

TUB 09

Bil yr Undebau Llafur (Cymru)

Trade Union (Wales) Bill

Ymateb gan: ATL Cymru

Response from: ATL Cymru

Trade Union (Wales) Bill – Equality, Local Government and Communities - ATL Cymru response

1. ATL Cymru, the education union, is an independent, registered trade union and professional association, representing teachers, head teachers, lecturers and support staff in maintained and independent nurseries, schools, sixth form, tertiary and further education colleges in Wales. AMiE is the trade union and professional association for leaders and managers in colleges and schools, and is a distinct section of ATL. We recognise the link between education policy and members' conditions of service.

2. As members of Wales TUC we fully support their response to the TU Bill.

3. In the ATL response to the UK Government's consultation on the Trade Union Bill we said:

3.1 Executive Summary

- ATL is not party-affiliated and its members view industrial action as an absolute last resort. We believe this highly political bill takes disproportionate action to diminish the rights of ordinary employees in schools and colleges up and down the country.
- For a [UK] government that in education, in business and economic policy, and in other sectors has proclaimed to want to reduce red tape and bureaucracy, the Trade Union Bill offers a package of regulation that can be reasonably deemed to be an excessive control of employees' rights in their working lives.
- Taken as a whole the Trade Union Bill and related changes to regulations proposed by the government are a

severe and unnecessary weakening of ordinary people's rights at work, many of whom, from a sense of duty to children and public service, work long hours in the name of education. We think it is inappropriate that government has not presented a single consultation on all aspects of proposed trade union reform.

- Removing rules that prohibit the use of agency workers to cover duties of employees taking action undermines the rights of hard-working public servants whose jobs may be threatened by the stretched circumstances schools and colleges find themselves in. ATL is concerned that government will put pressure on headteachers and principals to keep schools and colleges open despite the risk to children's safety and there being a strong likelihood of the quality of public service being very hard to maintain.
- The bill's provisions for the regulation of picketing appear designed to make life difficult for trade unions rather than to ensure a proportionate and balanced approach that serves employers, employees and the public.
- ATL would not undertake industrial action without a strong mandate from its members. Nevertheless, we question why ordinary people's workplace democracy is restricted by the 50% turnout base when political elites do not face such barriers to their election. The 40% support criterion applying to newly-defined important services is arbitrary and cumbersome.
- If the government truly wishes to increase the democratic participation of union members in industrial action ballots then the most effective way to start this discussion would be directly with trade unions. If government believes industrial action has too big an impact on the country then it should make proper effort to seek to resolve issues in the public sector before disputes get to that stage, in turn setting a good example for localised and private sector employment relations. The Trade Union Bill offers no commitment to working with unions in a mature and

positive way and will weaken government/employer-employee relations, increasing the likelihood of disputes, industrial action at a cost to the economy.

3.2 Our full response to the BIS consultation can be found here <https://www.atl.org.uk/Images/ATL%20response%20to%20BIS%20consultations%20re%20Trade%20Union%20Bill.pdf>

4. Social partnership

4.1 We fully support the Social Partnership model used by Welsh Government and the public sector in Wales and would encourage them to continue to engage with us as representatives of the workforce.

4.2 We agree with Wales TUC that conversations can be sometimes be “difficult”, but we believe that the Social Partnership approach is a good one.

5. Facilities-time

We agree with the Wales TUC assessment of facilities time and would agree that it is welcome as a valuable tool for employers to engage with unions and for training to be provided.

6. Ballot threshold

As stated above, we have described this threshold as “arbitrary and cumbersome”. We would therefore seek to agree with WG that this be dis-applied.

7. Conclusion

In conclusion we support the general principles of the TU (Wales) Bill.

8. Mary van den Heuvel
Policy Advisor
ATL Cymru

mvandenheuvel@atl.org.uk