

---

STATUTORY INSTRUMENTS

---

**2017 No. 328**

**The Trade Union (Facility Time Publication Requirements) Regulations 2017**

**Meaning of total cost of facility time**

4.—(1) For the purposes of these Regulations, the total cost of facility time for a relevant period is calculated by taking the following steps—

- (a) Step 1 - determine the hourly cost of each employee who was a relevant union official during that period;
- (b) Step 2 – multiply the hourly cost for each such employee by the number of paid facility time hours spent by that employee on facility time during the period (if there is only one employee who was a relevant union official, this amount is the total cost of facility time);
- (c) Step 3 – if there is more than one employee who was a relevant union official, add together each of the amounts produced by the calculations at step 2.

(2) The hourly cost for the purposes of step 1 is calculated by—

- (a) adding—
  - (i) the gross amount spent on wages by the employer in respect of the employee during the period;
  - (ii) the amount spent on pension contributions by the employer in respect of that employee during the period; and
  - (iii) the amount of national insurance contributions paid by the employer in respect of the employee during the period; then
- (b) dividing that amount by the working hours of the employee during the period.

(3) But a notional hourly cost must be used at step 2, instead of the actual hourly cost determined under step 1, where the employee is identifiable.

(4) An employee is identifiable if the employer considers that the use of the actual hourly cost will lead, when the information required to be published under these Regulations is published, to another person being able to identify the employee's wages during the relevant period.

(5) The notional hourly cost referred to in paragraph (3) must be reasonable having regard to the type of work the identifiable employee ordinarily did for the employer during the relevant period.