



West Lothian Council

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

## **Policy**



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**POLICY ON TIME OFF FOR  
TRADE UNION DUTIES AND ACTIVITIES**  
(For all employees excluding Teachers)

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## 1. PURPOSE

- 1.1 The council believes in the principle of collective bargaining at both national and local level and recognises the important role of trade unions in promoting and developing good industrial relations, robust health and safety practices and an effective learning environment.
- 1.2 The council also recognises that trade union representatives are entitled to reasonable time off to fulfil their functions and to undertake approved training relevant to those functions. The purpose of this policy is to establish rules and procedures, which allow requests for time off to be dealt with in a fair and consistent manner.
- 1.3 The council and trade unions agree as a general principle that each request for time off must be considered in the light of the operational requirements of the service.

## 2. DEFINITIONS

- 2.1 For the purposes of this policy a 'trade union representative' is defined as an employee who has been elected or appointed in accordance with the rules of a trade union recognised by the council to be a representative of all or some of the union's members in a particular workplace and has been duly notified as such to the council in writing.
- 2.2 Some trade union representatives may undertake the duties of a 'safety representative.' For the purposes of this policy a 'safety representative' is defined as an employee who has been appointed by a trade union recognised by the council to represent a group or groups of employees in accordance with [the Safety Representatives and Safety Committees Regulations 1977](#) and has been duly notified as such to the council in writing.
- 2.3 For the purposes of this policy, a 'learning representative' is defined as an employee who has been appointed by a trade union recognised by the council to represent a group or group of employees in accordance with the [Employment Act 2002](#) and has been duly notified to the council in writing.
- 2.4 A list of trade unions recognised by the council for collective bargaining purposes, showing the extent of recognition by reference to the employee groups covered is attached as Appendix 1 to this policy.

## 3. NOTIFICATION OF APPOINTMENTS

- 3.1 The council and trade unions agree that the numbers of trade union representatives and safety representatives elected across service areas should broadly reflect levels of trade union membership. Representation levels may be subject to joint review in the event that either the council or a recognised trade union considers that there is an imbalance in representation. Any such review will be conducted through discussion between the relevant Depute Chief Executive and the trade union(s).
- 3.2 It is the responsibility of each trade union to notify the Head of Corporate Services in writing of:
  - the names and work locations of trade union officials and safety representatives elected in a service; and
  - the section/workplace represented in each case, as soon as possible after election or appointment.

- 3.3 No employee shall be granted time off work to undertake the functions of a trade union representative until the Head of Corporate Services receives a written notification by the Trade Union.
- 3.4 Following their election or appointment, trade union representatives and safety representatives shall meet with an appropriate officer to discuss anticipated time off requirements and the operational needs of the service. The purpose of these discussions shall be to consider how reasonable time off can be granted whilst ensuring service requirements are met.

#### **4. TIME OFF FOR TRADE UNION DUTIES**

- 4.1 The council recognises that trade union representatives are entitled to reasonable time off with pay, subject to the exigencies of the service, to undertake duties concerned with:
- negotiations with the council on relevant matters; or
  - other functions related to those matters which the council has agreed the union may perform.
- 4.2 The following list is neither exclusive nor exhaustive but illustrates the nature of the duties for which time off, when granted, will be with pay:
- discussions with managers on terms and conditions of employment, working practices or job duties e.g. pay, grading, hours of work, equal opportunities issues, use of machinery/equipment, job descriptions;
  - discussions on physical conditions or the working environment e.g. nature of the work location;
  - discussions on matters relating to recruitment, re-deployment, retirement or dismissal decisions e.g. recruitment and selection policy, early retirement applications, redundancy consultation;
  - dealing with disciplinary and grievance cases, including attending formal hearings as a representative;
  - discussions with managers on the establishment of machinery for consultation and negotiation purposes;
  - discussions with managers on the provision of facilities for trade union use e.g. accommodation, equipment, communication systems;
  - attending induction courses to explain to new employees the role of the trade union in the workplace;
  - informing union members of the progress of such discussions subject to the prior authorisation of any workplace meetings (see paragraph 5.2); and
  - meetings with other trade union representatives, including full-time officers, on any matters concerned with negotiations with the council.
- 4.3 Trade union representatives shall be granted time off with pay, subject to the exigencies of the service to attend:
- meetings of the council's Joint Consultative Group or Service Liaison Groups;
  - any pre-meetings of the trade union representatives on these bodies;
  - any other meetings with representatives of the council relating to the operation of

these bodies; or

- meetings of the Council's Appeals Committee.

Employees attending these meetings will be paid their normal salary or wage. Part-time, job share or shift work employees attending such meetings out with their normal working hours will receive an additional payment at the appropriate rate in respect of the time spent attending the meeting. Travelling and subsistence allowances will also be paid where appropriate.

- 4.4 Trade union representatives shall also be granted time-off with pay to attend committees/meetings, which the council and trade unions agree constitute trade union duties. The committees/meetings to which this provision applies are set out in Appendix 2 to this policy.

## **5. TIME OFF FOR TRADE UNION ACTIVITIES**

- 5.1 The council recognises that trade union representatives are entitled to reasonable time off subject to the exigencies of the service, to take part in any trade union activities. The council also recognises that, to operate effectively and democratically, trade unions require the active participation of members and that such participation will promote the proper representation of members' interests. There is no requirement for time-off for trade union activities to be with pay.

- 5.2 Whilst recognising that there is no entitlement to paid time off for trade union activities, Depute Chief Executives may exceptionally grant time off with pay in certain other circumstances e.g. to ensure workplace meetings on the progress of negotiations are fully representative, to allow a member of a trade union to have discussions with a trade union official in preparation for a hearing under the terms of the council's Grievance or Disciplinary Procedures.

- 5.3 The following list is neither exclusive nor exhaustive but illustrates the nature of the activities for which time off without pay may be granted:

- attending workplace meetings;
- meeting trade union officials, including full-time officers, to discuss issues relevant to the workplace in question;
- in the case of trade union representatives, attendance at meetings at branch, district, regional or national level, excluding those covered by paragraph 5.4 below; and
- in the case of trade union representatives, attendance at any meeting on behalf of union members employed by another employer.

- 5.4 Time off work with pay shall be granted to trade union representatives, subject to the exigencies of the service, for the following trade union activities:

- the attendance by nominated trade union delegates at national conferences of their trade union;
- the attendance by nominated trade union delegates at the Annual Conference of the TUC and STUC;
- other specified meetings/committees, as set out in Appendix 2 to this policy.

- 5.5 Time off work will not be granted for activities which themselves consist of industrial action or which involve organising industrial action.

## **6. SAFETY REPRESENTATIVES**

6.1 Reasonable time off work with pay, subject to the exigencies of the service, will be granted to safety representatives to enable them to perform their prescribed functions. The prescribed functions of safety representatives will include the following, which should not be seen as exhaustive:

- investigating potential hazards and dangerous occurrences and examining the causes of accidents at the workplace;
- investigating complaints by employees within their area of representation relating to health, safety or welfare at work;
- carrying out safety inspections;
- attending meetings of safety committees; and
- making representations to management on general matters affecting the health, safety or welfare at work of employees at the workplace.

## **7. LEARNING REPRESENTATIVES**

7.1 Reasonable time off work with pay, subject to the exigencies of the service, will be granted to learning representatives to enable them to perform their prescribed functions. The prescribed functions of learning representatives will include the following but should not be regarded as exhaustive:

- 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 council about carrying on such activities;
- preparation to carry out any of the above activities;
- under-going relevant training.

## **8. TIME OFF FOR TRADE UNION TRAINING**

8.1 The council accepts that employees who are representatives of recognised trade unions or safety representatives are entitled to reasonable time off work with pay, subject to the exigencies of the service, to undergo training relevant to the carrying out of their functions.

8.2 Each trade union shall submit an Annual Programme of planned training events to the Head of Corporate Services which will specify dates of training during the year and those representatives nominated to attend (if known at the time). Once agreed in principle, the programme will be circulated to services for information. Requests for time off to attend events will be granted by the relevant service in accordance with the procedural arrangements at Paragraph 9.6.

8.3 Time off with pay, subject to the exigencies of the service, shall also be granted to

specified local branch officers of recognised trade unions to tutor at agreed branch-organised training courses.

## **9. REQUESTING TIME OFF - PROCEDURAL RULES**

### **General**

- 9.1 The council and trade unions agree that procedural rules relating to how time off requests are submitted will assist the proper consideration of all such requests. In particular the provision of adequate information will ensure fairness, avoid misunderstanding and facilitate a speedy response.

### **Trade Union and Safety Representatives**

- 9.2 A trade union representative requesting time off to perform trade union duties shall on each occasion:

- give as much notice as possible which normally shall be not less than five working days. It is acknowledged however that in certain circumstances it is not reasonably practicable for such a period of notice to be given;
- state the purpose of the time off;
- state the intended location of the duties; and
- indicate the timing and expected duration of the time off required.

- 9.3 A safety representative or learning representative requesting time off to perform prescribed functions shall follow the same procedure for requesting time off as described in paragraph 9.2 above.

- 9.4 A trade union representative or safety representative seeking time off on a regular basis to attend scheduled committee meetings, shall provide a list of meeting dates to the appropriate line manager. This will assist in the forward planning of time-off requests. In each case, however, granting of time off shall be subject to the exigencies of the service at that time.

### **Trade Union Activities**

- 9.5 Requesting time off to undertake any trade union activities shall normally follow the same procedure as described in Paragraph 9.2 above. However where the activity involves consulting with a group of employees e.g. a workplace meeting, the request may be submitted by a trade union official or safety representative on behalf of the employee group concerned.

### **Training Courses**

- 9.6 A trade union representative or safety representative nominated to attend an event on the agreed Annual Programme of trade union training must submit a request for time off to their line manager, normally not less than ten working days before the event.

- 9.7 Where time off is being requested to attend a training course that is not on the agreed Annual Programme, a full-time officer or senior branch officer of the trade union concerned shall write to the Head of Corporate Services not less than ten days before the start of the course providing:

- the name(s) of the representative(s) nominated to attend the course;

- the location and duration of the course; and
- written details of the course content e.g. course programme, supporting materials etc.

### **Responding to Time-Off Requests**

- 9.8 Where a time off request is not submitted in accordance with the agreed procedural rules, and where the appropriate officer considers that there are no valid reasons for this, the request shall normally be refused.
- 9.9 Where a time off request is submitted in accordance with the agreed procedural rules, the appropriate officer shall consider the request on its merits in the light of operational requirements. In deciding whether or not to grant time off the appropriate officer shall consider, amongst other things, the reasons for the request, the role and position of the trade union representative or safety representative concerned and the amount of time off already granted for trade union duties and other purposes.
- 9.10 Where a time off request is refused, the appropriate officer shall inform the employee accordingly and give reasons for their decision. An employee who is dissatisfied with these reasons has the right to raise a grievance against this decision.

## **10. EMPLOYEES WHO ARE SENIOR TRADE UNION REPRESENTATIVES**

- 10.1 The council recognises that some trade union representatives have a wider role in the union organisation and may undertake trade union duties and activities on a council-wide basis or have additional union responsibilities within a single service. It is further recognised that some trade union representatives have additional responsibilities at Scottish and National level.
- 10.2 Taking into account 10.1 above, Depute Chief Executives may agree that certain senior trade union representatives should be granted a pre-approved level of paid facility time-off to undertake their extended role. Details of facility time agreed with the relevant trade union will be maintained by the Head of Corporate Services.
- 10.3 In exceptional cases, a Depute Chief Executive, may agree with a recognised trade union that an employee with council-wide trade union responsibilities is formally seconded to the service of that trade union.

## **11. PAID AND UNPAID LEAVE**

- 11.1 For the purposes of this policy, pay is defined as an employee's normal salary/wage for the day(s) in question including shift premium where appropriate.
- 11.2 It is accepted that, with the exception of those duties identified in paragraph 4.3 above, part-time, job share or shift employees undertaking trade union duties or safety functions on a day or at a time at which they are not normally at work are not eligible for pay. It is recognised however that it may be unreasonable for shift workers to work immediately before or after undertaking trade union duties etc e.g. night-worker carrying out trade union duties or attending a training course during the day. In these circumstances the appropriate officer may authorise leave which for recording purposes, shall be regarded as time-off for trade union-related matters.
- 11.3 Employees on flexible working hours who are granted time off, whether paid or unpaid,



will be given a credit for the time not worked by reference to normal office hours.

## **12. FACILITIES**

12.1 The council and trade unions agree that providing facilities to trade union officials and safety representatives will enable them to perform their duties more efficiently and communicate more effectively with union members, other lay officials and full-time officers. Depute Chief Executives shall ensure therefore that trade union officials and safety representatives have reasonable access to the following facilities in the performance of their duties:

- accommodation for meetings;
- telephones and other office equipment;
- notice boards; and
- internal mail systems.

12.2 The relative size of the membership of a particular trade union within the council's workforce may merit the provision of office space and related facilities to assist the day-to-day functions of the union at local level. On this basis the council shall provide dedicated office space at a central location, subject to the payment of an appropriate charge, where it is accepted that this is justified in the interests of promoting the joint interests of the council and the trade union concerned.

## **13. RECORD KEEPING AND MONITORING**

13.1 Depute Chief Executives shall establish arrangements for recording and monitoring the amount of time off granted under the terms of this policy. The arrangements shall ensure the recording of both paid and unpaid time off and the number of occasions when time off is refused.

## **14. GRIEVANCES**

It is recognised that a union official, safety representative or union member has the statutory right to make a complaint to an Employment Tribunal concerning an alleged breach of the statutory time-off requirements. The council and trade unions agree however that employees shall be encouraged to make use in the first instance of the council's Grievance Procedure, which may also be exercised in relation to an alleged breach of this policy.

## **15. REVIEW OF POLICY**

The council may review this policy at any time or at the request of the trade unions.



West Lothian  
Council

**APPENDIX 1**

**POLICY ON TIME OFF FOR  
TRADE UNION DUTIES AND ACTIVITIES**  
(For all employees excluding Teachers)

**TRADE UNIONS RECOGNISED BY THE COUNCIL  
FOR COLLECTIVE BARGAINING PURPOSES**

GMB

UCATT

UNISON

UNITE

**POLICY ON TIME OFF FOR  
TRADE UNION DUTIES AND ACTIVITIES**  
(For all employees excluding Teachers)

**MEETINGS / COMMITTEES**

Conditions of Service Joint Working Group

Joint Consultative Groups

Policy Development and Scrutiny Panels

Employee Appeals Committee