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Time Off for Trade Union Duties

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1. INTRODUCTION

1.1 Wyre Council values the importance of positive working relations between Elected Members, managers and employees in the delivery of Council Services.

1.3 Trade Union representatives have a statutory right to time off, both paid and unpaid, for trade union duties, activities and training. It is for the Council to determine the appropriate level of time off (paid and/or unpaid) that will be granted to Trade Union representatives in accordance with this Policy.

The provisions within this Policy comply with the relevant statutory provisions for time off for trade union activities and with the guidance contained in the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.

The amount of time off is determined by the nature of activities, operational demands and whether or not the representative belongs to a recognised trade union.

1.4 Within this Policy, the term "Trade Union Representative" is intended to cover: Trade Union Officials, Trade Union Shop Stewards, Trade Union Representatives and, where appropriate, Union Learning Representatives and/or Safety Representatives.

1.5 A trade union is "recognised" by an employer when it negotiates agreements with employers on pay and other terms and conditions of employment on behalf of a group of workers. This process is known as 'collective bargaining'.

A trade union may seek recognition in an organisation by voluntary or statutory means. Wyre Council have formally 'recognised' the following unions: Unison, GMB and Unite.

Where a non-recognised Trade Union wishes to be recognised by the Council for collective bargaining and representation purposes, they must make a written application to the Head of Business Support.

2. TIME OFF FOR TRADE UNION DUTIES

2.1 Wyre Council will grant union representatives reasonable time off with pay during working hours to undertake the following duties:

1. Negotiation in connection with matters for which the trade union is recognised for collective bargaining purposes i.e.
 - terms and conditions of employment, e.g. pay, working hours, holidays, pensions, sickness absence arrangements, notice periods, training, learning, equality and diversity;
 - physical conditions in the workplace, e.g. workplace environment and

- operation of equipment or machinery;
- allocation of work or duties, including flexible working arrangements, work-life balance issues, job evaluation and grading;
- appointment (or failure to appoint) and termination or suspension of employment or the duties of employment of one or more workers (e.g. recruitment and selection policies, redundancy and dismissal arrangements);
- disciplinary matters, e.g. disciplinary procedures, including representing or accompanying workers during the disciplinary process and acting as a witness before agreed appeal bodies or tribunals;
- trade union membership (i.e. representational arrangements, any union involvement in the introduction of new workers);
- procedures for negotiation and consultation e.g. collective bargaining, grievance procedures and joint consultation arrangements.

2. Obtaining information from, and consulting with Wyre Council on redundancy (as identified under s.188 of TULR(C)A).

3. Receiving information from, and consulting with Wyre Council under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246).

2.2 Trade union representatives are statutorily entitled to take a reasonable amount of paid time off to accompany a worker at a disciplinary or grievance hearing regardless of whether they belong to a union that has been recognised by Wyre Council.

They must however have been certified by their union as being capable of acting as a worker's companion.

2.3 The Council recognises that on their appointment, trade union representatives need to be suitably trained to undertake their role, and therefore will support the principle of representatives undertaking training that provides the relevant skills and knowledge for their particular role.

Consideration will therefore be given to providing reasonable time off with pay for Trade Union Representatives to undergo training in employee relations and health and safety matters which are relevant to the carrying out of their duties; such training will be approved by the Trade Union Congress or by the independent trade union of which they are an official.

Requests for time off to attend trade union training courses should be made to the relevant Corporate Director. Details of the request should include the course title, the name of the provider, course syllabus and timing and duration of the training, location etc.

- 2.4 Time off may also be considered for trade union representatives and trade union members to represent the union at meetings and activities that are not directly related to employee relations between the Council and its employees. Consideration of any request for time off for such purposes will take into account the operational requirements of the service in relation to the employee's job.

Paid time off for delegates to attend other meetings / conferences will be at Management discretion and those wishing to attend should apply to their Corporate Director.

- 2.5 Every employee who is a member of a recognised trade union is entitled to have reasonable time off during working hours in order to take part in trade union activities.

Trade union activities for members may include:

- Attending work place meetings to discuss and vote on the outcome of negotiations with the employer
- Meeting trade union officials to discuss issues relevant to the workplace
- Voting in union elections
- Meeting with Trade Union Learning Representatives.

Where trade union representatives intend holding meetings with their members these should, unless there are exceptional circumstances be agreed by the relevant Head of Service and take place immediately before or at the end of normal working hours / shifts or during meal or other break times, to ensure that disruption to services are minimised.

Paid time off for Trade Union Members in these circumstances will be at the discretion of the relevant Corporate Director and will normally be in relation to choosing trade union representatives or giving and receiving information and /or consultation on Wyre Council matters.

Branch officials should always consult with Human Resources in such cases.

- 2.6 There is no right to time off for Trade Union activities which themselves consist of industrial action or any other action being taken in the furtherance of a trade dispute.

Examples would include attending a strike, rally or a demonstration during working hours. However, where a Trade Union Representative is not taking part in industrial action, but undertaking duties connected with the dispute e.g. attendance at related meetings with the Council about the dispute including discussions about exemptions, normal arrangements for time off with pay as outlined in this Policy will apply.

3. PROCEDURES FOR REQUESTING TIME OFF

- 3.1 In order to minimise disruption to Wyre Council business, line management should be notified of all scheduled trade union meetings. All meetings should be diarised and other than in exceptional / emergency circumstances, requests for paid / unpaid time off should be made in advance.
- 3.2 Requests for time off for extended periods such as training should be made in writing to the relevant Corporate Director using the pro forma 'Request for Time off for Trade Union Duties and Activities'.

All requests for time off will be considered on an individual basis with due regard to efficient running of the service. Managers must ensure that all requests are dealt with promptly.

N.B. Corporate Director may, if they wish, delegate authorisation of requests for time off to an appropriate level of line management within their Service Area, to enable requests to be determined as quickly as possible.

All trade union representatives are required to keep a record of all time off taken during office/ working hours using the 'Log of Time off for Trade Union Duties and Activities'. This information should be sent to Human Resources on a quarterly basis so that the data can be collated and published in accordance with the Code of Practice on Data Transparency.

- 3.3 Both parties must accept the need to be flexible and the determination of reasonableness will ultimately depend on the needs of the business at the time of the request. However, managers will give consideration to the nature and timing of the request, the amount of time off previously granted or planned for the future, and the number of representatives or members seeking time off within a given period.

4. EQUALITY IMPACT ASSESSMENT AND MONITORING

- 4.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

5. DATA PROTECTION

- 5.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.