

EMPLOYMENT PANEL

FRIDAY, 12 JUNE 2009 AT 11.00 AM

PRESENT: Councillors Mrs Farmer, Glover, Hendry (as substitute for Councillor Weber), Mallinson J, Mitchelson and Stothard.

EMP.01/09 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Weber.

EMP.02/09 ELECTION OF CHAIRMAN

It was moved by Councillor Mitchelson and seconded by Councillor Mrs Farmer, that Councillor J Mallinson be appointed as Chairman of the Employment Panel for the Municipal Year 2009/10.

It was moved by Councillor Stothard and seconded by Councillor Hendry, that Councillor Glover be appointed as Chairman of the Employment Panel for the Municipal Year 2009/10.

Following voting thereon the votes were tied and as there was no casting vote, it was noted that pursuant to Procedure Rule 7.3 the election of the Chair of the Employment Panel for the Municipal Year 2009/10 would be referred to the City Council on 29 June for determination.

Nominations for a Member to undertake the role of Chairman for the meeting were then invited.

It was moved by Councillor Mitchelson and seconded by Councillor Mrs Farmer that Councillor J Mallinson as the Chair of the Panel 2008/09 should be appointed as Chairman for the meeting.

Following voting thereon the votes were tied and as there was no casting vote the motion was not agreed.

It was moved by Councillor Stothard and seconded that the meeting should proceed without a Chairman but with an Officer facilitating the meeting.

Some discussion arose regarding the possibility of holding over the business of the meeting to a further meeting of the Panel which would be required to be held between the date of the Special Council Meeting on 29 June and the Council Meeting on 14 July to consider items relating to the Transformation Programme. Members felt however that it was important that the Panel should have the opportunity to discuss the implementation of the Pay and

Workforce Project at this meeting and following further voting thereon, it was agreed the Head of Democratic Services would lead the meeting.

EMP.03/09 DECLARATIONS OF INTEREST

There were no Declarations of Interest relating to any item on the Agenda.

EMP.04/09 MINUTES OF PREVIOUS MEETING

RESOLVED – That the Minutes of the meeting of the Panel held on 25 September 2008 be dealt with at the next meeting of the Employment Panel.

EMP.05/09 IMPLEMENTATION OF THE PAY AND WORKFORCE PROJECT

The Head of Personnel and Development Services reported (PPP.25/09) on the Pay and Workforce Strategy Project. He reminded Members that it had been intended that the project should be implemented in April of this year but this had not been possible as Unison had refused to go to ballot and had effectively withdrawn from the final negotiated position agreed in December. The GMB had voted overwhelmingly in favour of the proposal but at present the Pay and Workforce project was stalled.

He informed Members that the status quo was not sustainable as it left the authority vulnerable to legal challenge from staff with potential claims for equal pay. The Senior Management Team had considered this matter and were recommending that the Council abandon the long held intention to achieve a collective agreement with the Trades Unions on implementation and were recommending Council to consult staff on a proposition to unilaterally impose the outcome of the Pay and Workforce Strategy on all Council employees.

The Head of Personnel and Development informed Members that any further delay in the process would be unwise for a number of reasons including the effect on staff and employee morale, the apparent inevitability that there could not be a collective agreement, the forthcoming restructure of the authority in 2010 and the need for the authority to introduce single status as a means of removing historical unfairness and discriminatory practices.

He advised Members of the proposed process for imposing the outcome of Job Evaluation, and added that this proposal would necessitate the Council moving away from collective bargaining for this one project which was a position which had been followed by several other authorities.

The Head of Personnel and Development also set out for Members the financial implications of the decision to implement the Pay and Workforce Strategy. He set out the impact of the decision on the Pay and Workforce Strategy Reserve, together with the one-off and recurring costs involved. He added that in imposing the strategy there were risks to the Council in that it

could cause conflict with the Trade Unions and sour hitherto good employee relationships, that the Council could lose any litigation that might follow and the Council could lose some good staff that they would prefer to keep.

He also set out actions which had been taken to mitigate those risks, together with a recommendation from Legal Services that advice be sought from Legal Counsel on the proposal.

The Head of Personnel and Development also commented on the gaps in the pay structure and the impact on equality. He informed Members that in Carlisle the position was generally that the City Council would need to pay men more and in order to be able to afford this would need to generally pay women less and although this would not apply at every level in the organisation, it would be the case for the first six of the proposed thirteen new grades where the existing pay gap clearly favoured women. The Head of Personnel and Development explained that this position arose in Carlisle, and other similar District Councils, as the Council did not employ large numbers in catering, cleaning and caring roles and so did not have a pay structure that generally disadvantaged women.

The Deputy Town Clerk and Chief Executive further commented that the City Council were felt to be at a greater risk if the Council did not impose the final negotiated position than if the Council chose to impose the pay policy. He advised Members of the work which had been carried out in response to the position of the Trade Unions and added that it appeared that Unison's position was that they wished to see a position where the numbers of staff who would lose money under the new agreement was reduced. He added however that it was felt that the authority would not be in a position to provide the level of funding which would be required to achieve this position. The Deputy Town Clerk added that there may well be a position where Unison felt that they could be vulnerable to claims from their own membership if they were to recommend that the proposal be put to a ballot of their members.

The Director of Corporate Services set out for Members the financial details in relation to this project.

Members discussed the report in some detail and Officers responded to questions in relation to work which had been carried out in relation to the stance of the Trade Unions, the recommendation that Legal Counsel's advice be sought on the matter, together with details of advice which had previously been received from the North West Employers Authority and Northgate Arinso, the effect on employees who did not agree to any agreement in respect of a formal notice of change of contract, the weighting which had been given to the relative merits of back pay as opposed to pay protection and the impact on both the periods of protection and to back pay should the Council decide that the new pay structure should be in place as from early February 2010.

RESOLVED – That in considering the recommendation from the Senior Management Team that the outcome of the Pay and Workforce Strategy Project should be imposed, the Head of Personnel and Development Services carry out the following actions and submit a further report on the matter to the next meeting of the Employment Panel prior to any recommendation being submitted to Council.

- (i) The Head of Personnel and Development Services write to Unison formally requesting that Unison submit the points which they would wish to negotiate on the implementation of the Pay and Workforce Strategy.
- (ii) That the Head of Personnel and Development Services instruct the Head of Legal Services to seek advice from Legal Counsel on the Council's proposals for implementing the outcome of the Pay and Workforce Project.
- (iii) That the Head of Personnel and Development explore and report back on the option of arranging for those staff, who are due to lose money as a result of implementation of the project to go onto the redeployment register.

EMP.06/09 PROGRESS

Consideration was given to the timetable for progressing the Pay and Workforce Strategy and it was agreed that a further meeting of the Employment Panel would be arranged for 10.30 am on Thursday, 9 July 2009.

(The meeting ended at 12.10 pm)