

Work Voice Pay:

TRADE UNION FACILITIES TEMPLATE



National Organising & Leverage
Department

September 2022

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Work Voice Pay

Work, Voice, Pay is the cornerstone of our Union's industrial strategy. At Unite we know that it is only by delivering at the workplace that we remain relevant to working people. It is our success or failure at the bargaining table that we are ultimately judged on.

I am delighted that our research consistently proves that Unite negotiations secure better pay deals for working people. But we are determined to help further improve delivery for our members at the workplace. At its core this pledge focuses on what our Union does best:

- Securing good jobs and decent work
- Making sure workers have a strong and effective voice
- Getting decent pay and conditions

As part of this programme, Unite is producing a range of Work, Voice, Pay templates and guides to assist you, our shop stewards and representatives, in your critical work on behalf of our members. I hope that this trade union facilities template will help you in your future negotiations with your employer.



Sharon Graham,
General Secretary

The Importance of a Facilities Agreement

Trade Union facilities are one of the most critical elements to building union power in the workplace. You should endeavour to agree and sign an agreement on facilities with your employer at the same time as your recognition agreement (refer to Work, Voice, Pay Recognition Template for more information). If you have already got recognition but no formalised facilities seek to sign a comprehensive agreement with your employer as soon as possible.

The facilities agreement is the backbone of the recognition agreement. It formally sets out with the employer the rights of Shop Stewards/Reps to such things as:

- Paid time off for union duties and activities
- Unite training
- Office facilities and equipment

A good facilities agreement increases your ability as Shop Stewards/Reps to build strong workplace organisation, increasing the bargaining power of your members, including agency workers. Your ability as Shop Stewards/Reps to negotiate on such things as pay and/or working practices will be severely hampered if you do not have at the very least the provision for paid time off to consult with your members during working hours.

Every opportunity to increase your union facilities should be pursued, all the while ensuring that your members understand what the facilities agreement means to them and that it is not a way for Shop Stewards/Reps to avoid work. **It is very important to remember that your ability to defend and extend facilities will depend upon the support you have from your members.** Unite members must understand that a good facilities agreement is crucial to achieving greater bargaining power and justice on the issues central to them.

The facilities agreement is important in:

- Establishing formal procedures in the workplace
- Extending your rights as Shop Stewards/Reps beyond the limits of the law

This document should be used as a template to achieving a facilities agreement that fits the needs of you and your members. There is no one-size-fits-all model, only you and your Shop Stewards/Reps Committee can determine what will best suit your workplace needs. **There is no simple formula.**

GATHERING YOUR EVIDENCE

As stated earlier, for your recognition agreement to have any real impact in your workplace you will need a facilities agreement. Whether you are starting from scratch or improving on your current facilities arrangements you will need to have a range of objectives. Prior to meeting with your employer it is important that you consider the objectives that are most important to you. If required demonstrate to the employer real examples where your effectiveness as Shop Stewards/Reps has been affected by a lack of adequate facilities, these can include:

- Documents not read or responded to due to lack of facilities time (with particular reference to documents relating to your working relationship with the employer)
- Disciplinary or grievances delayed due to lack of facilities
- Issues generated by the employer being drawn out for a lack of paid time off for Shop Stewards/Reps during working hours
- Genuine consultation with Unite members not happening due to a lack of facility time

Unite the Union Facilities Agreement

INTRODUCTION & GENERAL PRINCIPLES

It is important to state from the start that in common with the recognition agreement, so-called “good” industrial relations are the objective of the facilities agreement. As such they are the responsibility of both the union and the employer. There must be understanding on both sides and a commitment to constructive dialogue; this should be spelled out in your introduction and in the general principles section of your facilities agreement.

1 INTRODUCTION

The Employer and Unite the Union (henceforth “the Union”) recognise that it is to the mutual benefit of the Employer and its workers whether they be directly or indirectly employed, for the workers to be represented by the Union and therefore recognises the right of the Union to represent and negotiate on their behalf.

2 GENERAL PRINCIPLES

The purpose of this procedure is to establish a framework within which the relationship between the Employer, its workers and the Union can be further established and maintained.

REPRESENTATION

In winning your recognition agreement and your facilities agreement you are formalising industrial relations at your workplace. A formal relationship brings duties and responsibilities for both the union **and** the employer. The employer recognises the right of Unite the Union to represent its members’ interests, bargain for them collectively and elect workplace representatives. In turn, as Unite Shop Stewards/Reps, you agree to inform the employer of the names of Shop Stewards or other Rep’s in writing.

3 REPRESENTATION

The Employer recognises the rights and responsibilities of the Union to represent its members' interests, bargain collectively on their behalf and accordingly accepts that the Union will elect within the workplace representatives, including Health and Safety Reps, Union Learning Reps and Equality Reps in accordance with its rules and constitution.

The Union shall notify the Employer of the names of the Shop Stewards and other Reps in writing.
Each Shop Steward/Rep will be issued credentials signed by the Unite Regional Officer.

ELECTION OF SHOP STEWARDS/REPS

As representatives of Unite you should also inform your employer that you will hold elections for Shop Stewards/Reps on a regular basis. Your employer, in turn, should agree that members will be permitted time to participate in such elections during working hours - see examples of trade union activities page on 11.

4 ELECTION OF SHOP STEWARD/REP

In recognising the importance of the role of the Shop Steward/Rep it is agreed that the Union will conduct triennial elections by way of a workplace ballot of all Union members. It is agreed that all Union members, both directly and indirectly employed will be permitted time off with pay to participate in such important elections.

TIME OFF FOR TRADE UNION DUTIES & ACTIVITIES

To help create a workplace environment in which so-called "good" industrial relations prosper it is essential that your employer agrees to reasonable time off for Shop Stewards/Reps during working hours with no loss of earnings.



Facilities should be provided for Shop Stewards/Reps to:

- Meet with members on site(s) during working hours
- Hold mass meetings on site(s) during working hours with no loss of pay for Shop Stewards/Reps or members
- Have time off with no loss of pay to attend:
 - National and Sector wide Shop Stewards Committees
 - Education and training
 - Regional Industrial Sector Committees
 - Company/Industrial Combine Committees
 - European Works Council meetings as the elected representatives, including pre-meetings and reporting back

EXAMPLES OF TRADE UNION DUTIES – UNDER ACAS CODE OF PRACTICE 3

You should not copy the ACAS Code. It restricts the potential power of Shop Stewards/Reps and omits facilities critical to increasing bargaining power in the workplace such as:

- The right to hold regular mass meetings of members during working hours
- The right to hold regular “surgeries” with members during working hours
- The right to paid time off for union activities

However, it is useful to know that the ACAS Code states that Shop Stewards/Reps should be allowed to take reasonable time off for duties concerned with negotiations or, where their employer has agreed, for duties concerned with other functions related to, or connected with, the subjects of collective bargaining.

The ACAS Code states that trade union duties include the following:

- The subjects connected with collective bargaining, may include one or more of the following:
 - Pay
 - Hours of work
 - Holidays and holiday pay
 - Sick pay arrangements
 - Pensions
 - Learning and training
 - Equality and diversity
 - Notice periods
 - The working environment
 - Operation of digital equipment and other machinery
- The engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers
- The allocation of work or the duties of employment as between workers or groups of workers
- Matters of discipline
- Matters of trade union membership or non-membership
- Facilities for trade union representatives
Examples include:
 - Dedicated union office
 - Accommodation for union meetings with members
 - Office equipment including: access to a computer, secure internet and email, secure telephone, photocopier and fax machine
 - Dedicated union notice boards
- The machinery for negotiation or consultation and other procedures. Examples could include arrangements for:
 - Collective bargaining at the employer and/or multi-employer level
 - Grievance procedures
 - Joint consultation
 - Communicating with members

- Communicating with other union representatives and union full-time officers concerned with collective bargaining with the employer

EXAMPLES OF TRADE UNION ACTIVITIES – UNDER ACAS CODE OF PRACTICE 3

You should not copy the ACAS Code. The Code can be used by your employer to enforce a very restricted view of what constitutes trade union activities:

- It does not specify that time spent on trade union activities be paid for by the employer
- It refers to employees NOT workers. This can be used to exclude Agency and other indirectly employed workers
- It uses very restrictive examples of trade union activities, mainly covering those directly relating to collective bargaining and voting in union elections

The ACAS Code says that to operate effectively and democratically, trade unions need the active participation of members. Under the Code an employee who is a member of a trade union recognised by an employer is permitted reasonable time off during working hours to take part in trade union activity. The employee is also permitted to take reasonable time off during working hours for the purposes of accessing the services of a Union Learning Rep.

- The activities of a trade union member can be, for example:
 - Attending workplace meetings to discuss and vote on the outcome of negotiations with the employer
 - Meeting full time officers to discuss issues relevant to the workplace voting in union elections
 - Having access to services provided by a Union Learning Rep

Where the member is acting as a representative of a recognised union, activities can be, for example, taking part in:

- Branch, area or regional meetings of the union where the business of the union is under discussion
- Meetings of official policy making bodies such as the executive committee or annual conference meetings with full time officers to discuss issues relevant to the workplace

5 Time Off for Trade Union Duties and Activities

The Employer shall permit Union representatives to take reasonable time off with no loss of earnings during working hours, for the purpose of enabling the worker to carry out those duties and/or activities which are related to the workplace and being an official of the Union.

This may include time off to attend:

- National and Sector wide Shop Stewards Committees,
- Unite Constitutional Committees,
- Company/Industrial Combine Committees,
- European Works Council meetings as the elected representatives, including pre-meetings and reporting back.

Union Shop Stewards/Representatives will be given a list of all workers joining or leaving the employer. Shop Stewards/Representatives will also be provided the opportunity, including at the induction stage, to meet all newly recruited staff during working hours to offer them the benefits of union membership. Lists of joiners and leavers should be added.

Facilities will be provided for Shop Stewards to regularly meet their members on site(s), during working hours, with prior agreement from site management.

The Employer shall permit a worker who is a member of the Union to take reasonable time off with pay during working hours for the purpose of taking part in trade union activities.

Union full time officials and organisers will be permitted to meet Shop Stewards/Reps, members and potential members on, or off, site(s) during working hours by prior arrangement with management. **Requests will not be refused without “just cause”.**

SHOP STEWARDS COMMITTEE

Once you have your recognition agreement, the members of your Shop Stewards/Reps Committee will have the right to paid time off for the purpose of carrying out trade union duties and/or activities including union training.

This applies to:

- Workplace Shop Stewards/Reps
- Equality reps
- Health and safety reps
- Union learning reps
- Information and consultation reps

It is important that you obtain enough facility time to carry out your trade union duties and activities. There is no hard and fast way of doing this, but **consider the number of workers in your workplace and how to maximise the number of Shop Stewards/Reps you have in the workplace.**

If you are a Shop Steward/Rep without facility time bear in mind that in 2011 the Workplace Employment Relations Survey (WERS), found that on average, union rep's spent 13 hours per week on their role. If you choose you can use this as your base to commence negotiations with your employer, however it is likely that you will need more time.

You should consider:

- Time required for effective communication with workers
- The number of meetings you will need
- Time required for individual case work
- Attending internal and external Unite events as well

Do not merely accept the amount of time that the Employer says you need to carry out your trade union duties and activities. **Make it a priority to negotiate the best possible facilities agreement.**

It is important that facilities and time off are allocated in a manner that is transparent. Each year your Shop Stewards/Reps Committee should allocate time to each of its Shop Stewards/Reps. Make sure as many Shop Stewards/Reps are able to make use of the facilities as is practical. If you spread your facilities you have less chance of Shop Steward/Rep burn out and increase the opportunities to “bring on” new Shop Stewards/Reps.

If your workplace is of a size that one or more Shop Stewards/Reps need to take 100% facility time you might consider rotating the time across the members of your Shop Stewards/Reps Committee.

If ever the facilities are attacked by the Employer you have a stronger defence with Unite members experiencing first hand from different Shop Stewards/Reps that facilities are vital to the defence of their rights and bargaining power in workplace.

6 SHOP STEWARDS COMMITTEE

The parties recognise that the elected Shop Stewards/Reps Committee has a vital role to play within the agreed procedural arrangements and as officials of the Union. In order to maintain constructive and representative industrial relations it is agreed that collectively the Shop Stewards/Reps Committee will be afforded a total not exceeding XXXX hours paid time off during working hours per week in addition to that required for trade union duties and activities. The Shop Stewards/Reps Committee will inform management as to how the hours are to be split between the elected Shop Stewards/Reps. Both parties believe that such agreement is vital in order for industrial relations to operate effectively and for there to be meaningful dialogue between the parties.

TRAINING FOR SHOP STEWARDS/REPS

It is important that all Shop Stewards/Reps are able to undertake training during working hours on full pay (including bonus, overtime and all enhancements). Training should at the very least include Unite training courses including:

- Bargaining
- Organising and recruitment
- Health and safety
- Equality
- Pensions

7 TRAINING FOR REPRESENTATIVES

Both parties recognise that it is in their interests that union representatives understand their role and rights and should receive appropriate training as agreed and approved by the Union. As a minimum, this will include Unite training courses on topics such as:

- bargaining,
- recruitment,
- health and safety,
- equality,
- pensions

Union representatives shall be entitled to undertake such training during working hours on full pay (including any bonus, overtime and all enhancements which they would normally have earned). If a part-time workers' training extends beyond their normal working time, they will be paid the same as their full-time colleagues.

FACILITIES FOR SHOP STEWARDS/REPS

It is important you ensure that you not only have enough time to represent all of your members but as a minimum have the practical facilities required by the ACAS Code of Practice 3: Time off for trade union duties and activities.

8 FACILITIES FOR SHOP STEWARDS/REPS

Shop Stewards/Reps will be afforded facilities to enable them to carry out their responsibilities efficiently and to communicate effectively with Union members, during working hours.

In line with the ACAS Code of Practice, these include:

- accommodation for meetings
- dedicated and secure office space
- a computer with a secure e-mail address
- access to a phone, office equipment such as a locked filing cabinet, free photocopying/printing and internal workplace mail
- use of dedicated Union notice boards including electronic communication i.e. e-mail and intranet/internet and the ability to freely distribute official Union communications



Appendix

Below is a Checklist that you may find useful when putting together your Facilities Agreement.

FACILITIES AGREEMENT CHECKLIST

- Do you have an agreement covering paid time off and trade union facilities?
- Does your Recognition Agreement rely on custom and practice for any part of your facilities arrangements?
- Do members get paid time off to participate in activities such as meetings?
- Do you get paid release for trade union activities?
- Is the number of Shop Stewards/Reps and amount of paid time off adequate to effectively represent members?
- Do you have access to facilities such as Unite notice boards, internal mail, telephone, computer, email, secure office space, locked filing cabinet and free photocopying?
- Are adequate work cover arrangements for Shop Stewards/Reps in place and are they spelled out in the agreement?
- Does the agreement allow the Shop Stewards/Reps to provide adequate support to the branch given the number of members, spread of work sites and travelling time?
- Is travel to different work sites for trade union duties/activities covered?
- Does the agreement include time off for preparing cases for members?
- Is there a clear statement about pay for time off, including part-timers and casual workers?
- Does the agreement allow for time off for training in all areas relevant to the carrying out of Shop Steward/Rep duties?
- Are arrangements made to allow full access for disabled members?
- Does the agreement allow for paid time off to attend Shop Steward/Rep Committee meetings?

- Is there provision for release for Unite events at regional and national level - for participating in meetings of official Unite policy making bodies or conferences?
- Is there access to inductions?
- Is there access to information on new starters and the ability to speak to each of them? Do you get information about staff leavers?
- Are there provisions for accrediting union Shop Stewards/Reps? Do you need management's agreement to accredit a new rep? Are there limits to the total number of Shop Stewards/Reps? If not, are they automatically entitled to paid time off?
- Is there paid time off for meeting with full-time Unite officials and Unite organisers?
- Is there time off for appearance at outside bodies on behalf of members – such as employment tribunals?
- Are there clear procedures for obtaining paid time off?
- Is there a clear dispute resolution procedure to deal with problems that may arise in future?

Useful Links

- The TUC: The Facts about Facility Time for Union Reps
<https://www.tuc.org.uk/sites/default/files/tucfiles/thefactsaboutfacilitytime.pdf>
- Unite Briefing On Trade Union Facility Time
<http://www.unitetheunion.org/uploaded/documents/Unite%20briefing%20on%20trade%20union%20facility%20time11-18515.pdf>
- Workplace Representative: A review of their facilities and facility time – DTI document - URN 06/1793
<http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/files/file36336.pdf>
- Nat Cen Report: The Value of Trade Union Facility Time
<http://www.natcen.ac.uk/our-research/research/the-value-of-trade-union-facility-time/>
- The 2011 Workplace Employment Relations Study FIRST FINDINGS
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336651/bis-14-1008-WERS-first-findings-report-fourth-edition-july-2014.pdf
- ACAS Code of Practice 3: Time off for trade union duties and activities
http://www.acas.org.uk/media/pdf/n/k/Acas_Code_of_Practice_Part-3-accessible-version-July-2011.pdf
- ACAS Code of Practice 2: Disclosure to Trade Unions for Collective Bargaining Purposes
http://www.acas.org.uk/media/pdf/2/q/CP02_1.pdf



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7229-4/TUR/DP/7-16