

Human Resources

TRADE UNION PAID TIME OFF AND FACILITIES AGREEMENT – FIRE BRIGADES UNION

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South Yorkshire
Fire & Rescue
WORKING FOR A SAFER
SOUTH YORKSHIRE

**TRADE UNION PAID TIME OFF AND FACILITIES AGREEMENT –
FIRE BRIGADES UNION**

INTRODUCTION

1. South Yorkshire Fire & Rescue Service supports the principle of collective bargaining when dealing with issues that affect its employees. In order that this principle is practically supported there is a need for suitable and effective arrangements to be put in place for time off to be given to recognised trade unions in respect of trade union duties, activities and training.
2. In the case of the Fire Brigades Union (FBU) this agreement acknowledges the high level of workload at a service wide level in respect of trade union matters. For this reason, the agreement provides for one full-time secondment to trade union duties to cover the position of FBU 'Brigade Secretary'. Approved time off for other FBU officials i.e. 'Brigade Chair' and 'Membership Secretary' plus other representatives, is granted on the basis of the allocation of an agreed number of hours. The distribution of these hours between the aforementioned officials is determined by the Brigade Secretary.
3. As a member of the Dignity at Work Partnership¹, SYFR is committed to promoting a positive working environment where the dignity and respect, to which all employees are entitled, is not undermined. No employee should be treated less favourably on the grounds of race, gender or gender reassignment, disability, sexual orientation, religion or spiritual belief, colour, nationality, national or ethnic origin, marital/parental status, family ties, trade union or political belief, hours worked, or any other reason, either directly or indirectly.

BACKGROUND

4. Since the introduction of the Employment Protection Act 1975, trade union officials have had the statutory right to reasonable paid time off from employment to carry out trade union duties and to undertake trade union training. Union officials and members were also given a statutory right to reasonable unpaid time off when taking part in trade union activities.
5. In 1989 restrictions were introduced on the range of issues for which paid time off for trade union duties could be claimed, to those covered by recognition agreements between employers and trade unions.
6. All the time off provisions were brought together in sections 168 – 170 of the Trade Union and Labour Relations (Consolidation) Act 1992. (TULRCA) Section 43 of the Employment Act 2002 added a new right for Union Learning Representatives to take paid time off during working hours to undertake their duties and to undertake relevant training.

ENTITLEMENTS TO TIME OFF UNDER THE ABOVE LEGISLATION

7. The statutory entitlement to time off with pay for trade union officials covers the following:-
 - Negotiations with the employer related to or connected with matters falling within section 178(2) (collective bargaining) in relation to which the trade union is recognised by the employer

¹ The Dignity at Work Partnership is a partnership between the Government, Unite (the UK's largest union) and major public and private organisations. For further information on the Partnership, see www.dignityatwork.org

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- The performance on behalf of employees of the employer of functions related to or connected with matters falling within that provision which the employer has agreed may so be performed by the trade union
- Receipt of information from the employer and consultation by the employer under section 188 (redundancies) or under the Transfer of Undertakings (Protection of Employment) Regulations 1981

PURPOSE OF THE POLICY

8. The Authority recognises that both employers and employees have a joint responsibility to ensure agreed arrangements for time off are of mutual benefit. With this in mind this policy has been designed to provide clear guidelines for the application of the above principles and ensure fair and equitable treatment. The policy will be reviewed at six monthly intervals in order to ensure its continuing effectiveness.

TRADE UNION ACTIVITIES AND DUTIES

9. Examples of trade union activities include:-
 - Attending work place meetings to discuss and vote on the outcome of negotiations with the employer
 - Meeting full time officials to discuss issues relevant to the workplace
 - Voting in union elections
10. In addition to the above where a member is acting as a representative, of a recognised union, activities can be, for example taking part in:-
 - Branch, area or regional meetings of the union where the business of the union is under discussion
 - Meetings of official policy making bodies such as the executive committee or annual conference
 - Meetings with full time officials to discuss issues relevant to the workplace
11. The above list is not exhaustive and further information is available within the ACAS code of practice 3, concerning time off for trade union duties and activities. This can be found at www.acas.org.uk and may be used for reference.

PAYMENT FOR TIME OFF FOR TRADE UNION DUTIES

12. Officials of the Fire Brigades Union (FBU) will be paid for time taken off to carry out approved union duties. When these duties are undertaken when the official would not otherwise have been at work compensatory time off will be given providing that time off in lieu is taken on a time for time basis with no enhancement.

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REPRESENTATION

13. Officials other than the FBU Brigade Secretary are required to request permission from line managers, in writing, prior to taking time off to carry out trade union duties. Unless exceptional circumstances apply, any such request shall be made no less than seven days in advance.

STATION / BRANCH MEETINGS

14. Personnel will be permitted reasonable time off from routine duties to attend normal station/branch meetings provided that operational cover and availability is not compromised.
15. It is expected that meetings will normally be held in stand down periods. Where this is not possible meetings will be timed so as to cause minimum disruption to working routines. 'Non-rider' personnel who are conditioned to a day duty system will normally be expected to attend meetings outside of working hours.
16. No compensation will be paid to personnel attending meetings during their off duty time.

DISTRICT REPRESENTATIVES

17. SYFR operates a district as opposed to a divisional structure. Therefore reference to 'District' Representatives can be taken to be the equivalent of 'Divisional' Representatives or vice versa. It is the responsibility of the FBU Brigade Secretary to inform the Director of Human Resources in writing as soon as possible after appointment of the people holding these positions.

DISTRICT AND OTHER REPRESENTATIVES – ATTENDANCE AT MEETINGS AND CONFERENCE

18. District and other nominated representatives, when on duty, will be permitted reasonable time off from normal routine duties to attend district meetings, Brigade Committee meetings and regional meetings provided that operational cover and availability is not affected in any way. In granting time off to attend these meetings officers in charge may utilise the detached duty system to maintain operational cover. No compensation will be available to personnel attending these meetings during their off duty time.
19. With regard to attendance, the maximum numbers attending each category of meeting on the basis of 'paid time-off' will be:-

District Meetings	All District Representatives and/or Branch Representatives
Brigade Committee	Brigade Secretary Brigade Chair Brigade Membership Secretary 2 x Officer Representatives 5 x District representatives Control representative 3 x minority group representatives

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Regional Meetings	3 x delegates from Brigade
Annual Conference	Leave with pay will be granted to a maximum of five delegates plus the Brigade Secretary to attend the annual conference of the union, provided that operational cover and availability is not affected in any way. No compensation will be available to personnel attending during their off duty time.

FULL TIME OFFICIALS

20. Should an employee of SYFR be elected as a full time official into any regional or national post, they will no longer be funded by the Fire Authority. In future paid time off will only be granted to regional or national officials, where clear evidence is provided that the time is required to resolve local SYFR issues or otherwise relates directly to issues under joint consideration within SYFR. In such cases the provisions of paragraphs 7 and 12 of this document will apply. In any event seven days notice of attendance, in writing, is required to be given to the Deputy Chief Fire Officer before attendance is approved. Where time off is granted this will be deducted from the pool of hours referred to below.

HEALTH AND SAFETY REPRESENTATIVE DUTIES

21. The Health & Safety at Work Act 1974 gives accredited safety representatives the right to be involved in Health & Safety matters and enables them to take time off with pay to carry out these duties.
22. Health & Safety activities undertaken by trade union officials will not be deducted from the agreed number of hours.
23. In order for safety representatives to be able to carry out their official duties the Authority agrees that a maximum of three representatives for each District will be required plus one for each non fire station based workplace. In respect of fire station based representatives, ideally, these should be spread throughout the four watch colours within a particular district.
24. With the number of safety representatives available it is expected that normal Health & Safety duties will be carried out during on duty periods and designated representatives will be permitted reasonable time off from normal routine to carry out official duties, provided that operational cover is not affected in any way. In granting time off officers in charge may utilise the detached duty system to maintain operational cover. When official Health & Safety duties are carried out in off duty periods compensatory time off in lieu will be granted on a time for time basis with no enhancement. Official duties in this context are:
- Workplace programmed inspections
 - Meetings called at the request of management
 - Official enquiries into accidents or incidents where no safety representative is on duty
 - Meetings or consultation requested by the HSE

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- Accredited safety representatives will also be given time off with pay to attend training courses which are relevant to the carrying out of official duties and are approved by the Trade Union Congress.

EQUALITY AND FAIRNESS

25. Fairness at work activities carried out by officials under the auspices of the Equality and Fairness Steering Group are considered to be part of the joint approach by management and the trade unions and will not be deducted from the agreed number of hours.

DISCIPLINE AND GRIEVANCE ISSUES

26. Activities carried out by officials in support of colleagues requiring representation at disciplinary and grievance interviews or hearings are also considered to be part of the joint approach by management and the trade unions and will not be deducted from the agreed number of hours.

HOURS ALLOCATED FOR UNION ACTIVITY

27. At the start of each year (April 1st) it will be the responsibility of the Brigade Secretary to notify the Director of Human Resources with regard to the current level of the union's membership. The total allocation is three hours per FBU member in order to arrive at a total number of 'paid time off' hours for FBU officials other than the 'Brigade Secretary'.

RECORD KEEPING

28. Time spent on official duties by the Brigade Secretary and Brigade Chair will not be taken from the allocated number of hours.
29. All time spent on union duties by any other officials e.g. District and Station/Branch representatives will be recorded monthly on Form FS120a and returned to the Human Resources Manager - Uniformed. These hours will be deducted from the allocated total.
30. Any activities carried out under the auspices of paragraphs 20 – 23 above by representatives who are 'off-duty' should also be recorded on FS120a, but as a minus figure. Any such hours will then be added back into the allocated total set out at paragraph 26.

GENERAL CONSIDERATIONS

31. It is accepted that from time to time there may be a need for meetings to be held which are additional to the normal routine. In these cases the authority to grant time off is at the discretion of the officer in charge of the station/workplace.
32. There is no right to take time off for union activities which themselves consist of industrial action.

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33. Management reserves the right to terminate this agreement with 90 days notice and will in addition review the contents of this policy on an annual basis.
34. The Authority continues to provide the free use of the following facilities for the Fire Brigade Union:-
- Exclusive use of office accommodation for the Brigade Secretary with free heat and lighting
 - Use of telephone services
 - Use of computer and network facilities
 - Use of notice board at all fire stations
 - Use of station and CHQ facilities for meetings.

If you require any further information on this Policy, please contact the Human Resources Directorate