

# HR & OD POLICIES

human resources and organisational development



## Trade Unions

## Time off for Health and Safety Representatives Policy

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## 1. POLICY STATEMENT

Aberdeenshire Council recognises and accepts that it has a statutory duty within the provisions of the Health and Safety at Work Act 1974, as amended, and relevant Codes of practice issued by the Health and Safety Commission to permit any employee who is appointed a Health and Safety Representative to take time off work, subject to certain conditions, to enable them to effectively carry out their functions.

This Policy describes the arrangements that the Council will make for appointed Health and Safety Representatives to enable them to carry out their functions and to undertake approved training relevant to those functions. In preparing the Policy the Council and the Unions are conscious that in an organisation operating from many locations over a wide geographical area it is not possible to provide detailed rules that would apply to every request for time off. However, it is agreed that this document be used as the principle point of reference when any request for time off is being determined.

## 2. SCOPE OF POLICY

This Policy will apply to all appointed Health and Safety Representatives within Aberdeenshire Council.

## 3. APPOINTMENT OF HEALTH & SAFETY REPRESENTATIVES

An independent Trade Union recognised by Aberdeenshire Council may appoint Safety Representatives from amongst the Council's employees.

It shall be the responsibility of the Trade Union to inform the Council, in writing to the Service Director, of the appointment of a Health and Safety Representative. The notification should be made as soon as possible after the appointment has been made and should confirm the Service or group of employees the Representative will represent.

Employees appointed as Health and Safety Representatives must so far as reasonable practicable have worked for at least two years with Aberdeenshire Council (or other Local Authority) and have had two years experience in their present or similar Service. This is to ensure that those appointed have the experience and knowledge of their particular Service necessary to enable them to make a responsible and practicable contribution to health and safety.

## 4. RESPONSIBILITIES OF HEALTH AND SAFETY REPRESENTATIVES

Appointed Health and Safety Representatives will, as necessary, be the spokesperson for employees of the Service which they represent but will not, without the express agreement of their Trade Union, have authority to negotiate or reach agreement on its behalf, nor will the existence of a Health and Safety Representative break the essential link between the supervising officer and the employees they supervise.

## 5. TIME OFF – GENERAL

In considering all requests for absence under the terms of this Policy, the Council and the employee shall have regard to what is reasonable in all the circumstances.

In seeking time off, the Trade Union(s), through its full time officers will make every attempt to ensure that the number of appointed Safety Representatives seeking time off will be reasonable in all the circumstances. The Trade Union will also ensure as far as practicable that its appointed Safety Representatives will give adequate notice and generally act within the terms of the Policy in seeking and taking advantage of time off.

Any request for time off, shall be made with as much notice as is reasonable and in writing whenever practicable, to the employee's Service Director or nominated senior representative, for a decision in accordance with the provisions of this Policy. The employee should indicate the nature of the business for which time off is required, the intended location and the expected period of absence. In the case of scheduled meetings, training courses, or duties which involve an absence of more than one day from the normal workplace the employee or their Union will endeavour to give not less than two weeks' notice of the intended absence.

Where, however, an emergency or special meeting is involved, the Council accepts that as little as one days' notice may be possible. In addition, any appointed Safety Representative wishing to meet an employee at a workplace other than the Representative's own workplace, shall as a matter of courtesy advise the member's Manager before meeting with the employee.

All formally appointed Health & Safety Representatives shall keep a diary of trade union business carried out during working time (purpose, date and duration) which will be available to the appropriate Service Director or nominated Manager. Should the Service Director or his/ her representative decide to refuse an application, or impose conditions upon it which the employee considers unreasonable, the

employee (or their Trade Union) may refer the matter to the Director of Personnel. In the absence of agreement, the Council's internal Grievance and Appeals Procedure may be invoked. Failing satisfaction, then by mutual agreement, the parties concerned would refer the matter to ACAS for decision. In the interim, the decision by the Service Director shall prevail, but this will in no way prejudice the outcome of any appeal.

An appointed Safety Representative who has been granted time off should not unduly or unnecessarily prolong the time he/she is absent from work.

Any employee wishing or intending to seek appointment as a Safety Representative with their Trade Union which is likely to involve frequent or prolonged absence from his/ her normal work shall be encouraged to advise their Service Director in advance of being appointed to the post, to ensure that such absences will not unduly affect the operational demands of their paid employment with the Council.

## 6. TIME OFF WITH PAY

Within the general terms of the Policy the Council shall normally grant, on request and at times to be agreed, time off with pay to all appointed Health and Safety Representatives to enable them to carry out their functions, as noted below, in effectively promoting and developing measures to ensure the health and safety at work of employees of the Council.

- Investigation of potential hazards and dangerous occurrences at the work place and to examine the causes of accidents at the work place.
- Investigation of complaints by any employee they represent relating to that employee's health, safety or welfare at work.
- Make representations to the Council on matters arising from the above.
- Make representation to the Council on general matters affecting the health, safety and welfare at work of employees at the workplace.
- Carry out inspections of the workplace.
- Represent employees they have been appointed to represent on consultations at the workplace with Inspectors of the Health and Safety Executive or any other enforcing authority.
- Receive information from Inspectors of the Health and Safety Executive.

- Attend meetings of Service Safety Committees/Groups where agreed including the pre-meeting of the employees side where this is held immediately prior to and on the same day as the Safety Committee/ Group.
- Undergo such training in aspects of their function as may be reasonable.

## 7. TRAVELLING EXPENSES

All accredited Lay Officials may claim reasonable Travelling Expenses only for attendance at those meetings held at the request of Management.

## 8. CALCULATION OF PAY FOR TIME OFF WITH PAY

Where time off with pay has been granted, the pay for the period of the employee's authorised absence shall be the pay that the employee would ordinarily have received for the period of working time lost, including any enhanced rate for extra skill or responsibility, additional payment for night work etc. and bonus at the rate that would have been paid had the employee been at work.

## 9. PROVISION OF FACILITIES

The Council will endeavour to provide the following facilities for the use of Health and Safety Representatives carrying out their functions at the workplace.

- Access to a telephone, fax, email and reprographics at all reasonable times for Trade Union business relating to Health & Safety.
- Reasonable use of the internal mailing system.
- Designated display areas for Health and Safety publications.
- Reasonable facilities for meetings with employees.

# Trade Unions

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### Policy

<b>Revision Date</b>	<b>Previous Revision Date</b>	<b>Summary of Changes</b>
21-08-1997	-	Creation of all Documents
19-06-2014	21-08-1997	Policy update
06-08-2015	19-06-2014	Format update