

FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Wednesday 27 th September 2017
Report Subject	Trade Union (Wales) Act
Report Author	Chief Executive

EXECUTIVE SUMMARY

The National Assembly for Wales passed the Trade Union (Wales) Act in July 2017. The Act dis-applies key provisions of the UK Government Trade Union Act 2016 to the devolved public services in Wales including health, education, local government and the fire services.

Council previously debated the predecessor Bill in February 2017, during the consultation stage, and gave its full support to the proposals to dis-apply the provisions of the UK Government Act in Wales (the previous Council report is appended). This latest report updates Council on the passing of the legislation and confirms that the current arrangements for working relationships with recognised Trade Unions for facilities agreements and the collection of membership subscriptions through payroll at source, and the thresholds for participation in ballots for industrial action to be legitimate, will remain unchanged.

RECOMMENDATIONS

1	That the Council welcomes the passing of the Trade Union (Wales) Act.
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REPORT DETAILS

1.00	THE TRADE UNION (WALES) ACT
1.01	Trade Union (Wales) Act dis-applies key provisions of the UK Government Trade Union Act 2016 for the devolved public services in Wales including health, education, local government and the fire service.
1.02	<p>The Council debated the predecessor Bill at its meeting in February 2017. The report described the local arrangements as follows:-</p> <p>“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.</p> <p>“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.</p> <p>“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.”</p>
1.03	The introduction of the Trade Union (Wales) Act means that the current arrangements for working relationships with recognised Trade Unions for facilities agreements and the collection of membership subscriptions

	through payroll at source, and the thresholds for participation in ballots for industrial action to be legitimate, will remain unchanged.
1.04	The Act also protects the position that agency workers are prevented in Wales from covering the work of public sector employees during industrial action should the UK Government pass supplementary legislation to that effect.
1.05	The Council has since reviewed the local Facilities Agreement with the Trade Unions for employees to be released for union duties in work time. The new Agreement is both proportionate to the size and operational needs of the Trade Unions and the organisation, and is cost-effective.

2.00	RESOURCE IMPLICATIONS
2.01	None as there is no change to the status quo.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None.

4.00	RISK MANAGEMENT
4.01	None.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Council report 17 February 2017. 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 employers and recognised

	trade unions for employees to be released for trade union duties in work time.
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