



HUMBERSIDE FIRE AND RESCUE SERVICE

People and Development

Time off for Trade Union Duties and Activities (Green and Grey Book) Policy

Owner	Executive Director of People & Development
Responsible Person	Head of Human Resources
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What we must do well



How we support our communities



We value and support the people we employ



We efficiently manage the Service

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1. INTRODUCTION

Humberside Fire and Rescue Service (HFRS) is committed to a process of consultation with representatives of its employees and supports the principle of collective negotiating when dealing with issues that affect its employees. In order to ensure that this principle is able to be practically supported, there is a requirement for suitable and effective arrangements to be in place for time off to be given to recognised trade unions, in respect of trade union duties, activities and training. It is expected that Elected Officials will work in accordance with Grey Book Industrial **Core Code of Ethics**

HFRS has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the Code and strives to apply them in all we do, therefore, those principles are reflected in this Policy.

National Guidance

Any National Guidance which has been adopted by HFRS, will be reflected in this Policy.

2. EQUALITY & INCLUSION

HFRS has a legal responsibility under the Equality Act 2010, and a commitment, to ensure it does not discriminate either directly or indirectly in any of its functions and services nor in its treatment of staff, in relation to race, sex, disability, sexual orientation, age, pregnancy and maternity, religion and belief, gender reassignment or marriage and civil partnership. It also has a duty to make reasonable adjustments for disabled applicants, employees and service users.

3. AIM AND OBJECTIVES

This policy aims to provide clear guidance to trade union officials on protocols for taking time off in respect of trade union duties, activities and training, and how this will be managed within the Service. It seeks to meet the requirements of applicable legislation, support representatives in allowing time off for statutory obligations and allow the Service to report levels of union activities to the Fire Authority as required by the Trade Union Act 2016.

Health and Safety at Work Act 1974 as respects the appointment of safety representatives.

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 taking part in trade union activities. Union duties must relate to matters covered by collective bargaining agreements between employers and trade unions and relate to the union representative's own employer, unless agreed otherwise in

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circumstances of multi-employer bargaining and not, for example, to any associated employer.

Time off provisions were brought together in sections 168 – 170 of the Trade Union and Labour Relations (Consolidation) Act 1992, (TULRCA) 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. This legislation was later updated further by the Trade Union Act 2016.

4. ASSOCIATED DOCUMENTS

- [Equality Impact Analysis](#)
- Legal References
 - Trade Union Act 2016
 - Health and Safety at Work etc. Act 1974
 - Trade Union and Labour Relations (Consolidation) Act 1992
 - Employment Act 2002 (Section 43)
 - Trade Union (Facility Time Publication Requirements) Regulations 2017
 - Safety Representatives and Safety Committee Regulations 1997
- National Guidance Reference
 - ACAS “*Code of Practice on time off for trade union duties and activities including guidance on time off for union learning representatives*”. This sets out the minimum an employer should follow for handling these issues at work.
 - The “*Safety representatives and safety committees*” guidance ([the “Brown Book](#)) outlines the health and safety consultation law applicable to the workplace. It complements good practice guidance developed by the Health & Safety Executive (HSE) with ACAS called “*Involving your workforce in health and safety: Good practice for all workplaces.*” The HSE approved Code of Practice and Guidance “*Consulting workers on health and safety*” is also relevant to time off provisions for H&S representatives.

5. TRADE UNION DUTIES AND ACTIVITIES

Employees who are union representatives of a recognised trade union are permitted reasonable time off during working hours to carry out certain trade union duties and activities.

Examples of paid trade union duties include, but are not limited to:

- Supporting union members in disciplinary meetings.
- Supporting union members in grievance hearings.
- Attending Joint Consultative Committee (JCC) meetings.
- Taking part in consultation meetings on policies, organisational reviews and redundancies.
- Attending workplace meetings to discuss matters arising with management.

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- Training relevant to the carrying out of the role as a union representative.
- Health & Safety matters.
- To represent the trade union at local, regional, or national level where required.

Note: Only elected representatives carrying out official and authorised duties will be paid.

Examples of unpaid trade union activities include but are not limited to:

- 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
- Voting in union elections.

Time off for Union Learning Representatives

The organisation will grant union learning representatives reasonable time off for training and to undertake their duties.

6. PAYMENT FOR TIME OFF FOR TRADE UNION DUTIES

Officials of recognised unions will be paid for reasonable time taken off to carry out approved union duties. Such time off will only be regarded as having been approved when the form 'Request for time off' ([Appendix A](#)) has been completed and signed by the line manager, before being submitted to the Executive Director of People and Development.

Recognised union representatives must always seek permission from their line manager as far as possible in advance before the duty or activity for which they seek time off.

Time taken off for union activities will not be paid, even if approved.

7. REPRESENTATION

This policy applies only to formally elected trade union accredited representatives and officials.

A trade union which is not under the control of an employer or group of employers is free from interference by an employer or any such group (arising out of the provision of financial or material support or by any other means) (section 5, Trade Union and Labour Relations (Consolidation) Act 1992) (TULCRA).

The Service and the individual must ensure that their substantive job role skills are kept up to date (in order to protect the representative) by working with their line manager. This could include the involvement of full-time officers (or their appointed deputies) to support local representatives in the discharge of their duties.

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The elected full time official will be required to undertake a 42-hour week (or words to this effect)

Representatives will be nominated and elected by locality, which will reflect Directorate/geographic boundaries. The number of representatives should reflect the membership levels of a particular union in an area. The union will notify the Service of the numbers of representatives per area. The number of representatives should reflect the membership levels of a particular union in an area.

The Executive Director of People and Development will hold a register corporately of elected staff representatives in post and which location they represent. The union will ensure that timely notification of the election and/or de-selection of both representatives and deputies is provided to the Executive Director.

The trade unions agree to notify the Executive Director of People and Development of changes to representatives or officials. On receipt of such details, the Service, through HR, will notify the representative's or official's department of the relevant appointment or change.

Action taken by representatives or officials in pursuance of their duties under this agreement, their legal obligations, or their trade union rules, shall not in any way affect their employment with the Service.

When an individual resigns from a trade union appointment, or when the trade union notifies the Executive Director of People and Development that the individual has ceased to be a representative or official of the trade union, the terms of this policy will no longer apply to them.

8. TIME OFF FROM WORK/OPERATIONAL DUTIES – PART TIME OFFICIALS

Prior to taking time off, in accordance with the provisions of this policy, the representatives shall notify their line manager via completion of the form Request for Time Off ([Appendix A](#)) of the need to take time off, the general reasons for it, the intended location and the expected period of absence.

Officials other than the FBU Brigade Secretary are required to request in writing and seven days before the meeting, time off to carry out trade union duties.

When line managers are dealing with requests for time off, they should consider what constitutes 'reasonable' time off in all the circumstances, TULCRA states "the amount of time off which an employee is to be permitted to take under this section and the purposes for which, the occasions on which and any conditions subject to which time off may be so taken are those that are reasonable in all the circumstances having regard to any relevant provisions of a Code of Practice issued by ACAS" despite the fact that the policy does not regard the ACAS codes of practice as national guidance following these would be the best method for deciding

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what is reasonable, and whether the request can be accommodated. They can take into account the amount of agreed time already taken and/or prospective time off. The following questions should also be considered:

- Can the Service accommodate the amount of time requested, and ensure adequate operational/departmental cover?
- If the request cannot be accommodated is there a reasonable alternative?

It is the responsibility of the manager to decide whether a request for time off is appropriate, and to decline a request if it is not considered reasonable.

Representatives undertaking official duties on a non-working day will not usually be eligible to claim time owing in lieu (TOIL). In most circumstances representatives shall undertake official duties whilst on duty at work, however, in exceptional circumstances TOIL will be approved, as long as it is requested at least seven days in advance of being taken.

No overtime will be paid for Trade Union work.

9. STATION/BRANCH MEETINGS

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

The representative body or union will request to hold meetings on Service premises and must wait to receive approval ahead of any such meeting taking place. The request should be made via HR, copying in the most senior manager of the premises concerned, e.g., the Group Manager (GM) in District premises.

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

Those staff working at Service Headquarters (SHQ) and conditioned to the day duty system will normally be expected to attend meetings outside of working hours.

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

10. UNION REPRESENTATIVES

It is the responsibility of the recognised trade unions to inform the Executive Director of People and Development and the Head of Human Resources (HR), in writing, as soon as possible after the appointment of the individuals holding these positions has been made.

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Union representatives, when on duty, will be permitted reasonable time off from normal routine duties to attend union meetings, provided that operational cover, service delivery and availability is not affected in any way. In granting time off to attend these meetings, managers may utilise the detached duty system to maintain operational cover. Wherever possible meetings will be held whilst the union representative is on duty, however where this is not possible time off in lieu (TOIL) will be granted for staff attending these meetings during their off-duty time.

11. PART TIME OFFICIALS

Paid time off will only be granted to union officials referred to in paragraph five, Station/Branch Meetings above, and only where clear evidence is provided that the time is required to resolve local HFRS issues or, relates directly to issues under joint consideration within HFRS. In such cases the provisions of Sections 1 and 5 of this policy will apply. In any event, at least seven days' notice of attendance, in writing, is required to be given to the Executive Director of People and Development before attendance can be approved.

All time spent on union duties by any official other than the FBU Brigade Secretary, should be recorded monthly on 'Record of Trade Union Facility Time' at [Appendix B](#) and returned to HR. Those hours will then be recorded and reported periodically to the Fire Authority in accordance with the Trade Union (Facility Time Publication Requirements) Regulations 2017 ("the Facility Time Regulations").

12. HEALTH AND SAFETY REPRESENTATIVE DUTIES

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. Official duties for Health & Safety representatives include but are not limited to:

- Meetings called at the request of management.
- Official enquiries into accidents or incidents where no safety representative is available on duty.
- Meetings to investigate potential hazards and dangerous occurrences at the workplace and to examine the causes of accidents at the workplace
- Meetings to investigate complaints by any employee they represent relating to that employee's health, safety or welfare at work
- To carry out inspections in accordance with Regulations 5,6 and 7 below:
 - To represent the employees he was appointed to represent in consultations at the workplace with inspectors of the Health and Safety Executive and of any other enforcing authority.
 - To receive information from inspectors in accordance with section 28(8) of the 1974 Act.
 - To attend meetings of safety committees where he attends in his capacity as a safety representative in connection with any of the above functions.

FACILITIES

The following facilities will be made available to accredited representatives/officials:

- The provision of appropriate HFRS accommodation for meetings where possible/available.
- Use of office accommodation where possible/available for use by part-time trade union representatives.
- Office provision in HQ for the full time FBU Brigade Secretary.
- Access to internal and external telephones for use in carrying out trade union duties.
- Access to internal mail system.
- Access to the Service intranet and email system.
- The use of PCs provided for essential work in respect of employee relations
- Access to HFRS nominated trade union notice boards for display of official trade union literature and information.
- Access for representatives to HFRS policies, etc., which affect members represented – as available on HFRS website.
- The facility for representatives to meet with the full-time officers by arrangement.

FACILITY TIME REPORTING REQUIREMENTS

The Trade Union (Facility Time Publication Requirements) Regulations 2017 (“the Facility Time Regulations”) came into force on 1 April 2017, requiring relevant public sector employers to publish specified information on an annual basis covering the 12-month period beginning the 1 April.

Facility time is the time off taken by a union official that is permitted by the Service, in order to carry out trade union duties.

Whilst establishing the total cost will require calculation of the cost of each individual, there is no requirement to identify individuals.

The information must be published on the HFRS website, and the form of publication are prescribed by the regulations.

TIME OFF FOR TRAINING AND EDUCATION

It is in the best interests of trade union representatives and officials, their members and HFRS that representatives of staff are appropriately trained to carry out their duties. Trade unions are required to ensure that their representatives are appropriately briefed on and trained in their duties, the rules and practices of their trade unions, and the appropriate organisational policies and procedures.

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Employees who are officials of a trade union will be permitted reasonable time off during working hours to undergo training, relevant to the carrying out of their trade union duties.

The ACAS code states that “union representatives who request paid time off to undergo relevant training should give at least a few weeks’ notice to management of nominations for training courses and provide details of the content of the training course”.

COLLECTION OF TRADE UNION SUBSCRIPTIONS

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.

GENERAL CONSIDERATIONS

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 granting of time off is at the discretion of the Executive Director for People and Development.

When taking time back for trade union activities, this is to be done in 24 hour blocks to ensure that operational cover, service delivery and availability is not affected in any way.

There is no right to take time off for union activities, which themselves involve either the planning or carrying out of industrial action.

Management reserves the right to review and amend the contents of this policy on an annual basis.

This policy applies to the FBU, Unison and the Fire Officers Association. And the FRSA.

PROCEDURE FOR DEALING WITH A GRIEVANCE IN RELATION TO TIME OFF FOR TRADE UNION DUTIES AND ACTIVITIES

Where permission to take time off is withheld, the reason shall be given by the appropriate member of management.

Any problem arising out of the operation of this policy shall be raised by the Branch with management in the first instance.

Any matter not being resolved may then be referred by the Branch to the JCC.

APPENDIX A: Request For Time Off For Trade Union Duties And Activities

Part 1

To be completed by representative/official.

(a) Request for paid time off for TU DUTIES

- 1 Full Name:

- 2 Place of Work:

- 3 Name of Trade Union or Representative Body:

- 4 Reason for request: (delete as appropriate)
 - Supporting Union members in disciplinary meetings
 - Supporting Union members in grievance hearings
 - Attending JCC meetings
 - Taking part in consultation meetings on policies, organisational reviews and redundancies
 - Attending workplace meetings to discuss matters arising with management
 - Training relevant to the carrying out of their role as a Union representative
 - Health & Safety matters

- 5 Inclusive dates of anticipated duty _____
Inclusive times of anticipated duty _____

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(b) Request for unpaid time off for TU ACTIVITIES

1. Full Name:
2. Place of Work:
3. Name of Trade Union or Representative Body:
4. Reason for request: (delete as appropriate)
 - 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
 - Voting in Union elections
5. Inclusive dates of anticipated activity
Inclusive times of anticipated activity

Note: TU Duties are paid, TU Activities are not paid – please refer to policy for further information.

(c) Request for paid time off for union learning representatives e.g.,

- reasonable time off for training and to undertake their duties.

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Part 2:

To be completed by Line Manager and a copy returned to the applicant.

- 1 The application for time off **is/is not** approved in principle. **(Delete as appropriate)**

- 2 If approved, the time off is to be taken **with/without** pay. **(Delete as appropriate)**

Managers Signature:

Date:

Managers Name – Printed

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APPENDIX B: Information to be published by HFRS by 31 July of every year as per the Trade Union (Facility Time Publication Requirements) Regulations 2017.

Table 1 - Relevant trade union officials

Trade Union (Facility Time Publication Requirement Regulations)
Date Range 1/4/22 to 31/3/23

Table 1	
Relevant Union Officials	
Number of employees who were relevant union officials during the relevant period	Full-time equivalent employee number

Table 2	
Percentage of time spent on facility time	
Percentage of Time	No of Employees
0%	
1-50%	
51-99%	
100%	

Table 3	
Percentage of pay bill spent on facility time	
Total Cost of facility time	
Total pay bill	
Percentage of the total pay bill spent on facility time (total cost of facility time/total pay bill) x 100	%

Table 4	
Paid Trade Union activities	
Time spent on paid trade union activities as a percentage of total paid facility time hours calculated as: (total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100	