

UNISON BIRMINGHAM BRANCH

£ EQUAL PAY – Bulletin : 18/12/2006

Some Improvements to Limited New Offer

A new offer was received on Friday 24 November. Management said it was an 'initial offer', open to negotiation. UNISON has been pressing hard for an early offer, 'up-front' at the start of the current negotiation period. Birmingham UNISON has since negotiated some key improvements to the wording of the offer. A revised version was received on 13 December.

- **Backpay** – *'Up to 6 years, dependent on satisfying service criteria and on funding being available (Section 151 Officer and Proper Officer approval)'. Added in 13 December letter – "The City Council is actively seeking to raise the appropriate funding."*

This is the largest offer we are aware of in the country on backpay. The issue about available funding is based on a technical argument by the council that Local Government financial legislation prevents councils making financial commitments when they have not identified the funding being available to them. The council is still attempting to get permission from Government to be allowed to borrow the £200million plus necessary to fund the six years backpay liability. The offer is re-inforced by the additional wording in the December letter.

- **Goodwill Backpay interim payment** – *'to seek to pay in January 2007 to employees identified at this stage by the city council on the basis of a £1,000 payment which does not require a prior agreement with each employee as an indication of the Council's intentions and goodwill.'*

NB No prior agreement by the individual is required. The payment is subject to tax, NI etc. This payment was expected before Christmas, but the council told us they had problems with the early payroll and completing the identification of who will get it. We are now told it will be paid towards end of January. We are seeking to gain a timetable for paying rest of the backpay. The original 24 November offer was £750. This was increased to £1,000 following arguments put by UNISON.

- **Working Hours** – *'reduce former manual and craft employees basic weekly hours from 37 to 36.5 hours per week'.*

This brings ex-manual staff into line with the Birmingham working week for Admin, Professional, Technical and Clerical staff.

- **Monthly Pay** – *'all employees to be paid on a monthly basis'.*

We continue to resist this, recognising the difficulties for low earning weekly paid members. But the employer is still pressing to make the savings on payroll costs provided by monthly pay

- **Protection** – No offer has been made at present due to the need to consider the legal implications of a very recent Employment Appeals Tribunal ruling called 'Redcar versus Bainbridge'. We are very disappointed by the lack of a real offer. The branch continues to negotiate for 'no losers', and to achieve the maximum legal protection.
- **Flexibility** – *"To form the basis of the 'employee bargain' i.e. Birmingham City Council employees have a willingness to be retrained and relocate when roles change or*

disappear. In return the council will keep these staff employed within its workforce” – 13 December letter.

This is a major revision of the provocative wording in the original 24 November offer. UNISON argued powerfully for the removal of the original clause from the offer, which read :

‘employees to commit to flexibility of working to meet business needs, ie flexibility within job, flexibility across jobs in work group, flexibility of job role across the council, and flexibility of location’. ‘In return the council will seek to achieve for employees the opportunity of continuing to work within the organisation’s employment where they want to when roles or the need for current jobs change or disappear. This will be through placement (the Insource process), the potential to second into different roles, to have greater choice of career path, and to achieve competencies and/or re-skill (through the Performance and Development Review process) to support this outcome’. 24 November letter.

This was the strongest possible statement on flexibility from the council. We have long warned that another management agenda will be tagged on to the Single Status negotiations. Our position is that flexibility is not part of the Single Status Pay and Grading Review.

Thousands of Funding Campaign Letters Sent

Members have sent us signed lobbying letters in their thousands since the last Equal Pay bulletin. These are being copied and sent on to your councillors and MPs. The letters call for more Government funding to avoid pay cuts. The aim is for funding to achieve a higher new pay line which will benefit all members for the future.

We still need more. Draft letters are available from the Branch Office. We intend to present a huge pile of signed letters to the Chancellor of the Exchequer, Gordon Brown.

UNISON Members Meetings Pass The 100 Barrier

Since the summer, the branch has now held over 100 briefing meetings for members in different workplaces around the city. Five open evening meetings for Schools and other members in a ten day period of November. Follow up briefing meetings are taking place in all Elderly Persons Homes and adult day centres in the old Social Care and Health Department. Large meetings have also been held for Citiserve caterers, cleaners and home carers. The process of briefing meetings continues apace.

Review of Bonus Scheme Payments

The city council has issued a formal notice (Section 188) of its intention to remove bonus payment arrangements for around 1,000 mainly ex-manual staff which received payments based on current or historical productivity bonus schemes. The statutory three months period has been extended by a few weeks to February 25th 2007. After this, the council plans to give individual bonus earners either three months or six months notice of a change of pay arrangements, depending on the terms of their bonus agreements.

There will be a review of each bonus scheme and of any groups with historical consolidated payments based on previous bonus schemes. The council has present criteria for determining whether any specific bonus scheme can continue. The trade unions have suggested amendments to these criteria. These criteria are not agreed as single joint criteria. The trade unions will use guidance agreed nationally on how bonus schemes should be reviewed.

A regular series of meetings have been scheduled for these talks.

Problems With Pay and Grading Review Talks

The city council is attempting to widen the Single Status Pay and Grading Review to cover Craft employees, such as electricians, mechanics, carpenters etc.

This creates enormous problems for the trade unions. We have a national agreement under Single Status that requires talks on contractual matters to be 'negotiation' rather than 'consultation'. We fear that widening the talks will invalidate this national agreement for the Single Status process. The council says this is not their intention but we still remain concerned over the legal implications of their stance.

We are continuing to meet with management where possible so that progress can be made on the issues of substance whilst we resolve the differences over process.

A formal dispute however is looming unless management agree to place the Single Status talks back at the forefront of the pay and grading review. The dispute would initially involve either talks through ACAS or the involvement of the national employer and trade union side secretaries of the Single Status National Joint Council.

Advice Over Leavers and Job Changers

New UNISON national advice has been received to treat people changing jobs within the council as we have job leavers. Those who have either left the council or changed jobs within the council in the last six months will need to give their details to the national union through a short form available from the branch. This is to enable an individual equal pay grievance and employment tribunal case to be lodged where appropriate to protect the individual's entitlement for any equal pay back pay for their previous job.

Full advice on this was given in an article with the enquiry form in October's edition of the UNISON members magazine 'U – Magazine'. This is also available on the UNISON website on www.unison.org.uk/equalpay/index.asp.

The branch is still hopeful we will win our arguments through the negotiations for the payment of backpay for jobs within the council prior to an individual's current post or contract. The council is taking legal advice. We are awaiting a written statement of the council's position.

Mass Litigation In Schools

The Branch is in discussions with our regional single status advisers about possible mass lodging of equal pay claims for certain schools based members. Problems have arisen over the powers of governors in schools to set pay and grading levels for their staff.

This could mean that some schools based staff could not use equal pay comparators outside of their own school. This arises from an Employment Appeals Tribunal case, Dolphin vs Hartlepool.

We are pressing the Council to strenuously remind Governing Bodies that they will face huge equal pay claims if they do not implement the Birmingham single status deal, when this is finalised and agreed by you.

Staff working for Citiserve and Trading Services in schools are not affected by this. They may still use equal pay comparators from throughout the city council and their pay/grading is not set by school governors.

Talks on Pay Structures About To Start

The council is proposing shortly to give its views on a possible new pay and grading structure to UNISON. This will involve how the national pay spine will be divided into new grades. Also we are expecting to see information from the results of the job evaluation exercise. This is nearing completion but has not been fully moderated yet.

Staffordshire Single Status Package Causes Uproar

Staffordshire have outraged unions and staff, in terminating negotiations and seeking to consult individually with staff over their proposed Single Status pay and grading structure. The offer has produced 25% losers, some with losses of £5,000, £10,000 and even £17,000. A tapered 3 year protection period is offered (100% in year 1, 90% year 2 and 80% year 3).

Staffordshire council is also consulting on two possible approaches to backpay, 3 years or 6 years. The new grading structure only goes up to Spine Point 43. This is much lower than the maximum in Birmingham and acts to squeeze grades lower down the pay spine.

Thousands of council staff attended a rally on Thursday 7th December. The pouring rain did not dilute the anger shown. Speakers included a representative from Coventry UNISON who have been taking selective industrial action over their imposed Single Status system and from Birmingham UNISON.

More on www.staffordshireunison.org.uk

Glasgow Council Pay Protection Breakthrough

UNISON members in Glasgow voted 2 : 1 earlier this year to support strike action over their council's Single Status package, introduced in April 2006. A strike, planned for three days on 5/6/7 December, would have involved 13,000 workers across all departments. It had been called in protest against the city's pay review, which left many staff facing substantial pay cuts.

The UNISON Branch has called off a strike by Glasgow City Council members to defend members' pay and conditions, following talks with council leaders.

"We will now work together on staff development and service reform in order to ensure that we deliver a high quality service to the citizens of Glasgow and protect take home pay in the long term," a joint UNISON/Glasgow City Council statement said.

"The council is committed to assisting individual employees who are in a loss of earnings position. It has given a clear commitment to ensure all appropriate action is taken to provide such employees with the opportunity to move to a higher level post, thus allowing maintenance of their earnings in the long term."

The aim is to do this through development plans for staff and redesigning jobs and service delivery, with a target of March 2009. But the joint statement said "the council is prepared to agree an extension beyond March 2009 where it has not been possible to complete the development plan and/or where service redesign has not been practically implemented."

More on www.glasgowcityunison.org.uk

Next Bulletin in January 2007 : Fighting Any Pay Cuts; Coventry Gainers Strike to Support Single Status Losers; Market Supplements; Getting the JE Scores; etc.

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