



Dear Colleague

### **Review of Roads Working Practices**

You will be aware that for some time there have been discussions ongoing between the Council and the Trade Unions over the working practices within Roads. We thought it would be helpful at this point to provide you with some detail on why the discussions are ongoing, where these discussions are at currently, our concerns about this issue and, lastly, to determine your opinion on how we move forward. To this end please ensure you read through this briefing and reply to us with your thoughts using the reply paid envelope provided.

#### **Why is Scottish Borders Council (SBC) discussing these issues with us?**

At the time of the Single Status agreement ALL employees within SBC came under the same corporate policies; any new corporate policy applied since that time must be applied across the board to all employees regardless of their job. This means that all rates for overtime, shifts enhancements, etc must be applied similarly to ALL employees. The point of Single Status was to eliminate historic gender based discrimination in the workforce – to ensure that men and women were treated equally, fairly. In 2018 SBC came to the Trade Unions and advised that they were aware that there were working practices which had continued within roads which were not in line with corporate policy. SBC identified – correctly – that this situation could leave them open to claims of gender discrimination; the Council cited the mainly female home carer workforce as a direct comparator – that is, this group of employees worked to corporate policy while the mainly male roads workforce did not. There is no suggestion that any individual roads employee has done anything wrong in their wage claim merely that a practice had continued which SBC now require to address. It is our opinion that the equality rationale SBC is using to justify the need for change to bring everyone under corporate policy is valid.

Any argument involving discrimination does not however impact on potential changes to shift patterns; changes to shift patterns are being included in this review as part of SBC's desire to 'improve' the functioning of the service.

#### **Where are the discussions on the review currently?**

We are able to provide you below with detail of the options currently being explored. You should note this is NOT an offer SBC is making but rather only the options under consideration.

Current Practices	Options SBC are considering for future
<b>Rates of Pay (from 2013 Corporate Policy)</b>	
6:00am – 10:00pm (Mon – Sun) – Basic Rate	Remains as is
10:00pm – 6:00am (Mon – Sun) – 1.15	Remains as is
Hours worked over 37 in a week – time and a half	Remains as is
<p>Employees who are rota'd for night-shift cover are currently paid double-time between 12 midnight and 6am.  <i>Note: employees are rota'd for night cover on a regular basis, approx. every 5 weeks during winter months)</i></p>	<p>Moving forward normal night and overtime pay rates will apply, except by exception (when an emergency has been declared and the bunker is open, or as authorised by the Service Director).</p>
<b>Compensatory Rest</b>	
<p>If an employee works between 12am and 4am, they can start next shift late and receive paid compensatory rest</p>	Remains as is
<p>If an employee works between 4am and 7:30am, they can finish shift early and receive paid compensatory rest</p>	Remains as is
<b>Overtime Shift/Travel Time</b>	
<p>Travel time is being paid (in addition to travelling expenses) when an employee is travelling to carry out an overtime shift and is working outwith the town their depot is situated in.</p>	<p>Moving forward only travel expenses will be paid – in line with corporate policy. Travel time will not be paid.</p>
<b>Standby Current Arrangements</b>	
Standby is voluntary	Moving forward standby will be contractual
Standby rate is £85.31 pw	Moving forward standby rate will increase to £101 pw.
<b>Standard Shift Patterns Currently</b>	
<p>Standard shifts are 07:30am – 3:30pm (Mon – Thurs) and 07:30am – 03:00pm (Fri).  Winter service uses overtime for early morning and evening treatments and has a night shift in operation at 6 depots throughout the winter months which is paid at enhanced rates.</p>	<p>Moving forward flexible shift patterns:-  Winter Service night shift arrangements will be replaced by standby arrangements that will deliver 8hrs overnight standby in each depot, 5 nights a week, with 24hrs, Saturday &amp; Sunday</p> <p>- Driver 1 is scheduled to work 1400hrs - 2200hrs &amp; be on standby 2200hrs - 0200hrs</p>

	<p><i>Mon-Fri. Plus standby 1400hrs-0200hrs on Sat. &amp; Sun.</i></p> <ul style="list-style-type: none"> <li>- <i>Driver 2 is scheduled to work 0600hrs - 1400hrs &amp; be on standby 0200hrs - 0600hrs</i></li> <li><i>Mon.-Fri. Plus standby 0200hrs - 1400hrs Sat. &amp; Sun.</i></li> <li>- <i>Each driver receives a standby payment for 7 days</i></li> <li>- <i>Drivers swap shifts weekly (e.g.) Sunday at 1400hrs</i></li> <li>- <i>Each driver has 11hrs maximum duty per day. 10hrs maximum driving per day.</i></li> <li>- <i>Trunk road arrangements will also follow this model. However the patrol will continue to be delivered by a night shift and attract the appropriate rates of pay.</i></li> <li>- <i>No changes to the controller arrangement currently in place.</i></li> </ul>
<b>Fixed/ Public Holidays Currently</b>	
If an employee is on standby for fixed or public holidays, a full day in lieu is given regardless of how long the employee actually worked.	Employee receives time in lieu based on time actually worked.
If an employee works on fixed or public holidays they are given a choice of an additional payment or TOIL	Corporate policy is that TOIL should be considered first
<b>Use of Council Vehicles (Trades Union Issue)</b>	
Some staff including supervisors/ chargehands are allowed to take vehicles home at night.	Vehicles only allowed home where there is a verifiable business need.

Again we would ask you to note that this is NOT an offer but rather is an update on where the discussions are at only.

### **Our concerns**

We have some concerns around this issue:

- (a) It is difficult to argue that one group of workers can be afforded preferential treatment. Any such argument takes us into an area of equal pay which is not defensible – we cannot defend one group of workers being paid in a better way than another. It is difficult to argue that corporate policy should not be applied to all employees. To try to argue for better rates, for example, of overtime for one group of



4. Any other comments

**Name:**

**Depot:**

It is not our intention to arrange meetings at your depots until there is a firm proposal from SBC on the table, however, should you wish us to arrange a meeting before then please indicate this at any other comments and we will arrange to do this.

We cannot take this discussion forward any further without your opinion so please ensure you complete this small survey and return it to us by 5 April 2019 at latest.

Yours in UNISON

UNISON Scottish Borders Public Services Branch