Time Off for Trade Union Duties, Training & Activities (H25)

If you require a copy of this policy in an alternative format (for example large print, easy read) or would like any assistance in relation to the content of this policy, please contact the Equality and Diversity team on 01803 656680.

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Date of Issue:	December 2016	**Next Review Date:**	July 2023
Version:	1.2	**Last Review Date:**	July 2021
Author:	People Hub		
Directorate:	People Directorate		
Approval Route			
Approved By:		**Date Approved:**	
JCNC		November 2016	
Links or overlaps with other policies:			
Agreement and Policy for Joint Consultation and Negotiation H24			

Amendment History

Issue	Status	Date	Reason for Change	Authorised
1.1	Approved	19 Jan 2019	General review and audit	HR Advisor
1.2	Approved	July 2021	Updated wording around People Hub Team & People Directorate / contact details / logo / Version / date	People Hub

Rapid Equality Impact Assessment

Policy Title (and number)	Time Off for Trade Union Duties, Training & Activities				
Policy Author	HR Directorate				
Version and Date (of EIA)	December 16 Version 1				
Associated documents (if applicable)					
RELEVANCE: Does the aim/purpose of the policy relate to each of the aims of the Public Sector Equality Duty?					
• **Eliminate unlawful discrimination or other conduct prohibited by the Equality Act 2010**					**Yes**
• **Advance equality of opportunity between people from different groups**					**No**
• **Foster good relations between people from different groups**					**No**
SIGNIFICANCE AND IMPACT: Consider the nature and extent of the impact, not the number of people affected.					
Does the policy affect service users, employees or the wider community? (if no, proceed to sign off)					**Yes**
Does the policy affect service delivery or business processes?					**No**
Does the policy relate to an area with known inequalities (deprivation/unemployed/homeless)?					**No**
EQUALITY ANALYSIS: How well do people from protected groups fare in relation to the general population? ***PLEASE NOTE: Any 'Yes' answers may trigger a full EIA and must be referred to the equality leads below***					
Is it likely that the policy/procedure could treat people from protected groups less favorably than the general population? (see below)					
Age	**No☐**	Disability	**No☐**	Sexual Orientation	**No☐**
Race	**No☐**	Gender	**No☐**	Religion/Belief (non)	**No☐**
Gender Reassignment	**No☐**	Pregnancy/ Maternity	**No☐**	Marriage/ Civil Partnership	**No☐**
Is it likely that the policy/procedure could affect particular 'Inclusion Health' groups less favorably than the general population? (substance misuse; teenage mums; carers; travellers; homeless; convictions; social isolation; refugees)					**No☐**
Please provide details for each protected group where you have indicated 'Yes'.					
What if any, is the potential for interference with individual human rights? (consider the FREDA principles of Fairness/ Respect/ Equality/ Dignity/ Autonomy)					
N/A					
RESEARCH AND CONSULTATION					
What is the reason for writing this policy? (What evidence/ legislation is there?)					
Details time off for Trade union duties and process.					
Who was consulted when drafting this policy/procedure? What were the recommendations/suggestions?					

ACTION PLAN: Please list all actions identified to address any impacts		
Action	**Person responsible**	**Completion date**

AUTHORISATION			
Name of person completing the form	HR Manager	**Signature**	*A Alexander*
Validated by (line manager)		**Signature**	

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1 Policy Statement

1.1 Management and Staff Side recognise that harmonious and open employee relations processes are enhanced by workplace Accredited Representatives of Trade Unions, Professional Organisations and Staff Associations.

2 Purpose

2.1 The purpose of this policy is to provide reasonable facilities in order that Staff side Organisations can conduct their affairs efficiently and in particular shall grant reasonable requests for time off from work to represent the interest of their members who are employed by the Trust.

3 Scope

3.1 This policy applies to all trade union representatives employed by Torbay & South Devon NHS Foundation Trust (TSDFT).

4 Equality and Diversity Statement

4.1 The Trust is committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No person (staff, patient or public) will receive less favourable treatment on the grounds of the nine protected characteristics (as governed by the Equality Act 2010): sexual orientation; gender; age; gender re-assignment; pregnancy and maternity; disability; religion or belief; race; marriage and civil partnership. In addition to these nine, the Trust will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.

4.2 The Trust is committed to ensuring all services, policies, projects and strategies undergo equality analysis.

5 General Principles and Scope of the Agreement

5.1 Management and Staffside have a common objective to ensure the efficiency and success of the Trusts for the benefit of all.

5.2 All parties recognise that in their pursuit of this common objective harmonious and open employee relations processes are enhanced by the enabling function of workplace Accredited Representatives of Trade Unions, Professional Organisations and Staff Associations as per ACAS Code of Conduct.

5.3 The Trust undertake to provide reasonable facilities in order that Staff side Organisations can conduct their affairs efficiently and in particular shall grant

reasonable requests for time off from work to represent the interest of their members who are employed by the Trusts.

5.4 Permission for undertaking Trade Union duties that are covered by this procedure will not be unreasonably withheld but will be subject to the requirements of the service. The amount and frequency of the time off which may be granted is not precisely defined since this must be reasonable in all the circumstances. (See Appendix 1).

6 Roles and Responsibilities

6.1 Managers are responsible for:

- Familiarising themselves with the policy to ensure that decisions taken are fair and reasonable.
- Communicating with the representative to understand the nature of the request for time off and considering the need for cover.
- Making all reasonable effort where appropriate notice is given to agree to the request for time off.

6.2 Trade Union Representatives are responsible for:

- Ensuring managers are advised of the reason for the request for time off.
- Informing managers of the schedule of dates of any recognised Trades Unions activity.
- Providing managers a minimum of one month's notice for planned time off to attend scheduled committees and meetings, unless these are called at short notice.
- Providing managers a minimum of 7 calendar days' notice in relation to the provision of representation for members at disciplinary, grievance, and other local employee relations meetings where possible.

7 Time off Arrangements for Accredited Representatives

7.1 Accredited Representatives of the Trades Unions and Professional Bodies who are employees of TSDFT will be entitled to reasonable time off as necessary in working time without loss of earnings for trade union duties. This will include Union Learning Representatives and Health and Safety Representatives.

7.2 Permission for undertaking Trade Union duties that are covered in this policy will not be unreasonably refused but should not be to the detriment of the service. The representatives will be expected to arrange such time off with their line manager. Unless there are exceptional circumstances permission should be sought well in advance. The amount and frequency of the time off which may be granted is not precisely defined since this must be reasonable in all the circumstances. See Appendix 1

7.3 It is envisaged that Staff representatives of TSDFT will inform their line managers of the schedule of dates of any recognised Trades Unions activity including JCNC meetings for the year, as soon as they are agreed.

7.4 Requests for time off with pay will be considered for any relevant duties undertaken in the interest of the Trust and to the benefit of staff employed by the Trust. Applications for paid time-off should be made on the appropriate form (Appendix B) and would include paid time for the following:

(i) Meetings of Trade Unions held on Trust premises by agreement with the appropriate Manager of the Trust.

(ii) The representation of members.

(iii) Meeting new members of staff at the Trust's Induction Day.

(iv) Joint Consultative and Negotiating (JCNC) meetings and sub-groups

(v) Meeting with other Representatives on Trust related issues.

7.5 Accredited Health and Safety representatives will be given sufficient paid time, as necessary, away from their duties to attend the Health and Safety Committee, and clinical and non-clinical working groups/meetings as appropriate. They will also be supported to undertake Health and Safety investigations of an incident or accident involving issues within the workplace and have the right to conduct workplace inspections as per The Safety Representatives and Safety Committee Regulations 1977.

8 Training of Representatives

8.1 TSDFT respects the need for union representatives to receive adequate training to undertake their duties and will allow reasonable time off to attend such courses as funded by the individual unions. The time requested will need to be considered in line with the needs of the service and the ability to provide cover. The representative will need to agree the time away from work with their line manager, and any problems should be discussed with the Human Resources. The Trades Unions are responsible for the training of their representatives.

8.2 Appropriate payment and/or time off in lieu will be approved, as necessary, for part-time staff, where the training undertaken falls outside their normal working hours.

8.3 Reasonable time off with pay will be permitted, during working hours to undergo training relevant to the carrying out their Trade Union Duties as follows:

- Accredited Training in employee relations, or health and safety, relevant to the duties of the representative.
- The training must also be approved by the Trade Union Congress or by the Representative's own Independent Trade Union. Some training may be provided from other sources. Such training may be provided jointly for management and Staff side representatives, including Health and Safety representatives, to which both sides will have equal access.

9 Trade Union Activities

9.1 Trade Union Representatives and Health and Safety Representatives will be permitted reasonable time off, during working hours to take part in any legitimate Trade Union activity. This will include for example:

- Attending workplace meetings to consult and vote on the outcome of negotiations with the employer.
- Meeting Full-Time Officials to discuss issues relevant to the workplace voting in Trade Union elections.
- Branch, Area or Regional meetings of the Trade Union where the business of the Trade Union is under discussion.
- Meetings of official policy making bodies of Trades Unions such as the Executive Committee or Annual Conference.
- Holding an office on official bodies of Trade Unions

10 Planned Time Off

10.1 Trade Union Representatives will give their manager a minimum of one month's notice for planned time off to attend scheduled committees and meetings, unless these are called at short notice.

10.2 **Local Representatives**: Trade Union Representatives will aim to give their Manager a minimum of 7 calendar days' notice in relation to the provision of representation for members at disciplinary, grievance, and other local employee relations meetings. It is however accepted that this minimum notice period will need to be waived in exceptional circumstances.

10.3 **Regional/National Representative**: Trade Union Representatives will give their Manager a minimum of one month's notice of Regional/National Representation. Where a Trade Union Representative has an annual calendar of such events this may be submitted with the request for time off (Appendix 2).

10.4 As detailed in Section 7 time off to undertake Trade Union duties should not be unreasonably withheld. It will be the responsibility of the Trust and Departments concerned to determine how the duties of the absent Trade Union representative are covered and in this respect consideration should be given to the provision of cover where appropriate.

10.5 In the event that agreement cannot be reached between the line manager and the representative regarding time off to undertake union duties the next manager in line will have a responsibility to seek a resolution and may wish to take advice from

Human Resources. Where no resolution is achieved the matter may be dealt with under the Trust's Grievance process.

11 Facilities

11.1 TSDFT agrees to arrange deductions of monthly subscriptions to the Unions from salaries following written requests from the union member and shall cease to make such deductions on being given written notice to do so. Amounts so collected shall be passed to the appropriate Unions within 30 days of receipt.

11.2 The payroll department will provide the Unions with data relating to deductions at source at regular intervals. Any information provided must comply with the provisions of the Data Protection Act.

11.3 TSDFT undertakes to provide reasonable facilities in order that the Unions can conduct their affairs effectively, and in particular shall grant requests for:

a) Reimbursement for travel expenses, the provision of facilities, which shall include the use of telephones, photocopy machines, fax machines, internal mail, electronic mail, the provision of filing cabinets, notice boards and the use of offices.

b) Meetings of Unions to be held on TSDFT premises by agreement with the appropriate manager of the Trust. This should not be unreasonably withheld.

c) Meetings with new employees of TSDFT, to include involvement in joint induction.

12 Training and Awareness

12.1 Advice and support will be provided by the People Team team to support staff and managers in adhering to this policy.

12.2 The People Team will raise awareness of this policy through the publication of information on ICON and to advise staff of changes to the policy through the staff bulletin and ratification processes.

13 Contact Details

13.1 Any queries regarding this policy should be directed to the People Team within the Peopl Directorate.

- People Team Hub Advice Line – 01803 655754 (ext. 55754).
- Or tsdft.humanresources@nhs.net

14 Monitoring, Audit and Review Procedures

14.1 This policy will be monitored and audited on a regular basis. A full review will take place every two years by the People Directorate unless legislative changes determine otherwise.

15 Appendix 1 – Determining Reasonable Time Off for Trade Union Duties

Managers will take the following into account when assessing a request for time off: -

a) Whether the request falls into one of the reasons for granting paid time off covered by the agreement/policy. Paid time off will not normally be granted if it does not.

b) Whether the amount of time being requested in reasonable is terms of the matter under consideration. For example, more time off will be necessary for significant employee relations matters, such as a major restructuring involving redundancies, a complex grievance or disciplinary case, than will be necessary for example to speak to new employees about the role of the Trade Union.

c) Whether the representative's absence would cause severe operational difficulties and whether these can be covered or whether the time off could be granted at a more convenient time. This should be considered in the context of the reason for the request. For example where there is a requirement for the representative to be present at meetings relating to formal processes within the Trust and where this would be in the interests of the Trust as a whole.

d) That, in line with ACAS's advice, Trade Unions should have regard to the wide variety of difficulties and operational requirements that have to be taken into account when agreeing arrangements for time off. Management should have regard for any difficulties that the Trade Union representative may have in ensuring effective representation and communication which may be exacerbated in the case of shift workers, part time workers, those employed at dispersed locations and workers with particular domestic commitments.

16 Appendix 2 – Application for Time Off for Trade Union Duties

Name of Trade Union Representative……

Title of Trade Union Organisation……...

Reason for Time Off

Representation of own Union Member(s) ☐

Representation for member(s) on behalf of staff side ☐

Joint Consultation & Negotiation Committee ☐

Staff Side Monthly Meeting ☐

Stewards Health & Safety Meeting ☐

Trust Health & Safety Meeting ☐

Branch, Area or Regional meetings of the Trade Union:

Regional Meeting ☐ National Meeting ☐

Annual Conference ☐

Meeting in relation to holding office within a Trade Union ☐

Please provide details in relation to Branch, Area or Regional meetings of the Trade Union:

……..……..……

Other (please specify) ……

Training related to Trade Union duties. Please specify and attach course programme/details

……

……

Details of Time Required

Duration of time off requested: From: To:

Days/dates rostered to work during time requested: …….

Personal Time committed to Trade Union Activities in relation to request for Time Off

Date …… From ……

To ……

Date …… From ……

To ……

Date …… From ……

To ……

To be completed by the Representative

I confirm the details provide are accurate and that I will advise my manager accordingly should the requirement for time off change.

Signature…….

To be completed by the Manager

Time Off Requested

Approved ☐ Not Approved ☐

Reason for not approving request:

……

……
…

Name of Manager…….. Dept……

Signature…….. Date……

A copy of this application should be retained by the representative, a copy sent to Staff Side Chair, the Director of the People Directorate and a copy retained in the representative's personal file.