



## County Council – 1 December 2015

Please find attached item 6 (Lead Member for Resources) for consideration at the County Council meeting being held on 1 December 2015. This item was marked as to follow on the agenda published on 23 November 2015.

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## REPORT OF THE LEAD CABINET MEMBER FOR RESOURCES

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The Lead Cabinet Member for Resources, Councillor Elkin, met on 24 November 2015.

Attendance: Councillor Elkin (Lead Cabinet Member for Resources)

Also present: Councillors Pursglove and Webb

### **Notice of Motion: Opposition to the Trade Union Bill (“the Bill”)**

1.1 The following Notice of Motion has been submitted by Councillors Webb and Charman:

*“As a major employer in the area, this Council welcomes the positive benefits that arise from the relationship that we have with recognised trade unions, and seeks to encourage trade union membership in its own workforce, as well as promoting the benefits of trade union membership in the county as a whole. However, the County Council notes that the Trade Union Bill 2015 and associated secondary legislation, if enacted, would:*

- Allow agency labour to be used to substitute for striking workers (currently outlawed);*
- Introduce very high thresholds for industrial ballots, with an extra threshold in certain public services, without doing anything to improve the ability of workers to participate in ballots;*
- Severely restrict the right to picket and peacefully protest, including organising campaigns through social media;*
- Potentially reduce trade union facility time and withdraw check off union contributions in the council and other employers in East Sussex;*
- Require union members to ‘contract in’ to their union’s Political Fund every 5 years.*

*This Council believes that the relationship between employers and their employees in East Sussex through their collective representatives would be damaged by the above proposals and calls on the Government to scrap the Trade Union Bill and all associated secondary legislation.*

*We request that the Leader of the Council writes to the Secretary of State for Business, Innovation and Skills stating the Council’s opposition to the Bill and requesting that Government scrap the proposed legislation.”*

1.2 In line with the County Council’s practice, the matter has been referred by the Chairman to the Lead Cabinet Member for Resources for consideration to provide information and inform debate on the Motion.

1.3 The Bill was announced during the Queen’s Speech on 27 May 2015, described as “legislation to reform trade unions and to protect essential public services against strikes”. The announcement followed commitments in the Conservative Party manifesto 2015, which set out many of the proposals which feature in the Bill.

1.4 A summary of the Bill was set out in Appendix A of the report to the Lead Member, previously circulated to all Members.

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1.5 The Trade Union Bill includes new restrictions on the right to strike, with the introduction of a 50% voting threshold for union ballot turnouts and a new requirement that 40% of those entitled to vote must vote in favour of industrial action in certain essential public services including fire, education, health and transport. Currently a strike is valid if it achieves a majority of those voting. Whilst the definition of essential public services will be the subject of a separate consultation, it is likely to include some services within the County Council such as parts of Adult Social Care and Children's Services.

1.6 Alongside the Bill, the Department for Business, Innovation and Skills is also consulting on measures which do not currently feature in the Bill that may be achieved by secondary legislation using powers from the Bill:

- repealing the existing prohibition on hiring agency staff to replace workers participating in industrial action; and
- changes to the law on picketing, including the possible creation of a new criminal offence of "intimidation on the picket line"

1.7 In addition to the Bill's current provisions, the Government has indicated it intends to amend the Bill to abolish check-off in the public sector. Check-off is a system whereby union membership payments are deducted from union members' salaries by their employers and paid over to unions.

### Passage of the Bill through Parliament

1.8 The Bill has passed through all the House of Commons Stages and is now in the House of Lords Stages. The first reading in the House of Lords took place on 11 November 2015. The second reading, which will give the opportunity for a general debate on all aspects of the Bill, is yet to be scheduled.

1.9 There are a number of organisations in both the public and private sector that either support or object to the Bill. A number of written submissions from these outside bodies and individuals have been circulated to MPs appointed to examine the Bill during the committee stage in a Public Bill Committee. Written submissions have been made from organisations including Unison, GMB, NUT and the Taxpayers' Alliance. Details of these can be found via the links at the bottom of this report.

### Local Context

1.10 To date, the County Council has enjoyed a positive relationship with local trades unions which has resulted in the effective management of a number of large scale change programmes such as whole service restructures, the implementation of the local East Sussex Single Status pay and grading arrangements, as well as changes to contractual terms and conditions. Putting aside the impact from national related industrial action, such as annual pay awards negotiated nationally, over the course of the last 18 months, minimal reference to industrial action has been made by the unions in East Sussex.

1.11 Set against the above background and recognising our responsibilities as an employer of a large, complex, people based organisation, the Lead Member recommends an amended Motion as follows:

*"As a major employer in the area, this Council welcomes the positive benefits that arise from the relationship that we have with recognised trade unions, and seeks to encourage trade union membership in its own workforce, as well as promoting the benefits of trade union membership in the county as a whole.*

*This Council believes that the relationship between employers and their employees in East Sussex through their collective representatives would be damaged by the*

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*proposals and calls on the Government to scrap the Trade Union Bill and all associated secondary legislation.*

*We request that the Leader of the Council writes to the Secretary of State for Business, Innovation and Skills stating the Council's opposition to the Bill and requesting that Government scrap the proposed legislation."*

1.12 The Lead Cabinet Member **recommends** the County Council to –

✧ (1) note the contents of the report: and

(2) agree the amended Notice of Motion as set out in paragraph 1.11.

24 November 2015

DAVID ELKIN  
Lead Cabinet Member  
for Resources

Links:

(i) The Trade Union Bill (<http://www.publications.parliament.uk/pa/bills/cbill/2015-2016/0058/16058.pdf>)

(ii) Written submissions from outside bodies (<http://services.parliament.uk/bills/2015-16/tradeunion/documents.html>)

(iii) House of Commons briefing paper  
(<http://researchbriefings.files.parliament.uk/documents/CBP-7295/CBP-7295.pdf>)

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