

CABINET

Date of Meeting	14 th February 2017
Report Subject	Trade Union (Wales) Bill
Cabinet Member	Leader of the Council and Cabinet Member for Corporate Management
Report Author	Chief Executive
Type of Report	Strategic

EXECUTIVE SUMMARY

The Welsh Government has published a piece of draft legislation called the Trade Union (Wales) Bill. The purpose of the Bill is to dis-apply certain of the provisions of the Trade Union Act 2016, which was passed by the UK Government, in Wales.

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.

RECOMMENDATION

1.	Cabinet is invited to make a response to the consultation.
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REPORT DETAILS

1.00	THE TRADE UNION (WALES) BILL
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 call for evidence closes on 17 February. The trade unions can be expected to be enthusiastic supporters of the Bill and its intentions.
	THE COUNCIL RELATIONSHIP WITH TRADE UNIONS
1.03	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.
1.04	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 & 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.

1.05	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.
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2.00	RESOURCE IMPLICATIONS
2.01	None directly as the Bill, if enacted, would reinforce the status quo.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None.

4.00	RISK MANAGEMENT
4.01	None at this early stage.

5.00	APPENDICES
5.01	Appendix 1 – Final Consultation letter on Trade Unions

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None. Contact Officer: Chief Executive Telephone: 01352 702101 E-mail: chief.executive@flintshire.gov.uk

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