

Our ref: NL/JH

Your ref:

When telephoning  
please ask for:

12<sup>th</sup> November 2013

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Dear Mrs Hyde

### **Re: Proposed changes to Terms and Conditions of Staff**

I refer to your letter dated 3 October 2013 in respect of the consultation process indicating a possible dismissal arising from the implementation of changes to terms and conditions.

UNISON has carefully considered the proposals and discussed these with our members. It will come as no surprise that our members are both disappointed and sceptical at some of the proposed changes and see this as an attempt by the Authority at driving down terms and conditions of service.

i) **Essential Car User scheme and related allowances**

The purpose of this allowance is to recompense employees for regularly using their cars for work purposes.

The proposal to pay a reduced figure of 50% as a "Critical Care Allowance" to certain employees is effectively a pay cut to those employees who the council still believes should have access to a vehicle and who may have purchased a vehicle for that very purpose. For some employees it will no longer make economic sense to own a vehicle which would have implications on how they carry out their job and in some cases would cost the authority more in increased travel time and/or alternative modes of transportation.

The decision not to designate anyone as a Critical Car User if they earn over SCP 28 has not been properly explained. UNISON believes that if a business case shows that an employee needs access to a vehicle, it's irrelevant what the grade of their post is. UNISON does not wish to see a situation where an employee on SCP 28 gets promoted to SCP 29, only to find they lose their Critical Car Allowance.

UNISON therefore proposes that the existing Essential Car User allowance be retained at the national rate for those staff that the Authority deems needs access to a vehicle to undertake their duties.

ii) **Car User Mileage rates**

Over the last few years there has been an escalation of fuel and insurance costs. The rates are therefore up-rated by the NJC yearly to reflect such increases. However, HMRC rates are not up-rated yearly and although there was a modest increase from .40 to .45 pence a few years ago, this was the first increase in the HMRC rate for over 10 years.



Fuel costs in particular are expected to increase year by year, with the result that employees will be even worse off as time goes by. Any decrease in the existing mileage rate would affectively be a pay cut for those employees who use their cars on council business. For some employees it will no longer make economic sense to own a car which would have implications on how they carry out their job. In some cases it would cost the authority more in increased travel time and/or alternative modes of transportation.

iii) **Sick Pay Provision**

The national provision in Local Government and other public sector organisations is for up to 6 months full pay and 6 months half pay. The Council claim to have consulted all employees on its proposals to reduce this to 3 months full pay and 3 months half pay. The majority of employees will not have been off for more than 3 months and probably never expect to be, so it is hardly surprising that the Council suggest they appear to “support” this proposal. However, UNISON has evidence that the very people it currently affects i.e. those staff on long term sick, were not consulted, despite claims by the Authority that they were contacted while off sick.

The Authority claims that approximately 60 employees would be affected by its proposals and would save them in the region of £250,000 per annum. According to the information provided at the consultation meeting on 8<sup>th</sup> November the reasons for sickness include potential terminal illnesses (10), stress related conditions (13), Injury/Fractures (6), some of which may have been the result of a vehicle or other third party accidents.

The Authority has confirmed that Industrial Injuries are exempt from the savings identified, although employees who suffer workplace accidents in the future will no doubt have their sick pay entitlement reduced as well. However, reducing sick pay for accidents in the workplace will only lead to increased personal injury claims, so it’s doubtful whether there would be any overall saving. Similarly, for a vehicle or other third party accident the council is able to reclaim from insurance companies payments of sick pay, so in these cases there would be no saving.

Employees on long term sick are at their most vulnerable and the current sick pay scheme allows them the comfort of knowing that despite being severely ill, they will be continue to be paid until i) they return to work, ii) retire on the grounds of ill health or iii) pass away.

UNISON therefore does not believe that the full savings identified by the council will be achieved and that given the vulnerable status of those employees on long term sick, no variation be made to the national conditions.

iv) **Unpaid Leave Provision**

Requiring employees to take three days unpaid leave is effectively a pay cut at the very time council employees are suffering a financial loss due to a pay freeze over the last three years.

There are some areas where forcing employees to take three days unpaid leave would be unworkable, such as in school kitchens. Whilst the Authority has acknowledged that exemptions will need to be made, this should have been done, sooner rather than later.

UNISON suggest that rather than forcing employees to take three days unpaid leave, employees be advised they can apply for a period of unpaid leave instead.

v) **The rate of hourly pay for the lowest paid employees**

The introduction of a Living Wage in Trafford is a welcome move. However, UNISON does not believe that introducing it should be conditional on the other proposals being implemented, which has not been the case in other Authorities.

vi) There is the prospect that increasing the wage rates of the lowest paid, increases the risk of external organisations bidding for contracts with the result that services end up being outsourced to organisations who eventually declare an Economic, Technical or Organisational (ETO) reason why they can no longer afford to pay the Living Wage to those staff who transferred over. Although the Authority have stated that they would encourage companies to pay the Living Wage, UNISON requests that Trafford goes one step further and enforces the Living wage in future contract specifications.

vii) **Remuneration for overtime working;**

Overtime enhancements are paid to encourage employees to volunteer for working beyond full time hours, weekends and Bank Holidays sometimes at short notice and at times when other employees might be reluctant to work. There is an argument that if regular overtime is being worked, then the Authority should appoint more staff.

UNISON therefore recommends that the Authority examines in much more details those areas where overtime is regularly worked and appoints new employees and/or offer increases in hours to part time employees accordingly.

There will always be occasions where overtime is required from the existing workforce. UNISON proposes that existing enhancement rates be left at their current level; otherwise there would be the danger of employees refusing to work in those areas where overtime is required at short notice.

viii) **Relocation (Enforced move)**

The relocation allowance is payable where employees are moved from their normal place of work to another area within the Borough. Although it compensates employees for excess travel expenses, it has never compensated them for increased travelling time. Over the years in Trafford employees have been unsettled by being relocated, sometimes on more than one occasion. There is a suspicion that once relocation expenses cease to be paid, the Authority will relocate employees around the borough, resulting in some employees being out of pocket, all at a time when then the Authority are proposing other cuts to terms and conditions, on top of a three year pay freeze.

If the Council have no plans to relocate staff, then this proposal will not save any money in the future. If the proposals also extend to those employees currently in receipt of the allowance, this may constitute a breach of contract, and UNISON will offer legal representation to our members, should this be the case.

ix) **Working practices for those employed under the Groundforce Division**

A separate response will be sent by the Local UNISON Branch on this proposal.

In summary, UNISON cannot agree to the proposals as a complete package for the reasons stated above. However, we remain committed to the consultation process with the Authority and now ask that your proposals are re-considered in light of the above comments.

Yours sincerely



**NEAL LINSKY**  
Regional Organiser