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drop the
Trade
Union Bill

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August 2015

UNISON activist briefing

A summary of the whole Bill

What is the Trade Union Bill and why does it matter? The Trade Union Bill is a new set of laws that will severely restrict working peoples' ability to organise for their own rights and campaign for a more progressive society. It will go through Parliament this Autumn and could be law by February 2016 and will apply in England, Scotland and Wales.

UNISON is campaigning against the Trade Union Bill because we believe MPs should be focusing on the real problems our country faces and working with everyone, including trade unions, to solve them, rather than taking away people's right to be supported at work.

Find out more about our campaign and how you can get involved at unison.org.uk/TradeUnionBill

The Trade Union Bill has been deemed 'not fit for purpose' by an independent body

It's not just trade unions who see the flaws in this Bill, the Regulatory Policy Committee, an independent body appointed by the government to verify the costs and savings of proposed changes to businesses and civil society, deemed the government's trade union proposals as "not fit for purpose".

Find out more here: <https://www.tuc.org.uk/unionissues/tradeunion-bill/workplace-issues/independent-watchdog-slams-government-trade-union>

The Trade Union Bill undermines the right to strike

The bill subjects trade union members to unprecedented levels of civil and criminal penalties, regulations and technical and monitoring requirements.

- Workers will only be able to withdraw their labour through industrial action if 50% or more of eligible members vote in the industrial action ballot.

- For industrial action in 'important public services' 40% of all members eligible to vote would have to vote yes for a union to have a strike mandate. That means if 50% of members vote, 80% of those must vote yes.
- 'Important public services' affects UNISON members working in health and education (anyone in education delivering services to people under 17).
- If a group of workers spend part of their time delivering a service in an 'important' area, they would be covered by the 40% threshold.
- All 'ancillary' workers in health and education count as 'important public services' and are covered by this, but the government has yet to name exactly who those groups of workers will be.
- Action that meets every threshold could still be stopped on legal technicalities around whether all rules were followed. For example, new rules will require 'reasonably detailed' information on all balloting papers. Reasonably detailed is yet to be defined but lack of 'reasonably detailed' information on ballot papers could be used by employers as a basis for legal action.
- Unions must give extended notice of industrial action – 14 days, up from the current seven days.
- Unions will have new time limits on ballot mandates. After four months, whether a dispute is resolved or not, unions will have to re- ballot.

UNISON believes that the right to strike is a fundamental one, which should be respected in a free and democratic society. The UK already has one of the most regulated systems of industrial action in the world, with unions having to comply with highly complex legal requirements. The new restrictions are unnecessary and the government's own Regulatory Policy Body has found it 'not fit for purpose'.

The Trade Union Bill will allow employers to use agency workers to break strikes

Employers will be allowed to bring in agency workers when their employees are on strike.

The use of agency workers during strikes undermines the right to strike and could impact on the safety and quality of the services normally provided by trained and qualified staff.

Not only will it put those agency workers in a difficult and stressful position as they are asked to cover a service in a workplace they are not familiar with, it may also compromise the safety of the services that are provided.

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The Trade Union Bill would undermine the right to peaceful protest on picket lines

When UNISON members protest during strikes they already comply with a detailed Code of Practice but if the Bill becomes law:

- Employers will be able to apply for an injunction to stop people attending picket lines outside their workplace.
- A new criminal offence – intimidation on the picket line – could become law, and Anti Social Behaviour Orders (ASBOs) could be used against people protesting outside their workplace.
- Every single picket would have to appoint a picket supervisor who must wear an identifying badge or armband, carry a letter of authorisation, be at the picket line at all times or be contactable by the police and meet with them at short notice.
- Unions would have to give 14 days notice of any plans for protests associated with their industrial action, including what will be written on websites and in Facebook posts and Tweets. If they do not provide details, or fail to provide updates of materials, unions will face financial penalties.

Peaceful protest is an important part of an open and democratic society and there should be no place for a law that makes criminals of people making their voices heard in this way.

The Trade Union Bill will restrict facility time

New powers will require all public sector employers to publish information on the amount of money used for trade union facilities, including paid time off.

There will be new requirements on unions to publish the percentage of money spent on facility time and taken up with different trade union activities.

The government will have the power to introduce a cap on the amount of money local authorities can spend on facility time. The cap could also apply to different trade union activities.

The Trade Union Bill will give new powers for the Certification Officer (CO)

The Certification Officer (CO), the body responsible for statutory functions relating to trade unions and employers' associations, will have new powers that could restrict trade union activity.

- The CO will have new powers to impose financial penalties.
- The CO will have new powers to scrutinise how unions use their political funds; where the money goes and to what purpose.
- It will be able to initiate its own investigations without a complaint from a union member (currently investigations happen when union members complain).
- Employers and other third parties will be able to make complaints to the CO about trade unions and have them investigated.
- The CO will have new investigatory powers including the ability to seize union documents from national offices and branches.
- To fund an expanded and more powerful CO, trade unions will pay a levy that will be set by the government.

The Trade Union Bill would restrict UNISON's campaigning work with new laws on the political fund

Lots of UNISON's work is funded by our political fund. Our general political fund is what funds much of our high profile political campaigns, such as the Worth It campaign for fair pay, as well as all sorts of local projects and campaigns, such as anti-cuts campaigns, anti-racism campaigns or local campaigns against hospital closures. Our affiliated political fund goes towards work to take UNISON's policies into the heart of the Labour Party.

UNISON members choose whether to pay a proportion of their subscriptions into the affiliated political fund (Labour Link), the general political fund (GPF), both, or neither.

Under the Trade Union Bill:

- Within three months of the Commencement of the Act the union must have received written consent from every member who currently pays into the political fund (both the general and affiliated fund) to say they wish to continue paying into the fund, otherwise their subscriptions cannot go into the fund.

- Each member who wants to continue to pay into the political fund must give written consent to do this every five years. This must then be renewed every five years.
- Unions will continue to ballot members every 10 years to maintain a political fund.
- Many unions will need to change their rules before they can change any arrangements around their political funds. This makes the proposed timetable unworkable.

Attack on DOCAS/Check off

- Many UNISON members have their union subscriptions taken straight out of their wages, a method known as 'check off' or 'DOCAS' (deductions of contributions at source). This method is efficient and beneficial for both employers and unions. On Thursday 6 August the government announced they would be removing "check off" in the public sector. This would be implemented as an amendment to the Trade Union Bill.
- It will cover local authorities, NHS bodies and schools.
- The wording of the amendment on check off is still awaited. UNISON is monitoring developments daily.

Get involved

This Bill will undermine employees' ability to make their voice heard at work and hand more power over to employers. It is vital that defeating the Bill becomes the priority for all UNISON activists.

Here's what you can do now:

- Sign up to receive updates on the campaign here: unison.org.uk/TradeUnionBill.
- We will need activists to take various actions at different points during the campaign – from putting pressure on your MP to writing to your local newspaper and attending demonstrations. The key thing now is to sign up to updates on the website so that we can all act together.
- Take part in UNISON's survey now to give us your thoughts on the right to strike: <https://goo.gl/STZngm>
- Sign the TUC's petition against agency staff being used during strikes: <https://campaign.goingtowork.org.uk/petitions/don-t-let-employers-use-agency-temps-to-break-strikes>

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- Read and share Dave Prentis's blog on the Trade Union Bill: <https://www.unison.org.uk/news/generalsecretaryblog/2015/08/time-for-the-government-to-get-its-priorities-straight/>
- Arrange attendance at the demonstration on 4 October in Manchester. Find out more: www.unison.org.uk/4thOct2015
- Talk to members in your branch about the campaign against the Bill and ask them to sign up for email updates at unison.org.uk/TradeUnionBill