

TUB 07

Bil yr Undebau Llafur (Cymru)

Trade Union (Wales) Bill

Ymateb gan: Cyngor Sir y Fflint

Response from: Flintshire County Council

The Flintshire Joint Trade Union Committee which brings together the Leader and Deputy Leader, Chief Executive and Human Resources advisors as the collective 'employer', and the recognised Trade Unions of GMB, Unison and Unite, are united in their joint support for the Bill.

Our full Council will also debate the Bill on 1 March and a further response will be forthcoming from the wider Council membership.

We would together ask that our report is submitted as evidence in support of the Bill. We would be very willing to appear before the Committee, or provide further evidence, if that would be useful to you.

Kind Regards Colin



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.
----	--

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.
------	--

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.

This page is intentionally left blank

Equality, Local Government and Communities
Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

17 January 2017

Dear Colleague

Consultation on the Trade Union (Wales) Bill

The Equality, Local Government and Communities Committee is undertaking an inquiry into the general principles of the [Trade Union \(Wales\) Bill](#). Further details about the Bill and the accompanying [Explanatory Memorandum](#) can be found on the [Bill page](#).

Terms of reference

The Committee's terms of reference for its inquiry are:

To consider —

1. the general principles of the Trade Union (Wales) Bill and the need for legislation to ensure the continued and effective delivery of public services by dis-applying certain provisions of the UK Government's Trade Union Act 2016 as they apply to devolved Welsh authorities. The provisions to be dis-applied are as follows:
 - the 40% ballot threshold for industrial action affecting important public services,



- powers to require the publication of information on facility time and to impose requirements on public sector employers in relation to paid facility time, and
 - restrictions on deduction of union subscriptions from wages by employers;
2. any potential barriers to the implementation of the Bill's provisions and whether the Bill takes account of them;
 3. whether there are any unintended consequences arising from the Bill; and
 4. the financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum).

Invitation to contribute to the inquiry

The Committee would like to invite you to submit written evidence to assist in its consideration of the Bill. It would be helpful if you could use the above terms of reference to frame your response.

Submissions should arrive by **Friday 17 February 2017**.

If you wish to submit evidence, please send an electronic copy of your submission to: SeneddCommunities@assembly.wales

Guidance

Submissions should be no longer than five sides of A4, with numbered paragraphs, and should focus on the terms of reference.

If you are responding on behalf of an organisation, please provide a brief description of the role of your organisation.

Please see the [guidance for those providing evidence for committees](#).

Bilingual Policy

The Committee welcomes contributions in both or either of our official languages, English and Welsh. Information not submitted bilingually will not be translated and will be published in the language of submission only. We expect



organisations to implement their own standards and schemes and to comply with their statutory obligations.

Disclosure of Information

You can find further details about how we will use your information at www.assembly.wales/InquiryPrivacy. Please ensure that you have considered these details carefully before submitting information to the Committee.

Contact details

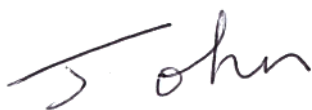
If you wish to speak to someone regarding this consultation, please use the following contact details:

Committee Clerk
Equality, Local Government and Communities Committee
National Assembly for Wales
Cardiff Bay, CF99 1NA.

Email: SeneddCommunities@assembly.wales

Telephone: 0300 200 6565

Yours sincerely,



John Griffiths AM

Chair, Equality, Local Government and Communities Committee



This page is intentionally left blank