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1. INTRODUCTION

- 1.1 The Council believes in the principle of collective bargaining at both national and local level. The Council recognises the important role of Trade Unions in promoting and developing good industrial relations and health and safety practices.
- 1.2 The Council also recognises that trade union officials and safety representatives are entitled to reasonable time off to fulfill their functions and to undertake approved training relevant to those functions. The purpose of this policy is to establish rules and procedures, which allow requests for time off to be dealt with in a fair and consistent manner.

2. DEFINITIONS

- 2.1 For the purposes of this policy a "trade union official" is defined as an employee who has been elected or appointed in accordance with the rules of a trade union recognised by the Council to be a representative of all or some of the union's members in a particular workplace and has been duly notified as such to the Council in writing.
- 2.2 For the purposes of this policy a "safety representative" is defined as an employee who has been appointed by a trade union recognised by the Council to represent a group or groups of employees in accordance with the Safety Representatives and Safety Committees Regulations 1977 and has been duly notified as such to the Council in writing.
- 2.3 A list of trade unions recognised by the Council for collective bargaining purposes, showing the extent of recognition by reference to the employee groups covered is attached as Appendix 1 to this policy.

3. NOTIFICATION OF APPOINTMENTS

- 3.1 The Council and Trade Unions agree that levels of representation, which are satisfactory to both parties, will facilitate the approval of requests for time off work. In order to promote such an arrangement, each Trade Union shall discuss with the Head of Council Resources the appropriate numbers of trade union officials and safety representatives in each department having regard to union membership levels, the number of workplace locations, etc.
- 3.2 Each Trade Union shall notify the Head of Council Resources in writing of;
 - (a) The names and work locations of trade union officials and safety representatives employed in the department; and
 - (b) The section/workplace represented in each case, as soon as possible after election or appointment.
- 3.3 No employee shall be granted time off work to undertake the functions of a trade union official and/or safety representative until a written notification by the trade union is

received by the Head of Council Resources.

- 3.4 Following their election or appointment, trade union officials and safety representatives shall meet with an appropriate officer to discuss anticipated time off requirements and the operational needs of the service. The purpose of these discussions shall be to consider how reasonable time off can be given whilst ensuring service requirements are met.

4. TIME OFF FOR TRADE UNION DUTIES

- 4.1 The Council recognises that trade union officials are entitled to reasonable time off with pay, subject to the exigencies of the service, to undertake duties concerned with:

- (a) Negotiations with the Council on relevant matters; or
- (b) Other functions related to those matters, which the Council has agreed the union may perform.

- 4.2 It is further recognised that in certain areas of the Council (e.g. for Teachers, the Department of Education and Community Services) there are formally agreed amounts of time off for Trade Union duties undertaken by local representatives. Nothing in this agreement amends these existing agreements and the allocation of specific amounts of time continue to apply.

- 4.3 The following list is neither exclusive nor exhaustive but illustrates the nature of the duties for which time off, when granted, will be with pay:-

- (a) Discussions with managers on terms and conditions of employment, working practices or job duties e.g. pay, grading, hours of work, equal opportunities issues, use of machinery/equipment, job descriptions;
- (b) Discussions on physical conditions or the working environment e.g. nature of the work location;
- (c) Discussions on matters relating to recruitment, re-deployment, retirement or dismissal decisions e.g. recruitment and selection policy, early retirement applications, redundancy consultation;
- (d) Dealing with disciplinary and grievance cases, including attending formal hearings a representative
- (e) Discussions with managers on the establishment of machinery for consultation and negotiation purposes;
- (f) Discussions with managers on the provision of facilities for trade union use e.g. accommodation, equipment, communication systems;
- (g) Attending induction courses to explain to new employees the role of the trade

union in the workplace;

- (h) Informing union members of the progress of such discussions subject to the prior authorisation of any workplace meetings (see paragraph 5.2); and
- (i) Meetings with other trade union officials, including full-time officials, on any matters concerned with negotiations with the Council.

4.3 Trade union officials shall be granted time off with pay, subject to the exigencies of the service to attend:

- (a) Meetings of the Joint Consultative Committee or departmental Joint Consultative Groups;
- (b) Any pre-meetings of the trade union representatives on these bodies;
- (c) Any other meetings with representatives of the Council relating to the operation of these bodies; or
- (d) Meetings of the Appeals Sub-Committee of the Policy and Resources Committee;
- (e) Employment Tribunals or other appropriate bodies.

Employees attending these meetings will be paid their normal salary or wage. Part-time, job share or shift work employees attending such meetings outwith their normal working hours will receive an additional payment at the appropriate rate in respect of the time spent attending the meeting. Travelling and subsistence allowances will also be paid at appropriate rates.

5. TIME OFF FOR TRADE UNION ACTIVITIES

5.1 The Council recognises that trade union officials are entitled to reasonable time off without pay, subject to the exigencies of the service, to take part in any trade union activity. The Council also recognises that, to operate effectively and democratically, trade unions require the active participation of members and that such participation will promote the proper representation of members' interest. It is recognised that there is no requirement for such time-off to be with pay.

5.2 Whilst recognising that there is no entitlement to paid time off for trade union activities, Directors may exceptionally give time off with pay in certain other circumstances e.g. to ensure workplace meetings on the progress of negotiations are fully representative, to allow a union members to have discussions with a Trade Union Official in preparation for a hearing under the terms of the Council's Grievance or Disciplinary Procedures.

5.3 The following list is neither exclusive nor exhaustive but illustrates the nature of the

activities for which time off without pay may be granted.

- a) Attending workplace meetings;
- b) Meeting trade union officials, including full-time officials, to discuss issues relevant to the workplace in question
- c) In the case of trade union officials, attendance at meetings at branch, district, regional or national level, excluding those covered by paragraph 5.4 below; and
- d) In the case of trade union officials, attendance at any meeting on behalf of union members employed by another employer.

5.3.1 In respect of trade union officials, reasonable time off work with pay shall be granted, subject to the exigencies of the service, in respect of the following trade union activities:

- (a) The attendance by nominated trade union delegates at national conferences of their trade union;
- (b) The attendance by nominated trade union delegates at the Annual Conference of the TUC and STUC;

5.4 Time off work will not be granted for activities which themselves consist of industrial action or which involve the organisation of industrial action.

6. SAFETY REPRESENTATIVES

6.1 Reasonable time off work with pay, subject to the exigencies of the service, will be granted to safety representatives to enable them to perform their prescribed functions. The prescribed functions of safety representatives will include the following, which should not be seen as exhaustive:

- (a) Investigating potential hazards and dangerous occurrences and examining the causes of accidents at the workplace;
- (b) Investigating complaints by employees within their area of representation relating to health, safety or welfare at work;
- (c) Carrying out safety inspections;
- (d) Attending meetings of safety committees; and
- (e) Making representations to management on general matters affecting the health, safety or welfare at work of employees at the workplace.

7. TIME OFF FOR TRADE UNION TRAINING

- 7.1 The Council accepts that employees who are officials of recognised trade unions or safety representatives are entitled to reasonable time off work with pay subject to the exigencies of the service, to undergo training relevant to the carrying out of their functions.
- 7.2 The Council and Trade Unions agree that, where practicable, an Approved List of training courses should be drawn up and maintained. The Head of Council Resources shall ensure that all Directors are provided with up-to-date information on approved courses. It shall be the responsibility of the appropriate officer to consider each request for time-off to attend a training course on an Approved List having regard to the relevance of the course to the duties of the trade union official or safety representative in question.
- 7.3 Any request for time off for a training course not contained on an Approved List must be submitted in writing to the Head of Council Resources in accordance with the requirements of paragraph 8.3.2 below.
- 7.4 Time off with pay, subject to the exigencies of the service, shall be granted to specified local branch officials of recognised trade unions to tutor at agreed branch-organised training courses.

8. REQUESTING TIME OFF - PROCEDURAL RULES

8.1 General

- 8.1.1 The Council and Trade Unions agree that procedural rules relating to how time off requests are submitted will assist the proper consideration of all such requests. In particular the provision of adequate information will ensure fairness, avoid misunderstanding and facilitate a speedy response.

8.2 Trade Union Duties and Safety Functions

- 8.2.1 A trade union official requesting time off to perform trade union duties shall on each occasion:
- (a) Give as much notice as possible which normally shall be not less than five working days. It is recognised however that in certain circumstances it is not reasonably practicable for such a period of notice to be given;
 - (b) State the purpose of the time off;
 - b) State the intended location of the duties; and
 - (c) Indicate the timing and expected duration of the time off required.

8.2.2 A safety representative requesting time off to perform prescribed functions shall follow the same procedure for requesting time off as described in paragraph 8.2.1 above.

8.2.3 Where a trade union official or safety representative is seeking time off on a regular basis to amend scheduled committee meetings, the employee concerned shall provide a list of the dates of such meetings to the appropriate officer. This information will enable the frequency, timing and duration of such meetings to be established, which will assist in the forward planning of time-off requests. In each case, however, time off shall be subject to approval at the appropriate time.

8.3 Training Courses

8.3.1 A trade union official or safety representative requesting time off to attend an approved training course must on each occasion:-

- (a) Give as much notice as possible which normally shall be not less than ten working days;
- (b) Provide written confirmation of his/her nomination for the course from an appropriate full-time official or senior branch official of the union.

8.3.2 Where time off is being requested for a training course not previously approved, a full time official or senior branch official of the trade union concerned, shall write to the Head of Council Resources not less than ten days before the start of the course providing:

- a) The name(s) of the employee(s) nominated to attend the course;
- b) The location and duration of the course; and
- c) Written details of the course content e.g. course programme, supporting materials etc.

8.4 Trade Union Activities

8.4.1 An employee or employees, including trade union officials, requesting time off to undertake any trade union activities shall normally follow the same procedure as described in paragraph 8.2.1 above. Where however the activity involves a group of (employees e.g. a workplace meeting, the request may be submitted by a trade union official or safety representative on behalf of the employee group concerned.

8.5 Responding to Time-Off Requests

8.5.1 Where a time off request is not submitted in accordance with the above procedural rules, and where the appropriate officer considers that there are no valid reasons for this, the time-off requested shall normally be refused.

- 8.5.2 Where a time off request is submitted in accordance with the above procedural rules, the appropriate officer shall consider the request on its merits in the light of operational requirements. In deciding whether or not to grant time off the appropriate officer shall consider, amongst other things, the reasons for the request, the role and position of the trade union official or safety representative in question and the amount of time off already granted for trade union and other purposes.
- 8.5.3 Where a time off request is refused, the appropriate officer shall inform the employee accordingly and give reasons for his/her decision. An employee who is dissatisfied with these reasons has the right to raise a grievance against this decision.

9. EMPLOYEES WHO ARE SENIOR TRADE UNION OFFICIALS

- 9.1 The Council recognises that some trade union officials have a wider role in the union organisation and may undertake trade union duties and activities on a Council-wide basis or have additional union responsibilities within a single department. It is further recognised that some trade union officials have additional responsibilities at Scottish and National level.
- 9.2 Directors may agree with individual trade union officials the specific amount of time-off to be granted for trade union duties and/or activities and the day(s) on which this shall be taken.
- 9.3 In exceptional cases, a Director, following consultations with the Head of Council Resources, may agree with a recognised Trade Union that an employee with Council-wide trade union responsibilities will be formally seconded to the service of that Trade Union.

10. PAID AND UNPAID LEAVE

- 10.1 For the purposes of this policy, pay is defined as an employee's normal salary/wage for the day(s) in question including average bonus where appropriate.
- 10.2 It is accepted that, with the exception of those duties identified in paragraph 4.3 above, part-time, job share or shift employees undertaking trade union duties or safety functions on a day or at a time at which they are not normally at work are not eligible for pay. It is recognised however that it may be unreasonable for shift workers to work immediately before or after undertaking trade union duties etc. e.g. night-worker carrying out trade union duties or attending a training course during the day. In these circumstances the appropriate officer may authorise leave which for recording purposes, shall be regarded as time-off for trade union-related matters.
- 10.3 Employees on flexible working hours who are granted time off, whether paid or unpaid, will be given a credit for the time not worked by reference to normal office hours.

11. FACILITIES

11.1 The Council and Trade Unions agree that providing facilities to trade union officials and safety representatives will enable them to perform their duties more efficiently and communicate more effectively with union members, other lay officials and full-time officers. Directors shall ensure therefore that trade union officials and safety representatives have reasonable access to the following facilities in the performance of their duties:

- a) Accommodation for meetings
- b) Telephones and other office equipment
- c) Notice boards and
- d) internal mail systems

11.2 The Council recognises that, where the membership of a particular Trade Union within the Council's workforce is sufficiently great, the provision of office space and related facilities will be of particular assistance to the day-to-day functions of the union at local level. On this basis the Council shall provide dedicated office space at a central location, subject to the payment of an appropriate charge, where it is accepted that this is justified in the interests of promoting the joint interests of the Council and the Trade Union concerned.

12. RECORD KEEPING AND MONITORING

12.1 Directors shall arrange for the recording and monitoring the amount of time off granted under the terms of this policy. The arrangements shall ensure the recording of both paid and unpaid time off and the number of occasions when time off is refused.

12.2 The Head of Council Resources shall collate information from departments with a view to submitting an annual report to the Cabinet on the outcome of applications for paid and unpaid leave. This report shall be referred to the Joint Consultative Committee.

13. GRIEVANCES

13.1 It is recognised that a union official, safety representative or union member has the statutory right to make a complaint to an Employment Tribunal concerning an alleged breach of the statutory time-off requirements. The Council and Trade Unions agree however that employees shall be encouraged to make use in the first instance of the Council's Grievance Procedure, which may also be exercised in relation to an alleged breach of this policy.

14. REVIEW OF POLICY

c) This policy may be reviewed by the Council at any time or at the request of the Trade Unions.

EAST LoTHIAN COUNCIL

Recognised Trade Unions – Summary

Trade Union	Extent of Recognition
UNISON	Recognised for collective bargaining purposes for employees covered by SJC National Agreement on Pay & Conditions of Service and the SJC Pay & Conditions of Service for Chief Officials and their Deputes.
UNITE	Recognised for collective bargaining purposes for employees covered by SJC National Agreement on Pay & Conditions of Service and the SJC Pay & Conditions of Service and employees covered by the Building & Civil Engineering Operatives, Engineering Craftsmen, Electrician & Plumbers Conditions of Service.
GMB (<i>General Municipal and Boilermakers Union</i>)	Recognised for collective bargaining purposes for employees covered by SJC National Agreement on Pay & Conditions of Service and employees covered by the Building & Civil Engineering Operatives, Engineering Craftsmen, Electrician & Plumbers Conditions of Service.
UCATT (<i>Union of Construction Allied Trades and Technicians</i>)	Recognised for collective bargaining purposes for employees covered by the SNJC Scheme of Salaries and Conditions of Service for Engineering Craftsmen and Building and Civil Engineering Craft Operatives.
EIS (<i>Educational Institute Of Scotland</i>)	Recognised for collective bargaining purposes for employees covered by the SNJC Scheme of Salaries and Conditions of Service for Teaching Staff in School Education.
SSTA (<i>Scottish Secondary Teacher's Association</i>)	Recognised for collective bargaining purposes for employees covered by the SNJC Scheme of Salaries and Conditions of Service for Teaching Staff in School Education.
NASUWT (<i>National Association of Schoolteachers/Union of Women Teachers</i>)	Recognised for collective bargaining purposes for employees covered by the SNJC Scheme of Salaries and Conditions of Service for Teaching Staff in School Education.

EAST LoTHIAN COUNCIL

REQUEST FOR TIME OFF FOR TRADE UNION DUTIES AND ACTIVITIES

Note: Requests for time off should be lodged with your Department/Line Manager no less than 5 working days before the time required.

Name: _____	Post & Department: _____
Work Location: _____	Contact Tel No: _____
Union/Position: _____	
Date Time Off Required: _____	Expected Duration: _____
Location: _____	Reason: _____

Paid Time Off – Trade Union Duties

For a more detailed note of circumstances where paid time off will be granted by the Council can be found in the Policy on Time Off Work for Trade Union Duties and Activities.

Representation of (Employee/Group): _____

	Department	Council wide
Negotiations		
Discussions on Terms & Conditions		
Consultation Restructure		
Discussions on Physical conditions		
Discussion on recruitment/Redeployment/Redundancy		
Formal Hearings for Discipline/Grievance		

	Tick
Rep Training	
Safety Rep Training	
Union Learning Rep Training	
JCG Meeting (Specify department)	
JCC	
National Conference	
Annual TUC Conference	
Annual STUC Conference	

If Rep Training I Course on Approved List? _____

Unpaid Time Off – Trade Union Activities

Please refer to the Policy on Time Off for Trade Unions Duties and Activities, Section 5 for details.

Specify the Activity: _____

If Time Off Required is to be unpaid please tick the box

Employee Signature: _____ Date: _____

Approved/Not Approved Line Manager Signature: _____ Date: _____