Time Off For

Trade Union Duties, Training and Activities

Guidance Note

Human Resources Approved at Council April 1999

Amended Policy Approved at NLL Board June 2008

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7. **Introduction**
	1. The general purpose of the Trust’s policy on Time Off for Trade Union Duties, Training and Activities is to aid and improve the effectiveness of the relationship between the Trust and trade Unions.
	2. This document provides guidelines against which applications for time off can be determined, taking account of who can be granted time off and whether the time off will be classified as paid or unpaid leave.
	3. The primary purpose of this document is to ensure that levels of consistency and fairness are maintained in considering requests for time off for trade union duties, training and activities and that comprehensive and accurate records of such time off are maintained.
	4. It provides general principles which can be used to determine the reasonableness of a request for time off and details the procedures which must be adhered to in all requests for time off.
	5. The Trust recognises the guidance provided by the Advisory, Conciliation and Arbitration Service (ACAS), in terms of its Code of Practice on Time Off for Trade Union Duties and activities.
8. **General Principles**
9. There is no minimum period of qualifying service for entitlement to time off for trade union duties, training and activities.
10. There is no right to time off for trade union activities which consist of any form of industrial action.
11. The amount and frequency of time off should be reasonable in all circumstances.
12. The Trust will consider requests for the trade unions for facilities to assist them in their duties and in communications with their members, colleagues, officials and full time trade union officers.
13. **Definition of a Trade Union Official**

An official is an employee who has been elected or appointed in accordance with the rules of the union to be a representative of all or some of the union’s members within the Trust.

1. **Duties and Activities Which Attract Time Off**
	1. **Time Off with Pay**

Employees who are officials of an independent trade union recognised by the Trust are permitted reasonable time off during working hours to:-

* + 1. Carry out certain trade union duties, or
		2. Undergo training relevant to the carrying out of their trade union duties.
	1. **Trade Union Duties**

The duties involved must be concerned with:-

* + 1. Negotiations on matters in respect of which the trade union is recognised for collective bargaining purposes, or
		2. Any other functions on behalf of employees of the Trust which the Trust has agreed the trade union may perform.

More specifically, trade union duties will be considered to be:-

* + - 1. Consultative arrangements on terms and conditions of employment;
			2. Attendance at the Trust’s Joint Consultative Group meetings and any necessary pre-meetings;
			3. Representing members in matters of discipline or grievance hearings;
			4. Meetings with officials or elected members relating to industrial and employee relations issues affecting employees;
			5. Attendance at meetings of the National Joint Council or it’s committees, including national renegotiating bodies, and
			6. Any other duties which relates to the conduct of effective industrial relations between the Trust and its employees.
	1. **Training of Officials in Aspects of Industrial Relations**

Officials will be granted time off for training which is;

 relevant to the duties as a union representative, and

 approved by the Trades Union Congress by the officials own union.

The Trust will not, unreasonably, withhold permission to attend approved trade union courses which are related to recognised trade union duties, as outlined above.

Time off with pay will **not** be given for training which does not satisfy above.

Any applications to attend such courses must be made to employee’s line manager or other nominated officer at least 14 days before course start date.

* 1. **Payment for Time Off for Trade Union Duties or Training**

Trade union officials to whom the Trust has granted time off for trade union duties or training will be paid for the time off taken.

Payment is either the amount the official would have earned had he/she worked during the time off or, where earnings vary with the amount of work done, an amount equal to their personal average hourly earnings. If it is not possible to calculate a fair estimate of average earnings, pay should be calculated on the basis of the average hourly earnings of comparable employees or, if there are no such employees, a figure of average hourly earnings which is reasonable in the circumstances.

There will be no payment made where the duty or training is carried out at a time when the official would not otherwise have been at work. This includes officials who work shifts or part-time hours.

There will be no payment for overtime if this would have been worked had the employee not been granted time off, unless the overtime is contractual.

* 1. **Time Off Without Pay**

The Trust recognises that, to operate effectively and democratically, trade unions need the active participation of members. Consequently, time off will be granted for certain trade union activities for employees who are members of an independent trade union recognised by the employer for bargaining purposes.

Time off will be considered both for trade union members and for members who are acting as a representative of the trade union. Members are entitled to time off to take part in union activities, defined as any activity of the union and any other activity where the employee is acting as a representative of the union, where the activity is related to the employment relationship.

* 1. **Trade Union Activities**

Entitlement to time off to participate in trade union activities can be split into two categories:-

* + 1. Activities of a trade union member, for example, attending workplace meetings to discuss and vote on negotiations with the employer, meeting full-time officials to discuss issues relevant to the workplace, etc, and
		2. Activities where the member is acting as a representative of a trade union, but the activity does not fall into the definition of duties or training outlines at 4.above. For example, attending meetings concerned with internal union business, meeting full-time officials to discuss issues relevant to the workplace, etc,

More specifically, trade union activities will be considered to be:-

* + - 1. Annual and special conferences of the trade unions;
			2. Specifically convened conferences or meetings of the policy making body of the trade union which do not directly concern the Trust, or
			3. Branch or district meetings of the trade union convened during normal working hours.

The dividing line between duties relating to industrial relation matters and trade union activities will never be absolutely clear cut, therefore, where doubts of difficulties arise in interpretation, the matter should be referred to Human Resources.

* 1. **Payment of Time Off for Trade Union Activities**

All time off work for trade union activities will be unpaid.

1. **The Amount of Time Off**

The amount and frequency of time off should be reasonable in all circumstances. While each application will be considered on its merits in assessing “reasonableness”, the following should be considered:-

1. The purposes for which the time off is required;
2. The amount of time off required;
3. The occasions on which it is required;
4. Any conditions, subject to which, the time off may be taken, and
5. The amount of time taken off already taken or that which has been approved, but not yet taken.

A trade union official may be required to provide written evidence of the subject matter for time off, including agendas of meetings, course syllabus, booking form, ect.

The Trust believes there is a joint responsibility on management and trade unions to minimise the disruption to services and to ensure adequate cover for safety.

The employee must give the Trust reasonable notice and details of the proposed duty, training or activity.

1. **Procedures – Form PS16**
2. Trade union officials and members, requesting time off for trade union duties, training or activities, must complete form PS16 providing as much advance notice as possible (at least 14 days for applications of time off for training courses) and full details of the reason for the request for time off, the location and an anticipated duration.
3. Time off will not be deemed to have been authorised without completion of Form PS16 by the employee and authorised by the employing service.
4. The employee should complete Section 1 of PS16 and pass it to their line manager for consideration and completion of Section 2.
5. The line manager should, on completion of Section 2, copy the PS16 and return the copy to the employee. If the request for time off has been refused, the form should clearly detail the reason(s) for refusal.
6. The line manager should forward the original PS16 to their Human Resources section for record purposes.

