations with the trades unions, there is a risk that the negotiated change would be unenforceable if decided upon without an agreed framework.
- 2.2. The Council is currently seeking to introduce a flexibility clause for incorporation into its Single Status Agreement, and may also need to make changes to other locally agreed terms and conditions of employment in the future. Such changes will require negotiations with the recognised Trades Unions.
- 2.3. In addition, should the Council need to make changes to the workforce resulting in the dismissal of 20 or more employees (be that through redundancy or dismissal and re-engagement on new terms and conditions of employment) within a 30 day period, a framework for collective consultation also needs to be established.
- 2.4. The introduction of negotiation and collective consultation arrangements will require agreement at full Council as its implementation will require amendments to the Constitution.
- 2.5. Discussions have commenced with the unions to introduce a consultation and negotiation framework attached as Appendix 1. This arrangement would seek to incorporate the consultation and Health and Safety elements associated with the existing Employee Liaison Forum as a more frequent and effective means of undertaking consultation at the Council, as well as introducing a means of conducting negotiations and collective consultations. Indications from the three recognised Trades Unions are that they would be in favour of the proposal outlined.

3. RECOMMENDATIONS

- 3.1. The proposed constitution for a joint Consultation and Negotiation Committee as set out in Appendix 1 be agreed for adoption in place of the Employee Liaison Forum, following agreement with the recognised Trade Unions;
- 3.2. To delegate to the Corporate Manager Democratic and Civic Support all consequential amendments required to the Constitution.

HUMAN RESOURCES BUSINESS MANAGER

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:

None