

Time off for training

Trade Union health and safety representatives

Training is very important for any health and safety representative if they are going to be able to represent and support their members with confidence. Trained representatives are better representatives and there is a wide range of training available to help them.

One of the reasons that unionised workplaces are safer workplaces is that representatives are trained in health and safety. Without that training they would find it much harder to ensure that workplaces are safe and healthy.

Every year the TUC trains around 10,000 safety representatives, and many more are trained through their unions. In those rare occasions where there are non-union safety representatives, they get their training from management, or management-appointed consultants, so are less able to challenge what management tell them.

The law

Trade union health and safety representatives are entitled to paid time off for training. The Regulations are clear. Regulation 4(2) of the Safety Representatives & Safety Committees Regulations states: "An employer shall permit a safety representative to take such time off with pay during the employee's working hours as shall be necessary for the purposes of ... undergoing such training in aspects of those functions as may be reasonable in all the circumstances having regard to any relevant provisions of a code of practice relating to time off for training approved for the time being by the Health and Safety Executive under section 16 of the 1974 Act."

The Approved Code of Practice (ACoP) to the regulations spells this out in more detail when it states: "The employer has a duty to permit those safety representatives such time off with pay during the employee's working hours as shall be necessary for the purpose of 'undergoing such training aspects of those functions as may be reasonable in all the circumstances'. As soon as possible after their appointment safety representatives should be permitted time off with pay to attend basic training facilities approved by

the TUC or by the independent union or unions which appointed the safety representatives. Further training, similarly approved, should be undertaken where the safety representative has special responsibilities or where such training is necessary to meet changes in circumstances or relevant legislation."

Getting time off

Despite the proven value of trade union training, and the clear duty on employers to release health and safety representatives, many representatives find it difficult to get time off because their employer turns them down on grounds such as they cannot spare the person or they do not need the training.

However tribunals have usually sided with the health and safety representative when they have complained after being refused training. In one case a tribunal rejected an employer's claim that there was no "business case" to allow time off for training and that the "business case" test was not appropriate in the circumstances. It ruled the appropriate criterion was whether attendance at the course was reasonable to allow the representative to carry out her health and safety duties. The tribunal also rejected the suggestion from the representative's management that working in an office should minimise the extent of training she could reasonably seek, pointing out that office environments had given rise to repetitive strain injuries, stress and risk of violence.

It is for the union to decide what training is required and this may vary depending on the type of workplace and the role of the health and safety representative. Also, health and safety representatives' training is in addition to the health and safety training the employer is required to provide for the entire workforce. Where employers have tried to claim that training was unnecessary this has been rejected by tribunals who have said that the criterion is whether the training is "reasonable".

Tribunals have also made it clear that employers cannot insist that workers go on courses in their own time. They have said that the intention of the regulations was to make time off during work the norm for safety reps' training.

What to do if you are denied time off

If your employer refuses you time off with pay, or asks you to do a different course from that recommended by your union, then the first step is to speak to your union about it. They will look

at your case and advise you on the best course of action.

The HSE has also produced guidance on training, and a summary of some helpful legal decisions, on pages 19 and 20 of their publication on the regulations which brings together the regulations, Approved Code of Practice and the Guidance. It is available [here](#).

For details of courses for health and safety representatives contact your union or visit the [unionlearn website](#).
