



TRADE UNION RECOGNITION

CONTENTS

- 1 [Introduction](#)
- 2 [Legislation](#)
- 3 [Trade Union Recognition](#)
- 4 [Facilities/Training Time](#)
- 5 [Other Facilities](#)
- 6 [Collective Bargaining](#)
- 7 [Governance Arrangements](#)
- 8 [Dispute Resolution](#)

1 INTRODUCTION

This guidance document is designed to outline the approach Staffordshire Fire and Rescue Service will take in providing recognition for Trade Unions, in the provision of facilities time, and the manner in which collective bargaining and any subsequent local agreements will be reached.

2 LEGISLATION

There are a number of pieces of legislation that relate to Trade Unions, the provision of facilities time and collective bargaining which include but are not limited to:-

- Trade Union and Labour Relations (Consolidation) Act 1992 amended 2006
- Employment Relations Act 1999
- Employment Act 2002.

This document and approach will not replace the national collective bargaining that takes place through the National Joint Council but is designed to reference the local arrangements that will be employed within Staffordshire where local negotiations are undertaken with Trade Union representatives.

The Advisory, Conciliation and Arbitration Service (ACAS) provide free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law. The Service will refer to and use the codes of practice issued by ACAS as part of its approach to industrial relations.

The Service is committed to the use of the NJC Joint Protocol 08/07 as the basis of the industrial relations landscape within the organisation.

3 TRADE UNION RECOGNITION

In order to recognise a Trade Union a request must be made in writing to the Service which details the following: -

- Give the name of the Union;
- Identify which employees will be represented by the Union when it's recognised;
- State that the Union is making the request under Schedule A1 of the Trade Union and Labour Relations (Consolidation) Act 1992.



The Service can then recognise the Trade Union voluntarily, reject the request (at which point the Trade Union then may apply for statutory recognition) or the request may be refused but with an agreement to negotiate.

The following Trade Unions are formally recognised by Staffordshire Fire and Rescue Service (as of May 2019): -

- Fire Brigades Union (FBU)
- UNISON
- Fire and Rescue Services Association (FRSA and formally the Retained Firefighters Union)
- Fire Leaders Association (part of Prospect)
- Fire Officers Association (FOA).

4 FACILITIES/TRAINING TIME

Trade Union duties are defined as follows (in accordance with Section 29(i) of the Trade Union and Labour Relations Act 1974 and Section 27 of the Employment Protection (Consolidation) Act 1978 as amended by the Section 14 the Employment Act 1989. This legislation indicates an entitlement to reasonable time off for Trade Union officials without loss of pay during working hours to perform duties concerned with negotiations with the employer. These duties include a range of areas which includes the following: -

- Terms and Conditions of employment;
- Engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more employees;
- Matters relating to disciplinary procedures (which may include in respect of grievance, disciplinary and any official capability procedures (when agreed) it is accepted that reasonable time should be allowed for the representative for preparation with the individual concerned);

Reasonable facilities/training time will be negotiated with those Trade Unions recognised by Staffordshire Fire and Rescue Service and individual recognition protocols will be drawn up and agreed with representatives of the Senior management team and the Trade Union.

Under the Local Government Transparency Code the Service is required to publish time spent on trade union activities by representatives. As detailed within the [Leave policy](#) and each collective agreement in relation to facilities time, the time spent on these activities is to be recorded within FireWatch thus enabling the Service to meet its reporting obligations.

5 OTHER FACILITIES

Staffordshire Fire and Rescue Service support the provision of a notice board for Trade Unions in the workplace that is specifically for Trade Union information. This is a joint notice-board to be used by all recognised Trade Unions.

The availability of office space will be negotiated with individual Trade Unions and will be included in the agreed protocol.



6 COLLECTIVE BARGAINING

The Staffordshire Commissioner Fire and Rescue Authority (SCFRA) is the Corporation Sole and therefore the employer of staff working for Staffordshire Fire and Rescue Service. Through the SCFRA's corporate governance framework the following delegated responsibility is one that applies to the Chief Fire Officer/Head of Paid Service: -

- Section 3.6.13 - To negotiate with, and reach agreements with, recognised representative bodies on any matters that can be decided locally. All agreements reached must be reported to the Staffordshire Commissioner.

The reaching of such agreements would therefore fall under the auspices of collective agreements and collective bargaining which is defined in the Trade Union and Labour Relations (Consolidation) Act 1992 amended 2006 (Part IV, Chapter 1, Section 178) as: -

- Any agreement or collective arrangement made by or on behalf of one or more Trade Unions and one or more employers or employers' associations relating to one or more of the matters detailed below and collective bargaining means negotiations connected to or related to one or more of those matters.
- The matters referred to above include: -
 - Terms and conditions of employment, or the physical conditions in which any workers are required to work;
 - Engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers;
 - Allocation of work or the duties of employment between workers or groups of workers;
 - Matters of discipline;
 - Facilities for officials of Trade Unions; and
 - Machinery for negotiation or consultation, and other procedures, relating to any of the above matters, including the recognition by employers or employers' associations of the right of a Trade Union to represent workers in such negotiation or consultation or in the carrying out of such procedures.

In order for a collective agreement to be legally enforced there are a number of provisions which are outlined under section 179 of the Trade Union and Labour Relations (Consolidation) Act 1992 amended 2006 (Part IV, Chapter 1). All collective agreements reached by Staffordshire Fire and Rescue Service and a recognised Trade Union will conform to these requirements.

7 GOVERNANCE ARRANGEMENTS

Under the SCFRA recognised Trade Unions have the opportunity to engage with the Commissioner in a formal and informal setting. Formally and as part of the SCFRA Governance Framework a Staff Consultation and Communication Forum (SCCF) has been established which is chaired by the Staffordshire Commissioner. The Forum exists to provide a regular means of communication and consultation directly between the Staffordshire Commissioner and representatives elected by its employees on matters related to employment and the implications for employees on changes in service delivery. There will be a minimum of 2 forums held each year however, this does not prevent the Trade Unions requesting additional meetings with the Commissioner.



In addition and as part of the Service's governance framework all recognised Trade Unions have a seat at the following Service boards and meetings: -

- Service Management Board
- Service Delivery Board
- Directorate (Prevention/Protection and Response)
- Service Delivery Group Management Meetings
- Wellbeing, Equality and Culture Group.

8 DISPUTE RESOLUTION

Clear processes for dealing with disputes are detailed within the National Joint Council for Local Fire and Rescue Authorities Scheme of Conditions of Service 2004. This protocol has been agreed nationally and forms the basis of the approach that will be taken locally to resolve any formal disputes that are lodged by the recognised Trade Unions that represent operational members of staff who are conditioned to these terms and conditions.

In terms of disputes lodged by a recognised Trade Union that represents members of staff without operational responsibilities who are conditioned to the National Agreement Green Book, these will be addressed using the clear process outlined with this document.

Consultation End Date: 01/08/2019			People Impact Assessed: N/A		Review Date: 05/08/2019	
Personnel may share the information in this document with members of the public:					Yes	
© Copyright: Staffordshire Commissioner (Fire and Rescue Authority)						
Date of Issue:	Title of Document:	Job No.:	Author:	Department:	Director/Manager Approval:	Additional Information:
05/08/2019	Trade Union Recognition	1189	Rebecca Bryant	Directorate	Rob Barber 05/08/2019	