

Policy on Time off for Trade Union Duties, Activities and Training

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Contents Page:

	Page No.
1. <u>Introduction</u>	3
2. <u>Scope of the Policy</u>	3
3. <u>Notification of Appointments</u>	3
4. <u>Time off for Trade Union Duties</u>	3
5. <u>Time off for Trade Union Activities</u>	4
6. <u>Safety Representatives</u>	4
7. <u>Time of for Trade Union Training</u>	5
8. <u>Requesting Time Off</u>	5
9. <u>Responding to Time off Requests</u>	5
10. <u>Employees who are Key Branch Officials</u>	6
11. <u>Definition of Pay</u>	6
12. <u>Facilities</u>	6
13. <u>Recording and Monitoring</u>	6
14. <u>Greivances</u>	7
15. <u>Advice on the Application of the Policy</u>	7

List of Appendices:

	Page No
1. <u>Form A – Annual Time off Monitoring Form</u>	8
2. <u>Form B – Dedicated Time off Monitoring Form</u>	10

Policy on Time off for Trade Union Duties, Activities and Training

1. INTRODUCTION

- 1.1 The Trades Unions have a key role to play in promoting and sustaining positive employee relations and a good/high standard of health and safety practices. The Council recognises the important contribution which is made by the Trades Unions and also recognises that Trade Union Representatives and Safety Representatives are entitled to reasonable time off to fulfil their duties and to undertake relevant training.

2 SCOPE OF THE POLICY

- 2.1 For the purpose of this policy "Trade Union Representatives and Safety Representatives" are defined as employees who have been appointed in accordance with the rules of a Trade Union recognised by the Council to be a representative of all or some of the union's members in a particular workplace.
- 2.2 The Trade Unions recognised by the Council for the purpose of this policy are UNISON, Unite, GMB, , EIS, SSTA, NASUWT.

3 NOTIFICATION OF APPOINTMENTS

- 3.1 Each Trade Union must notify the **Service Director HR and Communications** in writing of the name, department and work location of Trade Union Representatives and Safety Representatives, and, the section/workplace represented in each case, as soon as possible after the appointment.
- 3.2 HR will maintain a record of all such appointments and notify Service/ Executive Directors as appropriate.
- 3.3 Following appointment Trade Union Representatives and Safety Representatives must meet their manager to discuss anticipated time off requirements in the context of the operational needs of the service.

4 TIME OFF FOR TRADE UNION DUTIES

- 4.1 Trade Union Representatives are entitled to reasonable time off with pay, subject to the exigencies of the service, to undertake duties and the necessary preparatory work concerned with negotiations/consultations with the Council on relevant matters.
- 4.2 The following list is neither exclusive or exhaustive but illustrates the nature of the duties for which reasonable time off with pay may be granted:

Examples of duties:

- (a) discussions on terms and conditions of employment, for example, pay, grading, hours of work, equal opportunities issues, training.
- (b) discussions on physical conditions and the working environment including use of machinery and equipment.
- (c) discussions on matters relating to recruitment, redeployment, retirement, or redundancy'
- (d) dealing with disciplinary and grievance cases including attending formal hearings as a representative.
- (e) discussions on the establishment of mechanisms for consultation and recognition purposes.

- (f) discussions on the provisions of facilities for Trades Union use eg accommodation, equipment, communication systems.
- (g) informing union members of the progress of discussions.
- (h) meetings with other Trade Union Representatives, Safety Representatives, full time Trade Union Officials on matters concerned with negotiations/consultations with the Council.
- (i) attending, where nominated, meetings of the Council's Joint Consultative Group.

5 TIME OFF FOR TRADE UNION ACTIVITIES

5.1 The Council recognises that Trade Union Representatives are entitled to reasonable time off without pay, subject to the exigencies of the service, to take part in activities relating to the operation of the Trade Union. Employees who are members of a recognised Trade Union also have this entitlement.

5.2 Examples of activities may include:

- (a) attendance by Trade Union Representatives and/or employees who are members of a recognised Trade Union at meetings to discuss the democratic processes of the Trade Union.
- (b) attendance by Trade Union Representatives in an official capacity on Trade Union policy making bodies and/or attendance at Trade Union meetings at branch, district, regional or national level.

Although as indicated above there is no entitlement to paid time off for Trade Union activities, consideration will be given to making an exception to this in certain circumstances as follows:

- (a) the Service/ Executive Director may consider giving paid time off to Trade Union Representatives and employees to attend a workplace meeting to discuss a significant issue which is the subject of negotiation or consultation with departmental management.
- (b) the Service Director HR and Communications, in consultation with the appropriate Service/ Executive Director(s), may consider giving paid time off to a limited number of Trade Union Representatives to attend the Annual National Conference of a recognised Trade Union.

6 SAFETY REPRESENTATIVES

6.1 Reasonable time off with pay, subject to the exigencies of the service will be granted to Safety Representatives to enable them to perform their prescribed functions. The following are examples of these functions however the list is neither exclusive or exhaustive:

- (a) investigating concerns/complaints by employees within their area of representation relating to health, safety and/or welfare at work.
- (b) carrying out safety inspections within their area of representation.
- (c) attending meetings of safety committees.

- (d) making representation to management on matters affecting health, safety or welfare at work of employees.

7 TIME OFF FOR TRADE UNION TRAINING

- 7.1 Trade Union Representatives and Safety Representatives are entitled to reasonable time off work with pay, subject to the exigencies of the service to undergo training.
- 7.2 Consideration under the above paragraph to time off with pay will only be given to courses approved by the TUC or the appropriate Trade Union and where the content is relevant to their function of Trade Union Representative and/or Safety Representative.

8 REQUESTING TIME OFF

- 8.1 For Trade Union duties, activities and safety functions:
- 8.1.1 A Trade Union Representative or Safety Representative must request permission from the appropriate line manager to take time off giving as much notice as possible (normally not less than 5 working days). It is however recognised that in certain circumstances it is not reasonably practicable for such a period of notice to be given.
- 8.1.2 The request should be in writing on the form provided for this purpose and should provide details of :
- the purpose of the time off
 - the intended location of the duties
 - the timing and expected duration of the time off requested.
- 8.1.3 Where time off is sought on a recurring basis to attend scheduled meetings, for example the Council Joint Consultative Group, the employee should provide a list of the dates to the appropriate line manager as this will facilitate forward planning where cover needs to be arranged.
- 8.2 For Training Courses:
- 8.2.1 The Full Time Trade Union Official or Branch Official of the Trade Union concerned must write to the Service Director HR and Communications, normally 4 weeks before the start of the course providing:
- the name(s) of the employees nominated to attend
 - the location and duration of the course details of the course content (eg copy of the course programme).
- 8.2.2 The Service Director HR and Communications will determine the relevance of the course and where appropriate process the request in consultation with the line manager.
- 8.2.3 The Trade Union Representative or Safety Representative should also give as much notice as possible to their line manager that a formal request is being submitted by the Trade Union to HR for time off specifying the proposed date(s) etc.

9 RESPONDING TO TIME OFF REQUESTS

- 9.1 Time off requests will normally be approved provided that adequate notice and information is provided by the Trade Union Representative, Safety Representative or where appropriate Trade Union Full Time Official, as outlined in the preceding paragraphs.
- 9.2 However in deciding whether or not time off can be granted, consideration will be given by the manager to factors including:
- the reason for the request
 - the amount of time off recently granted and any other time off already agreed for the future

- the adequacy of cover for the service giving particular regard to health and safety
- the impact on operational requirements/service delivery.

The manager will also recognise the key role of the Trade Unions in representing their members.

- 9.3 Where a time off request is refused the manager (or HR where a training course is considered not relevant) will provide the reasons for the refusal to the employee or the Trade Union Full Time Official as appropriate. If the employee is dissatisfied and the matter cannot be resolved informally, the Grievance Procedure may be used.

10 EMPLOYEES WHO ARE KEY BRANCH OFFICIALS

- 10.1 It is recognised that certain branch officials may undertake significant levels of Trade Union duties on a Council wide basis or because of the high membership numbers. In such exceptional cases regular time off with pay may be granted for a specified period.
- 10.2 Any such requests must be in writing by the Trade Union to the Service Director HR and Communications who will advise the outcome following consultation with the Chief Executive and Management Team. The request must be supported by reasons justifying such an arrangement.
- 10.3 It will ultimately be a matter for the appropriate Service/ Executive Director to decide how any regular time off is to be arranged.

11 DEFINITION OF PAY

- 11.1 For the purpose of this policy, pay is defined as the employee's normal contractual salary/wage for the period of time off granted during working hours including average bonus where appropriate
- 11.2 Where time off is unpaid (Trade Union activity) an appropriate deduction from pay will be made and calculated with reference to the definition in 11.1
- 11.3 Employees on the Flexible Working Hours Scheme who are granted time off, whether paid or unpaid, will be given a credit for time not worked by reference to the standard office hours.
- 11.4 There is no entitlement to payment or time off in lieu for Trade Union duties or Trade Union training undertaken outwith normal working hours.

12 FACILITIES

- 12.1 It is recognised that the provision of facilities for Trade Union Representatives/Safety Representatives will assist them to perform their duties more efficiently and communicate more effectively with their members and full time Trade Union officials.
- 12.2 Requests by Trade Unions for accommodation for meetings, space on internal staff notice boards and use of internal mail system should where possible be provided by departments if requested. The use of telephones, photocopiers and other office equipment may also be provided on the basis of an appropriate payment being made.
- 12.3 The Council will respond positively to requests from Trade Unions for use of email and the Intranet subject to any agreed Protocol and technical constraints.
- 12.4 The provision of dedicated office space and related facilities will be positively considered by the Council, subject to availability in terms of Council priorities and the payment of appropriate charges.

13 RECORDING AND MONITORING

- 13.1 It is the responsibility of Service/ Executive Directors to ensure there are arrangements for recording and monitoring all time off granted under this policy. A model form is

appended for this purpose which should be retained by the appropriate manager. The Trade Union Representative or Safety Representative should arrange to access this form from their manager, complete the relevant section of the form and seek the authorisation of their manager

14 GRIEVANCES

- 14.1 The Council is aware that a Trade Union Representative, Safety Representative or indeed a union member has the right to make a complaint to an Employment Tribunal concerning an alleged breach of the statutory time off provisions. Prior to that however it is hoped that any problems can be resolved informally, and if not, by recourse to the Council's Grievance Procedure.

15 ADVICE ON THE APPLICATION OF THE POLICY

- 15.1 The HR Case Management Team are available to provide advice on the application of this policy and can be contacted via email askhr@scotborders.gov.uk or telephone 01835 825052/3 (HR reception)

FORM A – ANNUAL TIME OFF MONITORING FORM

Year: 1 January _____ to 31 December _____

RECORD OF TIME OFF FOR TRADE UNION DUTIES, ACTIVITIES, TRAINING AND SAFETY REPRESENTATIVES (Completed forms to be retained by TU official and to be available for inspection for monitoring purposes)

Name:	Job Title:	Trade Union:
Department:	Work Location:	

Date(s)	Duration		Venue and name of management contact (where appropriate)	<u>Brief description of Duty/Activity or Training</u>	D/AT*?	Approved by (line manager's initials)
	From	To				



Date(s)	Duration		Venue and name of management contact (where appropriate)	<u>Brief description of Duty/Activity or Training</u>	D/A/T*?	Approved by (line manager's initials)
	From	To				

* D = Duty A = Activity T = Training

FORM B – DEDICATED TIME OFF MONITORING FORM

MONTHLY RECORD OF TIME OFF FOR TRADE UNION DUTIES, ACTIVITIES AND TRAINING (Copy to be sent to HR monthly)

Name:	Trade Union:
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Date(s)	Duration		Venue and name of management contact (where appropriate)	<u>Brief description of Duty/Activity or Training</u>	<u>D/A/T*</u>
	From	To			

* D = Duty A = Activity T = Training



Date(s)	Duration		Venue and name of management contact (where appropriate)	<u>Brief description of Duty/Activity or Training</u>	D/A/T*
	From	To			

* D = Duty A = Activity T = Training