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HUMAN RESOURCES POLICY

FACILITIES FOR INDEPENDENT RECOGNISED STAFF ORGANISATIONS

This policy shall be jointly reviewed by management and recognised trade unions no later than the 1st September 2011.

This policy has been issued taking account of the provisions of the Human Rights Act 1998 and should be read and given effect in a manner compatible with that Act.

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Wherever in this document the person 'he' is used, it applies equally to male and female employees unless it specifically states otherwise.

FACILITIES FOR INDEPENDENT RECOGNISED STAFF ORGANISATIONS

1. POLICY STATEMENT

The Trust wishes to recognise and fully preserve the roles of independent trade unions/staff organisations within the organisation and to enable them, by the provision of facilities, to carry out their duties as satisfactorily as possible.

(Appendix B to this document gives details relating to definitions, guidance and extent of application).

2. THE ROLE OF ACCREDITED REPRESENTATIVES

a) In addition to his or her work as an employee an accredited representative may have important duties concerned with industrial relations. An official's duties are those duties pertaining to his or her role in the jointly agreed procedures or customary arrangements for consultation, collective bargaining and grievance handling, where such matters concern the employer and any associated employer and their employees. To perform these duties properly an official should be permitted to take reasonable paid time off during working hours for such purposes as:

- (i) collective bargaining with the appropriate level of management;
- (ii) informing constituents about negotiations or consultations with management;
- (iii) meetings with other lay officials or with full-time union officers on matters which are concerned with industrial relations between his or her employer and any associated employer and their employees;
- (iv) interviews with and on behalf of constituents on grievance and discipline matters concerning them and their employer;
- (v) appearing on behalf of constituents before an outside official body, such as an industrial tribunal, which is dealing with an industrial relations matter concerning the employer; and
- (vi) explanations to new employees who he or she will represent of the role of the union in the workplace industrial relations structure.

b) Accredited representatives in the Trust have important responsibilities for ensuring that policies on employee relations matters agreed by both parties are generally observed.

c) The functions of an accredited representative will vary considerably according to his/her work environment, but all should be clearly defined by the trade union/staff organisation in each particular case.

3. **THE APPOINTMENT OF ACCREDITED REPRESENTATIVES**

It is important that representational areas are defined by the trade unions/staff organisations concerned in consultation with management. A representational area could be a hospital or group of workers. The number of accredited representatives will be determined in the area by the trade unions/staff organisations concerned, depending on size and organisation of the establishment and the number of members employed. Management will have the right, if it is felt necessary, to raise the question of the number of representatives in relation to staff members employed.

- (a) The Trust will have the right to raise with the trade union/staff organisation concerned any specific objection which it may have to the election of a particular individual. Also the Trust will have the right to raise objection if the need arises to action taken by a particular representative at any time during his term of office. Such objections should be channelled through the appropriate Human Resources Department, and will receive consideration from the trade union staff organisation concerned.
- (b) Representatives will be elected in according with the Trade Union and Labour Relations (Consolidation) Act 1992 and the rules of the trade union/staff organisation concerned.
- (c) In order to facilitate the voting process the Trust will provide facilities for the election of a representative in work premises during work time and, if requested, will make arrangements for the election to be held by ballot. Management reserves the right to determine at what time facilities for the election of representatives should be granted, having regard to the workload of the department concerned. The election of a representative will be valid from the date the voting took place and will last for a period in accordance with the individual rules of the organisation concerned.
- (d) The trade union/staff organisation will, at the earliest opportunity, notify the Trust of the name or name of representatives elected and notification should indicate the group of staff or department etc. to be represented. It should also state the period of office of the representative.
- (e) An accredited representative may not in normal circumstances act as such outside the section or grades for which he has been appointed. Before moving from his section on business of his trade union/staff organisation he will obtain permission from his immediate superior and contact the supervisor or the section he visits before undertaking such business there. Permission will not unreasonably be withheld.

In the event of a section, grade, health institution or department being temporarily unrepresented, the trade union/staff organisation will inform management of any appropriate covering arrangements which it intends to operate (the general provisions and facilities of this agreement will be applicable in such cases).

4. **CO-ORDINATION OF THE ACTIVITIES OF ACCREDITED REPRESENTATIVES**

Where, in one area of representation, there are a number of representatives of one trade union/staff organisation, or where several trade unions/staff organisations exist having only a small number of members, then consideration should be given to the election of a senior representative or convenor to co-ordinate their activities.

- (b) If there are a number of senior representatives of different trade unions/staff organisations which negotiate jointly with management, then consideration should be given to the election of one of them to co-ordinate the activities of the trade unions/staff organisations in that area of representation.

5. **FACILITIES FOR ACCREDITED REPRESENTATIVES**

The Trust will provide accredited representatives with the following minimum facilities (the facilities are specified in details in Appendix A).

(a) **Time Off**

- (i) Under the provision of the Trade Union and Labour Relations (Consolidation) Act 1992, time-off from the job the representative is employed to do should be granted to the extent that he may have time enough to reasonably deal with his industrial relations functions. It is felt that the amount of time-off granted to particular stewards should be a matter for local negotiation within the broad framework of this document, but it should be based on an agreed representational area (taking into account numbers of members).
- (ii) Special arrangements will be made for officials who work unsocial hours either on a regular or rotating basis, so that their hours of work do not prevent them from carrying out their duties effectively.
- (iii) If disputes arise in regard to time-off issues then the agreed grievance procedure should be followed and in accordance with guidance from ACAS will provide that:
- (a) Where a time-off dispute relates to a shop steward, a senior steward and an appropriate senior manager should consider the issue without delay.
- (b) Where a time-off dispute relates to a senior steward, a full-time officer or national officer and an appropriate senior manager should consider the issue without delay.
- (iv) If an accredited representative takes time-off against the wishes of management, then the issues should be investigated by the individual organisational and the full-time officer or national officer concerned.

(v) **N.B. Time-off for managers of independent recognised trade unions/staff organisations.**

The Trust recognises that employees who are members of independent recognised trade unions/staff organisations need the opportunity to participate in their organisation(s) affairs. Members will, therefore, be permitted to take time-off during working hours for such as purposes as voting in elections, attending meetings of members during working hours etc. Time-off provisions are clarified further in the schedule attached to this document.

- (vi) It is management's responsibility to make the operational arrangements for time-off - wherever possible managers should agree with the trade union(s)/staff organisation(s) concerned on arrangements for other employees to cover the work of officials or members taking time-off, where this is feasible.

Reasonable notice should be given to management wherever possible when time-off is sought and some indication given of the likely length of absence.

If management wishes to defer time-off from work, then clear reasons for this should be given and a convenient alternative time agreed upon. If agreement cannot be reached on the need for postponement the matter should go through the appropriate grievance procedure.

- (vii) The Trust will guarantee the average earnings of accredited representatives whilst carrying out the functions for which paid time-off is granted (see Appendix A).

OTHER PROVISIONS

- (b) Provision for accredited representatives to consult together, with management permission, during working hours, will be granted where appropriate.
- (c) Subscriptions may be collected at sources.
- (d) The use of telephones will be granted to representatives to carry out their duties. This will be arranged with each representative's immediate superior. **Representatives will also have the use of storage facilities for private documents where appropriate. It is recognised that this will apply mainly to senior stewards and branch secretaries.**
- (e) The use of office accommodation for a representative whose volume of work justifies it, will also be granted by agreement wherever possible. Such an arrangement will be subject to local agreement and may take into account factors such as number of members represented, whether the accommodation could be jointly used by several representatives etc.

- (f) In order to facilitate the representative's task of reporting back effectively to his members, the Trust will:
 - (i) if requested, arrange for typing and duplication of notices;
 - (ii) provide specific notice boards for the use of representatives, and
 - (iii) if requested, provide accommodation either outside or within working hours for holding meetings for members.
- (g) Upon election each representative will undertake to accept responsibility for carrying out his duties in accordance with the principles and procedures defined in this document. **Representatives should ensure that facilities provided are not abused.** Where trade union(s)/staff organisation(s) wish to hold meetings of members during working hours these arrangements should be agreed with management as far in advance as practicable. When numbers of members are required to have time-off, suitable arrangements should be made to allow essential work to continue.

6. **TRAINING OF ACCREDITED REPRESENTATIVES**

- (a) The Trust recognises the important position of representatives of trade union/staff organisations in the field of industrial relations and accordingly will jointly agree with the trade unions/staff organisations on types of training for newly elected representatives to assist them in the proper discharge of their duties, and also on further training for special responsibilities, e.g. work study, new consultative procedures, NHS re-organisation etc.

In such cases employing Trust may meet expenses and fees in accordance with the employee's terms and conditions of service, if such training is clearly to the benefit of the health services.

- (b) The rights and responsibilities of representatives should be clearly understood by both staff and management and joint reviews of the type of training most appropriate for the representatives' needs should take place regularly.
- (c) Training courses should be approved by the TUC or the national organisation of the accredited representative, together with the employing Trust, and courses arrangement independently by trade unions/staff organisations for their representatives will be paid by the organisations concerned.

7. **JOINT CONSULTATION**

Accredited representatives shall be eligible to sit as staff side members of any appropriate local negotiating and/or consultative committee and will be subject to the agreed constitution of these committees when acting as representatives on these committees.

8. **INDUSTRIAL ACTION**

Time-off arrangements for officials are especially important in times of industrial disputes in order to maintain communications between management and trade unions/staff organisations and to enable meetings to take place which may alleviate the situation as a result.

9. **MATTERS OF DISCIPLINE AND DISMISSAL**

- (a) No accredited representatives shall be disciplined for properly carrying out his functions as a staff representative.
- (b) If the representative's superior finds it necessary to take disciplinary action against the representative, then he should follow the policy and procedure outlined in the Trust's document on performance and conduct in consultation with the full-time officer.

10. **ADDITIONAL POINTS APPLICABLE TO LOCAL OFFICERS SUCH AS BRANCH SECRETARIES, CHAIRMEN OR CONVENORS**

- (a) Branch officers and other senior local officials of trade union/staff organisations have generally more extensive duties than ordinary representatives and accordingly may wish to spend an above average amount of time (see item 5(a)) on the duties concerned. This may be organised by the senior official concerned in consultation with his stewards.
- (b) Management would expect that in the absence of a convenor or appropriate senior official that the branch secretary or equivalent would rationalise the representation of his organisation particularly at staff/management consultative and negotiating meetings.
- (c) Although the facilities for accredited representatives is prescribed in this document do not apply to organisations which do not come under the definition of 'independent recognised trade unions' facilities may be granted to branch secretaries or equivalent of other organisations for attendance at staff/management meetings.

11. **SUMMARY OF RECOMMENDATIONS**

- (a) That the document be applicable to all organised staff groups within the Trust which may be defined as independent recognised trade unions.
- (b) That the functions of accredited representatives as outlined in this document be recognised by management throughout the Trust.
- (c) That the appointment of accredited representatives be undertaken within the guidelines contained in this document and under the provisions of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (d) That in the event of a section or department of the Trust being unrepresented, the trade union/staff organisations and the management will agree for appropriate cover to be provided.
- (e) That the co-ordination of the activities of accredited representatives be considered by the trade union/staff organisations and management, if in one area of representation there are a number of representatives of one trade union/staff organisation or of several trade unions/staff organisations with only a small number of members.
- (f) That certain facilities be granted by management to accredited representatives and that these representatives ensure that proper use is made of these facilities.
- (g) That the training of accredited representatives be recognised as an important function of the training department in conjunction with trade unions/staff organisations and the Trust's Human Resource function.
- (h) That accredited representatives be eligible to sit as staff side members on any consultative or negotiating committees set up in accordance with the recognition agreement.

N.B. PAID LEAVE – DEFINITION

In the Appendix which follows 'paid leave' should be defined in the Trade Union and Labour Relations (Consolidation) Act 1992.

ACCREDITED REPRESENTATIVES

An individual duly elected to represent a particular group of workers will not be entitled to make use of the facilities outlined in this document until such a time as management is officially notified of his appointment as an accredited representative of the trade union/staff organisation concerned.

FACILITIES FOR ACCREDITED REPRESENTATIVES OF INDEPENDENT RECOGNISED STAFF ORGANISATIONS

| Activity/Facility Category | Nature of Activity | Paid/Unpaid Leave | Comments & Constraints |
|---|--|---|---|
| <p>Industrial Relations Duties</p> | <p>1. Collective bargaining at any level of management.</p> <p>2. Negotiating and consultative meetings and other ad hoc meetings re. Industrial relations with management.</p> <p>3. Representing members at grievance, disciplinary interviews and appeals at local, regional and national level or appearing on behalf of a member before an outside body on industrial relations matters.</p> <p>4. Staff side pre-meetings prior to meetings with management.</p> <p>5. Meetings with lay officials or full-time officers or similar organisers, in order to discuss affairs of an industrial relations nature.</p> | <p>Paid Leave</p> <p>Paid Leave</p> <p>Paid Leave</p> <p>Paid Leave</p> <p>Paid Leave</p> | <p>Whether called by management or staff side - overtime will not be paid, but reasonable travelling and subsistence costs will be met.</p> <p>See (2) above.</p> <p>Subject to management permission.</p> |
| <p>Trade Union Duties and Activities</p> | <p>6. Recruitment with the workplace:</p> <p>(a) Contacting new members/maintaining membership /collecting dues.</p> <p>(b) Displaying and distributing information about the trade union/staff organisation.</p> | <p>Paid Leave</p> <p>Paid Leave</p> | <p>It is not envisaged that it would be practical for a representative to have unpaid leave every time he wished to distribute literature etc. However, management would expect representatives to gain permission prior to doing this.</p> |

| Activity/Facility Category | Nature of Activity | Paid/Unpaid Leave | Comments and Constraints |
|--|---|-------------------|--|
| Trade Union Duties and Activities cont. | (c) Explaining to new employees the role of the trade union/staff organisation in the industrial relations structure of the workplace e.g. on induction course. | Paid Leave | Obviously management will have to use its discretion if the recruitment activity is likely to take a considerable length of time. |
| | 7. Executive meetings, AGMs, other branch meetings | Paid/Unpaid | It would be impractical to state categorically that time off will be unpaid. This will depend on staff and management representatives together organising convenient times for meetings, elections etc. so that smooth running of the service is affected as little as possible. Reasonable notice and co-operation in covering work will also be important factors for consideration. |
| | 8. Attendance at other trade union/staff organisation national/regional meetings etc. | Unpaid | These meetings will be unpaid unless they deal with at least 60% service conditions issues. |
| | 9. Attendance as delegates at national conferences | Paid/Unpaid | Trade unions/staff organisations with more than 750 members will be eligible to send two delegates to national conferences. Those organisations with less than 750 members will be eligible to send one delegate on paid leave. This policy will not prevent other employees being released as delegates on unpaid leave subject to the needs of the service. Conferences which are specifically educational will be dealt with under the training policy. |
| | 10. Initial basic industrial relations training arranged jointly by management and trade union(s)/ staff organisation(s) concerned. | Paid | |
| Activity/Facility Category | Nature of Activity | Paid/Unpaid Leave | Comments and Constraints |

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|--|---|--------|---|
| Trade Union Duties and Activities cont. | 11. Basic training for stewards or representatives organised by trade unions/staff organisations. | Paid | When this is beneficial to the Trust. Reasonable travelling and subsistence costs may be given. This may be waived if the course concerned is also particularly beneficial to the Trust. |
| | 12. Further training for special responsibilities or resulting from changes in the structure of negotiation or legislative changes. | Paid | |
| | 13. Training courses arranged completely by trade unions/staff organisations. | Unpaid | |