

Time Off For Trade Union Duties And Activities

Version 2
1 May 2007

1. Introduction

Members of trade unions recognised by the Council have statutory rights to reasonable time off from work to take part in the activities of the Union. In addition where an employee is an authorised representative of such a recognised trade union (a trade union officer) he/she has statutory rights to reasonable time off work to undertake trade union duties or activities.

This policy promotes a consistent approach across the Council in allowing time off for trade union duties and activities, important to maintaining effective relationships between the Council and the recognised trade unions. Whilst being comprehensive, this policy will not cover every situation encountered by managers. If any manager is unclear on the general application of the policy, then he/she should refer to the Head of Personnel/Personnel Manager.

2. Trade Unions Recognised by the Council

The Council recognises the following trade unions for collective bargaining purposes:

UNISON; GMB; The Union Of Construction, Allied and Technical Trades (UCATT); UNITE; The Educational Institute of Scotland (EIS); The National Association of School Masters and Union of Women Teachers (NASUWT); Scottish Secondary Teachers Association (SSTA); and The Professional Association of Teachers (PAT).

If a member of staff is a member or official of a trade union which is not recognised by the Council then time off will not be granted to take part in its activities or to undertake duties for that trade union.

3. **Trade Union Officials - Duties and Activities**

3.1 The Council acknowledges that there are circumstances when the dividing line between duties related to industrial relation matters and trade union activities will never be absolutely clear. Where doubts and difficulties arise in interpretation, these will be resolved by consultation with the appropriate full-time trade union officer.

3.2 **Trade Union Duties**

Time off with pay will be granted to in-house trade union **officials** of the **recognised** trade unions for duties related to industrial relations matters directly affecting the Highland Council as undernoted:

- to attend meetings of JCGs and employee fora including pre-meetings of the staff side
- to act on behalf of trade union members in disciplinary and grievance hearings including appeals and employment tribunals
- to meet with management relating to collective bargaining or industrial relation matters affecting the trade union's members
- to attend consequential meetings with members to obtain or relate information for, or on, collective bargaining or industrial relations matters
- to meet with full-time trade union officers or lay officials concerning industrial relations between the Highland Council and its employees who are members of the recognised trade unions
- to make initial contacts with new employees to explain the role of the trade union in the Highland Council work place and the industrial relations structure
- to attend meetings of SJC or committees of the SJNC, including National Negotiating Bodies
- to attend approved union representative training courses
- to attend Branch or District meetings of the trade union during normal working hours being concerned with (predominantly) industrial relations matters related to the Highland Council
- to undertake duties and responsibilities as safety representatives

3.3

Trade Union Activities

Time off **without** pay will be given to trade union officials to take part in trade union activities as follows:

to attend annual conferences of trade unions and national conferences of trade unions (UK & Scottish) or other relevant outside bodies (e.g., TUC, STUC)

to attend specially convened conferences or meetings of the policy making body of the trade union which do not directly concern industrial relations matters affecting the Highland Council

to attend branch or district meetings of the trade union convened during normal working hours which do not deal predominantly with industrial relations matters affecting the Highland Council

4.

Trade Union Members

In order to operate effectively and democratically members of trade unions need to participate actively, and this can assist the Council particularly in the communication process. Whilst employees are entitled, as members of the recognised trade unions, to time off to take part in trade union activities there is no entitlement for this time off to be paid. The Council clearly sees however, that there are going to be circumstances when employees should be granted time off with pay, for example, joint meetings with management and unions to discuss changes to conditions of service or service re-structurings. Equally it is expected, wherever possible, that trade unions will arrange meetings and other activities which will cause least disruption to normal work activities.

Examples of trade union activities (**without pay**) are:

- attending trade union meetings to discuss the outcome of negotiations with the Council
- attending at branch meetings, including the annual general meeting and any extraordinary general meetings
- recruiting new members
- distributing trade union literature

5.

Trade Union Training and Safety Representatives' Responsibilities

Applications for time off with pay to attend approved training courses including safety training must be submitted to the Head of Personnel wherever possible at least 10 working days before the commencement date with clear evidence of the content of the course content. Permission to attend will not be withheld unreasonably.

The Highland Council recognises the statutory role of trade union appointed safety representatives to time off with pay during working hours to undertake health and safety functions including consultation and investigation of complaints.

6.

Requests For Time Off

As with any other form of leave of absence, requests for time off must be submitted in advance and timeously. The request should be accompanied by satisfactory evidence as to the reason and content of the meeting, event, etc. Provided the granting of the leave does not affect the efficient and safe working of the Service, reasonable time off will be given.

Managers, in considering what is reasonable time off, would take into account the geographical dimensions of the Highland Council area.

7.

Grievance/Complaints

Managers should endeavour to resolve complaints/grievances about time off with the employees concerned at the time of the request. Advice and direction should be sought from the Head of Personnel/Personnel Manager and the appropriate full-time trade union officer of the trade union(s) concerned. If the matter remains unresolved then, the Council's grievance procedure is available.

8.

Trade Union Duties & Pay

If an employee is granted time off with pay to undertake trade union duties, then that individual will receive his/her normal pay. The Council will not pay overtime where trade union duties or activities occur in a time period when overtime might be attracted. If an individual would normally have received particular allowances, for example chargehand allowance, shift allowance, had she/he been at work then such allowances will continue to be paid. If any allowances are variable, for example bonus, then an average payment will be applied.

9.

List of Trade Union Officials

Personnel will maintain a list of officials of the recognised trade unions. All updated information must be passed to the Head of Personnel by the full-time officers of the recognised trade unions.

10.

Review of Policy

The application of this policy will be monitored by the Head of Personnel and the recognised trade unions. This policy in its current form may also be subject to review by giving 3 months notice to the relevant recognised trade unions.