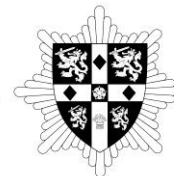


Safest People, Safest Places

County Durham and Darlington  
Fire and Rescue Authority



## COMBINED FIRE AUTHORITY

21 MARCH 2017

TRADE UNION ACT 2016

---

### REPORT OF CHIEF FIRE OFFICER

---

#### PURPOSE OF THE REPORT

1. To inform members of the commencement of the Trade Union Act 2016, the key provisions that it implements and to explain what this means for the Fire and Rescue sector.

#### BACKGROUND

2. On 1<sup>st</sup> March 2017 the Trade Union Act came into effect, superseding the Trade Union and Labour Relations (Consolidation) Act 1992.
3. The Trade Union Act implements a number of provisions to ensure strikes can only go ahead as a result of a clear and positive democratic mandate from union members. The legislation can be found through the link below:

<http://www.legislation.gov.uk/ukpga/2016/15/contents/enacted>

#### KEY PROVISIONS

4. The Act ensures that industrial action can only go ahead when there has been a ballot turnout of at least 50% of the members of the particular trade union who are eligible to vote.
5. In addition to this, in the case of Fire and Rescue Services (as well as other essential public services) for the industrial action to be classed as legal, at least 40% of those who are eligible to vote, must vote in support of the industrial action. In practice this means that if the turnout for the vote was only 50% then 80% of those who actually voted would need to support the proposed action.
6. Under current provisions industrial action must take place within 4 to 8 weeks of the ballot being held and action can be taken indefinitely providing the dispute remains live. The Trade Union Act repeals this and brings in new provisions that mean a ballot expires after six months or up to nine months if both sides agree to an extension. Unions will also have to give 14 days' notice of any industrial action (unless the employer agrees that 7 days' notice is sufficient). The current requirement is to give a minimum of 7 days' notice.

7. The Act requires more information to be included on the ballot voting paper, including:
  - a summary of the particular dispute;
  - an indication of timings of any action taken; and
  - the duration of any action.
8. There is a requirement for a more transparent process for trade union subscriptions that allow members to have a choice regarding whether or not to pay into political funds. There will be a 12 month transition period to opt-in to political funds.
9. The Act gives powers to a Certification Officer to ensure new and existing rules are always followed by unions in the event of an industrial dispute.
10. Changes to the annual returns filed by unions with the Cabinet Office, including a requirement to set out details of any industrial action taken in that period.

### **IMPLICATIONS FOR THE AUTHORITY**

11. The Authority is proud of its strong relationship with the various trade unions and staff associations that represent our workforce. This relationship has resulted in significant efficiencies being delivered in response to cuts to funding from the government.
12. The Act is designed to make it more difficult for any trade union to take industrial action. The extended notice time of 14 days will reduce the time pressures on the provision of contingency and resilience cover.
13. Periods of industrial action may be shortened now that a potential decrease in appetite for industrial action by union members can be reflected in further ballots due to expiry timescales.

### **NEXT STEPS**

14. The Service will review all relevant policies and procedures relating to industrial action and discuss these with the trade unions through the normal consultation processes prior to presenting any changes to the Authority for approval.

### **RECOMMENDATIONS**

15. Members are requested to:
  - (a) **note** the key provisions of the Act;
  - (b) **note** the potential implications for the Authority now the Act has been introduced.

Stuart Errington, Chief Fire Officer, 0191 375553