

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Revised - Time off for Trade Union Duties
Meeting/Date: Employment Committee – 21 June 2023
Executive Portfolio: Cllr Martin Hassall (MH)
Report by: Strategic HR Manager (NB)
Ward(s) affected: N/A

Executive Summary:

At the February 2023 Employment Committee meeting the new Time off for Trade Union Duties policy was brought to committee for review and approval. At the meeting there were was challenge around the wording of “reasonable” in relation to time off, so it was agreed that further defining would take place and the MD would have final sign off on the policy to reduce any delay between meetings. For information reasonable has been defined as:

For general trade union duties including but not limited to attending meetings, supporting members and taking part in official activities representatives are each allowed to take 1 working day (7.5 hours) per month up to a combined 60 days per year across all representatives, and where the needs of the council and the membership exceed this it will be agreed with the Strategic HR Manager.

In addition to this it is recognised to support the representatives in their roles they require specific training therefore each rep is entitled to 5 days for their initial training, 2 days for refresher training every 5 years. All other unions specific training to support the development of the representatives will be discussed and agreed with the Strategic HR Manager.

Policy is attached for your information.

Recommendation(s):

The Committee is asked to consider and endorse the new policy.

2.1 PURPOSE OF THE REPORT

- 1.1 The report draws Committee attention to the new policy and ask for endorsement to implement the use of it.

2.2 WHY IS THIS REPORT NECESSARY/BACKGROUND

- a. The reason for this policy is to ensure that HDC and UNISON have an agreed approach regarding time off for Trade Union Activities and to ensure that we meet the statutory reporting requirements regarding Time off for Trade Unions duties

2.3 KEY IMPACTS / RISKS

- a. It is a statutory requirement for HDC to report time off for Trade Union Duties and with having a policy in place it will ensure that expectations are set and our reporting is correct.

2.4 WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- a. The policy will be added to our employment policy section of the intranet and highlighted to relevant managers.

2.5 LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

[\(See Corporate Plan\)](#)

- a. To have an engaged and motivated workforce, as part of being a more efficient and effective council – through updated, clear employment policies.

2.6 CONSULTATION

- a. Senior Leadership Team and UNISON have been briefed and given the opportunity to review the proposed policy changes and support them.

2.7 REASONS FOR THE RECOMMENDED DECISIONS

- a. Adoption of the policy will ensure that HDC is legally compliant in its reporting and has a clear guidance for all involved.

2.8 LIST OF APPENDICES INCLUDED

Appendix 1 – Time Off for Trade Union Duties Policy

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Time off for Trade Union Duties

Version 1.1

<u>Version Control</u>			
<u>Version</u>	<u>Author</u>	<u>Date</u>	<u>Changes</u>
1	Nicki Bane	November 2022	New Policy
1.1	Nicki Bane	April 2023	Wording amended regarding reasonable time off

Name of Policy:	Time off for Trade Union Duties
Person/posts responsible:	Strategic HR Manager/UNISON reps
Date approved/adopted:	May 2023
Approved by:	Employee Committee
Review Date:	May 2024

1. Policy statement

- 1.1 This policy outlines the process for UNISON officials to take time off for recognised trade union duties and how this time will be captured and recorded for statutory monitoring purposes.

2. Scope of policy

- 2.1 The provisions of this agreement shall apply to accredited representatives of the union, who have been duly elected or appointed in accordance with the rules of the union.
- 2.2 The union agrees to inform Huntingdonshire District Council (HDC) in writing of the names of all elected representatives at the earliest possible opportunity and provide notification of any subsequent changes. Persons whose names have been notified HDC shall be the sole representatives of the UNISON membership.

3. Principles

- 3.1 Accredited representatives will be permitted paid time off during working hours to carry out duties that are concerned with any aspect of consultation and representation of individual members, including:
- Terms and conditions of employment, including physical working conditions, hours of work, pay, holidays, sickness and other leave arrangements, learning and training, equality and diversity, and operation of digital equipment;
 - Engagement, termination, transfer or suspension of employment, including recruitment and selection policies, human resource planning, redundancy and dismissal arrangements;
 - Allocation of work or the duties of employment as between employees or groups of employees, including job grading, job evaluation, job descriptions, flexible working practices and work-life balance;
 - Matters of discipline, including disciplinary procedures, arrangements for representing or accompanying employees at internal interviews, arrangements for appearing on behalf of trade union members, or as witnesses, before agreed outside appeal bodies or employment tribunals;
 - Trade union membership, including representational arrangements and induction of new workers;
 - Facilities for union representatives' accommodation, including provision of equipment, names of new workers to the union;
 - Machinery for negotiation or consultation and other procedures; including grievances disputes, joint consultation, communicating with members and other trade union branch officers.

3.2 As part of fulfilling these duties, paid time off shall be permitted to:

- Prepare for negotiations, including attending relevant meetings;
- Inform members of progress and outcomes;
- Prepare for meetings with the employer about matters for which the union has only representational rights.

3.3 In addition, reasonable levels of paid time shall be permitted for wider activities of reps as part of their union, including:

- 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 officers to discuss issues relevant to the workplace;
- Recruitment of new members;
- Distributing union literature.

3.4 As a guide for general trade union duties including but not limited to attending meetings, supporting members and taking part in official activities representatives are each allowed to take 1 working day (7.5 hours) per month up to a combined 60 days per year across all representatives, and where the needs of the council and the membership exceed this it will be agreed with the Strategic HR Manager.

In addition to this Representatives will also be granted appropriate time off for training, see section 6.1 for further details

Hours will be logged and submitted to the Strategic HR Manager for reporting and review.

4. Time off for Health and Safety Representatives

4.1 HDC will observe the legal duty to permit accredited health and safety representatives such time off with pay as necessary for the purposes of:

- Engaging in consultation over making and maintenance of arrangements which will enable him and his employees to co-operate effectively in promoting and developing measures to ensure the health and safety at work of the employees, and in checking the effectiveness of such measures;
- Investigating potential hazards and dangerous occurrences at the workplace (whether or not they are drawn to his attention by the employees he represents) and to examine the causes of accidents at the workplace;
- Investigating complaints by any employee he represents relating to that employee's health, safety or welfare at work;
- Making representations to the employer on matters arising out of such investigations;

- Making representations to the employer on general matters affecting the health, safety or welfare at work of the employees at the workplace;
 - Representing the employees he was appointed to represent in consultations at the workplace with inspectors of the Health and Safety Executive and of any other enforcing authority, including receiving information and attending meetings as part of such consultations;
- 4.2 In addition, reasonable levels of paid time shall be permitted for wider activities of health and safety reps as part of their union, as per decision 3.3 above.

5. Time off for Union Learning Representatives

- 5.1 Accredited Union Learning Representatives shall be entitled to take reasonable paid time off for the following specific purposes:
- Analysing learning or training needs;
 - Providing information and advice about learning or training matters;
 - Arranging learning or training;
 - Promoting the value of learning or training;
 - Consulting the employer in relation to such activities;
 - Preparation in relation to such activities.
- 5.2 In addition, reasonable levels of paid time shall be permitted for wider activities of union learning reps as part of their union, as per decision 3.3 above.
- 5.3 Accredited Union Learning Representatives shall be entitled to take reasonable paid time off for the following specific purposes:
- Analysing learning or training needs;
 - Providing information and advice about learning or training matters;
 - Arranging learning or training;
 - Promoting the value of learning or training;
 - Consulting the employer in relation to such activities;
 - Preparation in relation to such activities.
- 5.4 In addition, reasonable levels of paid time shall be permitted for wider activities of union learning reps as part of their union, as per decision 3.3 above.

6. Training

- 6.1 It is recognised to support the representatives in their roles they require specific training therefore each rep is entitled to 5 days for their initial training, 2 days for refresher training every 5 years. All other unions specific training to support the development of the representatives will be discussed and agreed with the Strategic HR Manager.

- 6.2 HDC recognises that newly appointed union reps should receive initial basic training as soon as possible after their appointment and updates to training will be necessary at suitable intervals, but particularly where the rep takes on special responsibilities, changes occur in legislation and recommended practices, or in response to major organisational changes.

7. Level of time off permitted

- 7.1 Accredited representatives will be given reasonable paid time off during normal working hours to carry out the functions related to their representational responsibilities.

8. Payment for time off

- 8.1 Where paid time off is granted, the union rep will receive the amount they would have earned had they worked during the time taken or, where earnings vary with the work done, an amount calculated by reference to the average hourly earnings for the work they are employed to do. This amount will include average bonus or overtime payments where these are contractual.
- 8.2 Travelling and subsistence costs will be reimbursed to accredited representatives for periods of work approved in accordance with this agreement.
- 8.3 Where representatives attend meetings called by management, management will always try to ensure that the meetings take place while the appropriate representatives are on duty, either by adjusting dates of meetings or amending rotas with the agreement of the individual concerned.
- 8.4 However, when representatives, other than those with full-time secondment, attend meetings called by management during their normal working hours which extend beyond normal finishing time, they will be paid at plain time rates for the additional hours worked, except that, where earnings vary with the work done, the amount will be calculated by reference to the average hourly earnings for the work they are employed to do, including average bonus or contractual overtime payments.
- 8.5 If a meeting is to take place on the representative's day off or while the representative is not on duty, an equivalent amount of time off in lieu will be given at a time agreeable to both parties, subject to the contingencies of the service.
- 8.6 Part-time employees who are required to attend recognised training courses as detailed above will be paid for the whole of their attendance time, even if it exceeds their normal working hours.

9. Time off procedure

- 9.1 Before taking time off, the accredited representatives must obtain the permission of their manager, informing the manager in writing of the general purpose of the time off, the intended location, the expected timing and duration of time off required, as soon as practically possible.
- 9.2 Representatives will be required to complete and submit facility time-recording sheets on a regular basis to the relevant Branch Secretary/Senior Representative, who will forward the recording sheets to the Strategic HR Manager.

- 9.3 UNISON will give adequate advance notice of training course dates in writing to relevant line-managers alongside any calendar of major union meetings, such as regional meetings or annual conferences that representatives would seek to attend.

10. Time off following transfers of Employment

- 10.1 Where a transfer of staff takes place through contracting out or internally to wholly owned subsidiaries, proportionate time off arrangements will be retained to allow representation of affected staff.
- 10.2 Reps shall be permitted to continue representing affected staff until new arrangements among transferred staff have been established for representation.

11. Workload Adjustments

- 11.1 During the approved absence of reps under this policy, HDC will endeavour to make appropriate workload arrangements, in line with the ACAS code which recommends:
- The allocation of duties to other employees;
 - Rearranging work to a different time
 - A reduction in workloads.
- 11.2 It is acknowledged that forward planning will not always allow adequate cover for demands on reps at short notice. Therefore, managers will be resourced to enable them to respond to such situations and clear procedures set in each workplace for short term demands.
- 11.3 Where major projects require sustained time off for workplace reps, fully funded backfill shall apply for the duration of the project.

12. Trade Union Facilities

- 12.1 HDC agrees to provide defined facilities to union representatives to enable them to discharge their duties, including provision of:
- A Unison official shall be granted reasonable access to the workplace for the purpose of advising, assisting and/or representing his/her members, should Unison wish to invite a full-time officer they should inform HDC in advance:
 - Union Representatives, who are employed by HDC will be issued with, where not standard for the role, a HDC email address and full access to the intranet.
 - Access to meeting rooms, secure storage and notice boards for union reps to undertake their duties;
 - Access to, and use of, a notice board at each of the main sites as a way of communicating to branch members;
 - Meetings of Union members may be held on HDC's premises outside working hours (but within normal opening hours of the building) and there shall be no restriction on the frequency or duration of such meetings, within the ability of facilities staff to provide support. Such meetings will be open to all staff members who are Unison members.
 - Where it is necessary for the Union to hold meetings with members during working hours, it should try to agree the arrangements with management at the earliest opportunity. UNISON shall provide HDC with a timetable of regular Union meetings or give at least three working days' notice of the intention to hold a meeting. Where these

meetings will involve a large number of employees, management and the union must agree on a time that will minimise the effect on the council's services. Authority for this must be sought from the Strategic HR Manager.

- Where necessary for the purposes of informing and consulting the workforce, meetings of members may be organised by the Union on HDC's premises outside working hours, but within normal opening hours of the building. Such meetings will be open to all employees.

13. No Detriment and Confidentiality

- 13.1 Individuals will not be discriminated against during the course of their employment for membership of a trade union or activities as a union representative.
- 13.2 In line with the ACAS code HDC will respect the confidential and sensitive nature of communications between union representatives and unions members.
- 13.3 HDC shall provide transparency about the organisation's monitoring and storage of electronic communications There shall be no monitoring of union emails other than in a highly exceptional circumstance, as defined by the Information Commissioner. If HDC believes such exceptional circumstances apply, its reasons shall be set out to union reps for their consideration.

14. Disputes

- 14.1 HDC and UNISON agree to make every effort to resolve disputes in relation to time off for trade union duties and activities.
- 14.2 However, it is recognised that it is not possible to be prescriptive about all duties, activities and the time required to carry them out, therefore disputes may arise in interpretation of this agreement.
- 14.3 It is agreed that requests for time off will not be unreasonably refused. But where permission to take time off is withheld, an explanation for the reason(s) will be given by the appropriate representative of management.
- 14.4 If UNISON is dissatisfied with the decision, the matter may be referred to the Strategic HR Manager.
- 14.5 If agreement cannot be reached, the matter may be referred to ACAS.

15. Reporting

- 15.1 Reporting and collection of facility time data will be limited solely to those details required under section 13 (3) of the Trade Union Act;
- 15.2 HDC will ensure confidentiality for union reps in publication of paybill information by avoiding the naming of individual reps and applying the provisions of section 4 (3) of the Trade Union (Facility Time Publication Requirements) Regulations 2017 for substituting notional hourly rates for actual hourly rates where an individual might be identified if the actual hourly rates were published.

16. Review

This policy will be reviewed annually between HDC and UNISON and will remain in place for the duration of the Trade Union agreement.