UNISON Time Off Agreement

1. Introduction

This is an agreement between The Open University and The Open University Branch of UNISON. It has been written in accordance with the ACAS Code of Practice on time off for trade union duties and activities and relevant employment legislation. The aim of this agreement is to set out clear guidance for reasonable time off for trade union duties, activities and training.

The ACAS Code of Practice states that employees who are officials of an independent trade union recognised by their employer are to be permitted reasonable time off during working hours to:

- carry out certain trade union duties;
- undergo training relevant to the carrying out of their trade union duties;
- take part in any trade union activity.

In addition, there is a requirement that employers allow union health and safety representatives paid time, as is necessary, during working hours, to perform their functions and to undergo training in aspects of their functions that is reasonable in all the circumstances.

2. Branch Secretary

A member of staff will be appointed from the categories covered by this procedure as a full-time Branch Secretary of UNISON.

The Branch Secretary position will be on the establishment of The Open University (Human Resources) but will be on full-time secondment to UNISON duties.

The terms and conditions of employment of the UNISON Branch Secretary will be those applying to the position from which the individual is seconded for duty as Branch Secretary. The position will not have any pre-defined grade, scale or salary point.

As the Branch Secretary is elected annually, the secondment will initially be for one year. It may be extended for one year at a time if the individual is re-elected. The secondee’s substantive post will be kept open (i.e. may be covered on a temporary basis only) for a maximum of two years. If the individual’s substantive role is no longer available at the end of their secondment, their Unit in conjunction with HR will work with them to find a suitable alternative which is no less favourable than their substantive role.

UNISON will pay one-fifth of the gross annual salary of the person seconded to the role of Branch Secretary. Payment will be made on a quarterly basis.
The duties and responsibilities of the Branch Secretary will be determined from time to time by UNISON and will be appropriate to that role: in no respect will these duties or responsibilities contravene the terms and conditions of employment of the person concerned. Such duties and responsibilities will include, but need not be confined to, sole responsibility for:

- investigating and processing grievances and disciplinaries beyond the initial stage;
- dealing with all UNISON membership matters;
- preparation for and conduct of unscheduled discussions with University managements;
- visiting Regional/National Centres and other work sites;
- preparing UNISON papers for wider union and management consideration;
- all routine administrative aspects of union business.
- supervising the work of an office assistant.

3. Time off for trade union duties

Legal entitlement

UNISON representatives are entitled to reasonable paid time off during working hours to carry out trade union duties concerned with negotiations for which UNISON is recognised by The Open University, or any other related functions which The Open University has agreed UNISON may perform.

Examples as set out in section 1 of the ACAS Code of Practice on time off for trade union duties and activities include:

- 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 such as disciplinary procedures or arrangements for representing or accompanying trade union members at internal interviews;
- trade union membership or non-membership;
- facilities for officials of trade unions;
- machinery for negotiation or consultation and other procedures.

UNISON Union Learning Representatives (ULRs) can take reasonable paid time off to undertake their ULR duties, provided that UNISON has given The Open University written notice that they are a ULR and they are (or will be within 6 months of this notification) sufficiently trained to carry out duties as a learning representative.

The functions for which time off as a ULR is allowed are set out in section 1 of the ACAS Code of Practice.

OU agreed time

UNISON may elect a maximum of 40 University wide representatives (including Officers, Stewards and Workplace Contacts). If union membership increases significantly, at UNISON's request this maximum number may be reviewed by the Director of HR.
Limited time off should be required by representatives to undertake trade union duties as much of the work will be undertaken by the Branch Secretary. On this basis, The Open University agrees that paid time off will be allowed as follows:

**Officers**
- Branch Chair: up to 2 days per month
- Communications Officer: up to ½ day per month

There is no provision for paid time off for other elected representatives

**Representatives undertaking member support work**

Member support work is confined to discussion of local problems with local management and the investigation and representation of grievance and disciplinary matters at the initial stage. There is a maximum of 25 days per year in total for all member support work. This may be distributed by UNISON amongst the appropriate representatives. Any exceptional additional time taken by UNISON representatives must be requested and agreed in advance with both the Director of HR and the relevant Head of Unit.

**Negotiating Committee members**

These meetings are held at least twice a year. Four representatives (elected to the Negotiating Committee by UNISON) are allowed paid time off for attendance at the meetings plus half a day per person per meeting for duties associated with preparation and follow-up. In addition time off for members of any agreed sub-group of the Negotiating Committee that may be arranged to negotiate specific topics.

**Additional approved meetings**

Paid time off for additional approved meeting (e.g. relating to the Job Evaluation Scheme) should be agreed on an ad hoc basis with the Director of HR, giving as much notice as possible. Time off may also be requested for the purpose of substituting representatives involved in additional approved meetings (or Negotiating Committee meetings).

If any additional time off is required for trade union duties over and above that which is specified here, UNISON is required to submit a written case in advance for consideration by the Director of HR. This will be considered on the basis of what is reasonable at the time and in the circumstances.

**4. Time off for trade union activities**

**Legal entitlement**

UNISON members and representatives are entitled to reasonable time off during working hours to take part in trade union activity and to access the services of a ULR.

Examples of trade union activities are voting in union elections (members) and attendance at the union annual conference (representatives). Further examples are set out in section 3 of the ACAS Code of Practice.

There is no right to time off for trade union activities which themselves consist of industrial action.
OU agreed time

There is no statutory requirement that union members or representatives be paid for time off taken on trade union activities. However, in the interests of good employee relations The Open University agrees that some paid time off will be allowed as specified below.

UNISON members

Voting in UNISON elections

UNISON elections are held once a year at the Annual General Meeting (AGM). UNISON members are allowed up to two hours of working time plus their usual lunch period to attend.

Attending workplace meetings

These meetings should take place during members usual lunch period.

UNISON representatives

Branch Committee Meetings

Four meetings each year, each lasting no longer than two working hours. All representatives.

General Meetings

Three meetings each year (including the Annual and the Half-Annual General Meetings), each lasting no more than two working hours. These will be held at Milton Keynes. All members.

Extra Ordinary General Meetings may be necessary from time to time. Approval for additional meetings should be sought from the Director of HR.

Note: UNISON will endeavour to hold General Meetings and Branch Committee Meetings on the same day wherever possible, and thus reduce the number of working days affected by committee meetings each year. Where this is done, The University will accept that the length of these meetings should be variable.

Branch Committee Members’ Meeting

A number of meetings to be held each year, generally lasting one hour and up to a maximum of 12 hours each year. All representatives. Those representatives not located at Walton Hall or East Campus may attend via video or audio conference.

Note: any other union committees (e.g. Finance) will meet out of normal working hours.

Regional Council

Four meetings each year. One day off is allocated for one representative (in addition to the Branch Secretary) to attend each meeting.

Higher Education Committee

Four meetings each year. One day off is allocated for one representative (in addition to the Branch Secretary) to attend each meeting.
Higher Education Conference

Time off for up to two representatives (including the Branch Secretary) to attend the annual conference, normally held in February. Representatives based locally to the conference to be requested as preference.

National Delegates’ Conference

Time off for two representatives (including the Branch Secretary) to attend the UNISON Annual Conference. This conference normally lasts one week and takes place in June.

Note: If union membership increases significantly, at UNISON’s request the Director of HR may review the number of representatives allowed time off to attend the Higher Education Conference and the National Delegates’ Conference.

Other relevant conferences

A maximum of up to five days per year is allocated for attendance at other relevant national conferences. For each conference agreed, paid time off is allowed for one UNISON representative (either the Branch Secretary or another).

Note: attendance at the above meetings and conferences should be distributed as much as possible between union representatives to take into account operational needs and limit the impact on any one Unit.

Any additional time taken by UNISON members or representatives for trade union activities must be requested and agreed well in advance with both the Director of HR and the relevant Head of Unit. Where additional time off is agreed, this will be requested as annual leave or unpaid leave.

Note: excluding the Branch Secretary, no single representative is to devote more than 20 days (30 days for the Branch Chair) of their working time to union duties and activities. It is recognised that it may be appropriate for the Branch Chair to be involved in additional meetings above the maximum days allocated, where there is an exceptional business need at a particular time. This should be discussed in advance with the Director of HR who will consider the request in consultation with the appropriate Head of Unit.

5. Time off for safety representatives

Recognised Trade Unions are legally entitled to appoint safety representatives whose functions will include:

- representing employees in health and safety consultations with the employer;
- investigating hazards and dangerous occurrences, and complaints by employees relating to health, safety and welfare, and examining the causes of accidents;
- making representations to the employer on relevant health and safety matters.
- carrying out inspections;
- representing employees in consultations at the workplace with the Health and Safety Executive (HSE) or any other safety enforcing authority and receiving information from inspectors;
- attending safety committee meetings.

Further information is available from Occupational Health and Safety.

The number of safety representatives to be appointed should be agreed between The Open University and UNISON.
Appointed safety representatives are entitled to the necessary time off with pay to carry out their functions and to undergo training in those functions (provided by the Trades Union Congress (TUC) or UNISON), as is reasonable in the circumstances.

Details on training of UNISON safety representatives is outlined in section 6.

6. Time off for training of trade union representatives

Legal entitlement

UNISON representatives are entitled to reasonable paid time off during working hours to undergo training relevant to carrying out trade union duties concerned with negotiations for which UNISON is recognised by The Open University, or any other related functions which The Open University has agreed UNISON may perform.

UNISON safety representatives are entitled to paid time off as is necessary to undergo training in aspects of their functions that is reasonable in all the circumstances.

UNISON ULRs are entitled to reasonable paid time off during working hours to undergo training relevant to their functions as a ULR. This may include both initial and further training to help the ULR develop their skills and competencies.

OU agreed time

The following specific provisions have been agreed:

Initial training

There is a maximum of 20 days per year in total allocated for all travel to and attendance at appropriate TUC or UNISON courses of initial training. This may be distributed by UNISON amongst the appropriate newly-elected representatives. If there is an exceptional need for initial training above the total maximum of 20 days due to a high number of newly-elected representatives and/or because an on-site course is being organised, a written request should be submitted to the Director of HR for consideration based on operational reasons.

The initial training course for new representatives is 3 days in duration. This can be followed by a 2 day course covering disciplinary and grievance – this course should ideally be taken within 12 months of the initial course, subject to the maximum allocation of days for initial training not being exceeded.

Refresher or additional training

For any refresher or additional training, UNISON is required to submit a case in writing to the Director of HR for consideration. These requests will be considered on the basis of what is reasonable at the time and in the circumstances. It is anticipated that this will not amount to more than a maximum of 20 days per year in total. This may be distributed by UNISON amongst the appropriate representatives.

Health and safety training for safety representatives

As soon as possible after appointment, safety representatives should attend appropriate basic training which takes into account their functions. Further training may be appropriate where the safety representative has special responsibilities or where it is necessary to meet changes in circumstances or relevant legislation. In all cases, UNISON is required to identify the most appropriate training and provide the details to HR (in line with the procedure in section 9).
7. Workplace Contacts

A UNISON Workplace Contact carries out a limited range of union tasks on an informal basis.

Although they do not have a legal entitlement to the same rights as elected representatives, the University agrees that those undertaking this role may have some time off to perform appropriate union work, provided that they have been appointed instead of (rather than in addition to) a Steward in a particular area, and that the maximum number of University-wide representatives allowed under this agreement (i.e. 40) is not exceeded as a result of their designation in this role.

Due to the nature of this role, the time off required will be significantly less than that of a fully operational Steward. In addition, certain activities would not be appropriate (e.g. attendance at the National Delegates Conference).

Where a Unit has more than 25 members UNISON may appoint an additional Steward or a Workplace Contact, subject to the maximum overall number of representatives (i.e. 40) not being exceeded.

8. Travel time and expenses

No additional paid working time will be allowed for travel unless prior approval has been given by the Director of HR. This may be appropriate, for example, where long journeys are required to travel to a venue the day before an approved conference. Where additional paid time is agreed for travel, this will be recorded against the appropriate total allocation of days allowed.

The Open University will not meet any travel or subsistence claims from staff relating to UNISON duties, activities or training. These will be met by UNISON.

9. Requesting time off

Following the UNISON AGM (normally held in February each year), the Branch Secretary will inform the Director of HR in writing of the names of those elected to each position and confirm who will be attending UNISON conferences in the coming year. UNISON will also notify HR of any subsequent changes made to the list of representatives during the course of the year.

Procedure for requesting time off for trade union duties

The Open University does not expect UNISON to request time off formally through Human Resources for representatives to carry out their trade union duties (section 3) (except for ‘additional approved meetings’). However, there is a requirement that representatives request and agree time off in advance with their line manager. Any requests for time off should be made with as much notice as is reasonable in the circumstances. Agreement to time off will not unreasonably be withheld, but the operational needs of the Unit will be taken into account when considering requests.

Procedure for requesting time off for trade union activities and training

The following procedure applies to requests for time off for UNISON members and representatives to pursue their activities (section 4) and for representatives to undergo relevant training (section 6).

Throughout the course of the year the Branch Secretary will request time off for representatives and members in line with this agreement by sending a written request to
the Director of HR. This should include the timing and duration of time off requested (including travel time where applicable), the purpose, and the intended location. In addition, requests for time off for training should include details of the content of the training. HR will consider the circumstances of the request and, if supported, consult with the relevant Unit to determine if the time off can be agreed.

At the same time, each request for time off should be made by individual UNISON representatives and members to their line managers indicating the reason for which the time is requested. Requests for time off should be made with as much notice as is reasonable in the circumstances - in general, four weeks notice should be given. Agreement to time off will not unreasonably be withheld, but the operational needs of the Unit will be taken into account. Individual dates may be refused, or have to be rescheduled, for operational reasons. The Branch Secretary will be informed of the reasons for any refusal.

Resolution of disputes about time off

If a disagreement arises in relation to time off, this should normally be discussed between the individual and their line manager or Head of Department in the first instance. If the matter is unresolved, the manager or Head of Department should discuss this with the appropriate Head of Human Resources. If the matter is still unresolved, the Branch Secretary should discuss it with the Director of HR. If the matter remains unresolved at the informal stage, the individual may invoke the grievance procedure.

10. Office and other facilities

None of the administrative costs incurred by UNISON representatives or members which arise from union business or activity will be borne by The Open University with the exception only of those costs immediately entailed by University sponsored meetings or undertakings with UNISON.

The University will endeavour to provide satisfactory office accommodation for the UNISON Branch Secretary and the UNISON Office Assistant.

11. Related links

Procedure agreement between The Open University and UNISON

ACAS Code of Practice 3: Time off for trade union duties and activities