

TUB 14

Bil yr Undebau Llafur (Cymru)

Trade Union (Wales) Bill

Ymateb gan: Unison

Response from: Unison

UNISON Cymru/Wales submission to the Equality, Local Government and Communities Committee: Consultation on the Trade Union (Wales) Bill

Introduction

1.1 UNISON is the UK's largest public services union – we have 100,000 members across Wales. Our members are people working in the public services, for private contractors providing public services and in the essential utilities. This includes frontline staff and managers, working full or part time, in local authorities, the NHS, the police service, colleges and schools, the electricity, gas and water industries, transport and the voluntary sector.

1.2 UNISON regularly engages with employers and government to protect and improve the pay and conditions of all who work in public services as well as the services they provide to society, a role directly affected by the proposals in this consultation.

General Principles of the TU (Wales) Bill and the need for legislation

2.1 UNISON supports the intentions set out in the Trade Union (Wales) Bill consultation to disapply a number of provisions contained in the UK Trade Union Act 2016.

2.2 It is essential that workers have the ability to organise collectively to defend their jobs, their livelihoods, and the quality of their working lives. Without this ability, employees will find it harder to secure pay increases and fair employment conditions. As a result, the gap between the rich and low paid in the UK will continue to grow and families will continue to struggle to meet household bills.

2.3 The working rights of people in Wales and the ability to defend those rights need to be protected as a matter of urgency. Any erosion of the working rights of people in Wales will lead to greater poverty and deprivation, as well as the impacts outlined above.

2.4 The Welsh Government rightly recognises the import role of social partnership in ensuring strong, resilient, and effective public services in Wales. The workforce is the biggest public sector resource. Around 24% of the whole active workforce in Wales is employed in the public sector and so the public sector is a huge contributor to the Welsh economy. Constructive industrial relations are clearly an essential element of a successful public sector, and trade unions form an important part of that relationship. With this in mind, social partnership is undoubtedly beneficial to the economy in Wales.

2.5 UNISON participates in the tripartite social partnership model through the Wales TUC. This model of social partnership, in the form of the Workforce Partnership Council (WPC), has been democratically agreed through the structures of the Wales TUC, and UNISON has played an integral part of that process.

2.6 This mechanism has, without doubt, been of benefit to all those engaged in the arrangement. The WPC promotes productive dialogue and negotiation in a forum which recognises each stakeholder as equal – a crucial factor in any fair and productive industrial strategy.

2.7 Tighter restrictions on trade union duties, as a result of the UK Trade Union Act 2016, are likely to prolong and escalate disputes in the workplace. As public services go through more changes and pressures in the years ahead, the impact of the UK Trade Union Act will be extremely unhelpful.

2.8 It is of benefit to the quality and delivery of public services that industrial disputes are overcome as swiftly and amicably as possible. The Welsh Government has so far recognised the constructive role in managing employment relations through social partnership and it is therefore essential the Welsh Government proceeds with the Trade Union (Wales) Bill.

2.9 Any imbalance of power in the workplace would ultimately lead to an imbalance of power within the WPC, and would render the body unfit for purpose and damage industrial relations across the public sector in Wales. This in turn would undoubtedly demoralise employees, leading to increased staff turnover and reduced workplace productivity.

The 40% ballot threshold for industrial action affecting important public services

3.1 The UK Trade Union Act 2016 is designed to restrict the ability of people at work to organise collectively, make their voice heard at work and take industrial action.

3.2 The right to strike is a fundamental one, which should be respected in a free and democratic society. A wide range of international treaties including the ILO conventions, the European Social Charter and the European Convention on Human Rights safeguards this, as confirmed by recent case law. The European Convention on Human Rights also safeguards the right to freedom of association, including the right to form and join trade unions and the right to freedom of expression without state interference.

3.3 It is UNISON's view that the UK Government failed to set out sufficient reasons for the restrictions on industrial action ballots. In fact, strikes are at a record low as this table produced by the TUC illustrates:



3.4 Workers in Wales see industrial action as a last resort and there is no evidence to demonstrate otherwise. Even before the UK Trade Union Act was introduced, the UK had one of the most regulated systems of industrial action in the worlds. Unions already have to comply with highly complex legislation, including onerous notice and balloting requirements.

3.5 UNISON is firmly committed to increasing participation in all forms of our democratic activity – including industrial action ballots. However, the 40% threshold for union ballots, imposed by the UK Trade Union Act, is undemocratic and deeply unfair when no politician is expected to meet such a threshold, nor has any referendum been expected to adhere to a threshold. In addition, it has a disproportionate impact on women, who make up the majority of the public sector workforce.

3.6 In the UK political arena, an absent vote is not regarded as a negative one. There may be a range of reasons why trade union members might not vote. There might be a positive decision to abstain. They might be on holiday or ill. They might not have an opinion on a dispute and rely on their colleagues to make their views clear. Low paid workers are more likely to move and change address – and might not regularly update their trade union with their details. It is therefore essential to remove as many barriers to participation in democratic process as possible and as such we fully support the provision in the Trade Union (Wales) Bill to disapply the 40% ballot threshold affecting important public services.

3.7 Furthermore, UNISON does not believe ‘important public services’ have been adequately defined by the UK Government. Stacking legal and technical obstacles against industrial disputes and ballots exacerbates workplace disputes and prevents their quick resolution. However, the possibility of industrial action is a key lever for workers in collective bargaining processes.

3.8 It is in beneficial to public services and the wider economy that any disputes are resolved swiftly and sensibly, and disapplying the 40% ballot threshold will support this aim.

Powers to require the publication of information on facility time and to impose requirements on public sector employers in relation to paid facility time

4.1 Facility time allows unions to undertake core trade union activity. Facility time improves industrial relations, productivity and efficiency. It is widely recognised that the benefits of facility time far outweigh the costs.

4.2 During facility time, union reps carry out a number of core duties including:

Trade union duties related to collective bargaining, on issues like: terms and conditions of employment; redundancies; job evaluation; family friendly policies; discipline; and negotiating machinery; individual representation; meetings with management and preparation for these meetings; keeping members informed about negotiations. These are all processes and circumstances that will be inevitable at some point within a workplace and so it is clearly more efficient and beneficial to have a sensible facility agreement in place to enable progress through these matters.

4.3 The focus of energy on the reporting of facility time and imposition of requirements on public sector employers in relation to paid facility time will serve to fuel the ideological attack on trade unions. Without the removal of this provision, future focus will likely be on the cost of 'tax-payer funded' facility time and will not consider the importance of facility time, the right of workers to be properly represented by their recognised trade union, or the wider benefits workplaces with facility time agreements experience.

4.4 Workplaces with facility time agreements are better placed to resolve problems and issues before they become serious. Facility time helps improve the management of change and helps employers to fulfil their legal responsibilities towards employees. Facility time allows for fully trained representatives who possess the expertise to not only provide support and representation to individuals, but also participate in mechanisms for formal consultation on a collective basis including redundancies, reorganisation, low-level grievance, conciliation, job evaluation, and negotiations on pay, terms and conditions.

4.5 Furthermore, turnover is three times higher in non-unionised workplaces compared to unionised workplaces. Unionised workplaces are safer; they report less work-related injuries and illnesses. There is an obvious cost-benefit as a result of these factors.

4.6 In 2004, research conducted by the Department for Business, Enterprise and Regulatory Reform (now BIS, Department for Business Innovation and Skills) showed that £372 – £977m pa in savings were accrued across all sectors, in large measure as a result of the presence and work of union representatives. The public sector element of this saving is 60 per cent of the total – equating to £223 – £568m pa.

4.7 Further, in our experience, public sector employers and Government in Wales have a strong preference in favour of social partnership working as opposed to draconian and regressive trade union restrictions. So demonstrating that social partnership, even in its relative infancy, is a more constructive and advantageous model to manage industrial relations for all involved partners.

Restrictions on deduction of union subscriptions from wages by employers (DOCAS)

5.1 The majority of UNISON members choose to have their membership fees taken straight from their wages (DOCAS) – a process efficient and beneficial for both employers and members. It is underpinned by three contractual arrangements – the written agreement between the staff member and the employer, the collective agreement between the employer and the union and the contract of membership between the member and the union. Not a single public sector employer has spoken up in support of removing DOCAS.

5.2 One of the claims from the UK Government that these changes have been introduced because of the cost of DOCAS and the strain on the public purse are entirely false. The cost of DOCAS is negligible. However, it must be noted employers have not provided details of any costs associated with the collection of membership fees, or other deductions such as payments to a credit union.

5.3 Further claims that DOCAS agreements are reached without input from the worker are entirely untrue. As paragraph 5.1 above states, DOCAS agreements are three contractual arrangements, including one between the staff member and the employer, the staff member and the union, and the employer and the union.

5.4 It is not the place of Government to interfere in the contractual arrangement reached between employers, employees and trade unions. It is up to those concerned to agree the best and most efficient way to manage this arrangement.

5.5 In addition, it benefits many union members, particularly those low paid members, if their union fees are deducted at source. For instance, some bank accounts designed to allow people to better manage their budgets do not have a direct debit or standing order facility. The removal of DOCAS would mean many low paid workers on precarious contracts losing their vital trade union representation. DOCAS arrangements also enable people to better manage their household budgets, which is obviously a major issue for many people in the current financial climate. It is also worth noting that other payments are deducted from source, including money for childcare vouchers, travel, and cycle scheme payments, yet none of these have come under attack. In short, people should have the choice over how to pay their union fees.

5.6 We also have concerns over the impact of removal of DOCAS will have on members who are isolated, are hard to reach, or have no access to IT either in both their working and personal lives. This would unfairly disadvantage those individuals and would potentially deny them the option of being a member of a trade union, so precluding them from the social partnership approach fully endorsed by Welsh Government.

Conclusion

6.1 UNISON is fully supportive of the Trade Union (Wales) Bill UNISON welcomes the opportunity to input into this process and would be happy to provide additional information or provide oral evidence should the committee seek it.