

Potential supporting actions for local authorities and public sector employers concerned about the trade union bill

1. Model statement for public sector employers concerned about impact on localism

The trade union bill which is currently in parliament will give central government wide-ranging powers to impose changes on how local authorities choose to manage employee relations.

The proposals include

- preventing local authorities from offering their staff the option to pay their union membership subscriptions direct through payroll
- requiring local authorities to report centrally on so-called “facility time” – that is, time that union reps are allocated to represent members, undertake health and safety duties and negotiate with managers
- government assuming the power to unilaterally cap facility time

To do this, the government proposes to revise existing employment contracts and collective agreements.

We are surprised and disappointed that this authority will no longer be able to take our own decisions around how best to manage relationships with our own employees, particularly given the government’s stated commitment to localism. We call on the government to think again.

2. Model motion on trade union bill for councils

Council notes:

- In July 2015 the government announced its trade union bill - a wide-ranging set of proposals which, taken as a package, will undermine the basic right to strike and make it harder for workers to organise effectively in trade unions.

- The proposals include ending the ban on employers bringing in agency workers to cover for permanent staff during industrial action - which fundamentally undermines the right to strike.
- The proposals will also bring in new restrictions on pickets and protests during strikes. Unions will have to give the details of a lead picketer on every picket line to the police and employers - and the government have even floated the idea of making all picketers give their details to the police. They may even be required to submit a campaign plan to the police and employers two weeks in advance - setting out what they intend to do, whether they will use a loudspeaker or carry a banner and even what strikers intend to put on social media, such as Facebook or twitter.
- The government have also proposed new thresholds for turnout in strike ballots, plus additional thresholds for those working in "important public services".
- The government want to grant ministers the power to unilaterally 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.
- The government also proposes to prohibit public sector employers assisting unions to collect their membership subscriptions through payrolls - 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.

Council further notes:

- The human rights organisations Liberty, Amnesty International and the British Institute of Human Rights have said that the government's proposals "would hamper people's basic rights to protest and shift even more power from the employee to the employer".
- The government refuses to allow trade unions to ballot their members electronically, which could help increase engagement.
- Trade unions take industrial action for a wide range of reasons including defending wages and pensions, conditions at work and safety.
- Strikes in the UK are at historically low levels.

Council believes:

- No worker ever wants to go on strike - but it is a crucial last resort for workers when their employer refuses to listen to their views, negotiate with them or compromise. The right to strike and protest are fundamental rights which should be valued and respected in a free and democratic society.
- Without the right to strike, workers will be unable to defend their jobs or pay, stand up for decent services and achieve fairness and safety at work.
- The government's proposals will undermine constructive employment relations in [place]. We believe harmonious industrial relations are achieved by meaningful engagement with trade unions and their members.
- That, in the spirit of localism, councils should be free to build positive industrial relations that work for their communities without central government interference.

Council resolves:

- To support the TUC's [and other relevant local unions'] campaign to protect the right to strike.
- To write to the Secretary of State for Business, Innovation and Skills stating the council's opposition to the government's proposals on trade unions.
- To write to the Secretary of State for Communities and Local Government [and any other relevant minister - eg the minister for the Northern Powerhouse, minister for London] stating the opposition to the interference of central government in local industrial relations as it is against the spirit of localism.
- Write to all MPs in [place] informing them of our position and encouraging them to oppose the trade union bill.
- Continue to value the importance of meaningful workforce engagement and representation through trade unions in [place].
- In the event that the government's proposals become law, in so far as is lawful for the council as an employer:
 - to continue to allow recognised trade unions to use subscriptions through payroll, or otherwise support trade unions' efforts to move members onto direct debit subscriptions, through allowing access to workers and as much notice as possible of any changed arrangements.
 - to maintain current arrangements on "facility time" for trade union reps to represent their members.
 - to commit not to use agency workers to break strikes.

