

**The Open University and OU Branch of the AUT
Agreement on time for trade union duties and activities**

1. INTRODUCTION

The aim of this agreement is to set out clear guidance for reasonable time for trade union duties and activities and facilities for trade union officers and to aid and improve the conduct of good employee relations. The agreement has been drawn up in accordance with the ACAS Code of Practice on time for trade union duties and activities, and relevant employment legislation. Throughout this document where statutory requirements or extracts from the ACAS code are quoted, these are in bold type. The formal agreement with the OUAUT is in ordinary type.

Employers have a statutory obligation to grant:

- (i) reasonable paid time for trade union duties and training**
- (ii) reasonable unpaid time to take part in trade union activities**
- (iii) paid time for safety representative duties and training**

It is important for managers and trade unions to ensure that there are clear arrangements for requesting time with sufficient notice which are applied uniformly, in order to facilitate good planning and avoid any misunderstandings.

The amount and frequency of time requested should be reasonable in all the circumstances. Both the operational requirements of the University and the need for the OUAUT to communicate with and effectively represent their members need to be taken into account.

2. Definition

Recognised trade union officers are defined as members of University Academic or Academic-Related staff who are elected or appointed in accordance with the rules of the AUT to be a representative of its members. The term 'member' is meant to be any employee of the Open University who is a member of one of the recognised unions, or former employee in dealing with matters arising solely from their former employment in the University.

3. Notification of Accredited Representatives

Following the AGM in November each year the OUAUT will notify the Personnel Director in writing of all the elected representatives, stating the name, period of office and role and must ensure that all changes are notified immediately. Appropriate Heads of Units will be notified in writing by the Director of Personnel. Any requests for time will only apply where the representative has been notified to the Director of Personnel. The number of accredited representatives should take into account the extent of union memberships, the national rules of the AUT, and the number and location of work groups for which each member will be responsible.

4. Trade Union Duties

The University will grant reasonable time with pay (see paragraph 7 below) to trade union officers to carry out duties concerned with negotiations for which the AUT and OUAUT are recognised by the OU, or bodies to which the OU has delegated responsibility for the purposes of collective bargaining or employment relations between the University and members.

Examples as set out in the ACAS Code of Practice on time off for trade union activities include:-

- i) terms and conditions of employment and the working environment;**
- ii) appointment, termination or suspension of individual(s);**
- iii) allocation of work;**
- iv) representing individual(s) in disciplinary or grievance cases;**
- v) preparing for and attending meetings with University representatives on employee relations matters.**

A more detailed list is attached as Appendix I.

A total of 200 days will be the allocation for distribution between OUAUT Officers for trade union duties (see paragraph 7).

5. Trade Union Activities

Under the ACAS Code of Practice on time off for trade union duties and activities. Trade Union officers and members are permitted reasonable time during working hours to take part in trade union activity. The OU and the OUAUT note that the minimum legal requirement is as set out below. The OU and the OUAUT agree that in the interests of good industrial relations this minimum legal entitlement will be enhanced as set out in paragraph 6.

(i) Trade Union Officers

Examples of unpaid trade union activities are:

- **Taking part in Branch, area or regional meetings of the union where the business of the union is under discussion;**
- **Meetings of officer policy making bodies such as the executive committee or annual conference;**
- **Meetings, with full-time officials to discuss issues relevant to the work place.**

(ii) Trade Union Members

Examples of trade union activities are:

- **Attending work-place meetings to discuss and vote on the outcome of negotiation with the employer;**
- **Meeting full-time officials to discuss work relevant to the work place**
- **Voting in union elections.**

(see also 6(ii) below)

Note: There is no right to time for trade union activities which themselves consist of industrial action

6. Amount of time for Trade Union Activities

- (i) The OU and the OUAUT note that there is no legal requirement that union members or representatives be paid for time taken on trade union activities. Nevertheless the OU and the OUAUT agree that payment will be made for time spent on trade union

activities under the University's Public Commitments Policy in the following circumstances:

AUT Councils, Regional Representation, Specialist Committees

Time with pay will be granted to members:

- to attend the AUT Councils;
- elected to regional bodies in Scotland, Ireland, or Wales;
- elected to a specialist body.

The maximum overall time available to be allocated across these activities is 25 days.

National Representation

Should a member be elected to any national office, application may be made for paid time under the University's Public Commitments policy for a maximum of 18 paid days leave a year, or 24 days maximum if elected to any national post e.g. Chair of a national sub committee or vice president. The application of this limit may be reviewed in individual cases, in exceptional circumstances during the President elect year between the President OUAUT, the member of staff, the Director of Personnel, and the Head of Unit.

This will apply to a maximum of 3 Branch officers at any time.

Election as full-time National Officer

Where a member is appointed or elected full time to external AUT office the arrangements shall be negotiated individually by the Director of Personnel, with AUT National Officers, and the Head of Unit, the President of the OUAUT and the member concerned.

In considering applications for leave for trade union activities Units will take account of time agreed for trade union duties, and the operational needs of the University.

NB Other time requested and agreed for trade union activities will be unpaid, or taken as annual leave.

(ii) **Time for Trade Union Members**

An employee who is a member of the OUAUT will normally be granted paid time for:

- (i) attending work place meetings - it is expected these will normally take place in the lunch hour;
- (ii) voting in properly conducted ballots;
- (iii) voting in AUT elections.

7. Amount of paid time for Trade Union Duties and Activities

No one officer is to devote more than 50 days of their working time to union duties and activities (see 4 and 6 above). Any days unused from this allocation cannot be carried forward to the next year. The President of the OUAUT will discuss with the Director of Personnel the allocation to each officer after the November AGM so that operational issues can be identified and resolved. (see paragraph 11)

Separate provisions for paid time for training are set out in paragraph 8 and for accredited health and safety representatives, in paragraph 9.

Note: There is no statutory requirement to pay for time where the duty is carried out at a time when the officer would not otherwise have been at work.

8. Time for Training of recognised Trade Union Officers

- (i) The Open University recognises that trade union officers need the skills and knowledge to carry out their duties effectively, and it is to the advantage of the University management and staff that accredited Union Officers should attend approved training courses to assist them in the proper discharge of duties, in addition to the practical experience acquired from holding office. There will also be AUT organised courses that may be appropriate for trade union members e.g. courses regarding retirement.
- (ii) Training should be relevant to the employment relations duties and role of the trade union officer, and training should be approved by the TUC, or the President of the OUAUT.
- (iii) Where a need for basic or further training has been identified the President of the OUAUT will advise the Director of Personnel of the name of the Trade Union Officer, what training is approved, indicating the content of the training course or programme, and indicating proposed dates and duration. The Director of Personnel will write to the Head of Unit to ask them to agree to the release of the member of staff. Agreement to attend will not be unreasonably withheld, (the reasons will be given in writing for any refusal) and except in exceptional circumstances the University will normally be given at least one month's notice of the training course/s.
- (iv) The number of officers receiving training at any one time, and the amount and frequency of training for any individual officer should be that which is reasonable in the circumstances taking account of the operational requirements of the University.
- (v) There are separate provisions for health and safety training as set out in 9 below.

9. Time for Safety Representatives

Union approved safety representatives have a right to necessary paid time during working hours. Safety representatives are appointed by recognised trade unions for the specific purpose of dealing with health and safety issues. They must have undergone an appropriate course of training in health and safety at work provided by the TUC or the AUT as soon as possible after appointment, and when necessary due to changed legislation or changed responsibilities. Further information about Safety Representatives and Safety Committee regulations is available from Occupational Health and Safety Section. Safety Representatives appointment, as with other trade union officers, must be notified to the Personnel Director.

Safety representatives will be given time for attendance at appropriate safety groups, and the University's Health and Safety Committee

Requests for time for training should be made as in 8 above.

10. Office and other Facilities

The University recognises the need for the OUAUT to have suitable office accommodation. A union office will be provided suitably furnished. The office is for use by University employees and union officers on relevant union business. It must not be used for party political purposes.

The University will fund a proportion of the costs of a Grade 5 Secretary to work in the OUAUT office.

Access to the following will be provided:

Telephone: internal calls free of charge, local calls free of charge, long distance calls to be recharged.

Photocopying use of specified copying machines.

Mail systems: internal mail free of charge, external to be recharged.

e-mail system: use of the internal e-mail and JANET access free of charge, or for communication with AUT National Office or other local association where necessary. Mail or e-mail systems must only be used for communication directly with members. These systems must not be used for the general circulation of Trade Union publicity within the University.

In the event of such facilities being improperly used the University reserves the right to withdraw any or all of the above facilities after consultation with the President of the OUAUT. Except as set out above none of the administrative costs incurred by the OUAUT officers which arise from union business or activity will be borne by the University with the exception of those costs entailed by University sponsored meeting or undertakings with the OUAUT.

11. Requests for Time for Trade Union duties and Trade Union Activities

- (i) In order to ensure the smooth running of the University recognised OUAUT Trade Union Officers should abide by the conditions outlined below, when requesting time. The University is committed to ensuring that time will not be unreasonably refused, subject to the needs of the University. (Requests for time for training are set out in paragraph 8 above). Any request for time shall be made with as much notice as is reasonable in the circumstances.
- (ii) Any member of academic or academic-related staff may seek election as an officer of the OUAUT or as a regional or national representative or national officer of the AUT. If such posts will involve frequent and prolonged absences from the normal place of work on trade union duties and activities, it is expected that members will exercise their professional judgement in taking account of the requirements of their university duties before taking a decision to stand for election. It is recommended as good practice that informal discussions should be instigated in advance with the Head of Unit and line manager in order to minimise difficulties that may be anticipated.
- (iii) Following election of any member of the OUAUT to national office, (normally held in September each year) and following the AGM of the OUAUT (normally held in November each year). The Hon. Secretary of the OUAUT will inform the Director of Personnel of the names of those elected to each position. Within 10 days of this notification the President of the OUAUT and the Director of Personnel, following consultation with Heads of Units, will agree the allocation of time for duties and activities to each person elected within the overall context of this agreement. Any proposed additions or deletions from an individual's total allocation will be advised by the President of the OUAUT to the Director of Personnel as soon as possible so that appropriate consultation with the relevant manager can be undertaken.
- (iv) Requests for time for union duties or activities must be made by the Union officers to their immediate supervisor or Head of Department indicating the reason for which the time is requested and giving as much notice as possible. Provision for time will not unreasonably be withheld, but account must be taken by both sides of operational needs. Individual dates may be refused, or have to be rescheduled for operational reasons. An annual schedule will be prepared by individuals in the autumn, which should cover most absences on duties and activities. It is recognised, however, that

this may be subject to some additions and variations which will also be subject to the approval process set out in this agreement. Trade Union officers should endeavour to give not less than 2 weeks notice of any amendment or addition to the schedule. Where an emergency or special meeting is involved the University accepts that as little as one day's notice may be possible.

Arrangements for requesting and obtaining permission will be made between the officer and their supervisor or Head of Department and will reflect the normal working arrangements of the officer and the Unit. If any difficulty arises the Director of Personnel will provide support in resolving this. Dates of meetings arranged by the University will be advised to the Union Officer and their Head of Unit to ensure that if there are any operational difficulties these can be discussed and resolved as early as possible.

- (v) It is expected that a Trade Union officer who has been granted time should not unduly or unnecessarily prolong the time he/she is absent from work on trade union duties or activities. It is not expected that there will be any travelling time during working hours on days other than those agreed for a particular activity or duty, and that wherever possible absences from the office will be minimised by travelling and returning on the same day.
- (vi) It is expected that workplace meetings involving members will take place in the lunch hours (some additional time may be granted where agreed in advance). At least 2 weeks' notice should normally be given by the President or Branch Secretary to the Director of Personnel of the date, time and purpose of the meeting. The Director of Personnel will advise Heads of Units.

12. Interpretation

Where any doubts or difficulties arise in interpretation, these should be resolved by consultation between the President of the OUAUT and the Director of Personnel. Management and the OUAUT have a shared responsibility to observe the arrangements set out in the policy and to resolve problems with the implementation informally where possible. If a disagreement arises such as a refusal of time to attend a meeting, this should normally be raised by the individual with their line manager, or Head of Department in the first instance. If the matter is still unresolved the President of the OUAUT should discuss the matter with the Director of Personnel. If the matter remains unresolved at the informal stage, the individual has the right to invoke the grievance procedure.

13. Date of implementation

This agreement will be from the November 2000 OUAUT AGM

There will be a review at the end of each year, or, if difficulties arise on the implementation of this agreement, during the course of the year,

Time with Pay for Trade Union Duties

The University will normally grant, on request, and at times to be agreed, time with pay to enable trade union officers to undertake the following duties relating to industrial relation matters currently affecting the Open University, including matters involving bodies to which the OU has delegated negotiating responsibilities subject to the conditions set out in the agreement regarding the total amount of paid time for trade union duties and activities. Such duties will include:

1. To attend meetings of the OU/OUAUT Negotiating Committee including the pre-meeting of the staff side (4 Trade Union Officers),
2. To attend meetings of the Health and Safety Committee, (1 Trade Union Officer) and the Health & Safety Liaison Committee currently (2 Trade Union Officers).
3. To attend meetings of the Joint Union Co-ordinating Committee (2 Trade Union Officers).
4. To prepare for, meet with and act on behalf of OU/OUAUT members in disciplinary or grievance meetings and other individual cases internally or at an Employment Tribunal. OUAUT Officers will ensure that wherever possible boundaries will be placed on time spent on individual cases.
5. To hold General meetings with staff during the lunchtime to obtain or relay information consequential to meetings with Management on collective bargaining or industrial relations matters.
6. To prepare for and meet with individual members of the management side of the OU/OUAUT Negotiating Committee on matters relating to collective bargaining or industrial relations affecting Academic and Academic-Related staff.
7. Attendance at jointly agreed meetings.
8. To meet with full time Trade Union Officers concerning industrial relations between the Open University and those of the Open University employees who are its members.
9. To attend meetings of the Nominating Advisory Committee in relation to formal grievance and disciplinary procedures.
10. To make initial contact with new Academic and Academic Related employees to explain its role.
11. To attend Branch Executive meetings of the OU/OUAUT dealing predominately with Open University matters. There should be provision for a maximum of 6 such meetings a year, each lasting normally about 2 working hours plus travel time where necessary.
12. To deal with Union membership matters

Such other trade union duties as agreed from time to time by the President of the OUAUT with the Director of Personnel.