



The Facts About Facility Time for Union Reps

Trades Union Congress – October 2011

Introduction

Trade union facility time and facilities are the time and resources (access to ICT and accommodation etc.) that unions negotiate from employers so that they are able to represent members both individually and collectively in negotiations with managers.

Union representatives have had a statutory right to reasonable paid time off to carry out trade union duties since 1975, and most of the current provisions come under the Trade Unions and Labour Relations (Consolidation) Act 1992, introduced by the then Conservative government. Guidance on the practical application of these provisions is provided in the recently revised ACAS Code of Practice 'Time Off for Trade Union Duties and Activities'.

Recently there has been increased interest from sections of the media, organisations such as the Taxpayers Alliance and Conservative MPs in the cost to employers of providing paid time off to union representatives. There have been negatively couched press stories, requests under the Freedom of Information Act to find out the cost to public sector employers of such facilities and Parliamentary questions. The accompanying narrative has been that facility time is a costly burden to employers with no business benefit.

Matters came to a head at this year's Conservative party conference. Eric Pickles MP, Secretary of State for Communities and Local Government described "taxpayer funded" union officials as a "non-job" and Francis Maude MP, Minister for the Cabinet Office, announced that the Government intended to address the number of union reps in the civil service on full time release to perform union duties. Mr Maude said;

"The support they get from the taxpayer has got way out of hand," he told the conference. We can't go on like this.

"I'm announcing today that we're consulting on limiting the time civil servants can spend on trade union work, and on ending the employment of full-time union officials at the taxpayer's expense."

This paper shows the reality of the provision of facilities and facility time for union reps; that they cannot be simply be regarded as 'costs' to employers, that on the contrary, union reps and the work that they do for members and with employers represent an important workplace resource for UK employers in both the public and private sector.

The work of union reps has been praised by employers. In 2009 the Director General of the CBI, Richard Lambert, said in the foreword to 'Reps in Action: how workplaces gain from modern union representation' a report published by BERR;

'In today's difficult economic climate, it is more important than ever that all resources available to the workplace are well deployed. Union reps constitute a major resource: there are approximately 200,000 workers who act as lay union representatives. We believe that modern representatives have a lot to give their fellow employees and to the organisations that employ them.'

Union Learning Reps (ULRs) get paid time off in unionised workplaces to support their colleagues in updating existing and obtaining new skills and qualifications. In June of this year John Hayes MP, Minister for Lifelong Learning, Further Education & Skill paid tribute to the work of ULRs saying;

"I want to pay tribute to union learning reps, who have made so much difference to so many lives, and to such effect. Trade unions can play an invaluable and immeasurable role in improving skills in the workplace."

Facility time in practice

What do union reps do?

Amongst the 6.5 million trades union members in the UK around 200,000 carry out representative duties at workplace level. Union representatives carry out a wide range of often demanding and complex roles, including;

- Provision of informal advice to their colleagues
- Formally representing members in grievance and disciplinary hearings
- Negotiating with managers

In addition to the above, many union representatives carry out a number of specialist roles in relation to health and safety at work, improving access to learning and skills, improving equality and diversity in the workplace and working with employers to make workplaces more environmentally friendly.

What do union reps get paid time off to do?

Union representatives get **PAID** time off for a relatively tightly defined set of **DUTIES**. These include;

- Negotiating with employers
- Representing members
- Performing the duties of an accredited Health & Safety rep

- Performing the duties of an accredited Union Learning Rep (ULRs)

Union representatives also get paid time off to attend training to enable them to carry out the above duties. This training is provided by unions and the TUC.

Although there is **no obligation on employers to provide paid time off** to union representatives or members engaged in **union activities** (see list below), it is not uncommon for employers in the public and private sector to provide time off for such activities.

- Attending meetings to discuss internal union business
- Attending meetings of union policy making bodies
- Attending workplace meetings to discuss union negotiations with employers
- Meeting with union officers to discuss workplace issues
- Voting in union elections
- Accessing the services of Union Learning representatives

How much time do union reps actually take?

During the consultation process that preceded the revision of the ACAS Code of Practice on Facility Time for Union Reps, the then Department for Business, Enterprise and Regulatory Reform (BERR, now BIS) conducted a review of the facilities and facility time available to work place representatives (this included non-union representatives). Using data from the 2004 Workplace Employment Relations Survey (WERS), this review found that the average amount of time taken by **senior** union representatives was just over 10 hours per week.

Recent surveys of both Union Learning and Health & Safety reps by the TUC found that typically Union Learning Reps receive 2 hours per week paid time and amongst Health and Safety Reps just under half take no more than one hour per week.

Despite the fact that most union representatives do receive paid time off, this is often insufficient to allow them to carry out all of their trade union duties and many union reps use significant amounts of their own time. In a survey carried out by the TUC in 2005, 16 per cent of union reps said that less than quarter of the time they spent on union duties was paid for by their employer. The BERR survey referred to earlier also found that reps in the public sector contribute up to **100,000 unpaid hours of their own time each week.**

What contribution do union reps make to workplace performance?

As you would expect, for many union members the existence and effectiveness of a workplace union representative is a key determinant of whether or not they think the union is effective where they work.

But union representatives are also an important resource for employers. As well as making a significant contribution to increasing productivity they make workplaces safer, reduce the costs of recruitment and help business become more responsive to change by helping staff acquire new skills in addition to updating those they already have.

The most recent comprehensive assessment of the contribution by union reps towards improved business performance was made by the then Department of Business, Enterprise and Regulatory Reform in 2007 as part of the previously mentioned review of union reps facilities and facility time. The report found that the work of union reps resulted in;

- Savings to employers and the exchequer of between £22m - £43m as a result of **reducing the number of Employment Tribunal cases**;
- Benefits to society worth between £136m - £371m as a result of **reducing working days lost due to workplace injury** and;
- Benefits to society worth between £45m - £207m as a result of **reducing work related illness**.

In addition, using the same formulae as used in the BERR report but with updated figures, it can reasonably be estimated that the work of union reps also results in;

- Overall **productivity gains** worth between £4bn to 12bn to the UK economy;
- Savings of at least £19 million as a result of **reducing dismissals**;
- Savings to employers of between £82m - £143m in recruitment costs as a result of **reducing early exits**.

Union Learning Representatives have been instrumental in increasing the take up of training at work which benefits employers as well as individual employees. ULRs are key links in the development of partnerships between unions and employers in the promotion of workforce development.

Where there is a Union Learning Representative active in a workplace employees are **eight times more likely** to receive training of between 2-5 days annually and based on data in the 2004 Leitch Review of Skills the value to UK GDP of the work conducted by ULRs in encouraging more employees to take up training is estimated at £6 billion.

What do employers think?

In a recent survey for the TUC and **Personnel Today**, over half of responding HR professionals agreed that unions were an “essential part of modern employer/employee relations”, and that union officials approached meetings with

managers in an “open, constructive manner”.

In May 2009 the TUC and the **CBI** came together to issue a joint statement on the positive role of workplace union representatives – ‘Reps in Action: How workplaces can gain from modern union representation’. The statement identified the value of union reps in ‘delivering real gains at the workplace’ and the part that they play in producing ‘innovative solutions that make a tangible difference’.

As mentioned previously a revised ACAS Code of Practice on Time Off for Trade Union Duties and Activities was published in January 2010 after extensive consultation with unions, the TUC and employers. During this consultation the CBI said that its members recognised the need for workplace representatives to be able to fulfil their roles effectively and welcomed the new code as it “covered the needs of employers and employees.”

Additional Information

1. **Workplace Representative: A review of their facilities and facility time** – BERR consultation document - <http://webarhive.nationalarchives.gov.uk/+http://www.berr.gov.uk/files/file36336.pdf>
2. **Reps In Action** – Joint BIS/TUC/CBI publication on the value of union reps <http://www.tuc.org.uk/extras/repinaction.pdf>
3. **The Road to Recovery: How effective unions can help rebuild the economy** - TUC Touchstone Pamphlet <http://www.tuc.org.uk/economy/tuc-17727-f0.cfm?themeaa=touchstone&theme=touchstone>
4. **Code of Practice on Time of for Trade Union Duties and Activities** ACAS publication - <http://www.acas.org.uk/CHttpHandler.ashx?id=274>