

Employment Committee

Meeting to be held on Monday, 12 March 2018

Electoral Division affected: None

Policy on Trade Union Facilities and Time Off for Trade Union Duties and Activities

(Appendix 'A' refers)

Contact for further information:

Deborah Barrow, (01772) 535805, Head of Service Human Resources,

Deborah.Barrow@lancashire.gov.uk

Executive Summary

The Council's Facilities Agreement, an agreement on facilities and time off for trade union representatives to undertake trade union duties and activities between the Council and its recognised trade unions, has been revised in light of an Employment Committee decision taken last year to withdraw the funding for five full time trade union secondments with effect from 31 March 2018.

It is proposed that that existing Facilities Agreement be replaced by a new proposed Policy on Trade Union Facilities and Time Off for Trade Union Duties, which sets out the Council arrangements in compliance with the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A), the requirements of the Safety Representatives and Safety Committees Regulations 1977 (as amended by the Management of Health and Safety at Work Regulations 1999, made under the Health and Safety at Work etc. Act 1974) and the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.

Recommendation

The Committee is asked to approve the proposed Policy on Trade Union Facilities and Time Off for Trade Union Duties, set out at Appendix 'A', with effect from 1 April 2018.

Background and Advice

Whilst the Committee's decision, taken on 27 September 2017, to withdraw funding for the five full time trade union secondments does not impact on the statutory requirements placed on the Council to allow trade union representatives reasonable time off to undertake trade union duties and activities, it has necessitated a review of the existing Facilities Agreement to ensure references to the Council funded secondments are removed and that it remains fit for purpose going forwards. What the Council defines as 'trade union duties', which qualify for reasonable paid time off alongside training, and 'trade union activities', which qualify for reasonable unpaid

time off, remain unchanged. It is further proposed, over and above the existing legislative provisions, that reasonable time off with pay be considered to facilitate the attendance of named trade union representatives at the National Conference of their trade union, and trade union representatives elected to appropriate regional and national trade union bodies to attend committee meetings.

It is acknowledged that withdrawal of the Council funded secondments will result in managers receiving more requests for time off from trade union representatives to undertake trade union duties and activities, including time off for training to enable representatives to develop the skills required for the role. Supplementary guidance has therefore been developed to help managers deal with requests for time off for trade union purposes, including the factors they need to take into account when determining what is "reasonable".

Whilst there is no statutory right for facilities to be provided for trade union representatives, except for those engaged in duties relates to collective redundancies and the Transfer of Undertakings, the ACAS Code of Practice on Time Off for Trade Union Duties and Activities advises that employers should, where practical, make available to trade union representatives the facilities necessary for them to perform their duties efficiently and communicate effectively with their members, trade union colleagues and full time officers. The existing Facilities Agreement sets out that reasonable facilities will be made available for this purpose and it is proposed that this provision remains in place, unchanged, within the revised policy. The policy proposes the continued use of Room A42, at County Hall, as a facility that all recognised trade unions can use.

Consultations

The proposed Policy on Trade Union Facilities and Time Off for Trade Union Duties and Activities has been shared with the recognised trade unions at the Joint Negotiating and Consultative Forum.

Implications:

This item has the following implications, as indicated:

Risk management

The Council is under a statutory duty to allow trade union representatives reasonable paid time off to undertake trade union duties and reasonable unpaid time off to undertake trade union activities. The proposed policy complies with the ACAS Code of Practice, the provisions of which are admissible in evidence in proceedings before an Employment Tribunal relating to time off for trade union duties and activities.

Financial

There are no direct financial implications arising from the adoption of the proposed policy. However, there will be indirect costs incurred as it will be expected that the Council releases workplace trade union representatives to undertake trade union duties and activities, including representation at a corporate level, to fulfil its statutory

obligations. This will be closely monitored throughout 2018/19 once the new arrangements are implemented.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A