

## UNITE BRIEFING

# THE FACTS ABOUT TRADE UNION FACILITY TIME – EXPOSING ANOTHER TORY ATTACK

As we enter 2012 facing further attacks on effective trade union organisation and the ability of our elected representatives to defend the interests of their members, it's useful to reflect on just why it is that the Tory's, supported by the CBI and their backers in big business, see you - our workplace representatives - as their number one target.

It is of course no accident that top of the employers 'wish list' following the last election, was not increased investment, access to markets, tax cuts or even further restrictions on strike action but the removal of facility time for trade union representatives. **The reality is that they understand that it's you that builds confidence in your members and a willingness to stand up, it's you that argues the case for better pay and improved conditions and it's you that represents everything that is decent about our movement.**

The development of any effective fight back locally, against the bad employer or nationally, against the vicious cuts being imposed by the Con-Dem government relies on a confident, effective and well organised shop stewards movement in all sectors of our economy. Leading the fight back in 2011 were Unite shop stewards and workplace representatives engaging our members in activities stretching across the country;

- **Youth workers fighting back against the destruction of youth services**
- **Health workers uniting to save our NHS**
- **Council workers striking as councils tore up contracts and cut pay**
- **Private sector workers defending pay, jobs and conditions**
- **Public sector workers fighting back in defence of pensions, jobs and services**

In Derby our train makers at **Bombardier** fought to save British train manufacturing while **BAE** workers fought to defend high value world class engineering jobs in the North West and **construction** workers took their protests over pay cuts and poorer conditions to all corners of the country.

And that was just the tip of the iceberg; action on a local level in **transport, engineering, food production** and **manufacturing** was echoed by the massive rally on 26 March which saw half a million people take the campaign against the cuts through London's streets and throughout the country as people marched for the alternative.

And as the year drew to a close workers once more mobilised to protect their pensions, whether in the private sector at profitable **Unilever** or on 30 November in the **public sector** where workers took action after being told to pay more, work longer and get less.

**Trade unions were in the news because they were standing shoulder to shoulder with their members facing attacks on pay and pensions, standards and conditions, jobs, hours and services. Unionised workplaces have better terms and conditions, better pay and better productivity and they are good for companies too...**

### **Trade union facility time – the facts**

Trade union facility time and facilities are the time and resources (such as computers, telephones, photocopiers, access to meeting and/or office rooms) that trade unions negotiate from employers so that they are able to properly represent members, individually and collectively, at work. Some of this time is covered by ACAS Codes of Practice and other Regulations - particularly in the area of Health and Safety - and is an enforceable right. Much of a representatives 'facility time' however is a result of collective agreements reached between the union and employers.

There are 6.5million trade union members and around 200,000 carry out representative duties at a workplace level. They carry out a wide range of often complex and demanding activities including; providing informal advice to their colleagues; formally representing members in grievance and disciplinary hearings; negotiating with managers. Many also carry out specialist roles in respect of improving health and safety at work, increasing access to learning and skills, improving equality and diversity in the workplace and making workplaces more environmentally friendly

- Union representatives have had a statutory right to 'reasonable' paid time off to carry out trade union duties since 1975; most of the current provisions come from the Trade Unions and Labour Relations (Consolidation) Act 1992. The conflict over this provision often arises around the term 'reasonable' paid time off.

### **What paid time do trade union representatives receive?**

Despite the portrayal in sections of the media, there is a relatively tightly drawn set of duties for which union representatives receive paid time off for. These include; negotiating with employers, representing members, performing accredited Health and Safety representative duties and accredited Union Learning Representative (ULR) duties<sup>1</sup>.

While there is no obligation for employers to provide paid time off for union representatives to take part in union business it is not uncommon for this to happen across both the public and private sectors. These activities support the role of the workplace union rep and include; taking part in the union's democratic and decision making structures, attending workplace meetings to discuss union negotiations with employers, meeting with union officers to discuss workplace issues.

Many union reps, despite receiving some paid time off, find this is often insufficient to carry out all of their trade union duties and contribute their own unpaid time.

- The TUC and the then Department for Business, Enterprise and Regulatory Reform (BERR, now BIS) have collected a great deal of information about how trade union representatives time does break down. **A BERR review found that the average amount of time taken by a senior union representative was just over 10 hours a week.**

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<sup>1</sup> The ACAS Code of Practice which exists under the Trades Union and Labour (Consolidation) Act 1992 sets out what paid time off can be given to reps. (This Code was revised in 2009).

- TUC surveys<sup>2</sup> have 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**”. BERR also found that “**reps in the public sector contribute up to 100,000 unpaid hours of their own time each week**”

### What do union reps get paid time off to do?

Many union representatives negotiate facilities agreements with their employers covering a range of union activities for which they will be paid. Others simply rely on facility time provided under statutory regulation or ACAS guidance.

<b>REGULATED PAID TIME OFF</b>	<b>AGREED PAID TIME OFF</b>
<ul style="list-style-type: none"> <li>• Negotiating with employers</li> </ul>	<ul style="list-style-type: none"> <li>• Attending internal union meetings</li> </ul>
<ul style="list-style-type: none"> <li>• Representing members individually and collectively</li> </ul>	<ul style="list-style-type: none"> <li>• Attending union policy making meetings &amp; conferences</li> </ul>
<ul style="list-style-type: none"> <li>• Performing health and safety functions</li> </ul>	<ul style="list-style-type: none"> <li>• Organising activities and union elections</li> </ul>
<ul style="list-style-type: none"> <li>• Performing union learning functions</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting with union officers</li> </ul>
<ul style="list-style-type: none"> <li>• Attending union training courses</li> </ul>	<ul style="list-style-type: none"> <li>• Accessing services of union learning representatives</li> </ul>

Union activities offer concrete advantages to employers as well as workers;

- **a better trained workforce is more productive**
- **workers are more committed to companies where they have a voice**
- **a safe workplace is more efficient and should be the rule not the exception**

Even though a number of employers recognise the benefits and advantages and respect requests for time off, **representatives do not automatically get paid time off for internal union business.**

But that does not mean that reps don't go the extra mile...

### Employers and the economy benefit from effective trade unionism

Numerous independent and government studies have demonstrated the benefits of strong, confident, supported trade union representation at work. They have concluded that the presence of union representatives is conducive to;

- **The swift and just resolution of workplace issues and disputes,**
- **Practical improvements for workers that increase morale and performance**
- **Productivity improvements and efficient working practices**

Unite representatives also perform duties attached to the Information and Consultation Regulations and Transfer Rights (TUPE), take a lead in redundancy consultations, job evaluation exercises and joint consultative committees. The union also has a significant number<sup>3</sup> of member nominated representatives on Pension Trustee Boards.

<sup>2</sup> All figures from The Facts about Facility Time for Union Reps, TUC, October 2011

<sup>3</sup> The Facts about Facility Time for Union Reps, TUC, October 2011

## Facility time is not a cost – it's a benefit

Despite all the evidence to the contrary, at the 2011 Tory party conference in Manchester Francis Maude argued that ***“the support [trade unions] get from the taxpayer has got way out of hand. Just in the Civil Service alone this so-called facility time is costing no less than £30 million a year... We can't go on like this. That's why 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”.***

His speech drew on a report from the right wing Taxpayers Alliance<sup>4</sup> and ignored evidence published by BERR that trade union facility time is a business benefit.

**That BERR report, in 2007, found that trade union reps facilities and facility time resulted in;**

- **£22m-£43m savings** for employers and the Treasury from reducing the number of Employment Tribunal cases;
- **£136m-£371m benefits** to society through reducing working days lost due to workplace injury;
- **£45m-£207m benefits** to society as a result of reducing work related illness.

The TUC have updated this information, using the same formulae as the original report but with updated figures. This found that it could reasonably be estimated that the work of trade union reps also results in;

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

## Employers' views

Despite the rhetoric from Cameron and his cabinet of multimillionaires, the overwhelming majority of good employers view trade union representatives as a positive influence on their businesses.

***“In today's difficult economic climate, it is more important than ever that all resources available to the workplace are well deployed. Union representatives 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.”*** *Joint Foreword from the CBI, BERR and the TUC (2009, Reps in Action, joint BERR, CBI and TUC document)*

***“Unions are an essential part of modern employer/employee relations”*** *The view of 57% of HR professionals responding to a TUC/Personnel Today survey, 2007*

Right now employers have many things to worry about that government could assist them with including getting our banking sector to boost capital investment and support SME's in particular with cash flow problems, training, public procurement, regional development... What they are not crying out for is another ideological attack on unions.

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<sup>4</sup> The Taxpayer Alliance is a right wing front that has become a mouthpiece for government attacks on trade unions and the welfare state. It directs policy and argument on a range of issues supported by big business interests

## Conclusion

Trade union representatives perform a valuable role in society today; improving the working lives of their colleagues, protecting individuals from injury at work, defending agreements and your rights at work, providing job security, improving productivity and efficiency - savings and benefits to individual members and your employers as well as our wider economy and society.

Opponents of trade union facility time are not being informed by evidence or fact; they consistently ignore research carried out by BERR<sup>5</sup> – a Government department - resort to misrepresentation of the truth and make no reference to the ACAS Code of Practice that sets out what paid time off can be given. Instead, they prefer to paint a false picture of trade union facility time that suits their own political opposition to trade unionism.

They are doing this because they are ideologically driven and opposed to trade unions and their representation of working people, both at work and in our wider society.

If workplace representatives and union members are challenged about facility time they should simply highlight the following three key messages which show the real contribution that our union representatives make to the UK economy:

- **The government’s own research shows employers recognise that workplace reps deliver real gains in the workplace and are essential to modern employer/employee relations**
- **More than 200,000 workers carry out representative duties with many working extra hours to support their company or help solve employment problems; paid time off is normally only for specific functions**
- **UK business benefits by as much as £1.1 billion every year thanks to union representation and organisation; we save on recruitment costs, prevent workplace accidents, and help train, retain and motivate workers**
- **German workers are entitled to a full time representative in all workplaces with over 200 employees and union representation is also provided for on company supervisory boards. Germany is the most productive post war European economy**

For Britain to compete in the modern globalised economy it needs a workforce that is motivated, educated and committed, trade unions are a key in delivering that aim. Government attempts to water down or erase workplace rights are a false economy as blinkered as the Con-Dem coalition’s plans for the country.

Unite sees right through this Tory attack on our organisation; **“this is just another attempt by the Tory’s and their big business backers to attack trade unions. Their lies and attempts to mislead the public peddle the same old rhetoric and will not work!”** The reality is that trade unions and a strong union organisation at work are central to developing a fair and just society. Unite will stand proudly in defence of our members both at work and in our communities, **our representatives are the life of our union and we will not sit back and allow them to be attacked by government or employer!**

## YOUR RIGHTS – WORTH FIGHTING FOR!

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<sup>5</sup> Workplace Representative: A review of their facilities and facility time – BERR consultation document <http://webarchive.nationalarchives.gov.uk/+/http://www.berr.gov.uk/files/file36336.pdf>

## Exposing the Trade Union Reform Campaign

David Cameron has endorsed a new campaign body looking to eradicate workplace rights firstly in the public sector and secondly in the private sector as business supporters follow their lead in attacking union organisation at the workplace. In December 2011 this new body - the so-called [Trade Union Reform Campaign](#) - was established with novice **Tory MP Aidan Burley** as chair. TURC's 'supposed' reform campaign has five key aims that simply want to remove union rights and representation.

The argument that TURC is peddling - and that Cameron is endorsing - focuses on the cost to employers of providing paid time off for union representatives, but it fully ignores all the benefits that are not just for workers, but for the wider economy of our nations.

### Challenging TURC's claims

The details outlined below show that the so-called Trade Union Reform Campaign's five key aims are the demands of an isolated, badly informed group with a separate agenda to run down the public sector and any opposition from the trade union movement in preparation for the wholesale privatisation of public services. Indeed so extreme are some of those involved that **Aidan Burley MP** has gone to ground after having been forced to resign as a parliamentary aide after recently being filmed enjoying himself at a Nazi-themed stag party in France.

TURC CLAIMS	THE REALITY
Public bodies should not pay for time spent by employees on trade union activity	<b>Union reps make a concrete contribution</b> helping <b>deliver savings</b> for business and public bodies worth as much as £1.1 billion to the UK economy each and every year
The Trade Union Modernisation and Trade Union Learning Fund should be scrapped	Workplace training and education <b>boosts skills, enhances productivity</b> and benefits both the employer and employee
Public bodies should charge commercial rates for trade union usage of facilities	Union reps are employed to work on company or organisation related business, following TURC's route would mean that <b>every worker would be charged to sit at their own desks</b>
Public bodies should not be involved in the collection of trade union dues	In the same way that workers donate to charity through payroll, this is <b>just another box that needs to be ticked</b>
All public money, resources, paid and unpaid time off given to trade unions should be accounted for and published	Public bodies are under a detailed series of obligations to publish information under the Freedom of Information Act, any interested parties should <b>pay to make their own requests</b>

The TURC, like the Taxpayers and Countryside Alliance's, is a front for the right wing in the Tory party. They promote public debate and allow air space for issues that the Tory's want on the political agenda but can't or don't want to raise formally themselves. They use their so called 'independence' to disguise their true role and use the right wing press to spread the 'facts' as determined by them amongst the wider public.

We will continue to expose their activities and link them directly to the businesses and MP's that fund and support them over the coming period.