

Trade Union Facilities Recognition Agreement

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Extended until November 2023

What is in this policy?	
<p>This document sets out the Trust's approach to providing facilitated time for Trust employees to undertake trade union duties, in accordance with best practice and the principles of partnership working.</p>	

Extended until May 2023

Document Change Control				
Date of Version	Version Number	Lead for Revisions (Job title only)	Type of Revision	Description of Revision
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Sep 2018	5	Head of Employee Relations	Major	Scheduled Revision, new policy template, major changes to policy layout

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1. Introduction, Purpose and Scope

University Hospitals Bristol NHS Foundation Trust ('UH Bristol' or 'the Trust') recognises the importance of working in partnership with staff side representatives in order to facilitate the efficient operation and development of the Trust in the best interests of its patients and staff.

The purpose of this document is to aid and improve the effectiveness of relations between UH Bristol and trade unions.

This agreement sets out the minimum facilities which will be provided. It takes account of employee relations legislation, Agenda for Change Terms & Conditions, and the ACAS Code of Practice "Time off for Trade Union Duties & Activities".

All parties to this agreement have the common objective of:

- Maintaining good employee relations through joint consultation and negotiation, conducted in a timely manner, on a Trust-wide basis.
- Continuous development and strengthening of partnership working through the Trust Partnership Forum, Terms & Conditions Group and Agenda for Change matching panels.
- Facilitating the efficient operation and development of UH Bristol in the best interests of its patients and staff, and upholding the Trust's Values and the behaviours laid down in the Trust's Staff Conduct Policy

The policy applies to all trade union representatives as defined in section 2.4.

2. Definitions

2.1 Trade Union Recognition

A trade union is 'recognised' by an employer when it negotiates agreements with employers on pay and other terms and conditions of employment on behalf of a group of workers. This process is known as 'collective bargaining'.

2.2 Voluntary Recognition

The allowance by an employer for a trade union to undertake the above activities in response to a formal written request.

2.3 Statutory Recognition

The application by a union to the Central Arbitration Committee for recognition in organisations that employ at least 21 workers, if a formal application to the organisation has been rejected. In order for the CAC to consider an application, certain requirements must be met.

2.4 Trade Union Representative

An employee who has been elected or appointed in accordance with the rules of the independent union to be a representative of all or some of the union's members in UH Bristol where the union is recognised by the Trust.

2.5 Full time union officer

A trade union official who is employed by an independent trade union to represent members in workplaces, or groups of workplaces, where the union is recognised for collective bargaining purposes.

2.6 Joint Union Committee (JUC) officer

A trade union official who has been granted dedicated time away from their substantive role to coordinate Trust-wide employee relations. This includes the JUC Chair and JUC Officers, and these are appointed by the Joint Union Committee.

2.7 Union Learning Representative

An employee who is a member of an independent trade union recognised by the employer who has been elected or appointed in accordance with the rules of the union to be a learning representative of the union at the workplace.

2.8 Health & Safety Representative

An employee who is a member of an independent trade union recognised by the employer who has been elected or appointed in accordance with the rules of the union to be a health & safety representative of the union at the workplace. Details of the appointment and function of Union appointed safety representatives are set out in the Trust's Health & Safety Policy.

2.9 Facilities

For the purposes of this policy, 'facilities' mean working space, equipment, and time.

2.10 Trade Union duties and activities

Duties are those that grant a statutory entitlement to reasonable paid time off to perform (see section 5). Activities are any other trade union work, for which reasonable time off will be granted, but for which there is no statutory right to be paid.

3. Duties, Roles and Responsibilities

3.1 Nominated delegate from the Director of People

- (a) To allow reasonable facilities to assist in the election of union representatives at the workplace.
- (b) To ensure that the Trust is aware of all elected representatives.

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- (c) To ensure full time officers of recognised unions are granted necessary access to the workplace to enable them to undertake satisfactorily their roles. This would include representation of Trust wide local representatives.

3.2 Trade Unions

- (a) To notify the Trust of the election of representatives to be appointed to act on their behalf in accordance with the terms of this agreement, in accordance with the union's rules.

3.3 Trade Union representatives

- (a) To represent their members in accordance with the rules and guidance of their trade union.
- (b) To comply with all Trust policies including the Staff Conduct Policy.

4. Recognising new representatives

Representatives must be current employees of the Trust and will normally have had not less than 6 months' continuous service with the Trust or another NHS employing body.

The relevant Lead Representative/Trade Union Officer, on receipt of written notification from the appropriate Union body of the appointment or replacement of representatives, must write to the relevant line manager to formally request recognition and facilities, and to encourage a timely response to this request by completion and return of the form at Appendix D.

The line manager must discuss with their HR Business Partner (HRBP) and the Lead Representative (or Chair of the Joint Unions) any concerns they have about the recognition of a representative.

If the concern is about the release of the representative to fulfil their duties because of concerns over service needs, the line manager should provide a written explanation of these concerns.

If the line manager, HRBP, Lead Representative or Chair of the Joint Unions has any other concerns about recognising an accredited representative, these should be discussed as soon as possible and an appropriate response agreed and communicated to the accredited representative and their lead representative. See section 8 for the disputes process.

On receipt of written agreement to recognition and facilities, the nominated delegate from the Director of People should send to the accredited representative a letter of confirmation together with a copy of this agreement. The letter should be copied to the Chair and Secretary of the Joint Union Committee and the Lead Representative.

The nominated delegate from the Director of People will maintain an up-to-date list of accredited representatives in partnership with staff side (via the JUC Officers).

5. Trade union duties

Time off for accredited representatives will include time off for training to perform their role, the duration of which varies by union. No employee will be entitled to take time off to undertake trade union duties until they have been formally elected.

Union representatives will be permitted reasonable paid time off during working hours to carry out certain trade union duties, where these are concerned with:

- Negotiations with the employer about matters which fall within section 178(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) and for which the union is recognised for the purposes of collective bargaining by the employer.
- Any other functions on behalf of employees of the employer which are related to matters falling with section 178(2) TULR(C)A and which the employer has agreed the union may perform. These are:
 - Terms and conditions of employment
 - Engagement, non-engagement, suspension or termination of employment
 - Allocation of work or duties
 - Disciplinary matters
 - Trade union membership or non-membership
 - Facilities for trade union officials
 - Procedures and the framework for negotiations or consultation on the matters above.
- The receipt of information from the employer and consultation by the employer under section 188 TULR(C)A, related to redundancy or under the Transfer of Undertakings (Protection of Employment) Regulations 2006 that applies to employees of the employer.
- Negotiations with a view to entering into an agreement under regulation 9 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 that applies to employees of the employer.
- The performance on behalf of employees of the employer of functions related to or connected with the making of an agreement under regulation 9 of the Transfer of undertakings (Protection of Employment) Regulations 2006.
- For health & safety representatives, attendance at union-approved safety training.
- For learning representatives, analysing learning or training needs, arranging and supporting learning and training, consulting the employer about carrying out such activities, or preparing to carry out any of these duties.

Examples of trade union duties can be found in the ACAS Code of Practice “Time off for Trade Union Duties & Activities”.

6. Reasonable time off

Reasonable time off will be determined by the needs of the service. It should be agreed between the individual concerned and their manager or deputy, with as much notice as possible. It will be given at the manager's discretion, but will not be unreasonably withheld.

Paid release by the Trust (with direct pay if on day off or out of hours) for representatives to attend to their relevant duties will be agreed between the individual concerned and their manager or deputy. Where meetings are planned and regular, representatives will provide a list of those meetings and agree, in advance and in a timely manner, with their manager which ones they are able to attend. These regular meetings should be publicised in advance, where appropriate, on the Staff Side page of Connect. Such duties may include attendance at appropriate planned meetings between staff and management sides (such as the Trust Partnership Forum, and Terms & Conditions Group), and staff side meetings agreed with management. This includes at least 6 meetings of the Joint Union Committee a year.

The maximum possible notice should be given so that service provision is not affected, and permission will not be withheld unreasonably.

All representatives will receive their normal hourly rate of pay to carry out trade union duties and attend relevant training. The principle of 'no loss – no gain' should apply to such attendance. Therefore, for example, night duty rates should be paid to representatives who usually work at night to attend meetings and training during the day.

Representatives carrying out union duties over and above their normal working hours should receive lieu time, which should be taken, wherever possible, within one month, and certainly within a maximum of 3 months of the extra hours worked. This should be by agreement with their manager before attending. However, if they can provide evidence that they are unable to take this time off in lieu within three months, plain time rates will be paid.

There is no statutory right to be paid for participating in union activities that do not fall within the areas listed in section 5, and representatives who have a bank-only contract will not attract pay for union duties via the Bank.

7. Additional facilities

The Trust undertakes to collect and remit union contributions through the Deduction of Contributions at Source (DOCAS) facility, and to provide and maintain for the collective use of representatives, reasonable office facilities for union business, including the use of telephones, photocopying, networked computers, a lockable storage facilities, filing systems and covered notice boards. Union notices may not be exhibited elsewhere without the previous consent of the Trust. Accommodation for confidential meetings will be available. At present, the Joint Union facilities are on Level 3, Whitefriars.

Subject to the needs of the service and the availability of resources, The Trust will normally approve applications from representatives to attend their trade unions' Annual Conference. One representative of each trade union will be allowed paid time off to attend.

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Joint Union Committee Officers will be entitled to a total of 45 hours per week paid release, to be allocated by the Joint Union Committee and funded from the HR budget.

8. Disputes

If facility time is considered to be unreasonably withheld or the manager is concerned about releasing staff, a meeting should be held between the representative, the manager, and the lead representative or full time officer of the relevant union.

Representatives will have recourse to refer major difficulties in obtaining reasonable facility time to their manager or the nominated delegate from the Director of People, and this will be considered under the Trust's Grievance Policy.

9. References

[ACAS Code of Practice "Time off for Trade Union Duties & Activities"](#)

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10. Appendix A – List of Trade Unions recognised by UH Bristol

- BDA (British Dental Association)
- BDA (British Dietetic Association)
- BMA (British Medical Association)
- BOS (British Orthoptic Society)
- CSP (Chartered Society of Physiotherapists)
- FCS (Federation of Clinical Scientists)
- GMB Union
- RCM (Royal College of Midwives)
- RCN (Royal College of Nursing)
- SOCP (Society of Chiropodists and Podiatrists)
- SOR (Society of Radiographers)
- UNISON
- UNISON/BAOT (British Association of Occupational Therapists)
- Unite

11. Appendix B – Monitoring Table for this Policy

The following table sets out the monitoring provisions associated with this Policy.

Objective	Evidence	Method	Frequency	Responsible	Committee
To ensure that provisions for providing trade union facilities remain effective	Formal disputes or any reports of ineffective application	Policy review	Every 2 years	Head of Employee Relations & JUC Chair	Trust Partnership Forum

12. Appendix C – Dissemination, Implementation and Training Plan

The following table sets out the dissemination, implementation and training provisions associated with this Policy.

Plan Elements	Plan Details
The Dissemination Lead is:	Head of Employee Relations
This document replaces existing documentation:	Not Applicable
Existing documentation will be replaced by:	[DITP - Existing documents to be replaced by]
This document is to be disseminated to:	All staff
Method of dissemination:	HRweb and Newsbeat
Training is required:	No
The Training Lead is:	N/A

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13. Equality Impact Assessment (EIA) Screening Tool

Query	Response
What is the main purpose of the document?	To set out the Trust's approach to providing facilitated time for Trust employees to undertake trade union duties, in accordance with best practice and the principles of partnership working.
Who is the target audience of the document (which staff groups)?	Add <input checked="" type="checkbox"/> or <input checked="" type="checkbox"/>
Who is it likely to impact on? (Please tick all that apply.)	Staff Patients Visitors Carers Others

Could the document have a significant negative impact on equality in relation to each of these characteristics?	YES	NO	Please explain why, and what evidence supports this assessment.
Age (including younger and older people)		<input checked="" type="checkbox"/>	No impact identified
Disability (including physical and sensory impairments, learning disabilities, mental health)		<input checked="" type="checkbox"/>	No impact identified
Gender reassignment		<input checked="" type="checkbox"/>	No impact identified
Pregnancy and maternity		<input checked="" type="checkbox"/>	No impact identified
Race (includes ethnicity as well as gypsy travelers)		<input checked="" type="checkbox"/>	No impact identified
Religion and belief (includes non-belief)		<input checked="" type="checkbox"/>	No impact identified
Sex (male and female)		<input checked="" type="checkbox"/>	No impact identified
Sexual Orientation (lesbian, gay, bisexual, other)		<input checked="" type="checkbox"/>	No impact identified
Groups at risk of stigma or social exclusion (e.g. offenders, homeless people)		<input checked="" type="checkbox"/>	No impact identified
Human Rights (particularly rights to privacy, dignity, liberty and non-degrading treatment)		<input checked="" type="checkbox"/>	No impact identified

Will the document create any problems or barriers to any community or group? YES / NO

Will any group be excluded because of this document? YES / NO

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Will the document result in discrimination against any group?

~~YES~~ / NO

If the answer to any of these questions is YES, you must complete a full Equality Impact Assessment.

Could the document have a significant positive impact on inclusion by reducing inequalities?	YES	NO	If yes, please explain why, and what evidence supports this assessment.
Will it promote equal opportunities for people from all groups?	<input checked="" type="checkbox"/>		The policy ensures the facilitation of trade union duties and activities which include protecting and furthering equal opportunities.
Will it help to get rid of discrimination?		<input checked="" type="checkbox"/>	
Will it help to get rid of harassment?		<input checked="" type="checkbox"/>	
Will it promote good relations between people from all groups?	<input checked="" type="checkbox"/>		The Trust is committed to working in partnership with recognised trade unions and this policy supports the ability of all staff to get involved in industrial relations.
Will it promote and protect human rights?		<input checked="" type="checkbox"/>	

On the basis of the information / evidence so far, do you believe that the document will have a positive or negative impact on equality? (Please rate by circling the level of impact, below.)

Positive impact				Negative Impact		
Significant	Some	Very Little	NONE	Very Little	Some	Significant

Is a full equality impact assessment required? ~~YES~~ / NO

Date assessment completed: 03/09/2018

Person completing the assessment: Head of Employee Relations

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