

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

1 Introduction

1.1 This Policy describes the arrangements made by Lancashire County Council ("the Council") in compliance with:

- Sections 168, 168A, 169, 170 & 178 (1)-(3) of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) in relation to time off for trade union duties and activities and facilities for trade union representatives;
- Section 168A of TULR(C)A in relation to time off for trade union learning or training activities and facilities for Union Learning Representatives;
- the requirements of the Safety Representatives and Safety Committees Regulations 1977 ("the 1977 Regulations"), as amended by the Management of Health and Safety at Work Regulations 1999, made under the Health and Safety at Work etc. Act 1974.

The arrangements also comply with the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.

1.2 The recognised trade unions to whom the arrangements apply are UNISON, Unite, GMB, and the Soulbury Unions (National Union of Teachers, Education and Children's Services Group of Prospect and Association of Educational Psychologists). Separate arrangements apply to Schools.

1.3 The Council expects all parties – the management and trade union sides – to conduct themselves in an appropriate manner, in accordance with the Council's Code of Conduct, in their interactions with one another under the terms of this policy.

2 Trade Union Duties and Activities

2.1 Reasonable time off **with pay** will be given to accredited trade union representatives in relation to the following matters:

- terms and conditions of employment or the physical conditions in which workers are required to work;
- recruitment and selection;
- termination or suspension of employment;
- allocation of work or the duties of employment;

- service restructures/reorganisations
- disciplinary, capability, attendance and grievance matters including time off to accompany employees at hearings;
- trade union membership and facilities;
- negotiation and consultation arrangements.

2.2 The duties likely to be undertaken by accredited trade union representatives in relation to the matters set out at 2.1 above are:

- providing advice to trade union members on issues cited above;
- meetings to prepare for and represent/accompany trade union members at formal hearings etc.;
- attending meetings with management side representatives to discuss individual cases/disputes;
- meetings with officer representatives as part of formal/informal consultation/negotiation (such as attendance at JNCF, s188 and other such meetings).

2.3 The Council has also agreed that requests for reasonable time off **with pay** will also be considered to enable:

- The attendance of trade union representatives at the National Conference of their trade union. Named representatives must be nominated by the trade union concerned and requests for time off for this purpose submitted to the Council a minimum of 2 months before the event. The total number of representatives will be subject to agreement by management, in discussion with the trade union, on the occasion of each individual conference, subject to each representative's release to attend being agreed by their Head of Service;
- Trade union representatives elected to appropriate regional and national trade union bodies to attend committee meetings. The names, functions, frequency and duration of time off for this purpose must be notified to the Council a minimum of 2 months in advance, and is subject to the representative's release being agreed by their Head of Service.

2.4 Reasonable time off **without pay** will be given (where business needs allow) to accredited trade union representatives to take part in trade union activities additional to those set out above, for example:

- attending union meetings to discuss and vote on the outcome of consultations/negotiations with the Council;
- voting in union elections;
- having access to services provided by a Union Learning Representative;
- branch meetings of the union where the business of the union is under discussion.

3 Union Learning Representatives

3.1 Reasonable time off **with pay** will be given to accredited Union Learning Representatives to undertake the following functions:

- consulting the employer about carrying out union learning activities;
- analysing learning or training needs;
- providing information and advice about learning or training matters;
- arranging learning or training for members;
- promoting the value of learning or training;
- preparation to carry out any of the above activities;
- undergoing relevant training.

4 Union Safety Representatives

4.1 Reasonable time off **with pay** will be given to Union Safety Representatives as per Regulations 4, 4A and 4(2) of the 1977 Regulations (as amended) to undertake the following functions:

- represent employees generally and consult them about specific matters that will affect the health, safety and welfare of employees;
- represent employees when Health and Safety Inspectors from HSE or local authorities consult them;
- investigate accidents, near misses, and other potential hazards and dangerous occurrences in the workplace;
- investigate complaints made by an employee they represent about their health, safety or welfare in the workplace;
- present the findings of investigations to management;

- inspect the workplace;
- attend Health and Safety Committee meetings.

5 Training

5.1 Training is important for union representatives to enable them to carry out their duties effectively and the trade unions are expected to recruit and train representatives to the standards required to undertake the role. Training must be approved by the Trades Union Congress (TUC) or by the relevant trade union.

5.2 Reasonable time off **with pay** will be given to trade union representatives to undertake training in the following areas:

Trade Union Representative:

- representational skills including accompaniment, negotiation and consultation;
- specialist areas such as collective redundancy and transfer of undertaking (TUPE) where relevant to workplace circumstances;
- familiarisation or updating of TU representatives on the developing needs of the workforce;
- significant proposed changes to the structure and topics of negotiation or changes in the organisation of work;
- legislative changes which may affect employment relations and the reconsideration of existing agreements;
- representational skills at disciplinary and grievance hearings;

Union Learning Representative:

- to undertake the duties of a Union Learning Representative (see point 3.1);

Health and Safety Representative:

- health and safety training as required for Union Health and Safety Representatives.

6 Requests for Time Off

6.1 All requests for time off should be made by the trade union representative to their line manager, giving as much notice as possible for casework matters and a minimum of 2 months for scheduled regional and national committee meetings and conferences. If the request is approved, the line manager will record this on the Oracle HR & Payroll System.

- 6.2 When deciding whether requests for time off (paid and unpaid) should be granted, line managers need to consider each request for time off on its merits and should also consider the reasonableness of the request in relation to the agreed time off already taken (or in prospect) and the needs of the service. A mutually convenient time should be agreed, where possible, which minimises the effect on service delivery.
- 6.3 Time off for trade union duties and activities must be reasonable. What is "reasonable" will be determined through a discussion between the trade union representative and their line manager and will depend upon the reason for the time off. The time off should be sufficient to undertake the duty or activity but will be granted subject to the needs of the service balanced with the need of the employee to be represented, or trade union duty or activity to be undertaken.

7 Payment

- 7.1 Payment for agreed time off will be the trade union representative's normal pay for their contracted hours. Where the trade union representative works flexible hours, such as night shift, and it has been necessary to perform trade union duties or attend training outside of these hours, payment may be made for the hours subject to line manager agreement. Payment will be at the trade union representative's normal basic rate of pay. In all cases, the amount of time off must be reasonable.
- 7.2 For the avoidance of doubt the relevant trade union will be responsible for any expenses associated with the duties for which the time off (paid or unpaid) is granted.

8 Secondments

- 8.1 If the trade union proposes to fund a secondment to undertake trade union activity on its behalf, any such request must be made to the Head of Service Human Resources for consideration. If a request for a secondment is approved, this will be subject to the Council and trade union entering into a Secondment Agreement for the period agreed.

9 Monitoring and Reporting Requirements

- 9.1 Where facility time off has been agreed (both paid and unpaid), the reason for the time off and the amount of time must be recorded using the Oracle HR & Payroll System. This is to ensure that an accurate representation of trade union duties and activities can be measured and, where necessary, reported as detailed in section 9.2 below, and to ensure the Council's compliance with its statutory duties.
- 9.2 The Trade Union (Facility Time Publication Requirements) Regulations 2017 require the Council to publish the total cost of paid facility time before 31st July in the calendar year in which the relevant period to which the information relates ends (1st April to 31st March).

9.3 To support 9.1 and 9.2 above, the trade unions must provide the Head of HR with up to date records of the names, NI numbers (as a unique identifier), type (Trade Union Representative, Union Learning Representative or Union Safety Representative) and locations of trade union representatives annually, as at 1st April each year.

10 Other Facilities

10.1 Reasonable supporting facilities will be made available to trade union representatives in order to perform their duties and communicate with members, fellow lay officials and full time officers.

10.2 Facilities could include use of the following:

- telephone
- rooms for private meetings
- internal mail service
- noticeboards
- email and intranet
- photocopying
- filing space

10.3 Room A42, at County Hall, is available for use by any of the Council's recognised trade unions.

11 Trade Union Membership

11.1 The Council shall provide a system of deductions of union subscriptions at source subject to a charge of 2% together with a monthly report.

11.2 The Council shall provide relevant information on employees at other times, taking into account data protection requirements.

11.3 The Trade Union shall provide the Council with relevant information on trade union membership, including informing management in writing as soon as possible of the appointment or resignation of trade union representatives and the type of role undertaken.