

North Tyneside Council

Report to Cabinet

Date: 11 April 2016

ITEM 7(f)

Title: Council Motion on
Trade Union Bill

Portfolio(s): Human Resources

Cabinet Member(s): Cllr Bruce Pickard

Responsible Officer: Alison Lazazzera (Head of Human Resources & Organisational Development)

(Tel: (0191) 643 5012)

Wards affected: All

PART 1

1.1 Executive Summary:

Council at its meeting on 21st January 2016 considered a motion received from Members of the Council on the Trade Union Bill (see Appendix attached to this report).

The Council has called upon the Cabinet to:

- Support the TUC's campaign to protect the right to strike;
- Write to the Secretary of State for Business, Innovation and Skills stating the Council's opposition to the government's proposals on trade unions;
- Write to the Secretary of State for Communities and Local Government stating the opposition to the interference of central government in local industrial relations as it is against the spirit of localism;
- Write to our local MPs in North Tyneside 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 North Tyneside;
- In the event that the Government's proposals become law, in so far as is lawful for the Council as an employer:
 - Continue to allow recognised trade unions to collect 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;
- Maintain current arrangements on "facility time" for trade union reps to represent their members; and
- Commit not to use agency workers to break strikes.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) Consider the requests outlined by the Council Motion and agree to implement the actions contained within the Council Motion; or
- (2) Consider the requests outlined by the Council Motion and decide not to agree to implement the actions contained with the Council Motion.

1.3 Forward Plan:

It has not been practicable to give twenty eight days notice of this report. However, it is required to be considered without the twenty eight days notice being given due to the advanced stage of the Bill's progression through the parliamentary process. It is currently going through the House of Lords and is at the Report stage with a further line by line examination of the Bill beginning on 16th March 2016.

1.4 Council Plan and Policy Framework

This report does not relate to the priorities in the 2014/18 Our North Tyneside Plan.

1.5 Information:

1.5.1 Background

- 1.5.2 The Trade Union Bill will amend the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRA).
- 1.5.3 The Government's proposals within the Trade Union Bill will introduce higher strike ballot thresholds, which require a minimum of 50 per cent turnout of union members entitled to vote before action can go ahead legally.
- 1.5.4 There will also be a tougher ballot threshold for key public services, such as those provided by local government, health, fire and transport, where 40 per cent of those entitled to vote will be required to cast their ballot in favour of industrial action.
- 1.5.5 Trade unions will be required to give two weeks notice of industrial action and a mandate for industrial actions expires four months after the date of a ballot. The proposals set out information to be included on a voting paper; how the ballot result is to be provided to trade union members and information to be provided to the Certification Officer about the ballot.
- 1.5.6 The Certification Officer (who regulates unions) will be given powers to investigate unions and access membership lists even if no-one has complained about a union's activities. The regulator will also be able to impose fines of up to £20,000 on unions. The government will be able to charge unions to cover the running costs of the Certification Officer. Costs are likely to increase as the regulator has new responsibilities.
- 1.5.7 There will be an opting in process and the requirements to provide an annual return to include details of political expenditure. The proposals bring in the right to introduce a cap on facility time and prohibit public sector employers from making trade union subscription deductions from wages. Further government plans include repealing the ban on hiring agency workers to cover for striking workers and tighter controls on picket lines.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet may approve the implementation of the actions as requested within the Council motion in accordance with paragraph 1.1 above.

Option 2

Cabinet may not approve the implementation of the actions as requested within the Council motion in accordance with paragraph 1.1 above.

Option 1 is recommended should the Cabinet wish to implement the requests put forward by Council within the Council motion.

1.7 Reasons for recommended option:

The requests recommended within the Council motion cannot be implemented unless Cabinet agree to action them.

1.8 Appendices:

Appendix: Motions – Report to Council on 21 January 2016.

1.9 Contact officers:

Alison Lazazzera, Head of Human Resources and Organisational Development, tel. (0191) 643 5012.

Carol Murphy, Strategic HR Specialist, Human Resources and Organisational Development, tel. (0191) 643 5027.

Alison Campbell, Senior Business Partner, tel. (0191) 643 7038

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

(1) The Trade Union Bill [add hyperlink to the document]

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

2.1.1 There are no financial or other resource implications arising directly from this report.

2.2 Legal

2.2.1 The Trade Union Bill will amend the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRA).

2.3 Consultation/community engagement

2.3.1 Internal Consultation – the motion has been debated with Members of the Council at a meeting on 21st January 2016.

2.3.2 External Consultation/Engagement

There is no requirement for external consultation or engagement.

2.4 Human rights

The proposals within this report do not have direct implications in respect of the Human Rights Act 1998.

2.5 Equalities and diversity

There are no adverse equalities or diversity issues arising from this report.

2.6 Risk management

There are no risk management implications directly arising from this report.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

PART 3 - SIGN OFF

- Deputy Chief Executive X
- Head(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Head of Corporate Strategy X