

<b>Committee:</b>	<b>Date:</b>
Establishment Committee	28 October 2015
<b>Subject:</b> Trade Union Bill	<b>Public</b>
<b>Report of:</b> Remembrancer	<b>For Information</b>

### **Summary**

This Report advises the Committee of the provisions of the Trade Union Bill currently before Parliament. The principal measure in the Bill is the introduction of a fifty per cent minimum turnout for industrial ballots, with an additional requirement for forty per cent of eligible members to have supported action in certain key public sectors (not including local government). Other measures of interest to the Committee are new powers for the Government to require the publication of information about, and to place restrictions on, 'facility time' afforded to union representatives in public sector bodies.

### **Recommendation**

It is recommended that the Committee notes this report.

### **Main Report**

1. The Trade Union Bill was introduced in Parliament shortly after the Summer Recess and is presently being considered in the Commons. It would give effect to the Conservative Party's manifesto commitments about industrial action. The Bill looks set to be one of the most contentious measures of the present parliamentary session, and has provided an early opportunity for Jeremy Corbyn's Labour Party to unite against the Conservative Government.
2. The principal measure in the Bill, and the one which has attracted the greatest public attention, is the introduction of voting thresholds for ballots on industrial action. A requirement for fifty per cent of eligible union members to have voted will apply to all ballots. In certain key public sectors, there will be a further requirement that forty per cent of eligible members vote in favour of industrial action. Those sectors include health, education, fire and transport, but not local government.
3. Other measures of interest to the Committee are two new powers for the Government to make regulations about union representatives employed in the public sector, and in particular about the paid 'facility time' afforded to such representatives. First, public sector employers may be required to publish information about the number of union representatives employed by them, the amount spent paying such representatives for facility time (and the proportion of the employer's total pay bill this represents), the proportion of facility time devoted to particular categories of union business, and any facilities provided

by the employer in connection with facility time. Second, the Government may restrict the facility time afforded by public sector employers to union representatives, by reference either to the proportion of working time spent by representatives on union business or to the proportion of an employer's total pay bill attributable to facility time. The definition of "public sector employer" is currently uncertain, and discussions are taking place with departmental officials in order to make clear that it would only apply to the Common Council in its capacity as a local authority, police authority or port health authority.

4. In its capacity as a local authority, the Common Council is already required by the Local Government Transparency Code to publish information about facility time. There is a large degree of overlap between this information and that covered by the Bill. The new provisions are thus unlikely to add much of substance, if anything, to the existing requirements. Any binding restrictions on facility time would be novel. The Government has however indicated that this approach will only be used as a "last resort," if publication requirements do not succeed in discouraging what it considers to be bad practice.
5. Any developments of interest as the Bill passes through Parliament will be reported to the Committee as necessary.

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