

An illustration of a hand in a blue suit sleeve tipping a scale. On the left pan, a small blue figure stands. On the right pan, a group of grey figures stands. A red triangle is at the base of the scale.

NO TO THE TRADE UNION BILL

A THREAT TO ALL OF OUR RIGHTS AT WORK



What the Conservatives are calling the 'Trade Union Bill' is in reality a threat to all of our rights at work. What it contains, and other proposals, will enshrine in law a series of wide-ranging measures that will significantly constrain trade unions and working people in organising collectively.

It places extreme and severe restrictions on the 'right to strike', by attacking trade unions in this way it will strangle peoples'

most powerful way of protecting their rights at work. The impact of these measures will be to make it much harder for working people to achieve better pay and working conditions. And we can't ignore those measures in the Bill and others that are about rigging the rules of government in their favour, silencing voices and stifling peaceful protest – undermining basic freedoms with measures that are undemocratic and authoritarian.

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PLACING EXTREME AND SEVERE RESTRICTIONS ON THE 'RIGHT TO STRIKE'

Employers will be able to replace striking workers with agency workers, and by making complicated law even more complex unscrupulous employers will find it easy to tie trade unions up in the Courts on tiny technicalities.

- **Using agency workers to replace striking workers is dangerous and undermines the right to strike**

We would become one of the very few countries in Europe to allow employers to replace striking workers with agency workers. Britain and other countries currently stop this from happening. This is because in many workplaces having agency workers doing unfamiliar jobs could pose a serious health and safety risk to themselves and others, and in jobs delivering services to the public inexperienced staff will mean a much worse service. In practice it would undermine peoples' right to strike. (This proposal is not in the Bill; it requires secondary legislation to amend 'The Conduct of Employment Agencies and Employment Business Regulations 2003, Regulation 7).

- **Outlawing nearly half of all strikes**

The government is proposing to build the barriers to ordinary people being able to exercise their right to strike even higher. Strike action is peoples' last resort when dealing with difficult employers and many disputes are resolved before they reach this point. Strikes that do not get a 50% turnout (Clause 2) and a 40% 'yes' of all entitled to vote in important public services (Clause 3) will be banned. Under these measures nearly half of all strikes since 1997 would now be illegal.

- **Making already very detailed and demanding laws even more complicated**

Trade unions already have to meet extremely detailed, onerous requirements for any industrial action to comply with the law. This already enables unscrupulous employers to take advantage of the legal complexity and use the Courts to rule out industrial action ballots on tiny technicalities. They want to put an arbitrary time limit on how long a ballot result is considered valid (four months, Clause 8) – even if an employer refuses to negotiate and the dispute remains unresolved because of their actions a trade union would have to re-ballot. At the same time as this trade unions, who already provide detailed written notice of industrial action to employers 7 days in advance, will have to extend the notice to 14 days (Clause 7). Extra complexity will also be introduced by trade unions having to specify industrial action plans on ballot papers – it is not clear if this will bind unions even though circumstances may change (Clause 4).

STRANGLING PEOPLES' MOST POWERFUL WAY OF PROTECTING THEIR RIGHTS AT WORK

The governments' proposals don't just stop at corroding the right to strike. They want to restrict the amount of time trade union workplace representatives can spend on helping people at work in the public sector, have unveiled vindictive plans to stop the easy collecting of trade union subscriptions and the Government wants to give themselves and regulators additional wide ranging powers and introduce a number of obligations that are unnecessary, costly and time consuming to try and drain resources from trade unions.

- **Trying to erase the time peoples' workplace representatives spend on making working lives better**

Facility time is where employers agree that an elected trade union representative spend some, or all if needed, of their working time on duties such as; supporting members in disciplinary and grievance procedures; negotiating pay, working conditions and pensions; representing people and being consulted over workplace restructuring or job losses; health and safety duties and promoting learning new skills and training a work. The Bill gives the government the power to require all public sector employers – and the power to extend this requirement to contractors – to say how much trade union facility time costs (Clause 12) and are proposing the government give itself 'reserve powers' to put an arbitrary cap on the amount an organisation can spend on facility time (Clause 13). This would restrict the existing legal rights to facility time trade unions have and would be the government interfering in an individuals' employment contracts and public sector collective agreements. All of this is despite the fact that employers have made these agreements voluntarily with trade unions.

- **Tying over 6 million people down in unnecessary red tape – and making them pay for it**

The government is proposing that the Certification Officer (CO) – who already regulates trade unions is given the power to investigate a union on its own volition or on complaints from third parties, such as employers. This opens the door to vexatious complaints. The CO will also be given powers to seize records – from national offices and workplace branches – be able to fine trade unions from £200 and up to £20,000, and any peaceful protests linked to industrial disputes would have to be reported to employers and the CO - even on any planned use of Twitter and Facebook. If they fail to do so they could be fined (Clause 14-16, Schedule 1-4). To pay for these increased powers – and the bureaucracy the CO would need to exercise them - the Bill will enable the government to charge trade unions to cover the

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**77% OF ALL ADULTS AGREE
THAT TRADE UNIONS ARE
ESSENTIAL TO PROTECT
WORKERS' INTERESTS**

REALITY CHECK

British workers are already some of the least protected in Europe and because of the restrictions on the right to strike and trade union organisation we already have, Britain is regularly found in breach of its obligations by the International Labour Organisation (part of the UN).

running costs of the CO (Clause 17). This is currently £1 million a year but would be much more in the future if the Bill passes.

- **Vindictive plans to stop the easy collection of subscriptions to squeeze the finances of trade unions**

At the moment lots of large employers in the private- including FTSE 100 companies - public and not for profit sector operate 'check off' where trade union subscriptions are deducted at source from peoples' wages. The government previously stated to the PCS that it cost them just 18p for each union member, each year to operate 'check off' – other employers say that the cost is insignificant with e-banking.

The Tories want to use this Bill to give themselves the power to stop 'check off' being used across the public sector. It is a cynical, transparent ploy to make trade unions spend resources on having to re-sign members at the same time as the governments' own Office for Budget Responsibility says there is going to be a further 500,000 job losses in the public sector. (Announced by government on 6th August 2015).

SILENCING VOICES, STIFLING PEACEFUL PROTEST AND PICKETING

The government proposals include measures that aim to shrivel the resources available for political campaigning, introduce absurd restrictions on using social media, potentially criminalise peaceful picketing and monitor trade union peaceful protests in a way that is unacceptable in a modern democracy. This comes after passing laws that gag the campaigning work of charities and NGOs. We also know they want to redraw the electoral boundaries for Parliament in a way that would favour the Tories in future elections.

These are assaults on basic freedoms and civil liberties. All in all, there is a bigger picture of a government trying to silence voices and stifle peaceful protest opposed to their policies and trying to rig the rules of government in their favour.

- **Trying to constrain trade unions from political campaigning**


Unite has a political fund, which costs each Unite member on average just 2p a day. Without a political fund trade unions could not engage in any national campaigning activity that was critical of the government of the day. Trade unions already have to ballot their whole membership about whether to have a 'political fund' every 10 years and each individual has the right to opt out of the political fund at any point if they want to. But the government want to change this so that a union would have to contact every individual member every 5 years and get them to agree to opt in to the political fund, each time (Clause 10). As the current system is already democratic, the only reason the government has to meddle in internal, democratic decision making in this way is to try and massively restrict the amount of money available for unions to campaign politically. This is also about the Conservative government attacking a funding stream of their main opposition party – yet another assault on democracy.

- **Restricting the right to peaceful protest and picketing**

Picket lines are peaceful protests outside peoples' place of work when they are on strike – it enables people to draw attention to why they feel they have had to take industrial action and explain the reasons for the dispute to others. There are already detailed and significant requirements placed on on trade unions, including limiting numbers to six people, set out in a 'Code of Practice' on picketing.

But this government wants to additionally make unions appoint a 'picket supervisor' who has a 'letter of authorisation' from their trade union that they will have to carry with them and present to police or 'any other person who reasonably asks to see it', the 'supervisor' will have to wear a badge or armband that identifies them, and trade unions will have to give the 'supervisor's name and contact details to the police. The supervisor must be present at the picket or able to attend at short notice (Clause 9). In addition the Tories are consulting on proposals that unions would have to tell employers, Certification Officer and police when a union is planning a picket or protest linked to industrial action, how many will be attending and whether it will involve 'loudspeakers, props, banners etc' and report on their plans to run Twitter and Facebook accounts. If trade unions do not do this, or do not inform the CO and police of any updates in their campaign plans they could be fined (under consultation).

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These are serious restrictions on basic democratic freedoms in a modern democracy, as well as being a waste of police time.

SO WHY IS THE GOVERNMENT MAKING IT MUCH HARDER FOR WORKING PEOPLE TO ACHIEVE BETTER PAY AND WORKING CONDITIONS FOR THEMSELVES?

The cumulative impact of the government's proposals is to further load the scales against people improving their working lives.

Because that's what trade unions are - collections of ordinary people working together to get better pay, working conditions and protect their jobs and pensions. Industrial disputes only escalate to having to take strike action when employers refuse to genuinely negotiate. Strikes are a symptom of poor industrial relations, not the cause. In our experience where employers have tried to tie a dispute up in legal technicalities, refuse to enter genuine negotiations and tackle the concerns of their workers it makes disputes more acrimonious and harder to resolve. People who have often worked hard, maybe regularly gone the extra mile in their job and then find themselves in dispute with an employer see their concerns dismissed. This has a lasting, negative impact on industrial relations.

Making it nearly impossible to take strike action, strangling trade unions who are peoples' most powerful way of protecting their rights at work, and eroding basic freedoms just gives the green light to bad employers to behave badly. This leaves working people with little or no power to stop employers imposing worse pay and working conditions, cutting jobs or pensions. By making life harder for working people and easier for bad employers this government is damaging industrial relations and showing itself to be against the interests of working people everywhere.

REALITY CHECK

Facility time and the work of trade union representatives are a huge benefit to our economy, not just a cost. Using government methodology the TUC has estimated that trade union workplace representatives contribute to overall productivity gains worth between £4bn and £12bn to the UK economy

REALITY CHECK

Government own figures show that higher pay is associated with trade union workplaces – pay is over 16% higher across all employees and a whopping 30% for women! If we want higher pay for all, we need stronger trade unions!

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