

NOTICE OF MOTION – TRADE UNION BILL

1. Purpose of Report

1.1 Two Notices of Motion were received in relation to the UK Government's Trade Union Bill. Both of these notices were submitted to the Proper Officer less than the ten working days before the meeting required by Standing Order 15.2.

1.2 Standing Order 15.3 specifies that such a motion can be considered where the Leader decides it is a matter of urgency. The Leader has determined that the Notice of Motion received by the Proper Officer on 24 September 2015 at 12:50 hrs, proposed by Councillor Archie Dryburgh and seconded by Councillor Graeme Tait (**Appendix**) is a matter of urgent business.

2. Recommendations

Members are asked to:

2.1 consider whether or not to withdraw delegation from the Policy and Resources Committee; and

2.2 if withdrawal of delegation is agreed, consider the terms of the Notice of Motion

3. Considerations

3.1 The subject matter of the Motion – UK Government's Trade Union Bill – falls within the remit of the Policy and Resources Committee and under Item 13 of Standing Orders withdrawal of delegation is required for Full Council to consider this Motion.

3.2 The current legislation relating to trade unions and employers' associations is set out in the Trade Union and Labour Relations (Consolidation) Act 1992.

Changes in the Trade Union Bill

3.3 Trade Unions would require a 50 per cent turnout requirement for industrial action ballots, in addition to the current requirement for a majority vote in favour of action (Clause 2). In addition, Clause 3, details industrial action in "Important public services" would require a positive vote by at least 40 per cent of those entitled to vote in the ballot. "Important public services" would be defined in subsequent regulations, but currently outlined in the following categories of health, education of those aged under 17, fire services, transport services, decommissioning of nuclear installations and management of radioactive waste and spent fuel or border security.

3.4 Trade Unions would be required to include new types of information on industrial action ballots. Following a ballot, unions would have to communicate more detailed information to union members, employers and the Certification Officer, Clauses 4-6.

3.5 Clause 7 amends the arrangements for the timing and duration of industrial action, will require two weeks' notice of any action to be given to an employer (currently 7 days), and Clause 8 details that a ballot mandate for industrial action expires after four months.

3.6 There would be new legal requirements relating to the supervision of picketing. The requirements would include, for example, that a picket supervisor must take reasonable steps to communicate information to the police (Clause 9).

3.7 Clauses 10 and 11 replace the current arrangements for a union member to contribute to a union's political fund so that positive consent is required, and places requirements on unions to include more detailed information on expenditure from political funds in the annual return to a Certification Officer, which will have additional powers as part of the Bill.

3.8 The role of the Certification Officer would change with new investigatory and enforcement powers including the power to impose financial penalties of between £200 and £20,000 if breaches are made to the law and to require trade unions and employers' associations to pay a levy, funding the performance of this role.

3.9 A new power would be introduced whereby a Minister may by regulations require a relevant public sector employer to publish information relating to facility time taken by union officials. A reserve power would be created whereby a Minister may make regulations to restrict facility time. Dumfries and Galloway Council currently provide 3.4FTE towards facility time for engagement and consultation work, which is allocated by the Joint Trade Unions.

COSLA Position

3.10 COSLA Leaders met on 25 September 2015, and received a presentation from the Joint Trade Unions. COSLA made the following statement:

“COSLA stands shoulder to shoulder with the Scottish Trade Unions.

Scotland's Councils have come out in force today (Monday) to stand shoulder to shoulder with their trade union colleagues against the UK Government's Trade Union Bill.

This legislation, which has been heavily criticised, from a number of organisations and agencies would require Scotland's Councils to change their existing ways of working with the local government trade unions.”

3.11 COSLA's HR Spokesman Councillor Billy Hendry stated:

“COSLA and the Local Government Trade Unions have a shared and long established commitment to joint working. Our partnership extends beyond industrial relations to bring joint solutions to the delivery of essential and valued public services.

“COSLA Leaders are highly concerned that these changes are being brought in with no evidence to back up the assertion that this would modernise the industrial relations between councils and their trade unions. We have a constructive environment now where we work WITH our trade union partners to the benefit of all communities in Scotland. The UK Government, through this Bill, would force councils into changing the arrangements for “check off” and facility time which work well for both parties and the cost of these arrangements are already covered by direct contributions from the trade unions themselves.

“Scottish Councils are devolved public bodies and we are making it clear that we consider ourselves empowered to make our own arrangements with the trade unions in

these matters. We will honour and protect existing industrial relations arrangements in local government.

“COSLA will now work with the trade unions to persuade the Westminster Government to reconsider this unnecessary and unjustified imposition which could ultimately lead to more industrial unrest across the country.”

4. Governance Assurance

The Corporate Management Team has been consulted and is in agreement with the content of the report.

5. Impact Assessment

As this report does not propose a change in policy, the formal adoption of a plan, policy or strategy it is not necessary to complete an Impact Assessment.

Author(s)

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Approved by

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Lorna Meahan	Director Corporate Services

Appendices - 1

Appendix – Notice of Motion – Archie Dryburgh and Graeme Tait

Background Papers

Trade Union Bill - http://www.publications.parliament.uk/pa/bills/cbill/2015-2016/0058/cbill_2015-20160058_en_2.htm#pb2-l1g3