

Company Guidelines for Managing Reservists

Note: This document is intended as a sample template for formation of a Reservist HR policy. Further information and guidance on how this template can be adapted for your business or organisation can be obtained from SaBRE: Freephone 0800 389 5459 www.sabre.mod.uk.

1. Background

These guidelines have been written to clarify the company's obligations towards UK Regular, Fixed Term and Temporary employees who are members of the Reserve Forces and to provide guidance to help manage these employees.

There are two types of Reservist:

- Volunteer Reservists, civilians recruited into any of the four Volunteer Reserve Forces (Royal Naval Reserves, Royal Marines Reserves, TA, and Royal Auxiliary Air Force). Reservists engage for a period of 3 years at the of which they need to re-engage if they wish to remain members of the VRF
- Regular reservists, ex-regular servicemen who may retain a liability to be mobilised depending on how long has been served in the Armed Forces

2. Reservist commitments

Training

Reservists are typically committed to 30 days training per year. Training tends to take place 1 evening per week, over various weekends throughout the year and one continuous 15 day training period also known as annual camp.

{INSERT STATEMENT OUTLINING COMPANY POLICY ON ADDITIONAL LEAVE GRANTED TO VOLUNTEER RESERVISTS TO HELP THEM FULFIL TRAINING COMMITMENTS)

Mobilisation

Mobilisation occurs when a Reservist is called up into full-time military service on military operations. The maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no less than 3 months and no longer than 12 months.

The Call-out papers for mobilisation are either sent by post to the company by the Reservist's unit, or delivered in person by the Reservist to their line manager. The documentation will include the call-out date (first day of mobilisation) and the anticipated timeline. Whenever possible, the MoD aims to give at least 4 week's notice of the date they are required to report for

mobilisation, although there is no statutory requirement for a warning period prior to mobilisation.

A period of mobilisation comprises three distinct phases: 1. medical and pre-deployment training; 2. operational tour; 3. post-operational tour leave

3. Appeals for Exemptions and Deferrals

The company can apply for exemption from or deferral of call-out and mobilisation. When applying, the company must make the case that mobilisation would cause the business obvious and significant harm. Details of what to do are included in the call-out pack. The application must reach the Adjudication Officer within 7 days of the Reservist being served with a call-out notice.

If an unsatisfactory decision is received, the Company can appeal for a hearing by an Independent Reserve Forces Tribunal. Appeals must reach the Tribunals Secretary within 5 days receipt of written notice of the decision. If the tribunal rejects the application for exemption or deferral, the Company must release the Reservist for mobilisation.

4. Treatment of Terms and Conditions during mobilisation

Pay

The Company is not obliged to pay the Reservist's salary or contractual benefits whilst they are mobilised

The MoD will

- Assume responsibility for the Reservists salary for the duration of their mobilisation
- Pay a basic salary according to the Reservist's military rank. If this basic element is less than the salary element they receive 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.
- Cover the cost of contractual benefits

Pension

If the Reservist has a contributory company pension scheme, and chooses to remain in it, then the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions.

Annual Leave

Reservists should be encouraged to take any holiday accrued before mobilisation to ensure this is not lost. Annual leave during the period of mobilisation will not accrue.

5. Return to work

Providing the Reservist applies in writing for reinstatement, the company has a legal obligation to reinstate the employee in the same type of job in which they were last employed, on terms and conditions no less favourable to them than previously. However if this is not reasonable and/or practicable, the Reservist should be re-employed in a mutually acceptable alternative role.

The company must re-employ the Reservist as soon as they are reasonably able to do so from the date stated by the Reservist in their letter for reinstatement. This letter must reach the company no later than the 3rd Monday after the last day of mobilisation and must state the date they can return to the company which should be no later than the 6th Monday after the end of mobilisation.

6. Financial Assistance –

Financial Assistance for employers in the event of an employee who is a Reservist being mobilised is governed by the 'Reserve Forces (Call out and recall) (Financial Assistance) Regulations 2005. These cover additional costs above the normal earnings of the Called-up Reservist associated with replacing that employee. There are 3 types of award available:

One-off costs

- Agency fees, if a recruitment agency or employment agency is used to find a temporary replacement; or
- Advertising costs
- No financial cap on claims, but any claim must be supported by relevant documentation

Recurring costs

- Overtime costs, if other employees work overtime to cover the work of the Reservist
- Costs of temporary replacement by the amount that such costs exceed earnings of the Reservists

The maximum claim available is £110 per day. Claims can be made for every normal working day that the Reservist is away on service

An application for One-off costs and Recurring costs needs to be made within 4 weeks of the end of full time Reservist service.

Training award

- If a Reservist has to undertake additional training as a direct result of their mobilization (routine training excluded), then the company can make a claim for the cost

- Training must take place within 6 months of the employee's return to work (or within 12 months if this is not possible and written notice is provided)