



Facility time

A briefing for employers in the third sector

What is facility time?

Facility time is time off for an employee from their regular paid job, granted by their employer, to enable them to carry out their trade union role in their workplace.

Provisions regarding facility time will be set out in a negotiated facility time agreement between the employer and the trade union. The agreement will state who is entitled to facility time, how much facility time they are allowed and which duties and activities facility time can be used for. It will also set out the procedure for requesting facility time, what happens in the case of disagreements about implementation of the agreement, and what procedure there is for reviewing the agreement.

The right to time off

In workplaces where the trade union is recognised, trade union workplace representatives have a right to paid time off for the purpose of carrying out their trade union duties or to take part in union training.

This right applies to:

- workplace reps
- health and safety reps
- union learning reps
- information and consultation reps.

Workplace reps are entitled to paid time off to cover the following duties:

- trade union duties related to collective bargaining
- individual representation, such as terms and conditions of employment, redundancies, job evaluation, family friendly policies, discipline, trade union facilities and negotiating machinery
- meetings with management
- preparation for these meetings

- keeping members informed about negotiations
- attending training relevant to their duties.

Learning reps/advisers are entitled to paid time off to cover the following duties:

- analysing training needs
- arranging, promoting and advising on learning or training
- consulting with the employer and undergoing relevant training.

Safety reps and information and consultation reps are entitled to paid time off to perform their functions.

Workload reductions for trade union reps

In 2010, ACAS issued a revised code of practice and guidance on time off for trade union duties. The purpose of the code is to give advice to employers and trade unions on the implementation of the Trade Union and Labour Relations (Consolidation) Act 1992 and its subsequent amendments.

The new code contains provision for work and/or workload reductions for reps when time off for trade union duties/activities is required. The code states:

“Employers should ensure that, where necessary, work cover and/or workload reductions are provided when time off is required. This can include the allocation of duties to other employees, rearranging work to a different time or a reduction in workloads.”

Use of email and IT facilities

The new code also states that, where resources permit, the employer should grant access “to a telephone and other communication media used or permitted in the workplace such as email, intranet and internet”.

The code makes clear that communications between union reps and members must remain confidential. It says:

“Employers must respect the confidential and sensitive nature of communications between union representatives and their members and trade union. They should not normally carry out regular or monitoring of union emails. Only in exceptional circumstances employers require access to communications but such access is subject to the general rules set out in statute and the Employment Practices Code issued by the Information Commissioner’s Office.”

Facility time without trade union recognition

All of the rights listed above are guaranteed to reps who are covered by a recognition agreement. However, facility time can also be granted to reps who are not covered by a recognition agreement.

Why give facility time?

Employment and employment relations expertise

Trade union reps provide expertise in employment issues and industrial relations. Paid time off allows reps to access union training in equal opportunities, job evaluation, health and safety and many other areas – which may add to the experience and expertise that employers have. Evidence shows that this knowledge can prevent the employer from making costly mistakes in employment and industrial relations practices, ensuring the smoother running of the workplace. In the voluntary sector, the input from a trade union of good practice, high-quality research and expertise can help employers with smaller human resources departments, especially in the current tight economic climate, and this makes the expertise that trained reps can contribute even more valuable.

Local, quick resolution to local issues

Local trade union reps help to sort out problems before they become serious. Reps with sufficient time will be able to help prevent problems becoming formal by supporting staff to find ways to resolve them. Failing this, they take a constructive approach to resolving grievances or disputes at a local level before they mushroom. This will often save time and money by preventing the need for cases to go to a higher level of management or to an Employment Tribunal. Trade union members want problems to be resolved locally and quickly, assisted by colleagues who have knowledge of their workplace and work situation, and trade union reps help achieve this.

Change management

Trade union reps make a big contribution to the management of change. Large scale reorganisations, major new agreements and changes to legislation put big burdens on HR departments. Working with a team of skilled union reps can ease the workload and improve the results. Union reps can facilitate change by explaining the procedure, supporting members and ensuring that the process is carried out correctly.

Best practice and new ideas

Trade union reps are aware of best practice and new and different ideas in other workplaces. Allowing reps time off to attend regional and national union meetings helps them acquire knowledge about developments in other sectors and workplaces, which can be of advantage to the employer.

Access to resources

UNISON reps have access to a huge pool of resources that may be beyond the capacity of any one employer (particularly in small workplaces). The union at both regional and UK level provides information on industrial relations practices, national legislation, public service standards, equal opportunities, health and safety,

learning opportunities, policy trends, pensions and occupational-specific issues.

unnecessary costs and supporting an efficient workplace.

Some facts and figures

A government study¹ found that reps with facility time contribute the following benefits to the UK economy:

- Workplace representatives mean 13,000 to 25,000 fewer dismissals each year across the UK, creating a benefit of £107m to £213m for employers.
- 17,000 to 34,000 fewer voluntary 'exits', worth a saving of £72m to £143m to employers.
- 3,600 to 7,300 fewer Employment Tribunal cases, worth £22m to £43m to business and the exchequer.
- 8,000 to 13,000 fewer injuries, equivalent to 161,000 to 241,000 fewer working days lost. Benefits range from £136m to £371m to society.
- 3,000 to 8,000 fewer cases of work-related illness equivalent to 125,000 to 375,000 fewer working days lost. Benefits range from £45m to £207m to society.

Upated by inflation for 2012, the overall annual benefit of union reps to the UK economy is between £372m and £977m.

All of these facts and figures, although aggregated across the UK economy, demonstrate clearly how voluntary sector employers could benefit from facility time. Many employers in the voluntary sector have very small margins, and spend 50% or more of their turnover on staffing costs. Many are competing for public service contracts on the basis of providing a more competitive price than their competitors. Poor employee relations, poor employee engagement, and delayed resolution to problems all carry a cost. Reps with facility time can make a massive difference to these problems, helping their employers avoid

What do employers say?

There are many employers that have extremely positive experiences of unions and union reps. To take one example, UNISON has a facility time agreement with the national charity, Dimensions. In the view of Steve Scown, chief executive of Dimensions:

"Across Dimensions we regularly allow UNISON representatives 'facility time' to carry out their union responsibilities to support colleagues; to be honest at times this can be challenging within the budget constraints we face to provide staff cover to ensure consistency for the people we support, however overall we value the positive and open relationship we have with UNISON and see facility time for union representatives as an important part of continuing our productive joint working with UNISON."

Where now?

If you want more information about facility time or working with UNISON, please contact your local UNISON branch or regional office (contact details available from UNISONdirect on 0800 0 857 857) or email our national Community service group on cvsector@unison.co.uk.



¹ Source: Workplace Representatives: A review of their facilities and facility time, BERR, January 2007