

EAST HERTS COUNCIL

LOCAL JOINT PANEL – 11 OCTOBER 2004

REPORT BY THE SECRETARY TO THE STAFF SIDE

6(B) RECOGNITION AGREEMENT

RECOMMENDATION – that the formal Recognition Agreement be approved by East Herts Council and signed by the Secretaries to the Staff and Employers Side.

1.0 Background

- 1.1 On 6 June 2000 the right to statutory recognition established by the Employment Relations Act 1999 came into effect. For the first time in 20 years workers were given the legal right to have their union recognised. A new Schedule A1 was inserted into the Trade Union and Labour Relations (Consolidation) Act 1992 giving unions a legal right to apply for statutory recognition if there was no voluntary agreement in place.
- 1.2 Recognition means that an employer recognises the union as being entitled to conduct collective bargaining on behalf of its workers. A minimum of 10% membership is required in order to apply for statutory recognition.
- 1.3 East Herts Council and UNISON have had a voluntary agreement in place now for many years and although there is no signed agreement, a paragraph is incorporated in new employees' statement of particulars, which makes it clear that UNISON is the recognised body for collective bargaining and that NJC terms and conditions of employment can be varied by collective local agreements.
- 1.4 This formal agreement maintains the status quo, which has operated successfully for many years but at the same time ensures that both sides are clear about their rights and responsibilities, thereby ensuring that good employment relations are maintained.

2.0 TUPE Transfers

- 2.1 Members of this panel will be aware that a Council decision was recently taken to outsource Parking Enforcement Services, that prospective contractors have already submitted bids and the contract is due to be awarded shortly.
- 2.2 UNISON has been involved in a consultation exercise with Managers and was invited to interview short listed bidders recently. During this process it became apparent that contractors are quite happy to negotiate with UNISON on behalf of the transferees but would require a signed recognition agreement as evidence that the union is recognised for collective bargaining purposes.
- 2.3 Leisure Services is also currently being market tested, which may involve the transfer of many more employees. This makes the need for a formal recognition agreement even greater.

3.0 Conclusions

- 3.1 As previously mentioned, a signed agreement between East Herts Council and UNISON would maintain the status quo, at the same time as clarifying and formalising existing arrangements. It would also enable UNISON to enter into negotiations with contractors in order to make the transfer from one employment to the other as smooth and painless as possible.
- 3.2 A draft of the Recognition Agreement is attached. (Appendix 'A', pages 20 - 25)

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