



# Department of Human Resources

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

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### 1 Introduction

- 1.1 City Hospitals Sunderland recognises several trade unions and staff organisations for the purpose of representing their members in employment issues. This policy details the entitlement to time off for staff side representatives and their members and is accompanied by a procedure for requesting such time off.
- 1.2 Provisions of the Policy
- Section 1 - Time off for Trade Union Duties
  - Section 2 - Time off for Trade Union Activities
  - Section 3 - Time off for Training of Representatives
  - Section 4 - Procedure for Requesting and Approving Time Off

### 2 Time off for Trade Union Duties

#### 2.1 Who is entitled?

Employees who are representatives of an independent trade union recognised by the Trust are permitted reasonable time off during working hours to carry out certain Trade Union Duties.

A representative is an employee elected or appointed in accordance with the rules of the union to be a representative of all or some of the union's members in the particular workplace.

The Trust has agreed that reasonable time off should be given where the duties are related to functions that the Trade Union/professional organisation has been recognised for.

#### Examples

Examples of duties for which time off should be considered if requested by management or their members.

Consultation on changes to employees working arrangements or environment, this could include the following issues:

- Changes in location
- Hours of work
- Job descriptions
- Working arrangements i.e. flexible working arrangements
- Redundancy and dismissal arrangements
- Grievances
- Attendance at joint consultative group meetings and staff side pre meetings
- Attendance at health and safety meetings
- Any meeting that they have personally been requested to attend to represent the staff side i.e. Improving Working Lives
- Time to discuss issues or explain outcomes to members and full-time representatives.

This list is not exhaustive and advice should be sought from the Department of Human Resources when in doubt.

## 2.2 Requesting time off

Trade Union representatives requesting time off to pursue their duties should provide management with as much notice as possible and give details of:

- The purpose of such time off.
- The intended location.
- The duration and timing of time off required.

## 2.3 Payment for time off for Trade Union duties

Where time off has been granted a representative must be paid for the time off taken. The employer must pay either the amount the employee would have earned had they worked or, where earnings vary with the work done, an amount calculated by reference to the average hourly earnings for the work they are employed to do.

There is not statutory requirement to pay for time off where the duty is carried out at a time when the representative would not otherwise have been at work.

# 3 Time off for Trade Union Activities

## 3.1 Entitlement

To operate effectively and democratically, Trade Unions need the active participation of members. It can also be very much in employers' interests that such participation is assured. An employee who is a member of an independent Trade Union recognised by the employer in respect of that description of employee is to be permitted reasonable time off during working hours to take part in any Trade Union activity.

### Examples

The activities of a Trade Union member can be, for example:

- Attending workplace meetings to discuss and vote on the outcome of negotiations/discussions with the employer.
- Meeting full-time representatives to discuss issues relevant to the workplace.
- Voting in properly conducted ballots on industrial action.
- Voting in union elections.

Where the member is acting as a representative of a recognised Trade Union, activities can include taking part in:

- Branch, area or regional meetings of the union where the business of the union is under discussion.
- Meetings of official policy-making bodies such as the executive committee or annual conference.
- Meetings with full-time representatives to discuss issues relevant to the workplace.

## 3.2 Requesting time off

Trade Union representatives and members requesting time off to pursue their industrial relations activities should provide management with as much notice as possible and give details of:

- The purpose of such time off.
- The intended location.
- The duration and timing of time off required.

There is no right to time off for Trade Union activities which themselves consist of industrial action.

Where a representative is not taking part in industrial action but represents members involved, normal arrangements for time off with pay for the representative will apply.

## 3.3 Payment for time off for Trade Union activities

There is no requirement that union members or representatives be paid for time off on Trade Union activities. Nevertheless payment may be considered in certain circumstances.

**The Department of Human Resources should be contacted to give approval.**



## 4 Time off for Training of Representatives

### 4.1 Who is entitled?

Employees who are representatives of an independent Trade Union recognised by the Trust are permitted reasonable time off during working hours to undergo training relevant to the duties they are to perform (See examples of Trade Union duties).

#### Examples of Training Requirements

There is no recommended syllabus for training as a representative as duties will vary.

The training must be approved by the Trade Union Congress or by the independent Trade Union of which the employee is a representative. Consideration should be given to reasonable time off for initial training in basic representation skills as soon as possible after a representatives election or appointment.

Other examples:

- Further training particularly where the representative has special responsibilities i.e. Health and Safety.
- Where there are proposals to change the structure and topics for which the union is recognised or where significant changes in the organisation of work are being contemplated.
- Where legislative change may affect the conduct of industrial relations at the place of work and may require the reconsideration of existing agreements.

Representatives who request paid time off to undergo relevant training should:

- Give at least two weeks notice to management of nominations for training courses.
- Provide a copy of the syllabus or prospectus indicating the contents of the training course.

### 4.2 Payment for time off for training

Where the Trust permits time off for representatives to attend training relevant to their duties at the workplace, representatives must be paid for the time off taken. The employer must either pay the amount the representatives would have earned had they worked during the time off or, where earnings vary with the work done, pay an amount calculated by averaging hourly earnings for the work they are employed to do.

There is no statutory requirement to pay for time off where training is undertaken at a time when the representative would not otherwise have been at work. Where time off has been granted it is normal to approve pay but without expenses. (The union pays expenses).

The Department of Human Resources must approve all requests for time off for training to ensure consistency is applied across the Trust.

## 5 Procedure for Requesting and Approving Time Off for Trade Union Duties/Activities/Training

### 5.1 Introduction

When deciding whether requests for time off should be granted, consideration would need to be given as to their reasonableness, for example to ensure adequate cover for safety or to safeguard the operational requirements of the Trust. In assessing reasonableness, factors that will be taken into account include:

- The amount of time off.
- The purpose for which it is sought.
- The occasions on which it is sought.
- The frequency it is sought.

On occasions time off may be granted subject to specific conditions.

Similarly managers and unions should seek to agree a mutually convenient time which minimises the effect on production or services. Where workplace meetings are requested consideration should be given to holding them, for example:

- Towards the end of a shift or the working week.
- Before or after a meal break.

Employers need to consider each application for time off on its merits; they might also need to consider the reasonableness of the request in relation to agreed time off already taken or in prospect.

## 5.2 Trade Union Duties

Approving Person - Line Manager  
- Paid Time Off

## 5.3 Trade Union Activities

Approving Person - Line Manager in consultation with the Dept. of Human Resources  
- No requirement for payment for time off but may be considered in certain circumstances

## 5.4 Training of Representative

Approving Person - Head of Human Resources  
- Study leave form completed by representative and signed by Line Manager  
- Study leave form and course programme forwarded to Department of Human Resources for approval to ensure a consistent approach across the Trust.

## 5.5 Allowances

Five days per annum per official representative after new representatives have completed their basic steward training course (many of which are of 10 days duration).

Additional time off for training may be granted if it can be demonstrated that there are benefits to the Trust if the representative attends.

- Paid time off.
- Expenses to be paid by Trade Union.

## 5.6 Individual representative time off agreements

In the current rapidly changing environment it may be necessary to agree the annual time off arrangements with individual representatives.

At the beginning of each financial year the Head of Human Resources will decide the time off to be approved in these circumstances taking into account the changes planned to take place in that year and the main staff groups to be affected.

# 6 Date Last Reviewed

October 2002

# 7 Date to be Reviewed

October 2003