



Aim:

To outline the Authority's provisions when reservists are required to fulfil their Reserve Forces call-out obligations or are called up during a national emergency.

Scope:

All Kent & Essex IFCA employees on the payroll, who are members of the Territorial Army, Royal Naval Reserve, Royal Marines Reserve, Royal Auxiliary Air Force or other Reserve Forces who are called-out

What you need to know:

The contents of this policy are not contractual. You should refer to the Kent & Essex IFCA Terms and Conditions of Employment for contractual information relating to your employment.

The Authority reserves the right to amend this policy, following appropriate consultation, without compensation.

a. Reserve Forces Call-Out Liability

If you are a reservist you are liable to be called up under an Order of the Queen or Secretary of State for service in any part of the world. If you are called-out, you should generally be released from your employment, although the Authority may apply for exemption or deferral if releasing you would cause:

- impairment of our ability to carry out the roles and responsibilities of the Authority; or
- loss of reputation, goodwill or other financial harm

b. Notification to the Authority of Call-Out

You will receive call-out documentation, which includes a letter to be given to Kent & Essex IFCA. This letter outlines when you are to be called-out, the duration of the call-out and the employer's statutory rights and obligations.

You should notify your line manager that you have been called out and you must forward the employer's letter to the Chief Fishery Officer

Wherever possible it is intended that both you and Kent & Essex IFCA are given at least two weeks' warning of the date the reservist is required for call-out.

c. Cover during Reserve Forces Call-Out

Cover during Reserve Forces call-out should be dealt with by a re-arrangement of work, redeployment, secondment or temporary cover. The individual covering the position must be made aware that this role is offered on a temporary basis until you return from the period of Reserve Forces call-out.

d. Reinstatement

If you are called up for whole-time service, you have a legal right to reinstatement in your previous employment.

You should return to work no later than the sixth Monday following the end of whole-time service. You should confirm this in writing as soon as practicably possible. If you are unable to return to work within this timescale because of illness, you should notify Kent & Essex IFCA of this and return as soon as reasonably possible.

Kent & Essex IFCA is obliged to take you back into employment at the first opportunity on or after the notified date of availability.

Where possible you should return to your former position on terms and conditions not less favourable than those which would have applied, had there been no Reserve Forces call-out.

Where this is not possible, you are entitled to return to a position, in the most favourable occupation and on the most favourable terms as are reasonable and practicable in the circumstances.

Kent & Essex IFCA will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service related benefits.[Under The Reserve Forces Act (Safeguarding of Employment) Act 1985, an employee's service is terminated on mobilisation, but providing the employee follows the correct notification procedure under the Act, he or she can return to employment upon which their continuity of service will be restored]

e. Salary during Reserve Forces Call-Out

You will not receive a salary from Kent & Essex IFCA whilst on Reserve Forces call-out.

The MoD will assume responsibility for the Reservist's salary for the duration of their mobilisation. They will pay a basic salary according to the Reservist's military rank. If this basic element is less than the Reservist receives from the Company, it is the Reservist's responsibility to apply to the MoD for the difference to ensure that they suffer no loss of earnings. This is known as a Reservist Award.

Where mobilisation occurs the employee will be given special unpaid leave of absence.

f. Pension

If the Reservist is a member of the pension scheme, and the Reservist chooses to remain within it, Kent & Essex IFCA will suspend the employer contribution on the basis that the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions.

g. Annual Leave

Reservists are encouraged to take any accrued annual leave before mobilisation. The Authority will not accrue annual leave for a Reservist employee during the period of mobilisation. Reservists accrue annual leave with the MoD whilst they are in full time

service. When they demobilise, Reservists are entitled to a period of post-operational leave (POL). During this period they will continue to be paid by the MoD. If accrued annual leave is remaining following return from mobilisation then up to a maximum of 5 days can be carried forward (in line with Kent & Essex IFCA's usual annual leave policy)

h. Sick Pay

Should a Reservist become sick or injured during mobilisation they will be covered by Defence Medical Services and any financial assistance will continue to be received (including pay) until demobilised. If the sickness or injury continues and this results in early demobilisation, the Reservist will remain covered by Defence until the last day of paid military leave.

After this time The Reservist will be covered by Kent & Essex IFCA sickness arrangements (in line with local policy).

If the Reservist becomes ill post mobilisation, and a notional return to work date has been agreed, they will be covered by Kent & Essex IFCA sickness arrangements (in line with local policy).

i. Return to work

Both the Reservist and their employer have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return to work process

Reservist:

The Reservist must write to the IFCA by the third Monday after their last day of military service making their request to return to work and suggesting a date which should fall within 6 weeks of their last day of full-time service. This letter formally starts the return to work process.

They are also encouraged to informally contact the IFCA to discuss their return to work at the earliest opportunity, whether via a letter, a meeting or a telephone call. The formal application must be made in writing for it to be valid under the Act.

If a Reservist is not happy with the offer of alternative employment they must write to the IFCA stating why there is reasonable cause for them not to accept it. If a Reservist believes that the IFCA's response to their application denies their rights under the Safeguard of Employment Act 1985, an application can be made to a Reinstatement Committee for assessment. This committee will consider the Reservist's application and can make an order for reinstatement and/or compensation.

Employer:

Kent & Essex IFCA has an obligation under Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the Reservist, where possible to their former role, and if not, to a mutually acceptable role on the same terms and conditions prior to mobilisation.

The Reservist should be reinstated within 6 weeks of the last day of their full-time service. They must be reinstated for a minimum period of 13, 26 or 52 weeks, depending on their length of service prior to mobilisation.

j. Military Training and duties

If you are a reservist you will be required to undertake one or more periods of training each year, up to a maximum of 30 days. This is usually made up of a weekly training evening, a number of weekends, and a period of 15 days' continuous duty. There is no statutory obligation for Kent & Essex IFCA to release you for training or voluntary services.

At management discretion and subject to business and operational requirements, up to 5 days paid special leave per year for training purposes may be granted to you. Further leave requirements should be taken from your annual holiday entitlement.

You should not claim payments to compensate for potential loss of earnings whilst you are taking paid absence from the Company (e.g. special leave, holiday).

DRAFT