

## EAST AYRSHIRE COUNCIL

### PERSONNEL AND PROPERTY SUB-COMMITTEE OF THE POLICY AND RESOURCES COMMITTEE-21 NOVEMBER 2000

#### TIME OFF FOR TRADE UNION DUTIES, ACTIVITIES AND TRAINING (LOCAL GOVERNMENT EMPLOYEES AND CRAFTPERSONS)

#### Report by Depute Chief Executive/Director of Corporate Resources

### 1. PURPOSE

- 1.1 To ask the Sub-Committee to approve a procedural document incorporating the Council's existing policy content on Time Off for Trade Union Duties, Activities and Training for Local Government Employees and Craftpersons, subject to consultation with the former Manual Workers and Craftpersons trade unions.

### 2. BACKGROUND

- 2.1 The Personnel Sub-Committee of the Policy and Resources Committee at their meeting on 27 August 1996 approved the **attached** detailed Conditions of Service relating to this Special Leave which had been the subject of earlier discussion and agreement within the Council's APT&C Staffs and Manual and Craft JCC Forums.
- 2.2 Whilst these conditions of service continue to reflect current legislation and have worked effectively in the majority of workplaces there has been a degree of conflict between line management and trade union representatives as to their practical interpretation. The Head of Personnel believes that there is a comparably good industrial relations environment within the Council but that there is a need at this time to issue procedural guidance which strengthens and clarifies the Council's provisions for special leave for trade union duties in order to maintain that position.
- 2.3 Consideration will also require to be given to the Council's longer term consultation arrangements in recognition of the Single Status Agreement. The Head of Personnel will submit recommendations to the Sub-Committee in due course.

### 3. PROPOSAL

- 3.1 East Ayrshire Council supports the system of collective bargaining and believes in the principle of solving industrial relations problems by discussion and agreement. For practical purposes, this can only be conducted by representatives of the employers and of the employees. To facilitate this and in accordance with the ACAS Code of Practice on these matters, the Council has made provision for employees who are officials of the trade unions recognised by the Council to be permitted reasonable time off during working hours to carry out certain trade union duties, activities and training.
- 3.2 The attached procedures incorporate the Council's existing arrangements as outlined in Circular PER 32/96 and aim to clarify the interpretation of those arrangements. Section 1 details the procedures to be followed by shop stewards and management in seeking and approving time-off for trade union duties etc. Section 2 details similar arrangements in respect of safety representatives responsibilities.

3.3 The document seeks to

- (a) link requests for time off to the exigencies of the service and reasonable notice
- (b) define Trade Union Duties (para 1.2); Recognised Training (para 1.3) and Activities (para 14)
- (c) establish a process for recognising trade union representatives (para 1.1)
- (d) define the basis for calculating payment for approved leave (para 1.6)
- (e) define a clear process for requesting and authorising leave (para 1.7)
- (f) establish an easily accessible process for resolving any disputes over leave requests (para 1.9)

These objectives are mirrored in the proposed process to be followed by Safety Representatives in requesting leave for their duties. The original document referred only to trade union representatives but by not being explicit in terms of Safety Representatives this created a degree of confusion.

3.4 Appendix C provides a form to be used in support of the process. Part A will be completed by the representative making the leave request; Part B by the Line Manager in responding to the request and Part C by the Line Manager and departmental Payroll/Personnel staff for payroll and leave monitoring purposes.

#### **4. TRADE UNIONS**

4.1 The APT&C trade unions have agreed the direction of the procedural guidance subject to the final reading of the detail in the document.

4.2 At the date of this report the former Manual Workers and Craftpersons have general concerns about the principle application of the procedures. The proposal is therefore submitted to the Sub-Committee, subject to the Head of Personnel finalising that consultation exercise.

4.3 The Education Function has an arrangement in place in respect of Teachers' leave for trade union duties etc.

#### **5. LEGAL/POLICY IMPLICATIONS**

5.1 The introduction of the procedural guidance will clarify the application of existing arrangements. Both Line Managers and Trade Union Representatives will be clear on their responsibilities and entitlements within the process.

#### **6. FINANCIAL IMPLICATIONS**

6.1 Payment for leave for trade union duties etc are met from within departments' existing budgets.

## **7. RECOMMENDATION**

- 7.1 The Sub-Committee is asked to approve the attached procedural document incorporating the Council's existing policy content on Time Off for Trade Union Duties, Activities and Training for Local Government Employees and Craftpersons, subject to consultation with the former Manual Workers and Craftpersons trade unions.

## **BACKGROUND PAPERS**

1. Report submitted by Director of Personnel to the Personnel and Property Sub-Committee Meeting of 27/8/96.
2. ACAS Code of Practice 3 : Time Off for Trade Union Duties and Activities.

Anyone wishing further information should contact Graham Haugh, Head of Personnel, telephone (01563) 576092.

<b>AGENDA</b>
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