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Training for Trade Union Workplace Reps

A guide for employers

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Foreword

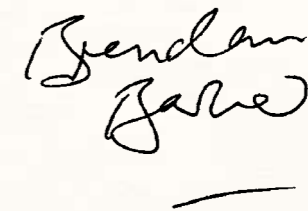


In today's difficult economic climate, it is more important than ever that all resources available to the workplace are well deployed. There are approximately 200,000 union representatives on-site at British workplaces and they constitute a major resource for their colleagues and for employers. Most are traditional representatives such as shop stewards, convenors, branch secretaries and safety representatives. But numbers of specialist union representatives – in particular, learning, green or equality representatives – are on the rise.

Government research in 2007 found that union reps in the public sector save the taxpayer between £167m and £397m every year by helping to resolve disputes, increasing the take up of training and reducing staff turnover. Workplace reps in both public and private sectors reduce dismissals, creating a benefit to employers that is worth between £107m and £213m, and by reducing voluntary exits benefit employers to the tune of between £72m and £143m. Union learning reps are worth between £94m and £156m to employers in enhanced productivity.

Clearly representatives need appropriate time and facilities to undertake training. This guide is designed to inform employers of the return for their investment in paid release. The TUC is particularly proud of its trade union education programme, offered in partnership with individual affiliates and further education colleges across the country. The programme has an unrivalled reputation for quality and innovation – fourteen consecutive Grade 1 inspection reports from OFSTED – and offers practical, professional support to union reps at work.

Please contact the appropriate TUC Education Officer (see back cover) for details of programmes near you.



Brendan Barber
TUC General Secretary

About this guide

This guide is for employers who receive requests from trade union representatives for time off work to take part in union training.

We outline the responsibilities of employers and unions over training for representatives, and give practical advice about how the benefits can be shared.

The work of union representatives has expanded as new issues have come to the fore in the modern workplace. These issues include health and safety, redundancies and reorganisation, equality and diversity, training and upskilling the workforce, and environmental and green strategies. One result has been that training for union representatives has become more complex. However a common sense approach based on agreement is usually all that is required to resolve any complexity.

Employers need to know that requests for time off to train are legitimate and will be made with regard to their business. Employers also need to see how the training will add value.

And representatives need to know that they can gain time off with pay to be trained, to ensure that they are competent in their role and confident when talking to managers and members alike.

How do employers benefit from having well-trained union representatives?

Acas, the Advisory Conciliation and Arbitration Service, says that training for union representatives

... will enable them to undertake their role with greater confidence, efficiency and speed and thus help them work with management, build effective employment relations and represent their members properly.

(Trade Union Representation in the Workplace, Acas)

There is strong evidence to support this official view. A recent evaluation of the TUC's unionlearn work, for example, found that

... over half the employers (in the study) involved in union learning projects stated that the take up of employees attaining qualifications had increased.... moreover, almost a third of employers believed that organisational performance had increased and two in five stated that levels of trust between management and unions had improved.

(Assessing the Impact of Union Learning and the Union Learning Fund, Leeds University Business School 2010)

Representatives who have taken part in union learning report how relations with management have improved as a result. Here are some typical comments from a recent survey:

... (I gained) confidence to approach management and solve problems for members and management.

I am far more aware that there are always two sides to every story.

I am more organised and better researched when dealing with issues the members bring to me.

I changed my approach to dealing with management and became more measured and professional.

(Making a difference, Doug Gowan. TUC Education, 2010)

Research into the business benefits of equality reps showed

...improved workforce morale, improved recruitment and retention, higher productivity and reduced tribunal costs. It is also notable that equality reps are just as likely to report that they have had a positive impact in the private sector as they are in the public sector, suggesting just as great an appreciation on the part of private sector managers of the benefits equality reps can bring. Equality reps in SMEs are also just as likely to report having had an impact in their workplaces as are equality reps in large organisations, suggesting that the equality rep initiative has the potential to bring benefits to all sectors of the British economy.

(Nottingham University Business School report on the survey of equality reps, 2009)

What is the official guidance on paid release?

From 1975 there has been legislation on paid release for union training. This has since been extended and amended and now covers:

- union workplace representatives
- health and safety representatives
- union learning representatives.

Although the legislation can be complex, useful official guidance on rights to union training for these representatives has been published by Acas and the Health and Safety Executive (HSE). Both these bodies include employers and trade union members and both issue codes of practice, which have legal status. The guidance is practical and based on experience of what works.

- *Time off for trade union duties and activities*
Acas Code of Practice 3
- *Trade Union Representation in the Workplace*
Acas booklet
- *Consulting employees on health and safety*
HSE guide and safety representatives regulations

Specialist representatives

Unions may have representatives who specialise in certain areas. They include:

- equality representatives
- pensions champions
- environmental or green representatives
- disability champions.

These representatives are covered by legislation on time off for union *activities*, but not specifically for union training. Training recommendations are however included in the Acas good practice guidance.

What does the training cover?

For union representatives, training must link to “aspects of industrial relations relevant to their trade union duties” (Acas code). Relevant topics are those that are covered in negotiations between union and employer and can include the following:

- pay and conditions
- recruitment and dismissals
- work patterns
- discipline
- union membership and facilities
- negotiation and consultation
- any other issues discussed between management and unions.

For more detail see the Acas code.

For health and safety representatives, training should help them carry out their functions, which are set out by law. These functions include:

- investigating potential hazards, dangerous occurrences and complaints
- making representations to the employer
- inspecting the workplace
- meeting safety inspectors and getting information
- attending safety committees.

For more detail see the HSE code.



How to reach agreement on time off for training

For union learning representatives (ULRs) the position is somewhat different. To qualify for time off to carry out their duties, ULRs must be sufficiently trained. If they do not have the required training when they are appointed, then they must become trained within six months. In that case the union must inform the employer in writing that the representative is undergoing or has completed the training.

The Acas code points out it is good practice for the union letter to the employer to set out what the training covers and what the representative has previously completed. The six month rule may be extended by employer/union agreement.

ULRs have a number of duties that should be covered in the training programme. These duties can include some or all of the following:

- analysing learning and training needs
- providing information and advice about learning and training
- arranging and supporting learning and training
- promoting the value of learning and training.

For more detail see the Acas code.

The role of **specialist union representative** is covered in the Acas guide *Trade Union Representation in the Workplace*. The guide looks at the role of union equality and environmental representatives, in addition to the other representatives covered by legal rights to time off for training.

The guide points out that

...in practice all union representatives have to gain approved time off from their work to carry out their duties...and they need at least some training...if only to communicate with management and their constituents.

For **newly appointed representatives**, the official guidance emphasises that introductory training should be arranged quickly:

...union representatives are more likely to carry out their duties effectively if they possess skills and knowledge relevant to their duties. In particular, employers should be prepared to consider releasing union representatives for initial training in basic representational skills as soon as possible...

The Acas code notes that union representatives should be *prepared to be flexible* and help minimise business disruption, and equally employers should recognise their *mutual obligation to allow union representatives to undertake their duties*.

Time off for training requests to management should, according to the Acas code:

- give at least a few weeks' notice to management
- provide details of the content.

While it is important that legal requirements are met, many employers and unions believe that a written agreement is the best way of handling time off requests. The Acas code includes a section on time off agreements and the benefits they can provide.

For example they can:

- provide clear guidelines against which applications for time off can be determined
- establish realistic expectations on the part of union representatives and managers
- avoid misunderstanding
- facilitate better planning
- ensure fair and reasonable treatment.

Time off agreements need to reflect local circumstances and could cover amount of time, calculation of pay, and notice required for request.

Examples

A distribution centre in Heywood offers union representatives ten days off in the first year for initial training, and in subsequent years five days off per year to attend trade union approved updating and specialist courses.

A book publishing company in London offers training for accredited introductory and advanced training courses organised by the TUC or unions, providing it is agreed by union headquarters. Allowances are as follows: year 1 up to 10 days, and year 2 up to 5 days. Any additional training day is subject to further discussion.



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TUC Education and union courses

TUC Education and individual unions arrange courses throughout the UK, which are closely linked to the requirements for paid time off outlined in this booklet. Each year around 120,000 trade union reps attend courses organised by the TUC or by its affiliated unions.

Types of course

Introductory courses for new representatives

- Induction
- Union Representatives Stage 1
- Health and Safety Stage 1
- Union Learning Representatives Stage 1

Advanced courses for senior representatives

- Stepping up – Stage 2 for Union Representatives
- Next Steps for Safety Representatives – Stage 2
- Union Learning Representatives Stage 2
- Diploma in Employment law
- Diploma in Occupational Health and Safety
- Diploma in Contemporary Trade Unionism

Updating and specialist courses for established representatives

- Employment law
- Equalities
- Dealing with redundancy
- Introduction to pensions
- COSHH
- Occupational health
- Trade unions and the environment
- Apprenticeships
- Cancer in the workplace
- Work/life balance

TUC and union courses are run in local colleges and education centres throughout the UK.

They may be offered in several different ways:

- day release – the course is run one day a week over several weeks
- short block release – a short course run over two or three days in succession
- blended – part of the course takes place in the classroom, part online
- online – most courses are offered as online learning without attendance at a college.

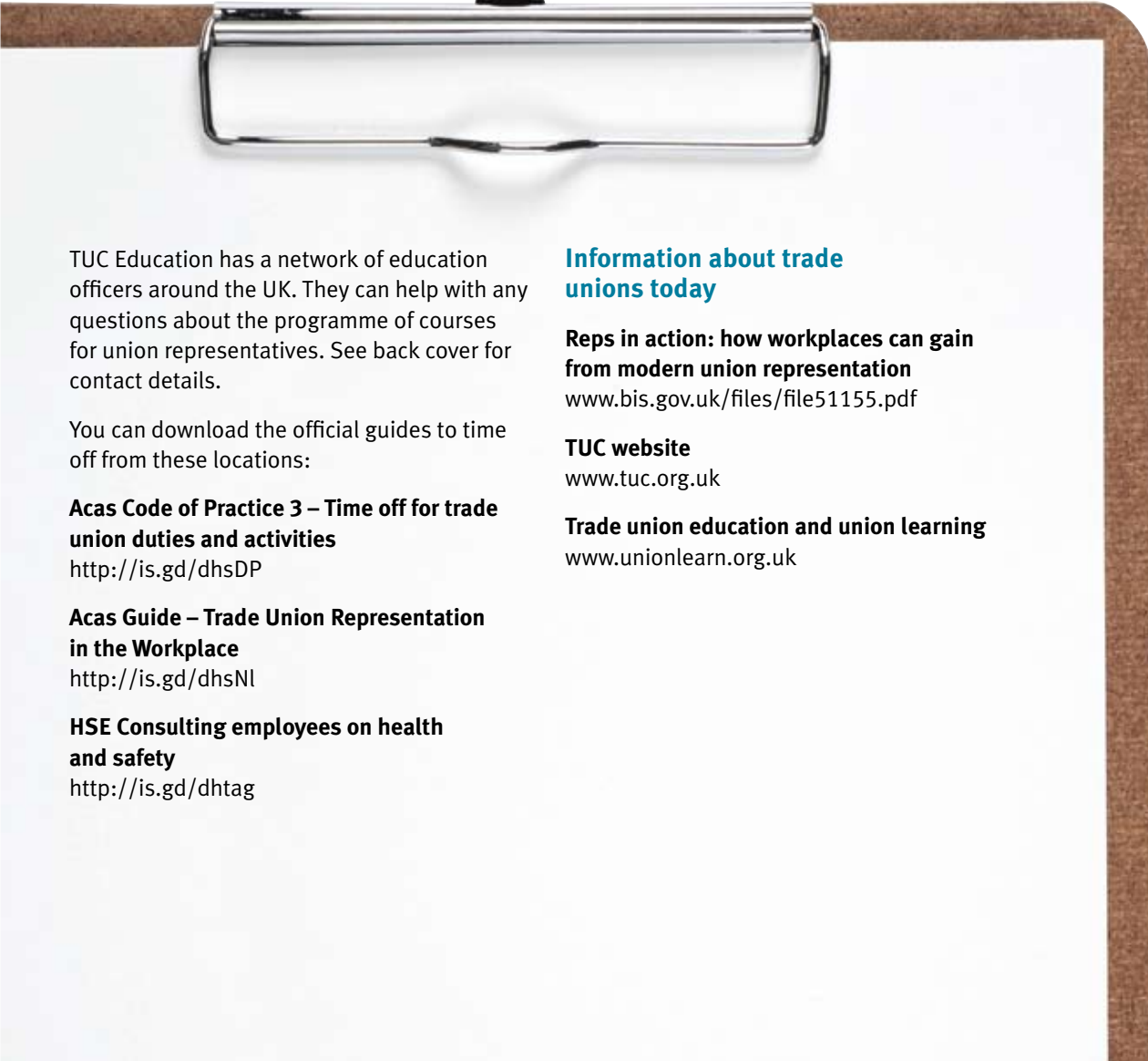
For the online courses the same rules for paid release apply. In practice this means that employers should allow time for representatives to work through the online course.

Quality assurance

There are a number of ways in which the quality of courses for union representatives is assured.

- TUC Education courses and many union courses are run by professional tutors working in TUC Education units in further education colleges throughout the UK. For a list of partner colleges see page 12.
- OFSTED inspections have consistently given trade union education courses a Grade 1 rating.
- The courses are accredited to national standards through the National Open College Network, with nearly all courses contributing towards a qualification offered through the Qualification and Credit Framework (QCF).
- Courses are underpinned by occupational standards approved by the Pan Sector Skills Council.
- All the courses are based on practical development of skills and knowledge relevant to the union representative's role and workplace. The participants are often required to find out more about their employer's policies and agreements and to communicate with managers and members.

How do I find out more?



TUC Education has a network of education officers around the UK. They can help with any questions about the programme of courses for union representatives. See back cover for contact details.

You can download the official guides to time off from these locations:

Acas Code of Practice 3 – Time off for trade union duties and activities
<http://is.gd/dhsDP>

Acas Guide – Trade Union Representation in the Workplace
<http://is.gd/dhsNI>

HSE Consulting employees on health and safety
<http://is.gd/dhtag>

Information about trade unions today

Reps in action: how workplaces can gain from modern union representation
www.bis.gov.uk/files/file51155.pdf

TUC website
www.tuc.org.uk

Trade union education and union learning
www.unionlearn.org.uk

Directory of TUC Trade Union Studies Centres

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