

FACILITIES AGREEMENT

Trade Unions & Professional Organisations

| | |
|-------------------------|---|
| Responsible Director | Director of Human Resources |
| Approved By | Area Partnership Forum |
| Equality Assessed | We are working to ensure that no-one is treated in an unlawful and discriminatory manner in the workplace because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity status, race, religion or belief, sex, sexual orientation and/or socio-economic status.  |
| Date First Approved | 31 August 2006 |
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| Other Relevant Policies | |

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NHS GREATER GLASGOW & CLYDE

TRADE UNIONS & PROFESSIONAL ORGANISATIONS

FACILITIES AGREEMENT

FOREWORD

This Facilities Agreement, developed jointly by the Board and the Trade Unions and Professional Organisations representing staff, has been designed to establish a formal policy and procedure on trade union/professional organisation facilities. In developing the agreement cognisance was taken of the legal requirements placed on the Board, the Staff Governance Standard, and Partnership Information Network Policy and Practice.

We believe that the agreement is in line with best practice and we commend it to you.

Ian H. Reid

Ian Reid
Director of Human Resources
For NHS Greater Glasgow & Clyde

Donald Sime

Donald Sime
Employee Director
On behalf of the recognised
Trade Unions and Professional
Organisations

1. INTRODUCTION

Greater Glasgow Health Board (NHS Greater Glasgow & Clyde) recognises the mutual benefit to the Board and its employees, of staff representation by recognised Trade Unions/Professional Organisations at individual, departmental, directorate, and divisional and corporate levels.

The partnership agenda, to which NHS Greater Glasgow & Clyde is committed, makes it all the more imperative to recognise that investment in good facilities agreements is key to the management of the people who deliver health services to meet patient need.

The Board accepts that it is in the interests of both the Board and employees for accredited representatives to be suitably trained and to be given reasonable time off and appropriate facilities in connection with their trade union duties.

2. REPRESENTATION

Recognised Trade Unions/Professional Organisations must establish with the Board the number of its representatives in each department/occupational group and the location and members for which each representative will be responsible.

The appropriate Head of Human Resources should be notified within four weeks in writing when trade union/professional organisation representatives are appointed, resign or leave the employment of the Board.

Any references in this agreement to trade union/professional organisation representative relates to an employee of the Board who has been elected or appointed by a Trade Union/Professional Organisation (as Recognised within the Partnership Agreement of the Board) to represent its members within NHS Greater Glasgow & Clyde.

3. TIME OFF TO UNDERTAKE REPRESENTATIVE DUTIES

This agreement seeks to establish a formal policy and procedure on trade union/professional organisation facilities in accordance with the terms outlined in the ACAS Code of Practice on Time Off for Trade Union Duties and Activities,

the Trade Union and Labour Relations (Consolidation) Act 1992 as amended by the Employment Act 2002, the Employment Rights Act 1996 (S61, S62), the Employment Relations Act 1999 (S10), and the NHS Reform (Scotland) Act 2004.

The parties recognise that it is impossible to be prescriptive about all duties, activities and the time required to carry them out. However, it is agreed that requests for time off and facilities will not be unreasonably refused.

Subject to adequate notification, accredited trade union/professional organisation representatives will be permitted reasonable paid time off (see appendix 1) during working hours to carry out duties which are concerned with negotiation and consultation with the Board or for duties concerned with other functions related to or connected with:

- Terms and conditions of employment, or the physical conditions in which workers are required to work;
- Engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers;
- Allocation of work or the duties of employment as between workers or groups of workers;
- Matters of discipline;
- Trade union membership or non-membership;
- Facilities for officials of Trade Unions;
- Machinery for negotiation or consultation or partnership working and other procedures.

For the purpose of enabling trade union/professional organisation representatives to carry out their duties, reasonable paid time off (see appendix 1) should also be given, for example:

- To prepare for and attend meetings where the trade union/professional organisation has a representative function;

- To prepare for negotiations;
- To inform members of progress;
- To explain outcomes/agreements to members;
- To meet with other representatives, officials or full-time Union officers.

Representatives appointed to represent their Trade Union/Professional Organisation within United Kingdom or Scottish NHS bargaining and/or consultation structures (such as the NHS Staff Council, Pay Negotiating Council, Scottish Partnership Forum, Scottish Workforce and Staff Governance Committee, and the Scottish Terms and Conditions Committee) will be granted time off with pay to attend meetings of the bargaining/consultative group and associated staff side meetings.

NHS Greater Glasgow & Clyde recognises the significant increase in demands made on trade unions/professional organisations within the Staff Governance Standard and is committed to supporting representatives to undertake the roles required as detailed in the NHS Reform (Scotland) Act 2004.

It is recognised that senior trade union/professional organisation representatives, branch/group secretaries and officers of the Area and Local Partnership Forums normally bear a greater burden in terms of trade union duties. The Board will therefore conclude agreements on appropriate secured paid time off for such representatives and officials with their trade union/professional organisation. Again, it is intended that such agreements are not prescriptive and that it is recognised that additional paid time off may be required. Requests for additional time off will require to be submitted using a Facilities Time Request Form (see appendix 2).

Trade union/professional organisation representatives and officials granted secured release will suffer no detriment and will be entitled to protection on the basis as outlined in the Board's Managing Workforce Change Policy. Likewise they will be entitled to training to continue their professional development and maintain their registration.

Reasonable time off with pay will normally be granted to representatives for attendance at trade union/professional organisation group meetings on issues pertaining to the NHS.

It is further recognised and desirable that representatives participate in other democratic institutions of their trade union/professional organisation. Therefore reasonable paid time off will be granted for these purposes including attendance at annual conferences, regional meetings, official committees and working parties. It is expected that the trade unions/professional organisations will meet the cost of delegate's attendance (travel, subsistence etc.) at such meetings of their organisation.

Requests for time off for trade union duties or activities should be made to the Departmental Manager or a recognised deputy or senior manager in the department using a Facilities Time Request Form (see appendix 2).

In the event of time off being refused reasons will be recorded on the Request Form by the manager.

4. TIME OFF TO UNDERTAKE HEALTH & SAFETY DUTIES

Safety Representatives, accredited by their trade union/professional organisation, will be permitted paid time off for the purposes of:

- Performing their functions under health and safety legislation;
- Undergoing training;
- Attending Health and Safety meetings at local, regional and national levels.

Requests for time off for safety representative duties or activities should be made to the Departmental Manager or a recognised deputy or senior manager in the department using a Facilities Time Request Form (see appendix 2).

In the event of time off being refused reasons will be recorded on the Request Form by the manager.

5. TIME OFF TO UNDERTAKE LEARNING REPRESENTATIVE DUTIES

Accredited Life Long Learning Advisors/Learning Representatives will be permitted reasonable paid time off for the specific purposes as follows:

- Analysing learning or training needs;
- Providing information and advice about learning or training matters;
- Arranging learning or training;
- Promoting the value of learning or training;
- Consulting the employer in relation to such activities;
- Preparation in relation to such activities;
- Undergoing relevant training.

Requests for time off for learning representative duties or activities should be made to the Departmental Manager or a recognised deputy or senior manager in the department using a Facilities Time Request Form (see appendix 2).

In the event of time off being refused reasons will be recorded on the Request Form by the manager.

6. TIME OFF TO UNDERTAKE TRADE UNION TRAINING

Subject to adequate notification, trade union/professional organisation representatives should be permitted reasonable time off with pay to attend training courses approved by the TUC, STUC or a recognised trade union/professional organisation.

Requests for time off to attend training courses should normally be made, using a Facilities Time Request Form (see appendix 2), to the Departmental Manager or appropriate deputy at least 4 weeks in advance of the course commencement date and a response should normally be given by the Manager within two weeks of receiving the request. The Manager should also be provided with full details of the course.

In the event of time off being refused reasons will be recorded on the Request Form by the manager.

7. PAYMENT FOR TIME OFF

Where time off with pay has been approved for trade union/professional organisation duties, activities or training, the payment due will equate to the earnings the employee would have received had he/she been at work (including representatives employed on a part-time basis)¹.

Where management calls a meeting or a staff side meeting is held related to or connected with an issue under discussion, which a trade union/professional organisation representative has to attend outwith his/her normal working hours, the trade union/professional organisation representative as an alternative to payment as above may opt instead to take equivalent time off at plain time.

With the approval of management and subject to service requirements, members of a recognised trade union/professional organisation may be granted paid time off during working hours to attend meetings approved under Section 3.

8. TIME OFF WITHOUT PAY

In accordance with the terms of Section 170 of the Trade Union and Labour Relations (Consolidation) Act 1992, members of a recognised trade union/professional organisation may be granted reasonable time off without pay to take part in the activities of the trade union/professional organisation excluding activities which consist of industrial action whether or not in contemplation of or in furtherance of a trade dispute.

9. RESPONSIBILITIES

Accredited trade union/professional organisation representatives shall be subject to the terms and conditions of employment pertinent to their staff group in the same way as any other employee, but no recognised accredited trade

¹ It is recognised that a trade union/professional organisation representative whose working day or week is shorter than that of other employees, but who takes part in a course with hours in excess of the representative's contractual hours, has a legal entitlement to be paid for the hours on the course at the same level as the full-time employee.

union/professional organisation representative shall be dismissed or disciplined in any way whatsoever for carrying out their functions as representatives in accordance with the provisions of this agreement, or for any omission in the performance of their duties whilst absent from their workplace with permission from management.

10. SPECIAL PROJECTS

Projects (e.g. Agenda for Change) that require sustained time off for trade union/professional organisation representatives, the project plan will take account of and fully fund backfill for the duration of the project to ensure that representatives can direct the full weight of their expertise throughout the process. The Board and the trade unions/professional organisations concerned will jointly agree the numbers of representatives involved in each aspect of work and allow sufficient funds to be made available to facilitate the work as part of the project plan.

11. FACILITIES

The Board will make available to trade unions/professional organisations and accredited representatives, reasonable facilities for the purpose of carrying out agreed functions as in Section 3 of this agreement, including:

- The provision of computers and access to the Board's e-mail system;
- The reasonable use in privacy of the telephone system;
- The reasonable use of the Board's mailing system;
- The use, by arrangements, of trade union/professional organisation notice boards;
- Facilities for representatives and/or full time officers to interview members in private;
- By prior arrangement with Management facilities for holding meetings between members and representatives;

- Facilities for meetings with full-time officials;
- The Board will endeavour to provide office and storage facilities for trade unions/professional organisations;
- Reasonable use of photocopying facilities;
- Facilities for the deduction of trade unions/professional organisations subscriptions from payroll. Information will be provided to trade unions/professional organisations in the format requested.

12. OPERATION/INTERPRETATION OF THE AGREEMENT

In the event of a disagreement with regard to the operation of the agreement, the accredited trade union/professional organisation representative (or his/her senior representative/full-time official) will liaise with the Director of Human Resources to try and resolve the matter informally before invoking the Disputes and Grievance Procedure.

The Board recognises that individual trade union/professional organisation representatives have the right to take a claim to an Employment Tribunal if internal procedures fail to resolve a dispute related to time off for trade union duties.

13. EQUAL OPPORTUNITIES

The application of this policy will be monitored jointly by the Director of Human Resources and the Area Partnership Forum to ensure equitable treatment of all employees irrespective of gender, race, ethnic origin, age, sexual orientation, trade union membership or undertaking trade union activities in accordance with the Board's Equal Opportunities Policy.

14. REVIEW

The operation of this Agreement will be regularly reviewed by the Area Partnership Forum to ensure its continued effective operation, and formally no later than 30th June 2014.

Apendix 1

The following would be considered to be an example of reasonable paid time off.

| <u>Representative</u> | <u>Days/Week</u> |
|--|-------------------------|
| Senior Trade Union/ Professional Organisation Representative | Additional* |
| Branch/Group Secretary | Additional* |
| Partnership Forum Officer | Additional* |
| Senior Safety Representative | Additional* |
| Trade Union/Professional Organisation Representative | 1 |
| Safety Representative | 1 |
| Union Learning Representative | 1 |

*It is recognised that additional paid time off, over and above that agreed on a secured basis, may be required.

Appendix 2
FACILITIES TIME REQUEST FORM

Section 1 – to be complete by staff representative

Personal details

| | |
|---------------------------------------|-----------|
| Name | Job Title |
| Department/Ward | Base |
| Trade Union/Professional Organisation | |

Reason for needing time out (please tick)

| | | | |
|------------------------------|--|-------------------------------|--|
| Area Partnership Forum | | Local Partnership Forum | |
| Joint Working Group | | Delivery of joint training | |
| Staff Side Group | | Advising/representing members | |
| Off site training/conference | | | |
| Other (please specify): | | | |

Estimate of facilities time required

| | |
|--|------|
| Date(s) for time out | |
| Start time | |
| Estimate of total time required (including travel) | |
| Signature | Date |

Section 2 – to be completed by manager

| | |
|-----------|------|
| Name | |
| Signature | Date |

Requests for time off and facilities must not be unreasonably refused. In exceptional circumstances if time off were to be refused then the reasons should be detailed below.

Guidance Notes

1. Requests for time off should be submitted to line managers as soon as the need for time off arises.
2. Line managers must reply to facilities time requests as soon as possible but no more than 1 week after submission and prior to the requested time.
3. Line managers should on completion of the form retain the white top copy for their records, return the yellow copy to the Staff Representative, and forward the pink copy to the Human Resources Department office responsible for their area.
4. In the event of time off being refused staff representatives have the right to raise the matter further and seek advice from their trade union/professional organisation, the Human Resources Department or

Senior Departmental Manager.