

**REPORT TO: POLICY COMMITTEE 5 MARCH 2008**

**SUBJECT: EMPLOYMENT POLICY AND PROCEDURE – TIME OFF FOR TRADE UNION DUTIES**

**BY: HEAD OF PERSONNEL SERVICES**

**1. REASON FOR REPORT**

- 1.1 The Committee is invited to note that the employment policy and procedure covering Time Off for Trade Union Duties and Activities has been amended following a review in accordance with Personnel Services work plan in relation to policy development and review.
- 1.2 This report is submitted to Committee in terms of Section A35 of the Council's Administrative Scheme relating to formulation, implementation and review of policies and practices for employees.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Committee note that the employment policy and procedure covering Time Off for Trade Union Duties and Activities has been amended following a review in accordance with Personnel Services work plan in relation to policy development and review.**

**3. BACKGROUND**

- 3.1 The policy and procedure has been drafted on the basis of the relevant legislation, outlined below, and the ACAS Code of Practice No 3 on Time-Off for trade union Duties and Activities.
- 3.2 The Employment Protection Act 1975 gave trade union officials a statutory right to reasonable 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-off when taking part in trade union activities. These rights were subsequently re-enacted as Sections 27 and 28 of the Employment Protection (Consolidation) Act 1978.
- 3.3 The Employment Act 1989 amends these provisions to restrict time-off to those covered by recognition agreements between employers and trade unions and to the officials own employer only.
- 3.4 The Moray Council accepts its statutory responsibilities to permit any employee who is either an official or a member of an appropriate independent recognised trade union to take time-off work, subject to certain conditions, to enable him/her to take part in specified trade union duties or activities.
- 3.5 The policy and procedure has been in place within The Moray Council since 1996.

- 3.6 Essentially, upon review there have been no major changes to the policy and procedure. It has been updated in terms of cross referencing to other policies that have been approved recently eg. Change management and also to incorporate changes in relation to the functions of Learning Representatives. In practice these changes have been implemented and now the policy and procedure has been amended to reflect this practice.
- 3.7 For ease of reference and record keeping a form has been devised for the making and authorising of requests for time off.

#### 4. **SUMMARY OF IMPLICATIONS**

**(a) Corporate Development Plan/Community Plan/Service Improvement Plan**

This policy supports the Council as a good employer and in considering staff as a valuable asset as well as meeting the objectives outlined in the Service Improvement Plan for the Personnel Services Section.

**(b) Policy and Legal**

This revised policy ensures that the Council's employment policy framework is up to date and takes account of all relevant changes in employment legislation.

**(c) Resources**

There are no additional budgetary implications in terms of employees being granted paid time off for trade union duties and activities as the policy reflects current practice. However, the impact of this on services depends very much on which department representatives are employed in and can mean that there is a disproportionate effect on some departmental budgets if they happen to have a higher concentration of trade union representatives.

**(d) Consultations**

Consultation has taken place through the Personnel Forum and with the Trade Unions through the Policy Forum and Trade Union/Officer Group. Through this process some changes have been proposed and accepted. Most of these relate to minor amendments to wording and do not alter the content of the policy.

**5. CONCLUSION**

**5.1 That the Committee notes the content of this report.**

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Background Papers: held on file

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