



West Yorkshire
Fire & Rescue Service

Trade Union Facilities Agreement Policy

OFFICIAL

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Introduction

West Yorkshire Fire and Rescue Service supports the principle of collective bargaining when dealing with issues that affect its employees. In order that this principle is practically supported there is a need for suitable and effective arrangements to be put in place for time off to be given to recognised trade unions in respect of trade union duties, activities and training.

1 Background

- 1.1 Since the Employment Protection Act 1975, trade union officials have had the statutory right to reasonable paid time off from employment to carry out trade union duties and to undertake trade union training. Union officials and members were also given a statutory right to reasonable unpaid time off when taking part in trade union activities.
- 1.2 In 1989 restrictions were introduced on the range of issues for which paid time off for trade union duties could be claimed, to those covered by recognition agreements between employers and trade unions.
- 1.3 All the time off provisions were brought together in sections 168 –170 of the Trade Union and Labour Relations (Consolidation) Act 1992, (TULCRA). Section 43 of the Employment Act 2002 added a new right for Union Learning Representatives to take paid time off during working hours to undertake their duties and to undertake relevant training.
- 1.4 Entitlements to time off under the above legislation
 - Negotiations with the employer related to or connected with matters falling within section 178(2) (collective bargaining) in relation to which the trade union is recognised by the employer or
 - The performance on behalf of employees of the employer of functions related to or connected with matters falling within that provision which the employer has agreed may so be performed by the trade union or
 - Receipt of information from the employer and consultation by the employer under section 188 (redundancies) or under the Transfer of Undertakings (Protection of Employment) Regulations 1981.

2 Purpose of the policy

- 2.1 The Fire Authority recognises that both employers and employees have a joint responsibility to ensure agreed arrangements for time off is of mutual benefit. With this in mind this policy has been designed to provide clear guidelines for the application of the above principles and ensure fair and equitable treatment.

3 Trade Union Activities and Duties

3.1 Examples of trade union activities include;

- Attending work place meetings to discuss and vote on the outcome of negotiations with the employer
- Meeting full time officials to discuss issues relevant to the workplace
- Voting in union elections

3.2 In addition to the above where a member is acting as a representative of a recognised union, activities can be, for example 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 officials to discuss issues relevant to the workplace

The above list is not exhaustive however the ACAS code of practice 3, on time off for trade union duties and activities can be found on the ACAS website and used for reference.

4 Payment for time off for trade union duties

4.1 Officials of recognised unions will be paid for time taken off to carry out approved union duties. When these duties are undertaken when the official would not otherwise have been at work compensatory time off will be given providing that time in lieu is taken on a time for time basis with no enhancement.

5 Representation

Officials other than the FBU Brigade Secretary (see section 5.4.4) are required to request, in writing, seven days before the meeting, time off to carry out trade union duties

5.1 Station/Branch Meetings

Personnel will be permitted reasonable time off from routine duties to attend normal station/branch meetings provided that operational cover and availability is not affected in any way.

It is expected that meetings will normally be held in stand down periods. Where this is not possible meetings will be timed so as to cause minimum disruption to working routines.

Those staff working at FSHQ and conditioned to the day duty system will normally be expected to attend meetings outside of working hours.

No compensation will be paid to personnel attending meetings during their off duty time.

5.2 Divisional Officials

For the purpose of this policy Divisional officials are defined as the Divisional Secretary and the Divisional Chair. It is the responsibility of the recognised trade unions to inform the Director of Human Resources in writing as soon as possible after appointment of the people holding these positions.

5.3 Divisional Officials – Meetings

Divisional Officials, when on duty, will be permitted reasonable time off from normal routine duties to attend Divisional meetings, Authority Committee meetings and Regional meetings provided that operational cover and availability is not affected in any way. In granting time off to attend these meetings officers in charge may utilise the detached duty system to maintain operational cover. No compensation will be available to personnel attending these meetings during their off duty time.

With regard to attendance by Divisional Officials, the maximum numbers attending each category of meeting will be;

Divisional meetings	All divisional officials and/or Branch official
Brigade Committee	2 x delegates per division 1 x delegate Brigade Mobilising Brigade Chairman Brigade Membership Secretary
Regional Meetings	3 x delegates from Brigade

Annual Conference

Leave with pay will be granted to a maximum of five delegates plus the Brigade Secretary to attend the annual conference of the union, provided that operational cover and availability is not affected in any way. No compensation will be available to personnel attending during their off duty time.

5.4 Full Time Officials

- 5.4.1 Should an employee of West Yorkshire Fire and Rescue Service be elected as a full time official into any Regional or National post, these will no longer be funded by the Fire Authority.
- 5.4.2 In future paid time off will only be granted to regional or national officials referred to in Para 5.4.1 above, where clear evidence is provided that the time is required to resolve local West Yorkshire Fire and Rescue Service issues or otherwise relates directly to issues under joint consideration within West Yorkshire Fire and Rescue Service. In such cases the provisions of Paras 1.4 and 4.1 of this document will apply. In any event seven days notice of attendance, in writing, is required to be given to the Director of Human Resources before attendance is approved. Where time off is granted this will be deducted from the pool of hours referred to in Para 8.1.
- 5.4.3 Time spent on official duties by the Brigade Secretary will also be taken from the pool of hours approved by Members in a report dated September 1997 and detailed in Section 8.
- 5.4.4 All time spent on union duties by any official other than the Brigade Secretary, should be recorded monthly on Form 223 and returned to the Human Resources Manager, and those hours will be deducted from the allocated hours for those duties

6 Health and Safety Representative Duties

- 6.1 The Health and Safety at Work Act 1974 gives accredited safety representatives the right to be involved in Health and Safety matters and enables them to take time off with pay to carry out these duties.
- 6.2 Health and Safety activities undertaken by trade union officials will not be deducted from the pool of hours referred to in Section 8.
- 6.3 In order for safety representatives to be able to carry out their official duties the Fire Authority agrees that a maximum of 3. Representatives for each division will be required. These officials should be spread throughout four watches.
- 6.4 With the number of Safety representatives available it is expected that normal Health and Safety duties will be carried out during on duty periods and designated representatives will be permitted reasonable time off from normal routine to carry out official duties, provided that operational cover is not affected in any way. In granting time off officers in charge may utilise the detached duty system to maintain operational cover. When official health and

safety duties are carried out off duty periods compensatory time off in lieu will be granted on a time for time basis with no enhancement. Official duties in this context are;

- Meetings called at the request of management
- Official enquiries into accidents or incidents where no safety representative is available on duty
- Meetings or consultation requested by the HSE
- Accredited safety representatives will also be given time off with pay to attend training courses which are relevant to the carrying out of official duties and are approved by the Trade Union Congress

7 Hours allocated for union activity

7.1 The total available hours to be allocated is as follows

First 1,100 wholetime members – 3 hours per member per year

Remaining wholetime members - 2 hours per member per year

Part time members – 1 hour per member per year

8 Collection of Trade Union Subscriptions

8.1 As there is a cost to the Authority of operating the 'check off' system a charge of 2% of the total sum of subscriptions collected will be made to cover this cost.

9 General Considerations

9.1 It is accepted that from time to time there may be a need for meetings to be held which are additional to the normal routine. In these cases the authority to grant time off is at the discretion of the officer in charge of the station/workplace.

9.2 There is no right to take time off for union activities which themselves consist of industrial action.

9.3 Management reserves the right to terminate this agreement with 90 days notice and will in addition review the contents of this policy on an annual basis.

9.4 This procedure applies to both Unison and the Fire Officers Association on a pro rata basis. At the present time no accommodation is available to allocate to these representative bodies however the Authority does provide the free use of telephones and computer facilities.

- 9.5 The Fire Authority will continue to provide the free use of the following facilities for the Fire Brigades Union/FOA/Unison
- Exclusive use of accommodation for full time officials with free heat and lighting
 - Use of telephone services
 - Use of a computer and network facilities
 - Use of a notice board at all fire stations
 - Use of station facilities for meetings

Related Document

Trade Union Activities Guidance (HRNFG013) – found under Guidance on Human Resources Intranet.