


Management of Accredited Trade Union Representatives

**A QUICK GUIDE
FOR MANAGERS**

REVISED 2014

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Summary

- The Forestry Commission encourages all staff to join a trade union and to take an active role within it.
(page 5)
- The Forestry Commission will help to ensure that time is made available to union representatives, through their Forward Job Plans, to carry out their duties and that their contributions are acknowledged in the reporting process.
(page 5)
- Individuals who have an agreed role within a union should have this recorded in their FJP in a similar manner to any other activity.
(page 6)
- Where possible, time spent on union duties and activity should be planned jointly between the individual and their manager to minimise its impact on the unit.
(page 8)
- Managers have a right to know how an individual is spending their time whilst on union business, though the content of any meetings may be confidential.
(page 8)



Introduction

This quick guide is intended for managers who have a member of staff who is also a union representative. Its purpose is to provide managers with guidance on how they should manage and support the member of staff, and how their union work should be incorporated into the performance management process.

The Forestry Commission's overall approach to union activities is contained in the Facility Time Arrangement (FTA) between the Forestry Commission and the Forestry Commission Trade Unions (FCTU). It sets out:

- The types of duties and activities, which union members and representatives may undertake during official time,
- The arrangements for paying expenses, as well as PMS and career development considerations.

In addition to the facility time arrangement, union representatives also have a role in supporting members involved in grievances and disciplinary action. The arrangements for these are contained in the Staff Handbook.

Details of staff who are accredited union representatives can be found on the FCTU Website www.fctu.org.uk. Anyone requiring further information regarding the facility time arrangement or this guidance should speak to either the FCTU Departmental Secretary, or the Human Resources.



Foreword

from the Director HR

The Forestry Commission recognises the important contribution that the Forestry Commission Trade Unions (FCTU) make to the organisation. The FC encourages staff to join a trade union and take an active role should they wish. Through our Partnership Agreement, the FC and the FCTU are committed to working together to the mutual benefit of staff and the organisation and to help each achieve their goals.

Through this Guide to the Management of Trade Union representatives, we acknowledge the important contribution that Trade Union representatives make and demonstrate our commitment to their role by helping to ensure that time is made available to them, through their Forward Job Plans, to carry out their duties and that their contributions are acknowledged in the reporting process.



A handwritten signature in black ink that reads "Jean Lindsay".

Jean Lindsay
Director HR

Starting Reporting Year

Forward Job Plans: When drawing up a person's forward job plan, it is important that proper consideration is given to the amount of time which will be spent on union duties. Where the amount of time is small (less than 5%), then all that may be necessary is that the individual's specific role is recorded. However where the time allocation is significant (greater than 5%), then the unions duties should be included as a separate key work area. As with any other activity it is essential that the time allocated to other key work areas is adjusted to ensure that the overall workload does not exceed 100%. If a rep begins to regularly undertake statutory duties then the discussion should take place with the FCTU about an inclusion of time in the FJP. It is for FCTU to allocate the amount, and advise HR who will then confirm to the individual and the line manager.

Estimating Time on Union Duties: Although for some types of union duties (such as disciplinary cases) it is difficult to estimate the amount of time that will be required in a reporting year, for the majority of duties a reasonably accurate estimate can be made. Managers should therefore ask reps to outline the range of duties which they will be undertaking during the year and to provide an estimate of time for each one. This should then be recorded in the individual's forward job plan.

Difficulties in Allocating Time: There are a number of situations where requests for significant amounts of facility time might cause concern. Examples of this might be:

- In small units where it is difficult to accommodate large amounts of additional activity;

- Where an individual has known performance concerns which might make it inappropriate for the individual to take on additional duties.

Where a manager is concerned about the amount of facility time being requested, these concerns should in the first instance be discussed with the individual. It is important to be honest about the reasons for the concerns and to be clear how these concerns relate to undertaking union duties as opposed to other areas of the FJP. It should also be considered that attendance at union and staff council meetings can expose an individual to a broader range of staff and Commission activity than might otherwise be the case, and that this can be developmental and might actually assist with some performance issues.

Where you cannot agree a suitable time allocation with an individual, you should seek advice from either the FCTU Secretary, or Human Resources.



Managing Time

Planning Union Time: In order to assist in managing the ongoing work of a unit, managers should expect to get as much notice as possible that a rep will be away on union duties. Again for reactionary duties such as supporting members in personal cases, there may not be much opportunity to provide advance warning, but most union and staff council meetings are necessarily planned some months in advance. Advance warning and careful planning should enable the mutual needs of reps and managers to be met, and consequently there should be few, if any, occasions where time off cannot be given. In many instances reps ought to be able to provide an outline of proposed union duties for two or three months ahead.

In-Year Changes in Duties: Managers should be aware that a rep's duties might change during the course of the year, in which case a reassessment of the time allocation in the FJP may be necessary. Additionally reps who sit on FCTU Area Committees and Staff Councils are often required to react to any change programmes initiated by local and senior managers, and this may result in a significant increase in work for the duration of a review process.

Accounting for Time: As a manager the extent to which you may wish to monitor the time that an individual spends on union duties will vary depending on the way that you manage the individual. Union representatives are responsible to their own line managers for the time which they spend during the



year on union duties, so it is legitimate to expect to know where the individual is and what they are doing as part of their union duties. There is a requirement for all accredited reps to record and submit time spent on duties. Conversely though, the content of discussions at union meetings, particularly where they involve individual personal cases, may be confidential and should not be inquired into.

Concerns About the Use of Union Time: If for any reason you become concerned about how an individual is using their time, then you should in the first instance discuss this with the individual rep and ask for clarification of the duties that they have been involved in. However if having spoken to the individual you remain concerned then you should seek advice from the FCTU Departmental Secretary or the HR contact detailed in the FTA. Under no circumstances should any formal action be taken against an individual regarding union duties, without having first sought advice from either the FCTU Departmental Secretary or FCTU Chair.



Examples of Trade Union Duties: (this list is not exhaustive):

- prepare for and attend meetings with management (for example on terms and conditions, HR policies, collective redundancy or the transfer of Undertakings),
- attend pre-meetings (including Trade Union side meetings) and review and comment on papers,
- communicate with members about negotiations and discussions with management, to inform them of progress and outcomes,
- represent members in personal cases (such as redundancy, disciplinary, sickness absence management, grievance) including time to prepare and conduct meetings and interviews with and on behalf of members, including Civil Service Appeal Boards and Employment Tribunals with and on behalf of members,
- attend meetings of union Group, Section and Branch Executive Committees and their sub-committees, (50% TUD and 50% TUA),
- speak to new employees about the role of the union in the workplace (eg; at an induction event),
- attend training and learning relevant to the role of union representative.



Examples of Trade Union Activities: (this list is not exhaustive):

- to communicate with members on issues that are not related to negotiation or discussions with management,
- for meetings of union Group, Section and Branch Executive Committees and their sub-committees, (50% TUD and 50% TUA),
- attend a Section or Branch Annual General Meeting,
- attend union conference whether as a officer, delegate, trainee delegate or recognised conference official (e.g. steward),
- Treasurer's duties,
- recruitment and organisation duties (eg; helping out at a union recruitment event),
- travel relating solely to any of the above.

There is no right to time off for activities which involve taking part in industrial action or political activity.



Ending the Reporting Year

End of Year Appraisals: It is unlikely that managers have any direct feedback on how an individual has performed their union duties during the year. However reps may comment through individual self-assessment about how their knowledge, skills and experiences may have improved throughout the year as a result of union duties. For example on how the union duties have helped develop important skills or competencies and which types of union duty the individual has found satisfying or challenging, and why. This in turn may identify strengths, which could be developed or utilised in other areas of work, or areas where further training might be appropriate.

Training: It may also be appropriate to discuss any training needs that an individual may have to help them in their union duties and to build this into Individual Learning Plan. Most training for union duties will be provided by the union at its own cost, though where the Commission will also benefit managers should refer to Staff Handbook, which outlines what support the Commission can give for training in different circumstances.



Salary & Expenses

Salary: Union representatives, including those employed on a part-time basis are paid their normal salary (excluding overtime) for all union duties covered by the facility time arrangement. Part-time and rostered staff who participate in meetings out with their normal working pattern can claim the full hours of attendance including travel time. Examples of duties for which salary will be paid are; attendance at meetings of Staff Councils, FCTU Area Committees, and the Departmental Committee (including time for necessary preparation and pre-meetings), health and safety, union organiser and union learning rep duties, representing members at disciplinary and grievance meetings, planning and holding meetings with members about specific management proposals, individual union branch, group and conference meetings, travel to and from meetings.

Overtime and Expenses: In addition to normal salary, union representatives may when necessary claim overtime and normal T&E expenses for; attendance at meetings of Staff Councils, FCTU Area Committees and the Departmental Committee; health and safety and union learning rep duties; representing members at disciplinary and grievance meetings; planning and holding meetings with members about specific management proposals; travel to and from these meetings. The Commission does not pay overtime and expenses for; individual union branch, group and conference meetings. Overtime and T&E claims should be submitted and paid according to normal Forestry Commission rules.







