

Trade Union Recognition and Facilities Agreement

1. Introduction

This agreement is made between the Trade Unions Unison, and GMB and Trafford Council.

This agreement is made in recognition of the relevant legislation as follows:

- The Trade Union and Labour Relations (Consolidation) Act 1992
- The Employment Act 2002
- The Safety Representatives & Safety Committee Regulations 1977

It is also written having regard to the ACAS Code of Practice 3: Time Off for Trade Union Duties and Activities.

Trafford Council recognises that it is to the mutual benefit of the Council and its employees that employees are represented by Trade Unions. The Council is committed to the principle of collective bargaining at both national and local level and recognises the important role of Trade Unions in promoting and developing good employee relations and health and safety practices.

Employers and unions have a joint responsibility to ensure that agreed arrangements work to mutual advantage and so it is important to provide a clear framework for the provision of time off and facilities.

2. Scope of the Guidance

The following trade unions are currently recognised by the council for collective bargaining: Unison, and; GMB.

This agreement refers to trade union representatives recognised by their respective unions as Trafford Council branch local representatives, workplace union representatives, union learning representatives and health and safety representatives.

The guidance in this agreement only applies to duties and activities which relate to employee relations between the council and its employees as well as services provided to other employers where a service level agreement is in place.

This agreement does not apply to Teacher Trade Unions for which a separate agreement exists.

3. Recognition of Union Representatives

The trade unions will confirm in writing to the Director of Human Resources which union members are elected or designated as branch local representatives or workplace union representatives within 2 weeks of appointment or resignation.

The number of union representatives appointed should be reasonable with regard to both the union need for effective representation and communication, and the management need for efficient working practices. This includes giving consideration to the size and location of membership.

4. Time off for Trade Union Duties

This section details the time off for general trade union duties, and also duties specific to union learner representatives and union safety representatives.

Trade Union Representatives

Reasonable time off with pay will be given to accredited trade union representatives to undertake duties concerned with negotiations or with other functions related to or connected with the subjects of collective bargaining. These subjects may include:

Terms and conditions of employment, or the physical conditions in which workers are required to work, examples include:

- pay
- hours of work
- holiday and holiday pay
- sick pay arrangements
- pensions
- learning and training
- equality and diversity
- notice periods
- the working environment
- operation of digital equipment and other machinery.

Engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers, examples include:

- recruitment and selection policies
- human resource planning
- redundancy and dismissal arrangements.

Allocation of work or the duties of employment as between workers or groups of workers, examples include:

- job grading
- job evaluation.
- job descriptions
- flexible working practices
- work-life balance.

Matters of discipline, examples include:

- disciplinary procedures
- arrangements for representing or accompanying employees at internal interviews
- arrangements for appearing on behalf of trade union members, or as witnesses, before agreed outside appeal bodies or employment tribunals.

Trade union membership or non-membership, examples include:

- representational arrangements
- any union involvement in the induction of new workers.

Facilities for trade union representatives, examples include any agreed arrangements for the provision of:

- accommodation
- equipment
- names of new workers to the union.

Machinery for negotiation or consultation and other procedures, examples include arrangements for:

- collective bargaining at the employer and/or multi-employer level
- grievance procedures
- joint consultation
- communicating with members
- communicating with other union representatives and union full-time officers concerned with collective bargaining with the employer.

Trade union duties will also be related to the receipt of information and consultation related to the handling of collective redundancies where an employer is proposing to dismiss as redundant 20 or more employees at one establishment within a period of 90 days, and where the Transfer of Undertakings (Protection of Employees) Regulations apply, but also including the negotiations with a view to entering an agreement under regulation 9 of the Regulations (variation of contract in insolvency).

Union Learning Representatives

Reasonable time off with pay will be given to accredited union learning representatives provided that the union has given the employer notice in

writing that the employee is a learning representative of the trade union. The time off is to undertake the following functions:

- 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 employer about carrying on any such activities
- preparation to carry out any of the above activities
- undergoing relevant training.

Union Safety Representatives

Reasonable time off with pay will be given to union safety representatives as per Regulation 6 of the Safety Representatives and Safety Committees Regulations 1977 to undertake the following functions:

- represent employees generally and consult them about specific matters that will affect the health, safety and welfare of employees
- represent employees when Health and Safety Inspectors from HSE or local authorities consult them
- investigate accidents, near misses, and other potential hazards and dangerous occurrences in the workplace
- investigate complaints made by an employee they represent about their health, safety or welfare in the workplace
- present the findings of investigations to management
- inspect the workplace
- attend Health and Safety Committee meetings.

5. Time off for Trade Union Activities

Reasonable time off without pay will be given (where business needs allow) to accredited trade union representatives to take part in trade union activity, example include:

- 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 officers to discuss issues relevant to the workplace.
- branch meetings of the union where the business of the union is under discussion.

6. Training

Training is important for union representatives to enable them to carry out their duties effectively. Training must be of direct relevance to the trade union positions occupied, and approved by the Trades Union Congress (TUC) or by

the relevant trade union. This section gives guidance about training for general trade union representatives, and also for union learner representatives and union safety representatives.

Payment of course fees, travelling and subsistence allowances will be the responsibility of the relevant Trade Union.

Trade Union Representatives

Reasonable time off with pay will be given to trade union representatives to undergo training in aspects of industrial relations relevant to carrying out their trade union duties (as detailed previously). The training could include:

- courses to develop the union representative's skills in representation, accompaniment, negotiation and consultation
- further training particularly where the union representative has special responsibilities, for example in collective redundancy and transfer of undertaking circumstances
- training courses to familiarise or update union representatives on issues reflecting the developing needs of the workforce they represent.
- training where there are proposals to change the structure and topics of negotiation about matters for which the union is recognised; or where significant changes in the organisation of work are being contemplated
- training where legal change may affect the conduct of employment relations at the place of work and may require the reconsideration of existing agreements
- training where a union representative undertakes the role of accompanying employees in grievance and disciplinary hearings.

Union Learning Representatives

Reasonable time off with pay will be given to union learning representatives to undergo training relevant to their functions.

Union learning representatives must be sufficiently trained to carry out duties as a learning representative either: at the time when their trade union gives notice to the Council in writing that they are a learning representative of the trade union, or: within six months of that date. In the latter case, the trade union is required to give the Council notice in writing that the employee will be undergoing such training and when the employee has done so to give confirmation of this.

Health and Safety Representatives

Reasonable time off with pay will be given to health and safety representatives in order that they can undergo training in the functions required of their role, as is reasonable in the circumstances.

7. Requests for Time Off

Time off for trade union duties and activities and training must be reasonable. What is "reasonable" will be determined through a discussion between the trade union representative and their manager, and will depend upon the reason for the time off. The time off should be sufficient to undertake the duty or activity however will be granted subject to the needs of the service.

The following will apply:

- requests should be made by the TU representative to their manager, and if the request is approved, the manager will record this
- requests should be submitted as far in advance as is reasonably practicable and should include the nature of the time off, the duration of the time off and location of the business
- a mutually convenient time should be agreed where possible which minimises the effect on service delivery
- where the manager believes a request for time off is unjustified or does not constitute legitimate employee relations business, they may refuse the request and will provide a reason for their decision
- where the granting of time off has to be refused because of the exigencies of the service the grounds of refusal should be made clear, and the parties should endeavour to agree an alternative time and/or date as soon as is reasonably possible
- any issues regarding the refusal of requests for time off should be referred to the Director of Human Resources (see section 10 of this agreement).
- managers will ensure that, where necessary, work cover and/or workload reductions are provided when time off is required particularly for part-time and shift workers. This can include the allocation of duties to other employees, rearranging work to a different time or a reduction in workloads
- each representative should keep a record of time off from work on Trade Union business

8. Payment

There is no entitlement to pay for trade union duties which are carried out at a time when a representative would not otherwise have been at work. However, in cases where a representative is specifically requested by management to undertake trade union duties outside their normal working hours, time off in lieu (TOIL) for such hours may be approved. The representative concerned must discuss any such requests beforehand with

their manager, to explain the circumstances, the times and dates they are required, and to obtain authorisation to take TOIL.

In exceptional circumstances, and only where it is operationally impossible to arrange TOIL, payment may be made at plain time for the hours worked, regardless of whether the representative is a part-time or full-time employee. Again, this must be authorised in advance of the hours being undertaken.

9. Seconded Officers

A total of two full time secondments are currently provided to Unison. The number of secondments will be periodically reviewed based on union membership numbers within the council. Corporate funding for seconded positions will be up to the maximum of Band 9 (spinal column point 42). The appropriate Trade Union will meet any additional salary costs.

How the secondments work:

The duration of the secondment shall be treated as continuous service and seconded officers will receive normal pay and normal incremental progression will apply where appropriate.

During the secondment Unison will be responsible for the payment of all travelling and subsistence expenses including the payment of any lump sum allowances.

During the secondment the seconded officer will continue to be managed within the confines of the Council's policies and conditions of service by their releasing manager.

Once the secondment terminates, the seconded officer will return to their former post on their existing terms and conditions of service. In the event of the post being affected by any restructuring or reorganisation leading to redeployment and/or redundancy, the seconded officer will be treated the same as any other employees whose substantive posts are similarly affected.

Any issues relating to discipline, competency, attendance etc. will be dealt with by the Council, as the employer, in accordance with the Council's policies, agreements and procedures. Unison will co-operate fully in the application of those policies, agreements and procedures.

10. Facilities

Reasonable supporting facilities will be made available to trade union representatives in order to perform their duties and communicate with members, other union representatives and full time officers. Facilities could include the following where required:

- telephone

- use of rooms for private meetings
- internal mail service
- use of noticeboards
- email and intranet
- photocopying
- filing space

The above facilities will not be made available for trade union representatives, or their members, to organise or take part in formal or informal industrial action.

11. Trade Union Membership

The Council shall provide a system of deductions of union subscriptions at source subject to a charge of 5% (subject to a cap in certain circumstances).

The Council shall provide regular information on new entrants and leavers, taking into account data protection requirements. The Council shall provide relevant information on employees at other times, taking into account data protection requirements.

The Trade Union shall provide the Council with relevant information on trade union membership and also inform management in writing as soon as possible of the appointment or resignation of TU representatives and the type of role undertaken.

12. Complaints

If managers have any concerns about a union representative's behaviour and/or attitude which is in relation to them carrying out their union duties and activities they should discuss this with the Director of Human Resources. In most cases it should be possible to resolve the issues by informal discussion between the relevant branch local representative and HR or mediation between the union representative and the manager. Where such concerns arise, HR will make the branch local representative aware of them. If the issue cannot be resolved at this level, or is more serious, HR will raise it with the relevant branch local representative or regional office as appropriate.

Where a formal complaint is made about a union representative's conduct, the matter will be referred in writing to the Director of Human Resources and copied to the relevant branch local representative or regional office as appropriate. The complaint will be dealt with under the appropriate trade union's complaints procedure. An investigation into the alleged inappropriate conduct may be undertaken. If disciplinary action is contemplated the case will be discussed with their regional office.

13. Monitoring

Where facility time off has been agreed (both paid and unpaid), the reason for the time off and the amount of time should be monitored by the union representative's manager.

This agreement will be reviewed on a bi-annual basis.