

## Equality, Local Government and Communities Committee

### Focus Groups - Trade Union (Wales) Bill

As part of the Equality, Local Government and Communities Committee consultation on the Trade Union (Wales) Bill, the National Assembly for Wales's Outreach Team facilitated two focus groups with members of a community health council and a PTA group respectively.

The purpose of these focus groups were to understand their views on the following aspects of the Bill, namely:

- Check-off;
- 40% ballot threshold; and
- Facility time.

It also proved an opportunity to discuss the implications of both the UK Government's Trade Union Act and the Trade Union (Wales) Bill.



**Focus Group:** Community Health Council

**Location:** Arfon

**Participants:** 4

**Theme:** Check-off

<b>What's happening now?</b>	<b>What are the proposed changes?</b>
<p>The UK Government's Trade Union Act <b>limits</b> the ways people can pay for their trade union membership. Normally it can be deducted straight from the <b>wages</b> of workers in the public sector. This is known as check-off.</p> <p>Under the UK Government's Trade Union Act, trade unions must now offer workers more than one option to make payments.</p> <p>The UK TU Act means that workers will no longer be able to automatically expect that subscription payments to a trade union will be made via wages, but will be given a number of options to make payments, for example via direct debit or card payments.</p>	<p>The Trade Union (Wales) Bill will remove the restrictions placed on check-off.</p> <p>In disapplying the provisions on check-off, employers are not under any duty to provide check-off facilities, nor are they prevented from seeking reimbursement for costs where they do.</p>

**Question 1: What impact could this restriction on being able to pay your trade union subscription have on subscribers? Why?**

Some of the participants felt that some people didn't want things taken straight out of their bank accounts. However, many of the participants felt that taking the onus away from the employer will see trade unions becoming "*closed shops and they'll suffer from poor take-up of subscriptions*".

Participants explained that they dealt with many workers who earn low incomes, and also explained that some don't have bank accounts. The restriction on check-off would then make it difficult to make alternative payments.

Some participants felt that people would leave the unions if check-off wasn't deducted automatically. If onus changed, people would be less likely to subscribe to membership. It would also be difficult for some people to manage their financial affairs.



**Question 2: How might the restriction on check-off impact on you?**

The participants felt that they wouldn't be directly impacted by the restriction on check-off, but did acknowledge the potential implications for those on low incomes.

Participants discussed the ease with which people could bank 10 years ago, and the difficulty many people face trying to access face to face banking (particularly in rural areas). Many people face the same problems with the Post Office. There is an added cost implication for bills paid through the Post Office (payment of which incurs a mandatory charge). This may have a knock on effect on low wage workers who are faced with a restriction on check-off.

**Question 3: What impact does having a number of options to pay subscription fees affect subscribers?**

The participants were concerned about how the changes to having a number of options to pay were being communicated to employees. Many felt that increasing the number of options brought with it an added element of risk.

One participant disagreed, and felt that impact would be minimal if options were promoted, regulated and monitored properly, thereby having minimal effect on subscribers.

Some of the participants felt that subscribers may become confused by the number of options, and would have sole responsibility of setting up the alternative payments correctly. There is a danger that if people are faced with too much choice, they will opt out.

One participant explained how there was a wide gap in the workforce in terms of digital / financial literacy and the more modern methods of subscribing – communication would be key in this instance and there shouldn't be an assumption that everyone e-banks.

Another participant wondered about how issues would be resolved, if a subscriber mistakenly believed they were in fact subscribed when they hadn't.

Some participants in the group questioned the cost benefit of introducing such a change to the system: *"It isn't broken."*

**Question 4: What impact do you think this change to check off facility have on the relationship between unions and employers?**

Participants reiterated the original point they raised, namely that the impact may lead to withdrawal of membership and a closed shop for trade unions.



## Theme: 40% Ballot Threshold

What's happening now?	What are the proposed changes?
<p>The UK Government's Trade Union Act makes provision that at least 50% of all union members entitled to vote must vote, and of those who voted, a majority need to vote in favour.</p> <p><b>Therefore, if there are 1,000 members, at least 500 must vote in the ballot, and at least 251 must vote in favour.</b></p> <p>The UK Trade Union Act includes additional ballot thresholds for those working in what are considered to be 'important public services' (Health, Schools and Fire and Rescue). For those working in these sectors, in order for strike action to happen, they must not only ensure a simple majority of members vote in favour of industrial action, but they must ensure that 40% of members vote in favour rather than a simple majority.</p> <p><b>So, for example, if the union had 1,000 members eligible to vote, 40% must vote in favour of industrial action (400). So, if 500 members voted, 400 must vote in favour, not simply the 251 required for other services.</b></p>	<p>Trade Union (Wales) Bill would not change part of the UK Act that says at least 50% of all members entitled to vote must exercise their right to vote.</p> <p>The Trade Union (Wales) Bill would remove the need for 40% ballot threshold for 'important public services'.</p>

### Question 1: Should doctors in a hospital setting for example, expect to be able to take industrial action based on a simple majority of members voting?

Participants felt strongly that anyone who works in a position of public service shouldn't expect to be able to take industrial action based on a simple majority of members voting. This was, they felt, because it endangered the public: "*How can you not have a risk to people during strike action?*"

Participants felt that by the very nature of public service work, employees must uphold their duty of care, and situations should never escalate to strike action. "*Fair and meaningful discussions*" should take place to avoid strike action at all cost.

One participant explained that those in the health sector shouldn't have to strike if issues were properly managed. In the instance of strike action, employers shouldn't put employees in a situation where they have to strike.



**Question 2: If the law makes it harder for doctors to take industrial action, what would that mean for the relationships between employers and employees in your view?**

Some participants felt that if the law would be changed in this way, the new law should outline a meaningful proposition, namely that the rights of the employee are recognised by the employer.

Participants felt that every employee should have the right meaningful dialogue with their employer. If this isn't achieved, one participant felt that the Welsh Government should arbitrate. However, following a discussion between each other, the group then decided that any arbitration should be facilitated by an independent body.

However, some participants felt that there needed to be a change in culture: there is a prevalence of people's perceived "*individual right to strike. It's a complex argument*".

One participant felt that there shouldn't be poor relations between employers and employees in any event: "*...with good management in place you get better outcomes and it's not autocratic*".

**Question 3: What would it mean for NHS users like yourselves / patients?**

Participants felt that it would be a better outcome for patients and NHS users like themselves.

**Question 4: Is the 40% threshold a good or bad thing in your opinion for important public services?**

One participant agreed with the position put forward by the Welsh Government and felt that the "*Westminster position was over-prescriptive*".

The remaining three participants agreed with the Westminster position.



## Theme: Facility time

What's happening now?	What are the proposed changes?
<p>The UK Government's Trade Union Act gives the UK Government power, to require that public sector employers publish information about the amount of time people trade union officials spend on carrying out trade union duties at work.</p> <p>The Act would also give the UK Government the ability to cap the percentage of the employers' total pay bill spent on paying union official for facility time and to restrict the right of union officials to facility time.</p>	<p>The Trade Union (Wales) Bill seeks remove the need to publicise information about facility time.</p> <p>It will also dis-apply the regulation about information on facility time, and capping spend on, or limiting facility time allowed by devolved Welsh authorities.</p>

### Question 1: Should Trade Union officials be entitled to take on union duties during work hours if the union and employer have agreed to this?

Participants reiterated a point they raised earlier in the session. Namely, meaningful discussions must take place to avoid strike action at all costs.

For the benefit of transparency, the participants felt that union duties during work hours should be published and time shown – but not to restrict time in anyway.

### Question 2: To what extent would patients for example, expect to know how many hours any person has spent on union duties?

Participants felt that patients wouldn't be interested in knowing how many hours any person has spent on union duties, but they did feel that facility time wasn't the ultimate issue but its wider impact – "*patients just want to be treated*".

Some participants discussed the impact of "*paid disturbance allowance*". Union business does often take place during working hours and many officials would need to travel across the country to meetings. Facilitating for this can cost a lot of money, and consideration by the trade unions should be given to the employer. Some officials play the system.



**Question 4: What impact do you think it would have on the health service if a trade union official could not carry out his or her union duties for members in a local hospital during working hours?**

In order to facilitate fair and meaningful discussions to avoid strike action, the participants agreed that it was essential for a trade union official within the sector to undertake union duties for members during working hours. This shouldn't be a problem if all hours were published in order to maintain transparency.

**Question 5: Do you have any experiences, if at all, with a union official carrying out union duties for membership your workplace during working hours?**

Participants did not have any experiences with a union official carrying out union duties for membership during working hours.

**Question 6: What impact would it have on the work of the union official? Positive / negative?**

Participants felt that having to conduct work outside of working hours would be onerous on the official, and would perhaps be onerous on employees too, in reporting issues in the first instance.

**Other comments**

Some of the participants felt that party political use of membership fees was a problem. Trade union subscription don't give potential subscribers the option to opt-out their fees being used to fight elections: *"Many people don't realise that their fees are given to one party and aren't given the option to opt out".*

