



# Trade Union Act 2016

## 2016 CHAPTER 15

### *Facility time and check-off*

#### **13 Publication requirements**

After section 172 of the 1992 Act insert—

##### **“172A Publication requirements in relation to facility time**

- (1) A Minister of the Crown may by regulations made by statutory instrument require relevant public sector employers to publish any information within subsection (3).
- (2) An employer is a relevant public sector employer if the employer—
  - (a) is a public authority specified, or of a description specified, in the regulations, and
  - (b) has at least one employee who is a relevant union official.
- (3) The information that is within this subsection is information relating to facility time for relevant union officials including, in particular—
  - (a) how many of an employer’s employees are relevant union officials, or relevant union officials within specified categories;
  - (b) the total amount spent by an employer in a specified period on paying relevant union officials for facility time, or for specified categories of facility time;
  - (c) the percentage of an employer’s total pay bill for a specified period spent on paying relevant union officials for facility time, or for specified categories of facility time;
  - (d) the percentage of the aggregate amount of facility time taken by an employer’s relevant union officials in a specified period that was attributable to specified categories of duties or activities;
  - (e) information relating to facilities provided by an employer for use by relevant union officials in connection with facility time.

- (4) In subsection (3) “specified” means specified in the regulations.
- (5) The regulations may make provision—
- (a) as to the times or intervals at which the information is to be published;
  - (b) as to the form in which the information is to be published.
- (6) The regulations may make different provision for different employers or different categories of employer.
- (7) In this section a “relevant union official” means—
- (a) a trade union official;
  - (b) a learning representative of a trade union, within the meaning given by section 168A(11);
  - (c) a safety representative appointed under regulations made under section 2(4) of the Health and Safety at Work etc. Act 1974.
- (8) In this section “facility time” means time off taken by a relevant union official that is permitted by the official’s employer under—
- (a) section 168, section 168A or section 170(1)(b);
  - (b) section 10(6) of the Employment Relations Act 1999;
  - (c) regulations made under section 2(4) of the Health and Safety at Work etc. Act 1974.
- (9) The regulations may provide, in relation to a body or other person that is not a public authority but has functions of a public nature and is funded wholly or mainly from public funds, that the body or other person is to be treated as a public authority for the purposes of subsection (2).
- (10) The regulations may make provision specifying the person or other entity that is to be treated for the purposes of this section as the employer of a relevant union official who is employed by the Crown.
- (11) The regulations may—
- (a) deem a category of persons holding an office or employment under the Crown (or two or more such categories taken together) to be an entity for the purposes of provision made under subsection (10);
  - (b) make different provision under subsection (10) for different categories of persons holding an office or employment under the Crown.
- (12) No regulations containing provision made by virtue of subsection (9) shall be made unless a draft of the statutory instrument containing them has been laid before Parliament and approved by a resolution of each House.
- (13) Regulations under this section to which subsection (12) does not apply shall be subject to annulment in pursuance of a resolution of either House of Parliament.”