

**FLINTSHIRE COUNTY COUNCIL**

<b>Date of Meeting</b>	Wednesday, 1 <sup>ST</sup> March 2017
<b>Report Subject</b>	Trade Union (Wales) Bill
<b>Report Author</b>	Chief Executive

**EXECUTIVE SUMMARY**

The Council debated and passed a Notice of Motion at its meeting on 1st March 2016 on the then Parliamentary Bill, which has since been enacted. The Welsh Government has recently published a piece of draft legislation called the Trade Union (Wales) Bill. The purpose of this Bill is to dis-apply certain of the provisions of the Trade Union Act 2016 in Wales. In supporting the previous Notice of Motion, Council was in opposition to contents of the then Parliamentary Bill.

The Bill was discussed at Cabinet on 14<sup>th</sup> February 2017. Cabinet has formally responded to the Equalities, Local Government and Communities Committee of the National Assembly for Wales. This is the Committee which is scrutinising the Bill and had invited responses to its call for evidence.

The Cabinet resolved to support the Trade Union (Wales) Bill jointly with recognised Trade Unions.

**RECOMMENDATION**

1.	That the Council supports the Trade Union (Wales) Bill, on the recommendation of the Cabinet and recognising established Council policy as set out in the Notice of Motion.
----	---

## REPORT DETAILS

<b>1.00</b>	<b>THE TRADE UNION (WALES) BILL</b>
1.01	The Trade Union Act 2016 introduced a number of controls on trade union activities within public sector employing bodies. The Act is a controversial piece of legislation. The Welsh Government has published the Trade Union (Wales) Bill which proposes to dis-apply certain of the provisions of the Act in Wales, in the interests of ‘the continued and effective delivery of public services’, specifically:- the 40% ballot threshold for industrial action to be legitimate where key public services would be affected; restrictions on facilities agreements (agreements between public sector employers and recognised trade unions for employees to be released for trade union duties in work time); restrictions on the ability of employers to deduct trade union subscriptions from their salary at source.
1.02	The Equalities, Local Government and Communities Committee of the National Assembly for Wales is scrutinising the Bill and has invited responses to its call for evidence. Whilst the call for evidence closed on 17 <sup>th</sup> February, and Cabinet has already responded with the Trade Unions in support of the Bill, Council is also invited to make a response. The Committee is aware that our meeting is taking place after the deadline and will still receive a Council response.

<b>2.00</b>	<b>THE COUNTY COUNCIL’S SUPPORT FOR TRADE UNIONS – THE NOTICE OF MOTION ON 1<sup>st</sup> MARCH 2016.</b>
2.01	<p><i>At the meeting of the County Council on 1<sup>st</sup> March 2016, the following Notice of Motion from the Leader was considered and supported.</i></p> <p><i>“Flintshire County Council notes:</i></p> <p><i>The UK Government has set out plans in its Trade Union Bill that specifically impact on local Authorities and our relationships with our employees and trade unions.</i></p> <p><i>The UK Government intends to grant Ministers the power to cut so-called “facilities time” in the public sector. This is paid time off, mutually agreed between employers and unions, for union reps to represent their members and negotiate with their employer.</i></p> <p><i>The UK Government also proposes to prohibit public sector employers assisting unions to collect their membership subscriptions through payroll (check-off) – even though this is used for a variety of other staff benefits such as cycle-to-work schemes and childcare vouchers, and even though unions often meet the costs of this.</i></p>

	<p><i>Flintshire County Council believes:</i></p> <p><i>All workers should have the right to belong to, and be active in, an effective trade union.</i></p> <p><i>Trade unions play an essential role in ensuring good industrial relations. The facilitation of trade union representatives to carry out their roles and duties, and the collection of union dues by “check-off” are useful tools in ensuring good industrial relations.</i></p> <p><i>Flintshire County Council resolves:</i></p> <p><i>Immediately to support the unions’ efforts to move members onto direct debit subscriptions, through:</i></p> <p><i>Allowing union officials access to workers;</i>  <i>Allowing additional facility time to Union representatives to visit their members to achieve this aim;</i>  <i>Allowing the distribution of union material through our email, intranet, payslips, internal mail and other communication systems.”</i></p>
--	--

<b>3.00</b>	<b>THE VIEWS OF THE WELSH LOCAL GOVERNMENT ASSOCIATION</b>
3.01	<p>The Welsh Local Government Association (WLGA) Co-ordinating Committee was due to discuss the Bill on 24th February 2017. In its report the Association comments that the Welsh Government has maintained that it did not wish to apply some aspects of the Trade Union Act to the public sector in Wales, believing that it would undermine the social partnership approach that had been developed.</p> <p>The recommendation made to the Co-ordinating Committee was to note the consultation and reaffirm the previous decision of the WLGA Council to support a distinct Welsh approach.</p>

<b>4.00</b>	<b>THE COUNCIL’S RELATIONSHIP WITH THE TRADE UNIONS</b>
4.01	<p>The Council has a long history of mutual co-operation and effective working with the trade unions. The principal recognised unions in Flintshire (public services trade unions with members in our employment) are GMB, UNISON and UNITE, and the teaching trade unions. The only industrial action taken within Flintshire in recent years has been participation in national actions over pay and conditions of employment. There is no recent history of local industrial disputes which have been escalated to industrial action. Therefore, the need to impose thresholds for trade union member participation in ballots has not been tested locally.</p>

4.02	<p>The Council has a local Trade Union Procedural and Facilities Agreement with the recognised trade unions. This Agreement has recently been reviewed and updated. The Agreement provides clarity over the types of roles undertaken by the trade unions - for example Union Learning Representatives (ULRs) and Health &amp; Safety Representatives - and steps for approving reasonable time allowances for trade union related duties. Without a Facilities Agreement it would be difficult to make sufficient provision for employees to act in trade union capacities or indeed to regulate the number of trade union officials and their total working hours on their trade union duties. Trade unions are recognised by law and play an invaluable role in negotiating changes to the terms of employment, such as the local Single Status Agreement, and in advising the workforce in times of planned organisational change such as the recent agreement to move to a Leisure, Libraries and Museums employee mutual. Employees are also entitled to trade union representation in disciplinary and other cases, and when placed at the risk of redundancy during times of service review and change. Facilities Agreements should be flexible, subject to local agreement, and are best based on recommended practice without requiring the imposition of law. The Council promotes access to trade union membership for its employees as it is in their interests to have access to advice, support and representation should they so wish.</p>
4.03	<p>The Council provides the facility for employees to pay their trade unions subscriptions through their salary. This is convenient for the employee and the trade unions and generates a transaction handling income for the Council as the employer. This is a beneficial business arrangement for all three parties. There is no practical reason to discontinue with the arrangement.</p>

<b>5.00</b>	<b>RESOURCE IMPLICATIONS</b>
5.01	None directly as the Bill, if enacted, would reinforce the status quo.

<b>6.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
6.01	Consultations held with the Flintshire Joint Trade Union Committee.

<b>7.00</b>	<b>RISK MANAGEMENT</b>
7.01	None at this early stage.

<b>8.00</b>	<b>APPENDICES</b>
8.01	Appendix 1 – Consultation Letter Appendix 2 - Equality, Local Government and Communities Committee Inquiry into Trade Union (Wales) Bill -Submission on behalf of the Welsh Local Government Association

<b>9.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
9.01	Minute 103 of the Council, 1 <sup>st</sup> March 2016.  <a href="http://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=143&amp;MId=3514&amp;Ver=4&amp;LLL=0">http://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=143&amp;MId=3514&amp;Ver=4&amp;LLL=0</a>  Contact Officer: Chief Executive Telephone: 01352 702101 E-mail: chief.executive@flintshire.gov.uk

<b>10.00</b>	<b>GLOSSARY OF TERMS</b>
10.01	<b>Recognised Trade Unions:</b> trade unions which have members who are employees of the employing body.  <b>Facilities Agreement:</b> an agreement between public sector employers and recognised trade unions for employees to be released for trade union duties in work time.