

## Blaby District Council

### Cabinet Executive

|                           |   |
|---------------------------|---|
| <b>Date of Meeting</b>    | 10 July 2023  |
| <b>Title of Report</b>    | <b>Industrial Action Update Report</b><br><br>This is a Key Decision and not on the Forward Plan<br><br>This is an Urgent Report. |
| <b>Lead Member</b>        | <b>Cllr. Terry Richardson - Leader of the Council</b>   |
| <b>Report Author</b>      | Chief Executive   |
| <b>Corporate Priority</b> | People Strategy   |

#### 1. Explanation for Urgency

- 1.1 This report has not been included in the last Forward Plan. It is a Key Decision. The matter has become apparent since the publication of the Forward Plan the strike action is imminent requiring urgent actions to be put into place. Therefore it is impracticable to defer the decision on this report until after the operative date of the next Forward Plan on which it could appear. Accordingly the General Exception Procedure contained in Part 4 Section 2 Paragraph 9 of the Constitution has been invoked to enable its consideration. The Scrutiny Commissioners have been informed and a public notice has been published on the Council's website and displayed at the Council Offices.

#### 2. What is this report about?

- 2.1 This report provides an update on the industrial action involving those employees who are members of the GMB union. It outlines our stance to the current strikes and highlights any impacts

#### 3. Recommendation(s) to Cabinet Executive

- 3.1 Members of Cabinet are asked to note the report.

#### 4. Reason for Decisions Recommended

- 4.1 To ensure members are informed on the industrial action, impact on our communities and supportive of approach being taken.

## **5. Matters to consider**

### **5.1 Background**

In March we were notified by the GMB union that they would be balloting their members on proposed strike action after submitting a local pay claim. The ballot took place and we were notified of the outcome which was to strike. The Council challenged the outcome of this ballot and the GMB proceeded to re-run this ballot. We were notified of the result of this second ballot in June and the outcome was to strike. Leading up to this point discussions with the Regional Organiser and local representatives had taken place however, no evidence or request was received to properly engage with the mechanisms that are in place to resolve such disputes and we are disappointed with the approach taken by the GMB.

We sought legal advice on the approach and as a result of this sent a letter asking for further information about the ballot, highlighting they had not complied with the GMB agreed guidance on industrial disputes and emphasised the National pay bargaining process which we are committed to. At the time of writing this report we have not received a response to the other issues raised in our legal letter.

We were notified in June that they intended to strike on 4 consecutive Wednesdays: the 28<sup>th</sup> June, 5<sup>th</sup>, 12<sup>th</sup> and 19<sup>th</sup> July. This will obviously impact on those residents in our area that receive Wednesday collections. As members are aware a comprehensive plan was developed as to how best to respond on strike days and to try to limit the impact on our residents.

We value our staff and understand that inflation has had, and continues to have, a significant impact on them. We are supporting our workforce as best we can through financial advice, signposting to support agencies and our mental health support programmes. We have had a regular senior management presence at the depot to ensure excellent communication, support our work force, both those who are striking and those who have chosen not to, and to ensure we have an open dialogue about this with our staff.

We are committed to national bargaining and believe this is the best option for our staff. In National bargaining the Local Government Association agree the pay rises for our staff and liaise with the unions on a national basis including the GMB. In 22/23 a £1925 pay rise was given to staff, this was not a one off but added to their salaries going forwards. In 23/24 the same amount was offered to staff up to grade 9, this has been rejected by the unions and negotiations are ongoing.

Our local GMB have requested a 15% increase in pay on top of what ever is agreed nationally. This is an unreasonable request as the national bargaining is not complete and salary increases are unknown. In addition. A further 15% on top of the national pay would have to be applied to all staff due to equal pay requirements and as such is unaffordable. As stated above we are committed to National Bargaining and our stance has been we

will not negotiate locally, as a local pay agreement would not be in the interests of our staff and also does not reflect the contractual arrangements we have with our staff.

However, we have referred to our normal processes around job evaluation which are open to our staff and the unions to request. In addition we have undertaken benchmarking and shared the result with the union. In comparison to those we benchmarked against our salaries for the roles concerned are reflective of market rates and sit in the middle bracket.

## 5.2 Proposal(s)

That Cabinet note the report and the current position.

## 5.3 Relevant Consultations Senior Leadership Team

## 5.4 Significant Issues

There are legal requirements around how industrial action is dealt with which we have complied with. We have sought legal advice on the GMB approach and are awaiting their response to our communication regarding this. Those on strike are considered a protected characteristic so cannot be discriminated against and we are ensuring this is not the case in our response.

This local pay claim seeks to change the terms and conditions not just of the GMB's workers at this depot, but all workers at the depot and all workers on NJC terms at the Council. Under existing arrangements, they all have their pay determined by national collective agreement. In these circumstances, what the GMB is asking for is that all these workers have their terms determined by a different route. This may amount to a breach of these other individuals' employment contracts (which incorporate a different collective mechanism for determining pay).

A further consequence is that by seeking to bypass the national collective agreement and the collective process for determining pay for these other employees, this could cause the Council to be in breach of s.145B TULR(C)A 1992 and opening up the Council to considerable liability.

# 6. What will it cost and are there opportunities for savings?

- 6.1 There will be costs incurred as a result of the strike but also savings that are realised for not having to pay staff that are on strike for the days of action they take. Further financial information will be provided following the strikes taking place and the certainty around costs is not available at the time of writing the report.

## **7. What are the risks and how can they be reduced?**

### **7.1**

| Current Risk       | Actions to reduce the risks   |
|--------------------|---|
| Service Disruption | Operational plans are in place to try to limit the impact for our residents, however, there will be disruption to services as a result of the strikes.          |
| Staff morale       | Communications plan developed. Enhanced communication with staff impacted by the strikes. Senior management engaging with impacted services to provide support. |
| Cost               | Financial options being worked through  |
| Poor communication | Communication plan in places and signed off.  |

## **8. Environmental impact**

8.1 There are no environmental impacts arising from this report.

## **9. Other options considered**

9.1 Report is for noting, the only other option considered would be to agree a local pay rise, as outlined above there is significant costs involved in this approach, it is considered not to be in the best interests of the workforce and is not in line with our existing contractual arrangements with our staff

## **10. Other significant issues**

10.1 In preparing this report, the author has considered issues related to Human Rights, Legal Implications, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.

10.2 Significant issues relating to human resources and legal and human rights have been addressed at paragraph 5.4.

## **11. Appendix**

11.1 None

## **12. Background paper(s)**

None.

## **13. Report author's contact details**

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|--------------------------|--|
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