

HR & OD POLICIES

human resources and organisational development



Trade Unions

Time Off for Trade Union Business Procedure

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1. INTRODUCTION

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, whether with or without pay, the Trade Union(s), both through its full-time officers and its accredited lay officials, will make every attempt to ensure that the number of accredited lay officials or employees, (as appropriate) seeking time off will be kept to a minimum and will be reasonable in all the circumstances. The Trade Union will also ensure as far as practicable that its accredited lay officials will give adequate notice and generally act within advantage of time off.

Any request for time off, whether with pay or without pay, 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 [special leave request form](#) (paid or unpaid) must be completed. 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/activities 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 day's notice may be possible.

The trade union lay official or member who has been granted time off should not unduly or unnecessarily prolong the time he/she is absent from work on trade union duties or activities.

In addition, any Trade Union full time official or lay official wishing to meet a member of his/her Trade Union at a workplace other than the official's own workplace shall, as a matter of course, advise the member's Manager before meeting with the member if this is taking the employee away from their duties at the time.

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

Any employee wishing or intending to seek appointment as a lay official with their Trade Union which is likely to involve frequent or prolonged absence from his/her normal work shall be encouraged to advise their Head of Service 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.

2. TIME OFF – WITH PAY

Within the general terms of the Policy the Council will normally grant, on request and at times to be agreed, time off with pay to all accredited Trade Union lay officials to undertake duties relating to Industrial Relations matters directly affecting the Council:

1. To undertake official duties insofar as they are concerned with employee relations between the Council and its employees.
2. To undergo training in industrial relations which is relevant to their official duties and approved either by the Union, STUC or the TUC.

The following illustrates the circumstances relating to Time Off with Pay:

1. To attend meetings of Service and/or Joint Consultative Committees, including the pre-meeting of the employee side where this is held immediately prior to and on the same day as the Joint Consultative Committee, or as otherwise agreed.
2. To act on behalf of union members in disciplinary or grievance hearings at Service, Council or National level and at an Employment Tribunal.
3. To meet with Service Management and/or the Head of Service (Legal and People) on matters relating to collective bargaining or industrial relations affecting union members. This would include meeting full time officials and lay officials prior to such meetings with management.
4. To meet with full time trade union officials and other lay officials concerning industrial relations between the Council and those of its employees who are Union members.
5. To hold meetings with Union members to obtain or relay information consequential to meetings with management on collective bargaining or employment relation matters.

6. To make initial contact with new and existing employees within their constituency to explain the role of the Trade Union(s) in the workplace and the employee relations structure.
7. To attend meetings of local authority national negotiating bodies, at Scottish or UK level as the case may be.
8. To attend approved training courses for Trade Union lay officials.
9. To attend meetings outside the Council's boundaries where the agenda relates directly to employee relations matters affecting employees of the Council.
10. To attend Branch or District meetings of the Trade Union concerned during normal working hours and dealing predominantly with Local Authority matters.
11. To attend meetings of the Policy making body and the annual conference of his/ her Trade Union.
12. To attend meetings of such external bodies as the TUC, STUC and Trades Council as a nominated representative of his/her Trade Union.

3. TRAVELLING EXPENSES

All accredited lay officials may claim reasonable Travelling Expenses only for attendance at those meetings held at the request of Management. Any travelling expenses may be claimed in accordance with the [Aberdeenshire Council's Travel and Subsistence Policy](#).

4. MEMBERS WHO ARE NOT LAY OFFICIALS

The Council will normally grant, on request and at times to be agreed, time off without pay to enable employees who are members of recognised independent trade unions to participate in any activities of their Union, apart from industrial action.

5. RESPONSIBILITIES OF LAY OFFICIALS

An accredited lay official will, as necessary, be the spokesperson for the group of employees he/she represents, but will not, without the express agreement of their Trade Union, have authority to negotiate or reach agreements on its behalf, nor will the existence of an accredited lay representative break the essential link between the supervising officer and the staff he/she supervises.

6. PROVISION OF ACCOMMODATION AND FACILITIES FOR THE USE OF ACCREDITED TRADE UNION LAY OFFICIALS

It is accepted that the range of facilities and amount and type of accommodation that is available at some of the Council's workplaces is limited, and that any agreement on the provision of facilities and accommodation needs to be made with this in mind.

However, as a minimum, the Council will endeavour to provide for the use of accredited trade union lay officials at the appropriate workplace.

- a) Designated display areas for Trade Union publications.
- b) Access to a telephone, fax, e-mail and reprographic facilities at all reasonable times for use on Trade Union business.
- c) Reasonable use of the internal mailing system. Any use of ICT facilities will be subject to [Aberdeenshire Council's ICT Acceptable Use Policy](#).

In addition, where the following facilities are reasonably available, there will be provided:

1. Reasonable facilities for meetings with other lay officials, individual members or new employees.
2. Reasonable storage facilities for documents.

While the Council will endeavour as far as is practical to make available accommodation and facilities for the use of accredited lay officials to the extent noted above, the Trade Union and its accredited lay official(s) will not make unreasonable demands for or on such facilities. In particular, an accredited lay official shall make prior request, which shall not be unreasonably withheld, for the use of accommodation, telephone and the internal mailing system. The control of any designated display areas for Trade Union publications shall be under the control of one or more accredited lay officials, who shall be responsible for the content of any material.

7. RECOGNITION OF UNION REPRESENTATIVES

All elected Trade Union Officers and lay officials shall formally be notified to the Head of Human Resources either by the Branch Secretary, or by the appropriate full time official of the Trade Union. Notification shall include;

- The name of the officer/lay official (including the name of representative to be replaced).
- The work area/employment group they represent.
- The expected length of appointment.
- Service in which the representative is based.

The Head of Legal and People will notify the Trade Union in writing as to whether or not the lay official has been recognised. Where it is considered that recognition should be withheld consultation will take place with the full time Branch Secretary of Unison, or the Trade Union Co-ordinator, or the appropriate District Official/Regional Organiser.

The recognition agreement form will be sent by the Head of Legal and People to the lay official for completion and signature. The agreement will be returned to the Head of Legal and People for counter signing and final authorisation. The original agreement will be retained by HR Support Team, for record purposes and a copy will be sent to the lay official for his/her information. Reasonable time off to carry out official Trade Union duties will not be granted until this process is completed.

Reasonable time off will be granted for such lay officials to carry out their legitimate Trade Union duties as previously stated.

8. CALCULATION OF PAY WHERE TIME OFF WITH PAY HAS BEEN GRANTED

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. SECONDED REPRESENTATIVES

In addition to the provisions for Time Off contained in this Policy the Council will allow 5 representatives of recognised Trade Unions to be seconded as full time lay officials. These officials will be nominated only by those recognised Trade Unions who have more than 750 employees in membership.

Based on these criteria the following recognised Trade Unions shall nominate one or two accredited lay officials as seconded paid representatives:-

- EIS
- UNISON (2)
- GMB (2)

The administration of Holidays, Sickness absence and arrangements for time off for these seconded Representatives will be conducted through the Head of Legal and People.

10. PENSIONS

Employees will not pay contributions or accrue pension benefits during any periods of unpaid time off for Trade Union activities.

However, If an employee is a Local Government Pension Scheme member they can 'buy back' pension accrual by taking an Additional Pension Contract (APC). The cost of buying back the 'lost' pension is shared between the employee and the Council provided the employee's PEN11 application form is received by Payroll before the expiry of a period of 30 days beginning with the day on which the employee returns to work. In such cases the Council will meet 2/3rds of the cost.

The PEN11 form together with guidance on completing it, including how to obtain the cost of the APC, is available from the Pension Fund website at:

www.nespf.org.uk/Members/lgp_library.asp or may be requested;

By phone: 01224 264264

By e-mail: pensions@nespf.org.uk

By post: North East Scotland Pension Fund, Corporate Governance, Business Hub 16, 3rd Floor – West, Marischal College, Broad Street, Aberdeen, AB10 1AB

The form may be sent to Payroll -

Via AskHR: <https://abshire.cherwellondemand.com/CherwellPortal/askhrv2#0>

By post: Payroll Section, Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen AB16 5GB

The Pension Fund will make arrangements with Payroll for deduction of the cost of the APC from the employee's pay.

For further information contact the North East Scotland Pension Fund as above.

For further advice and guidance on any of the above please contact [askHR](#)

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Procedure

Revision Date	Previous Revision Date	Summary of Changes
21-08-1997	-	Creation of all Documents
29-02-2012	21-08-1997	Procedure update
24-04-2012	29-02-2012	Procedure update
12-06-2014	24-04-2012	Procedure update
06-08-2015	12-06-2014	Format update
02-02-2016	06-08-2015	Addition of Pension information
06-09-2022	02-02-2016	Updated terms