

## **TIME OFF FOR TRADE UNION DUTIES, TRAINING AND ACTIVITIES POLICY**

### **INTRODUCTION**

Tayside Contracts recognises that it is to the mutual benefit of Tayside Contracts and its employees that employees are represented by trade unions.

The Time off for Trade Union Duties, Training and Activities Policy sets out the rights and responsibilities and the procedure to be followed for the requesting, recording and reporting of time off for trade union duties, training and activities. The aim of this policy is to ensure that all requests for time off are considered fairly and responded to quickly and to allow Tayside Contracts to meet the requirements in relation to the recording of and reporting of time off for trade union duties.

This policy should be read in conjunction with Tayside Contracts' Trade Union Recognition and Procedural Agreement.

### **SCOPE OF POLICY**

This policy applies to all Tayside Contracts' employees who are members of and/or representatives of Tayside Contracts' recognised Trade Unions which are GMB, Unite and Unison. In the case of trade union representatives, these individuals must have been formally elected or appointed in accordance of the rules of the Trade Union they are representing.

#### **Time off for Trade Union Duties and Training**

Trade Union Representatives have a statutory entitlement to reasonable paid time off from employment to carry out certain trade union duties and to undertake trade union training. This is referred to as 'facility time'. Facility time requests may be made for the following trade union duties:

- To attend relevant training which has been approved by the relevant recognised Trade Union
- To represent members at sickness absence management meetings, investigation meetings, disciplinary/grievance hearings etc
- To attend Joint Consultative Committees (JCCs) or Joint Consultative and Negotiation Forum (JCNF)
- To attend consultation/negotiation meetings with management
- To brief members about negotiations

This list is not exhaustive.

Time off to carry out trade union duties is usually granted with full contractual pay.

## **Time off for Trade Union Activities**

There is no legal entitlement to paid time off for trade union activities. However, Tayside Contracts will consider requests for time off reasonably e.g. to ensure that workplace meetings are fully represented.

### **Procedure for Requesting and Granting Time Off for Trade Union Duties or Training**

When submitting a request for time off to undertake trade union duties or attend trade union training, a Trade Union Representative should whenever possible:

- Give reasonable notice of time off requirements
- Provide details regarding the length of time off required and the location of the meeting/training courses
- Give general details of the nature of the meeting/training course (no requirement to divulge confidential information regarding disciplinary or grievance matters)

Requests for time off work to carry out trade union duties should be made by the Trade Union Representative to the relevant manager with the appropriate authority. The manager will consider the request and provide a response to the request as soon as they reasonably can. Each request will be considered on its own merits, considering operational requirements and service delivery however it is accepted there may be times when immediate time off is necessary. Trade Union Representatives will, where possible, schedule meetings etc to a time that is least disruptive to operational requirements and service delivery.

A Trade Union Representative must under no circumstances take time off which has not been approved by the appropriate manager.

Once approved, a Trade Union Representative must ensure that their time off is recorded accurately on their timesheet. For those employees who utilise exception timesheets, an exception timesheet must be completed for every occasion of approved time off for trade union duties.

For reporting purposes (see below), the Payroll Team will thereafter record this time off on Tayside Contracts' Computerised HR System, Snowdrop.

Requests for time off for the training of Trade Union Representatives should be made by the Trade Union to the HR Manager. Any requests should include the names of the individuals to be trained, the dates of the training, duration, location and content of the training. The Trade Union should provide as much notice as possible and normally no less than 4 weeks' notice to allow for suitable operational cover to be arranged.

Management may reject a request for time off for trade union duties or training if they believe the time off requested would impact negatively on service delivery or workplace safety.

### **Procedure for Requesting and Granting Time Off for Trade Union Activities**

Employees who are trade union members and who require time off for trade union activities, should request this time off from the relevant manager with the appropriate authority providing as much notice as possible. Where the activity involves a group of members e.g. a workplace meeting, the request for time off should be submitted by the relevant Trade Union Representative to the Unit Head on their members behalf. Any such meetings should be arranged in a manner to minimise the impact on service delivery.

### **Procedure for Full Time Officers Requesting Trade Union Visits**

If the Full Time Officer of one of the recognised Trade Unions wishes to arrange a visit to a school or Tayside Contracts depot/office building in order to speak to Tayside Contracts employees regarding a specific issue or as part of a membership drive of non-members, the Trade Union School/Non-School Visit protocol must be adhered to. These protocols can be found at Appendix 2 and 3.

### **Recording and Reporting Facility Time**

Tayside Contracts is required by the Trade Union Act 2016 and the Trade Union (Facility Time Publication Requirements) Regulations 2017 to publish information annually on our website and in our annual report relating to facility time taken by Trade Union Representatives. Tayside Contracts must detail the amount and cost of time off granted to Trade Union Representatives.

Whilst establishing the total cost will require calculation of the cost of each individual, there is no requirement to identify individuals.

The information which must be published, and the form of publication are prescribed by the regulations and are attached at Appendix 1. The HR Manager will be responsible for ensuring that this information is published on Tayside Contracts' website by the end of July for the financial year just ended.

### **Dispute Resolution**

One of the main objectives of this policy is to avoid disputes associated with time off for trade union duties, training and activities. However, it is acknowledged that on occasion, disputes may arise.

In the event of disagreement over the granting of time off, the employee should contact their Full Time Officer who will in turn seek the advice of the HR Manager to investigate further and provide a final decision.

## **POLICY VIOLATIONS**

Failure to comply with this, or any other, employment policy may result in individuals being investigated and disciplinary action taken against them in accordance with Tayside Contracts' Disciplinary Policy.

## **RELATED POLICIES**

The Time off for Trade Union Duties, Training and Activities Policy links to the following documents which can be accessed on the Intranet, or requested from your line manager or from the HR Admin Team:

- TU Recognition Agreement
- TU School Visits Protocol
- TU Non-school Visit Protocol
- Trade Union Representative Contact Lists

The above list is not exhaustive.

## **CONSULTATION**

Tayside Contracts' recognised Trade Unions have been fully consulted on this employment policy.

## **POLICY REVIEW**

The Time off for Trade Union Duties, Training and Activities Policy will be reviewed at three yearly intervals, or as required by legislative changes.

## **DATA PROTECTION LEGISLATION**

Tayside Contracts respects the privacy of our employees, any personal data processed during the application of this policy will be in line with Data Protection Legislation. Further information on how we may process personal data for the purpose of applying this policy can be found in our Privacy Notice.

**Should you have any queries or require further clarification regarding any aspects of this policy or related policies please contact, HR Services on 01382 812721 or [employment.policies@tayside-contracts.co.uk](mailto:employment.policies@tayside-contracts.co.uk)**

**If you would like this document translated into another language or in another format such as audio or large print then please contact Angie Thompson, Equalities and Communications Manager on 01382 834165 or [angie.thompson@tayside-contracts.co.uk](mailto:angie.thompson@tayside-contracts.co.uk)**

**INFORMATION TO BE PUBLISHED BY TAYSIDE CONTRACTS BY 31 JULY OF EVERY YEAR AND WITHIN THE ANNUAL PERFORMANCE REPORT AS PER THE TRADE UNION (FACILITY TIME PUBLICATION REQUIREMENTS) REGULATIONS 2017**

**Table 1 - Relevant trade union officials**

What was the total number of employees who were relevant union officials during the relevant period?

<b>Number of employees who were relevant union officials during the relevant period</b>	<b>Full-time equivalent employee number</b>

**Table 2 - Percentage of time spent on facility time**

How many employees who were relevant union officials employed during the relevant period spent a) 0%, b) 1%-50%, c) 51%-99% or d) 100% of their working hours on facility time?

<b>Percentage of time</b>	<b>Number of employees</b>
<b>0%</b>	
<b>1-50%</b>	
<b>51%-99%</b>	
<b>100%</b>	

**Table 3 - Percentage of pay bill spent on facility time**

Provide the figures requested in the first column of the table below to determine the percentage of the total pay bill spent on paying employees who were relevant union officials for facility time during the relevant period.

<b>First Column</b>	<b>Figures</b>
<b>Provide the total cost of facility time</b>	
<b>Provide the total pay bill</b>	
<b>Provide the percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100</b>	

**Table 4 - Paid trade union activities**

As a percentage of total paid facility time hours, how many hours were spent by employees who were relevant union officials during the relevant period on paid trade union activities?

<p><b>Time spent on paid trade union activities as a percentage of total paid facility time hours calculated as:</b></p> <p><b>(total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100</b></p>	
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**TRADE UNION FULL TIME OFFICER SCHOOL VISIT PROTOCOL**

Tayside Contracts seeks to maintain positive working relationships with the Full Time Officers of the recognised Trade Unions (i.e. Unite, GMB and Unison) and, to this end, visits by the Full Time Officers to schools in which Tayside Contracts employees work are often necessary.

If the Full Time Officer (FTO) of one of the recognised Trade Unions wishes to arrange a visit to a school in order to speak to Tayside Contracts employees regarding a specific issue or as part of a membership drive of non-members, the following protocol must be adhered to:

- The FTO or his/her nominated representative should contact the Facilities Business Manager (FBM) of the relevant area to request approval to visit the specific school/s.
- The FTO/nominated representative should give details of the time and dates of the planned visits and if this date/time is not operationally suitable, a new date/time should be agreed with the FBM
- The FTO/nominated representative should detail the nature of the visit i.e. membership drive, ballot, consultation etc.
- When agreeing the length of time the visit should last, consideration should be given to the purpose of the visit and the number of employees to be visited in that location. As a rule of thumb, each visit should be limited to 30 minutes. All reasonable attempts will be made to accommodate a 30 minute meeting, although operational requirements may mean that the visit needs to be shorter in duration.
- The FTO/nominated representative should advise whether he/she wishes a Trade Union Representative to accompany them on the visit and agree with the FBM which Trade Union Representative is best placed to attend the visit.
- The FBM will then make the necessary arrangements for the visits, including asking permission from the relevant Head Teacher and/or FM Manager (PPP schools), advising the relevant Facilities Officer and Area/Cluster Supervisor and arranging a suitable room.
- If the Head Teacher refuses permission, the FBM should contact the FTO/nominated representative to agree another date/time/location.
- Whenever reasonably practicably, 5 working days' notice of a visit should be given by the FTO/nominated representative to the FBM.
- On the day of the agreed visit, the FTO/nominated representative should be met at the school reception, asked to sign in and escorted to the relevant room by the Cluster Supervisor/Area Catering Supervisor/Lead Cleaner/Cook in Charge.
- If the FTO/nominated representative requires any HR related information, they should contact the HR Manager who will provide this information if appropriate.
- If an impasse is reached by the FTO and FBM in relation to this protocol, the HR Manager will mediate.

**TRADE UNION FULL TIME OFFICER NON-SCHOOL BUILDING VISIT PROTOCOL**

Tayside Contracts seeks to maintain positive working relationships with the Full Time Officers of the recognised Trade Unions (i.e. Unite, GMB and Unison) and, to this end, visits by the Full Time Officers to buildings/depots in which Tayside Contracts employees work are often necessary.

If the Full Time Officer (FTO) of one of the recognised Trade Unions wishes to arrange a visit to a building/depot in order to speak to Tayside Contracts employees or Trade Union Representatives regarding a specific issue or as part of a membership drive of non-members, the following protocol must be adhered to:

- The FTO or his/her nominated representative should contact the HR Manager to request approval to visit the specific building/depot.
- The FTO/nominated representative should give details of the time and date of the planned visit to the HR Manager who will then liaise with the relevant operational manager/s to establish whether this date/time is suitable. If the suggested date/time is not operationally suitable, a new date/time should be agreed.
- The FTO/nominated representative should detail the nature of the visit i.e. membership drive, ballot, consultation etc.
- When agreeing the length of time the visit should last, consideration should be given to the purpose of the visit and the number of employees to be visited in that building/depot. As a rule of thumb, each visit should be limited to 30 minutes. All reasonable attempts will be made to accommodate a 30 minute meeting, although operational requirements may mean that the visit needs to be shorter in duration.
- The FTO/nominated representative should advise whether he/she wishes a Trade Union Representative to accompany them on the visit and the HR Manager will agree with the operational manager which Trade Union Representative is best placed to attend the visit.
- The operational manager will then make the necessary arrangements for the visits, i.e. arranging a suitable room.
- Whenever reasonably practicably, 5 working days' notice of a visit should be given by the FTO/nominated representative to the HR Manager
- On the day of the agreed visit, the FTO/nominated representative should sign in at reception and be escorted to the relevant room.
- If the FTO/nominated representative requires any HR related information, they should contact the HR Manager who will provide this information if appropriate.