



Employment Protection Act 1975

1975 CHAPTER 71

PART II

RIGHTS OF EMPLOYEES

Time off work

57 Time off for carrying out trade union duties

- (1) An employer shall permit an employee of his who is an official of an independent trade union recognised by him to take time off, subject to and in accordance with subsection (2) below, during the employee's working hours for the purpose of enabling him—
 - (a) to carry out those duties of his as such an official which are concerned with industrial relations between his employer and any associated employer, and their employees; or
 - (b) to undergo training in aspects of industrial relations which is—
 - (i) relevant to the carrying out of those duties; and
 - (ii) approved by the Trades Union Congress or by the independent trade union of which he is an official.
- (2) The amount of time off which an employee is to be permitted to take under this section and the purposes for which, the occasions on which and any conditions subject to which time off may be so taken are those that are reasonable in all the circumstances having regard to any relevant provisions of a Code of Practice issued by the Service under section 6 above.
- (3) In the Code of Practice referred to in section 6(2)(b)(i) above the Service shall in particular provide practical guidance on the circumstances in which a trade union official is to be permitted to take time off under this section in respect of duties connected with industrial action.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (4) An employer who permits an employee to take time off under this section for any purpose shall, subject to the following provisions of this section, pay him for the time taken off for that purpose in accordance with the permission—
- (a) where the employee's remuneration for the work he would ordinarily have been doing during that time does not vary with the amount of work done, as if he had worked at that work for the whole of that time;
 - (b) where the employee's remuneration for that work varies with the amount of work done, an amount calculated by reference to the average hourly earnings for that work.
- (5) The average hourly earnings referred to in subsection (4)(b) above shall be the average hourly earnings of the employee concerned or, if no fair estimate can be made of those earnings, the average hourly earnings for work of that description of persons in comparable employment with the same employer or, if there are no such persons, a figure of average hourly earnings which is reasonable in the circumstances.
- (6) Subject to subsection (7) below, a right to be paid any amount under subsection (4) above shall not affect any right of an employee in relation to remuneration under his contract of employment (hereafter in this section referred to as "contractual remuneration").
- (7) Any contractual remuneration paid to an employee in respect of a period of time off to which subsection (1) above applies shall go towards discharging any liability of the employer under subsection (4) above in respect of that period, and conversely any payment of any amount under subsection (4) above in respect of a period shall go towards discharging any liability of the employer to pay contractual remuneration in respect of that period.
- (8) An employee who is an official of an independent trade union recognised by his employer may present a complaint to an industrial tribunal that his employer has failed to permit him to take time off as required by this section or to pay him the whole or part of any amount so required to be paid.