

Briefing



Time off for union training

A TUC guide for trade union reps

Your rights as a union rep

Union reps represent the best of the trade union movement. Each and every day, in thousands of workplaces, our reps provide individual and collective support to their colleagues on a range of issues. Union reps need access to high quality union training to enable them to do this effectively.

They give advice and guidance on:

- employment rights and other terms and conditions;
- they represent members in disciplinary and grievance cases;
- they make workplaces safer;
- they provide opportunities for learning and skills development;
- they are advocates for equality.

Union reps have a right to reasonable paid time off to carry out union duties and undertake training. They also have the right to reasonable unpaid time off to undertake union activities. There are separate regulations covering union health and safety representatives, workplace representatives and Union Learning representatives (ULRs).

Guidance for unions and employers on facility time was published in 2010 in the ACAS Code of Practice on Time off for Trade Union Duties and Activities.

Positive benefits

The ACAS Code says

“There are positive benefits for employers, employees and for union members in encouraging the efficient performance of union representatives’ work, for example in aiding the resolution of problems and conflicts at work. The role can be both demanding and complex. In order to perform effectively union representatives need to have reasonable paid time off from their normal job.”

Download [The ACAS Code of Practice](#) (pdf).

How do I find out about my rights to get training as a union rep?

TUC Education has produced an eNote – a short module of online learning – that covers the rights of union reps to access training and the obligations of employers to allow them to do this. It includes a link to the ACAS Code of Practice.

Time off for training

The ACAS Code emphasises that training is important for union reps to enable them to carry out their duties and that it should be available to both new and experienced reps.

Representatives of a union recognised by the employer should be allowed reasonable paid time off to undergo training in aspects of industrial relations activities relevant to the trade union duties that they carry out. The Code gives the following examples of relevant training:

- Developing the skills of reps in representation, accompaniment, negotiation and consultation
- Further training for reps with special responsibilities such as collective redundancy or transfer of undertakings
- Training that updates union reps on issues reflecting the developing needs of the members that they represent
- Training to help reps negotiate on significant changes to the organisation of work
- Training where a change in the law might affect the conduct of industrial relations
- Training where union reps accompany members in grievance and disciplinary hearings.

Health and safety representatives are entitled to paid time off for any training that is considered reasonable to help them carry out their functions. The guidance on paid time off for training in the ACAS Code also covers time off for training for union learning reps.

TUC Education

TUC Education provides a range of online, blended and classroom courses for union reps. Find out what's available on the [TUC Education website](#).

Online learning

Online learning should not be seen as an alternative to paid release from work. The law still applies, whether learning takes place away from work or in work. It could be more convenient both for reps and employers for learning to take place at work.

But reps will still need time allocated at work to complete their learning. eNotes are a set of online resources developed by the TUC to help reps stay up to date on key workplace issues. Each eNote takes between 20 and 40 minutes to complete and contains a mixture of text, video and interactive quizzes. There are currently over 30 eNotes available on a wide range of topics.

You can use the [Facility Time eNote](#) to help you understand what the ACAS guidance provides for.

There are also a wide variety of topics covered by TUC Education [webinars](#) that are available to view online.

What does the ACAS code say?

The ACAS Code includes guidance on:

- Time off for duties and activities
- Time off for training
- Responsibilities of employers
- Agreements on time off
- Resolving disputes

Duties and activities

Perhaps the most important distinction made in the Code is the right to paid and unpaid time off depending on whether reps are undertaking union duties or activities.

In short, reps have a right to paid time off for duties but not for trade union activities.

The ACAS Code provides comprehensive guidance on what constitutes trade union duties and activities however this can be summarised as follows;

Duties

The ACAS Code provides the following examples of union duties for which union reps should be given paid time off (you should refer to Section 1 of the Code for a full description):

- Terms and conditions of employment
 - such as pay, hours of work, holidays, sick pay, pensions, learning & training, equality issues, notice periods, working environment etc.
- Matters relating to the engagement, suspension or termination of employment
 - such as recruitment procedures, redundancy and dismissal arrangements.
- Allocation of work or employment duties
 - such as job evaluation and grading, job descriptions, flexible working and work-life balance
- Disciplinary matters
 - such as disciplinary procedures, representing or accompanying employees at internal interviews
- Union membership
 - such as any union involvement in the induction of new workers
- Negotiation and consultation

- such as collective bargaining at the employer or multi-employer level, grievance procedures, joint consultation and communicating with members, other union reps and union officers.

The “reasonable” test

Whilst there are many references in the ACAS Code to ‘reasonable’ time off in relation to PAID time for union duties, the ACAS Code provides no guidance or what might be regarded as reasonable.

The view of the TUC is that, particularly in relation to union duties that involve negotiating with employers on matters that they bring to the table and representing members in disciplinary and grievances, the definition of reasonable should be what is required under the circumstances to allow reps to adequately represent members.

It follows that if limits on paid time off for duties were applied the ability of reps to represent and support our members would be restricted.

For this reason the TUC believes there should be no limit on the amount of paid time off for union duties.

- Remember that the ACAS Code sets out the MINIMUM obligations on employers not the maximum. Unions will, and should, always try to negotiate significantly better facilities for reps than those set out in the ACAS Code
- Remember the Code provides useful guidance on time off agreements and how disputes on facility time (including training) might be resolved
- Finally, reps should take into account their own union’s policies on facility time, including existing agreements and best practice.

Find out more about TUC training for union reps

The [TUC Education website](#) sets out all our training offer for union reps.