

Trade Union time off and facilities policy agreement

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1.0 Introduction

The purpose of this Policy is to provide guidance for managers and trade union representatives with clear guidelines under which requests for time off for trade union duties will be granted.

The principles in this document are based primarily on the revised 'Code of Practice on Time Off for Trade Union Duties and Activities' written and issued by ACAS.

2.0 Scope of the policy

This Policy takes into consideration the ACAS Code of Practice on Time Off for Union Duties and Activities and the following legislation:

- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Act 2002
- Employment Act 2002 (Commencement No. 4 and Transitional Provisions) Order 2003
- The Safety Representatives and Safety Committee Regulations 1997

3.0 Definitions

For the purposes of this policy the definitions are as follows

- 'Unions' - These are the staff side organisations that are recognised for employment relations for the Council.
- 'Representative' - Will be taken to include any employee elected or appointed in accordance with the rules of the union to be a representative. The unions will notify the Council of such representatives on an annual basis following elections.
- 'With pay' - This term means that, for the period for which a representative has been granted time off from their normal duties, they will receive pay equal to that which they would have normally earned had they been working. No overtime rates are payable.

4.0 General principles

This Policy embodies the following principles:

- The Council recognises the statutory right for trade union officials to take reasonable paid time off from their normal duties to carry out trade union duties and to undertake trade union training. This right is regardless of their length of service.
- The Council recognises that trade union representatives are also able to take reasonable unpaid time off when taking part in trade union activities.
- Overall the entitlement to reasonable time off (paid or unpaid) is a right and not a privilege.
- Time off will not be refused unreasonably. Consideration must be made in terms of the service and compromise may be necessary from both management and unions.
- An employee will not be discriminated against or disadvantaged or favoured during their employment because of their trade union duties or activities.
- The trade unions will endeavour to provide sufficient trained representatives for their membership to ensure that duties do not fall mainly on a small number of representatives.
- Each union is responsible for ensuring that an up to date list of all representatives is maintained. All representatives must be recognised by the Council and requests for recognition must be made to the Human Resource Services Manager. Only then can the representatives make use of the facilities stated in this document

5.0 Functions of representatives

For the purpose of this policy union representatives come within three categories as follows:

5.1 Union officials

Union Officials may carry out all or some of the following duties:

- Dealing with issues relating to terms and conditions of employment, or the physical conditions in which 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 of the duties of employment, as between workers or groups of workers

- Matters of discipline and capability
- Trade union membership or non-membership
- Facilities for officials of trade unions
- Machinery for negotiation or consultation and other procedures

5.2 Union Learning Representatives

Union Learning Representatives must be sufficiently trained to carry out the duties as a Learning Representative, either at the time that the trade union gives notice to the Council that they are a Learning Representative or within six months of that date.

The five key functions undertaken by a Union Learning Representative are:

- Analysing learning and training needs
- Providing information and advice about learning or training matters
- Arranging learning or training
- Promoting the value of learning or training
- Consulting the employer about carrying out these activities

5.3 Union Safety Representatives

The key functions undertaken by Union Safety Representatives are;

- Representing employees in consultations
- Maintaining and improving the health and safety at work of employees
- Investigating potential hazards, dangerous occurrences, causes of accidents, and complaints from employees regarding health safety and welfare at work.
- Assisting in active and reactive monitoring.
- Undertaking workplace inspections.
- Representing employees in meetings with enforcing authority inspectors (HSE) and receive information on them.
- Attending meetings of the Health and Safety Committee.

6.0 Recognition of representatives

The Council recognises that union members may elect representatives to act on their behalf in accordance with the terms of this Policy. Casual and agency workers are excluded from becoming representatives.

Each union is responsible for ensuring that an up to date list of all representatives is maintained. All representatives must be recognised by the Council and requests for recognition must be made to the Human Resource Services Manager.

7.0 Time off arrangements

Time off to undertake union duties will not unreasonably be refused.

7.1 Branch Secretary

The Council will pay 3.42 hours per week for any SLDC employee elected to a Branch Secretary role for a trade union recognized by SLDC.

7.2 Union Officials

Union officials will be granted reasonable time off with pay to undertake any of their duties and training outlined in section 5.

7.3 Union Learning Representatives

Union Learning Representatives will be granted reasonable time off with pay to undertake any of their duties and training outlined in section 5.2 and to take part in relevant training. The management of the time off will be based solely on trust and be subject to the demands of the service.

7.4 Union Safety Representatives

Union Safety Representatives will be granted reasonable time off with pay to undertake health and safety duties and training as outlined in section 5.3.

7.5 Conference

The Council will provide paid time off for one representative of each union to attend their union annual conference. The needs of the service will be taken into consideration when considering the request.

7.6 Management and recording of time off for union duties

The management of paid time off will be recorded using a Time Off to Undertake Union Duties Log (Appendix A) submitted to the Line Manager for authorisation. Following authorisation the Union Official/Representative will forward the Log to the Human Resources Group for recording and retention.

8.0 Exemptions to the time off arrangements

Activities which themselves consist of industrial action (whether or not in contemplation or furtherance of a trade dispute) do not qualify as trade union activities for this purpose of paid time off (Trade Union and Labour Relations (Consolidation) Act 1992, section 170). Further guidance can be found in the ACAS Code of Practice on Time off for Trade Union Duties and Activities. However, where an official is not taking part in industrial action but represents members involved in the industrial action, normal arrangements for time off with pay for the official should apply.

9.0 Payment for time off and reimbursement of expenses

Representatives will be paid at their normal rate of pay for any time off work. If a representative's earnings vary, they will be paid at their average hourly earnings rate, calculated over the previous 12-week period.

There is no statutory requirement to paid time off where the duty is carried out at a time when the official would not otherwise have been at work. However, the Council accepts there may be occasions or circumstances where representatives are asked to attend meetings, at the request of the Council, that extend beyond their normal working hours. On these occasions the Council will ensure that payment or flexi is applied. Any additional hours will be compensated at the normal rate of pay. Overtime rates will not apply.

Representatives who work part time and would not otherwise have been at work will be paid if representatives who work full time would also have been paid.

Travelling expenses to meetings convened by the Council will be reimbursed in accordance with the Council's expenses agreement. Expenses will not be paid for conference or training course costs or travel to such events.

10.0 Procedure for requesting time off

Representatives should not leave the premises where they work to conduct union business without permission. However, permission will not unreasonably be withheld.

Any requests for time off for trade union duties must be made at the earliest opportunity giving as much notice as possible.

The Council/manager will consider each request for time off on its merits, taking into account the needs of the service. Where the timing of the proposed time off is not convenient for the department/group, the Council will seek to agree an alternative equivalent period of time off with the representative.

11.0 Provision of facilities

Facilities will be made available to representatives without charge in order for them to carry out their union duties effectively and to enable them to communicate with their members, shop stewards, fellow lay officers and full time officers in connection with union duties.

11.1 Office accommodation

The Council will allocate lockable office space complete with desks and chairs for dedicated occupancy by the trade unions. Filing cabinets and computer hardware will be provided by the unions themselves.

In addition the unions will be able to make use of the Council meeting rooms for confidential meetings and discussions, by following normal Council booking procedures.

11.2 Corporate and Union Learning Centre

The Corporate and Union Learning Centre is a shared facility between the Council and the Unions. Booking for the use of the facility may be made through the Human Resources Group.

11.3 Communications

Where resources permit and in order to assist the unions in the communication with members the following will be supplied:

- Provision of a telephone and fax line and link to the e-mail, intranet and internet systems.
- Use of the internal courier and postal facilities

- The use of Inside Story for appropriate communications
- Wall allocation for the hanging of union notice boards

11.4 Photocopying/printing

The Council will provide access to photocopying services at no cost for small quantities. For copying in large volumes, the Council's printing services should be utilised and the charge will be as for any other internal department of the Council.

11.5 Deductions of subscriptions

The Council will provide the appropriate facilities for the deductions of trade union subscriptions from members' salaries subject to compliance with the relevant legislation.

12.0 Application of the policy

The Council will ensure that management at all levels are familiar with the detail of this Policy.

If a manager believes that a representative is not complying with the Policy they should refer the matter to the Human Resource Services Manager who will discuss the matter with the union concerned.

Any representative who is aggrieved in relation to a request for time off to carry out their duties should first discuss the matter with their line manager. If the matter cannot be resolved through discussion with the line manager, the representative should invoke the Council's formal grievance procedure.

13.0 Amendment of the policy

The Council or the unions may submit proposals in order to amend this Policy. Such proposals will be in writing and will be the subject of joint negotiations through the Joint Consultative Panel.

14.0 Trade Union time off and facilities agreement

The Council and the recognised trade unions (Unison and GMB) will indicate their acceptance to the provisions outlined in this Policy by signing the Trade Union Time Off and Facilities Agreement (Appendix B).

This Agreement may be terminated by either party by providing three months notice in writing

Appendices to this document

Appendix A: Time Off to Undertake Union Duties Log

Appendix B: Trade