

Absence Management Procedure

Historical context

Prior to the formation of the 1998 local agreement – the ‘existing’ policy - there was no local agreement and this caused difficulties for trade union representatives when supporting members.

The employer’s desire to establish a new procedure

Having looked at the sickness absence procedures of other local authorities, the employer had made its determination clear to change the local agreement that was introduced in 1998.

There is a drive within the council to reduce absence levels across the council and the current target is 4%. As a way of achieving this, there was a proposal to introduce a new Absence Management Procedure.

A major factor for the proposal was cost.

Joint Meetings - Employer and Staff Side

Only 3 meetings were held to discuss draft proposals; other proposed meetings having been cancelled by the employer’s side. The trade union side proposed changes.

The employer’s side was rather intransigent and unwilling to move, favouring the draconian policy passed by the Policy & Strategy Committee in January 2012.

Eventually after some minor concessions (the only significant concession from the employer was to withdraw the need to provide a GP ‘fit note’ from the first day of absence) it became even clearer that the employer’s side was not prepared to move any further; the employer then served a 4 month notice to withdraw from the 1998 local agreement and moved to impose the new procedure.

The date for imposition was to have been the 30 January 2012.

Following discussions between Branch Service & Conditions officers, and Shop Stewards, it was decided that an Avoidance of Dispute would be lodged. This was sent at the beginning of December 2012.

Since that date there have been two further meetings with the employer’s side, but this resulted in no change.

We are still in Dispute over this matter.

Tues 24/1/12 Policy and Strategy Committee

A Staff side deputation led by UNISON attended the Policy and Strategy Committee; UNISON set out the union's concerns about the policy and gave its reasons for opposing it.

It was clear that the majority of the committee was determined to pass the new procedure and further debate took place.

Lib Dem and SNP councillors agreed that a sentence be added to the policy to allow managers to apply discretion.

The Lib Dem/SNP motion was carried and the new procedure as amended was passed.

Labour party councillors backed by green party councillors asked that it be referred to the Full Council meeting to be held on 2 February 2012 - this was carried.

This enabled the staff side to meet with the Chief executive and the Elected Administration.

2 February 2012 – Full Council meeting

The full Edinburgh Council meeting on 2 February 2012 agreed to postpone the imposition of the new sickness absence policy until 15 March 2012 to try to reach a negotiated settlement in an **implementation plan** with the trade unions.

A Working Group (Managing Attendance Procedure - Implementation Team) was set up and all of the trade unions (Staff side) would be involved.

22 February 2012 Branch AGM

The Branch AGM, held on 22 February, backed an emergency motion giving more time for negotiations after progress was made in talks with the City of Edinburgh Council on the Absence Management Policy.

Motions calling for a boycott and a consultative ballot were remitted to the Branch Committee to be dealt with if negotiations fail. The Emergency Motion passed on sickness absence is below.

SICKNESS ABSENCE POLICY (Motion)

This AGM congratulates branch negotiators on achieving a delay in implementation of the Councils new Sickness Absence Policy and in securing progress on:-

- 1. Changes to the policy*
- 2. The issue of transparent and fair discretion.*

This AGM notes that in negotiations today, 22 February 2012, the negotiators presented the Council with counter-proposals to ensure a fairer policy. The fact that the Council has agreed to consider this counter-proposal is a significant breakthrough in the talks.

Accordingly, This AGM instructs branch officers to:-

- 1. Continue to campaign against the imposition of an unacceptable Sickness Absence Policy*
- 2. Continue negotiations on the trade union counter-proposals*
- 3. Report back to Stewards Committees and the Branch Committee on progress with further recommendations on any necessary action*

Meeting with the Administration

The Leader of the Council – Councillor Dawe was quite clear that she believed that the majority of staff were off for the right reasons saying that 99% are probably genuine'. Councillor Cardownie was also in attendance. He felt that there was a need to look at a policy that was nearly 15 years old. However, he agreed, along with Councillor Dawe and Councillor Wheeler, on the recommendations of the Trade Unions present – Unite, GMB and Unison – that it would be beneficial to work towards a collective agreement.

Further meetings with Employer's Side

Five further negotiation meetings were held. These meetings were very challenging with management not being prepared to accept any changes; they believed their remit was only to work towards an implementation plan of the Policy passed at the Policy and Strategy meeting on 24th January 2012.

However, we consistently reminded management that we would not be prepared to recommend the policy to our members, counter proposals were submitted.

As a result of this, we did begin to see movement from the management side and the employer side has accepted the majority of the recommendations that we had contained in the counter proposals.

11th April 2012 - Negotiations End

- Employer has agreed to further changes
- Best that can be achieved through negotiations

- If rejected, the original Policy, passed by the Councils Policy and Strategy Committee on 24 January 2011 will be imposed in its original format.

If all the union branches agree, the employers side will continue with negotiations on the

- Toolkit – employer side were not prepared to do previously.
- Transition arrangements - employer side were not prepared to do previously.
- This would enable the introduction of a collective agreement that gives the Staff side UNIONS a greater degree of influence on the policy. The union also has the power to withdraw from the collective agreement.
- It has also been agreed that that there will be a mechanism that will enable us to monitor and review the procedure.

Due to the significant changes tabled by the staff side through the negotiations the employer's side has reluctantly accepted these - with compromise on both sides.

If the trade union branches vote to accept the revised proposals the employers side will ask that the new administration to accept the revised policy.

It would be the negotiators' view that branch should accept the new proposal.

Conclusion

It was clear that the employer's side was adamant that there would be a new sickness absence procedure and this was also backed up by the Administration. The underlying reason was cost. There was no consideration given to areas that may have specific occupational risks and no management discretion.

It was only as the result of clear and persistent action from the branch negotiators, the other unions, the setting up of the campaign group, deputations to council committees, meetings with the chief executive and the elected leaders of the administration and clear legal advice, along with the views of members, that has ensured that the employer took notice of our concerns and our determination to ensure that if we were to achieve a collective agreement then the employer would have to make further and real concessions.

As a result we have seen:

Please refer to appendix 1

Negotiations were concluded as the employer's side were not prepared to make any further changes.

As a result the staff side negotiators believe that we have now reached a position that we believe is the best that can be achieved through negotiations and we therefore recommend the acceptance of the final draft.

This will enable us to move forward thus ensuring that the management toolkit is completed to reflect the changes in the final draft and move forward with the transition process.

It is however up to the Branch committee to make this final decision based on the ongoing consultation with members and discussions at shop steward committees. The final draft, appendix 1 and a newsletter will update members on our latest/final position.

If we do not accept the recommendation then it has to be remembered that this will result in the imposition of the Policy that was passed at the Policy and Strategy Committee on 24 January 2012.

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Service Conditions Officer

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19 April 2012