

## Partnership Facilities Agreement

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### General

This agreement sets out the industrial & employee relations and trade union activity facilities available to staff who fall within the Scottish Government Main (SGM) collective bargaining unit – defined in the Introduction to the Staff Handbook. It takes account of the requirements of sections 168-170 of the Trade Union and Labour Relations (Consolidation) Act 1992 and ACAS Code of Practice No 3 on "Time Off for Trade Union Duties and Activities".

The agreement applies to the Council of Scottish Government Unions (CSGU) and its constituent recognised trade unions and members: the Public and Commercial Services Union (PCS); Prospect; and FDA.

### Accredited Representative Facilities

Definition - Accredited representative status will be given to:

CSGU	Scottish Government CSGU officials
PCS	Members of the Group Executive Committee Members of Branch Executive Committees (BEC's) where local Industrial & Employee Relations machinery exists and office bearers of other BEC's Members of the National Executive Committee (NEC)
Prospect	Members of BEC; office bearers of Section Executive Committees (SEC's); and members of the NEC
FDA	Members of BEC and members of the NEC

### Facility Time Available

#### Paid Absence

Paid absence from work should be granted for industrial & employee relations duties; that is duties which relate to consulting, negotiating and communicating on matters which jointly concern management and the trade unions. Examples of such duties are:

- Attending meetings of Executive Committees, Sub-Committees and Advisory Committees of recognised unions.
- Attending TUS meetings.
- Preparing for and attending Management/TUS or recognised union meetings.
- Consulting and informing SGM recognised union members about negotiations and discussions with management
- Dealing with personal grievance and disciplinary cases.
- Representing SGM recognised union members at Civil Service Appeal Board or Employment Tribunal

Pay allowances will not be affected by any paid absences but absence during overtime periods will not attract payment.

### Paid/Unpaid Special Leave

Paid special leave may be granted for trade union activities and training; that is activities which relate to matters which are only of concern to the trade unions, and training which is relevant to representational duties. Examples of such activities and training are shown below:

- Attending conferences of recognised unions.
- Attending National Executive Committee meetings of recognised unions.
- Representing recognised unions on bodies relevant to employment in Civil Service e.g. STUC
- Training in relation to:
  - Employment Law
  - Industrial Relations
  - Handling Personal Cases
  - Counselling, Negotiation, Communication.

The limit each leave year for paid special leave is 40 days for members of NEC's and 25 days for other representatives. If these limits are met unpaid special leave may be granted. Unpaid special leave will not however reckon for pension purposes unless the union or representative pays a charge of 20% of the notional pensionable salary that would normally have been paid for the period of unpaid special leave.

### Approval of Absence/Leave

Representatives must obtain the approval of their line manager before taking time off. The manager should not unreasonably withhold permission. Time off may be given on an ad-hoc basis or as an annual composite allowance. The approach taken is subject to line manager agreement.

The amount of time off may be a factor in determining the nature and extent of the official duties which a representative with less than 100% facility time may perform. Annual leave entitlement, public, privilege and bank holidays will not be counted in any determination of a representative's working year.

Special time off provision can be made for representatives who do not work normal office hours. This will be subject to agreement with line management.

### Monitoring Facility Time

People Directorate Employee Relations, Reward and HR Policy will monitor facility time taken. The monitoring process will require representatives to provide details of their industrial & employee relations duties, trade union activities and training.

## **Personnel and Career Considerations**

## General Procedures

As far as possible, Management will apply the normal procedures for staff appraisal, and career development. The rules governing promotion between Pay Bands and movement within Bands will apply to representatives who will be treated no more or less favourably than other staff.

## Completion of Annual Staff Reports

Where facility time represents 50% or less of the representative's working time the line manager responsible for assessing the performance of official duties will complete the appraisal report; that report may contain reference to industrial and employee relations duties. Where facility time represents more than 50% of the representatives working time People Directorate Employee Relations, Reward and HR Policy will complete the appraisal report; that report will contain reference to any official duties.

## Poor Performance

If Management has concerns about the representative's performance of official duties, the procedures in the Staff Handbook for dealing with poor performance must be followed. That applies whether the line manager or People Directorate Employee Relations, Reward and HR Policy completed the report.

## Performance Appraisal

Performance appraisals will be confined to official duties. A separate appraisal review covering industrial & employee relations duties may, however, be held at the request of the representative.

## Disciplinary Conduct

Representatives are subject to the same standards of conduct as other staff and are subject to the same disciplinary procedures. The relevant trade union will be informed of a disciplinary action against a representative. No disciplinary penalty beyond an oral warning will be imposed against a representative until it has been discussed with a senior full time official of the relevant union. The final decision on the penalty will, however, rest with the disciplinary panel.

## **Trade Union Members' Facilities**

Trade Union members may be granted time off to:

- attend recognised union meetings which consider and propose resolutions for conferences; and consider matters that jointly concern management and the recognised union.
- vote at the workplace in recognised union elections.
- attend conferences of a recognised union.
- represent a recognised union on external bodies relevant to employment in the Civil Service.
- undertake training in relation to developing union representational skills.

- distribute official literature of a recognised union.
- The arrangements for meetings under 1 and 2 must be agreed in advance with management.

Any time off granted in relation to points 3 - 5 will be given as paid special leave. Time off for point 5 will normally be limited to 5 days for each member. Time off above that limit must be cleared through People Directorate Employee Relations, Reward and HR Policy.

### **PCS and Prospect Committee Members not Accredited**

Members of PCS Branch Executive Committees (BEC) and Prospect Section Executive Committees (SEC) who do not otherwise through this agreement have accredited representative status may be granted paid time off to attend BEC, SEC and CSGU meetings which integrate with Management/CSGU industrial & employee relations arrangements. This facility is subject to the business of the union meetings being mainly in relation to industrial & employee relations matters. Management may monitor the use of this facility and time off granted in relation to it.

All members must obtain the approval of their line manager before taking time off. The manager should not unreasonably withhold permission. Time off may be given on an ad-hoc basis or as an annual composite allowance. The practical approach taken is subject to line manager agreement.

### **Administrative Facilities**

Management will provide the CSGU, its constituent recognised unions and accredited representatives with reasonable administrative facilities which enable the proper conduct of industrial & employee relations duties and official trade union activities. These facilities will include: accommodation; furniture; and communication systems, such as telephone, information technology and other internal or inter-office distribution systems. The normal Scottish Government rules which govern such facilities will apply. Management will remove any facilities if they consider that improper or unreasonable usage is being made of them.

### **Information Facilities**

Management will provide the joint trade union side and its constituent recognised unions with:

- access to documents which set out the rules relating to the pay and conditions of service of SGM employees;
- the names of new SGM employees, and where practicable, facilities to address them during induction training; and
- reasonable facilities to recruit new members on official premises during working hours

The facilities available under 3 must be agreed in advance with management.

The CSGU and/or its constituent recognised unions will inform management timeously, in writing, of appointments or resignations of union officials.

### **Review And Termination Of Agreement**

This agreement will be reviewed every two years; and between each review period may be reviewed at any time at the request of either side.

This agreement may be terminated by either side upon giving 1 year's notice.

### **Commencement**

This agreement came into force on 22 November 1999.