

10-point plan: Statutory time off for safety reps functions

Background

Employers have a duty imposed on them by Regulation 4(2) of the Safety Representatives & Safety Committees Regulations (SRSCR) to permit safety representatives to take "such time off with pay during working hours as shall be necessary for the purpose of performing their functions...." Safety representatives functions are given by statute - Regulation 4(1) of the SRSCR.

UCU regards this as statutory time-off (NOT facility time, which is qualified by "reasonable") and is an absolute duty imposed on the employer. It was the intention of the original drafters to ensure that employers could not obstruct the operation of safety representative, and a clear indication that the intention and spirit of the legislation was for safety reps to be fully involved with the issues in the workplace

UCU recommends that Branches and LA's negotiate an agreement on statutory time off for safety representatives which DOES NOT undermine the standard of duty imposed by the Regulations, and includes the following 10 points.

1

A recognition that trade union safety representatives play a valuable and constructive role in the workplace, and make a positive contribution to the health, safety & welfare of the staff when working in equal partnership with the employer.

2

Restate that safety representatives have a range of statutory functions, and in order to undertake these functions during normal working hours they will need to be released from their normal job.

3

Confirm that the employers duty is to permit such time-off from their normal job as shall be necessary to undertake their safety representative functions.

4

Agree that all safety representatives will automatically have a basic allowance of 3 hours a week for safety reps functions such as organising their activities; keeping up to date; meeting members; working within the joint TU safety network; basic admin & clerical work; preparation for inspections etc. (See below)

5

A clear statement that safety representatives will need to take additional time-off beyond the basic allowance in order to fulfill all their statutory functions given by SRSCR Reg 4(1), and that such additional statutory time shall not be obstructed. Safety reps will make advance arrangements wherever possible, (for workplace inspections, for example).

6

A clear recognition of the employers duty to provide whatever facilities and assistance the representatives reasonably need to carry out their functions effectively, in line with SRSCR Reg 4A(2), and commitment to their provision.

7

A statement the employer understands the need to make budgetary and resource provision in order to meet the duties imposed on them in respect of Safety Representatives. UCU should seek to secure the employers commitment to establish a budget based on an estimate of the annual overall cost of safety reps statutory functions; and make provision for sufficient central budget allocation to ensure that cost or other resource limitation does not become a reason for refusing or delaying the allocation of statutory time to the representatives.

8

To ensure the employer makes adjustment in workload that takes into account that the rep will need to take time-off; and provides for adequate arrangements to cover all the work the rep would normally have done during the time they are undertaking safety reps functions.

9

The minimum acceptable standard is that the employer must ensure that time spent on safety rep activities is at least proportionate to the teaching, research, supervisory or departmental admin or other work the representative would normal undertake. Such arrangements will be subject to discussion with the representative concerned.

10

To ensure that line and other managers understand fully what functions safety representatives have, and the importance of ensuring that statutory time is the priority for safety reps.