

Human Resources

TRADE UNION PAID TIME OFF AND FACILITIES AGREEMENT – OTHER RECOGNISED UNIONS

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South Yorkshire
Fire & Rescue
WORKING FOR A SAFER
SOUTH YORKSHIRE

TRADE UNION PAID TIME OFF AND FACILITIES AGREEMENT – OTHER RECOGNISED UNIONS

INTRODUCTION

1. South Yorkshire Fire & Rescue (SYFR) 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. 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, any other reason, either directly or indirectly.

BACKGROUND

2. 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.
3. 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.
4. All the time off provisions were brought together in sections 168 – 170 of the Trade Union and Labour Relations (Consolidation) Act 1992. (TULCRA) 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

5. 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 or;
 - 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 or;

¹ The Dignity at Work Partnership is a partnership between the Government, Unite (the UK's largest union) and major organisations such as BAE Systems, BT, Legal and General, Royal Mail etc. For further information on the Partnership, see www.dignityatwork.org

- 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

6. 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

7. 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.
8. 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.
9. 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

10. Officials of recognised trade unions 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.

REPRESENTATION

11. Officials 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 7 days in advance.

BRANCH MEETINGS

13. Employees will be permitted reasonable time off from routine duties to attend meetings provided that the day to day working of the organisation is not compromised.
14. It is expected that meetings will normally be held outside of normal office hours. Where this is not possible meetings will be timed so as to cause minimum disruption to working routines.
15. No compensation will be paid to employees attending meetings during their off duty time.

REPRESENTATIVES – ATTENDANCE AT REGIONAL MEETINGS AND ANNUAL CONFERENCES

16. Leave with pay will be granted to a maximum of one delegate from a recognised trade union to attend both regional meetings and the annual conference of the union, provided that the day to day working of the organisation is not compromised in any way. No compensation will be available to employees attending during their off duty time.

FULL TIME OFFICIALS

17. Should an employee of SYFR be elected as a full time official into any regional or national post, they will not be funded by the Fire Authority. 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 5 and 10 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

18. 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.
19. Health & Safety activities undertaken by trade union officials will not be deducted from the agreed number of hours.
20. In order for safety representatives to be able to carry out their official duties the Authority agrees that a maximum of 1 representatives for each non district based workplace e.g. BTC, Stores, Workshops etc.
21. 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.
- 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

22. Fairness at work activities carried out by officials under the auspices of the Equality and Fairness Steering Group is 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

23. 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

24. At the start of each year (April 1st) it will be the responsibility of each union official to notify the Director of Human Resources with regard to the current level of its respective membership broken down into full time and part-time staff. The total available hours to be allocated for the year in question will be:-

Full-time staff members	-	3 hours per member per year
Part-time members	-	1 hour per member per year

RECORD KEEPING

25. All time spent on union duties by any official, should be recorded monthly on Form A1 and returned to the Director of Human Resources. These hours will be deducted from the allocated total.
26. Any activities carried out under the auspices of paragraphs 18 – 21 above by representatives who are 'off-duty' should also be recorded on Form B1, but as a minus figure. Any such hours will then be added back into the allocated total set out at paragraph 24.

GENERAL CONSIDERATIONS

27. 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 / manager of the relevant workplace.
28. There is no right to take time off for union activities which themselves consist of industrial action.
29. 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.
30. The Authority continues to provide the free use of the following facilities for the recognised trade unions:-
 - Use of office facilities with free heat and lighting
 - Use of telephone services
 - Use of computer and network facilities
 - Use of notice boards at SYFR premises
 - Use of station and CHQ facilities for meetings

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