

REPORT TO: POLICY AND RESOURCES COMMITTEE - 27TH APRIL, 2009
REPORT ON: THE CONVERSION OF 6 PUBLIC HOLIDAYS TO ANNUAL LEAVE
REPORT BY: HEAD OF PERSONNEL
REPORT NO: 198-2009

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise on discussions with the trade unions on the implementation of the conversion of 6 public holidays to annual leave entitlement and to recommend particular arrangements.

2 RECOMMENDATIONS

It is recommended that:-

- 2.1 the 6 public holidays will be transferred to annual leave with effect from 1 April 2009 and agreed protections will apply to existing employees only;
- 2.2 existing employees on rotas (eg Residential Care Workers, Concierge, etc), who are contractually required to work by management on any of the 6 former public holidays, will be paid at time and a half (ie normal pay for the day plus half) with time with pay, taken as annual leave, at an agreed alternative date. New employees will be paid plain time and will have annual leave to take at an agreed alternative date;
- 2.3 for employees not on a rota, the 6 former public holidays will be normal working days. However, annual leave will be granted to existing employees, if they request it giving 4 weeks' notice. New employees will work normally, but may also request annual leave, which may or may not be granted depending on operational needs;
- 2.4 to cover the additional cost of the above proposals, all overtime of a non contractual nature, previously paid at double time, will be paid at a maximum of time and a half, whenever worked. This will apply to all existing and new employees alike;
- 2.5 the 5 public holidays remaining will be unaffected and paid at current rates with time off with pay at an alternative agreed date; and
- 2.6 in view of the current indication that UNITE intends to ballot its members affected by these changes, each of the political groups is requested to nominate a member to form a small working group, so that Officers can brief the working group and seek advice during any period of industrial action by members of UNITE.

3 FINANCIAL IMPLICATIONS

- 3.1 The revisions to the proposal previously approved by the Policy and Resources Committee, are expected to achieve the same revenue savings taken into account in fixing the 2009/10 Revenue Budget.

4 BACKGROUND

- 4.1 Report No 104-2009 'Revenue Budget and Council Tax 2009/10' by the Head of Finance to the Special Policy and Resources Committee of 12 February 2009, contained, amongst other things, various savings reports attached as Appendix B, one of which was the proposal to convert 6 public holidays to annual leave. The Committee agreed that 6 public holidays outwith the Christmas and New Year public holidays be converted into annual leave entitlement as soon as consultations with the trade unions could be concluded.
- 4.2 Discussions have taken place with the trade unions to consider possible implementation arrangements. The trade unions felt that the transfer of public holidays would have a disproportionate effect on those employees, who have to work on public holidays and for whom public holiday working allowances represent regular income. As a result, discussions focussed on providing some protection for existing employees, particularly those on shifts/rotas that oblige them to be at work.
- 4.3 It is, therefore, proposed to reinstate some financial compensation for existing employees, who are contractually required to work on the former public holidays by paying them at the equivalent rate of time plus a half (instead of double time) with paid time off taken as annual leave at an agreed alternative date. To cover the additional cost of this, all overtime of a non contractual nature, previously paid at double time, will in future be paid at a maximum of time and a half, whenever worked, and this will apply to all employees. These arrangements take account of employees on rotas having no choice but to work on days rotaed, regardless of whether they are public holidays or not, whereas non contractual overtime is voluntary and the proposal will help to spread the saving more equitably.
- 4.4 In the event, the UNISON and GMB trade unions have accepted the proposals. However, the UNITE trade union has rejected them and indicated that it will ballot its members, with a view to taking industrial action to overturn the Council's changes to public holidays. In view of the need to maintain the budget saving and given that the majority of employees and their trade unions are prepared to accept the implementation proposals, it is proposed to proceed with these. It is also proposed that each of the political groups should nominate a member to form a small working group to be briefed by officers and be available for advice during any period of industrial action.
- 4.5 The proposals for the implementation of the conversion of 6 public holidays to annual leave are as detailed in the recommendations at 2 above. It is proposed that these are applied with effect from 1 April 2009, which means that the former spring holiday scheduled for 6 April will be the first former public holiday affected and this will be a normal working day subject to the protections described above.

5 POLICY IMPLICATIONS

- 5.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6 CONSULTATIONS

- 6.1 The Chief Executive, Depute Chief Executive (Finance), Depute Chief Executive (Support Services), all Chief Officers and the trade unions have been consulted on the content of this report.

7 BACKGROUND PAPERS

7.1 None.

Iain Martin, Head of Personnel

Date: 30th March, 2009

The recommendations in this report take effect from 1st April, 2009 and therefore, in view of the urgency, the report was approved by the Chief Executive in consultation with the undernoted.

ALEX STEPHEN
Chief Executive

Date: 30/03/09

KEVIN KEENAN
Leader of the Labour Group

Date: 30/03/09

FRASER MACPHERSON
Leader of the Liberal Democrat Group

Date: 30/03/09

BOB DUNCAN
Leader of the SNP Group

Date: 30/03/09

RODERICK A J WALLACE
Leader of the Conservative Group

Date: 30/03/09