



Buckinghamshire & Milton Keynes Fire Authority

MEETING	Executive Committee
DATE OF MEETING	16 September 2015
OFFICER	Jason Thelwell, Chief Fire Officer
LEAD MEMBER	Councillor Adrian Busby
SUBJECT OF THE REPORT	Trade Union Bill - Response to Consultation Under Delegated Powers
EXECUTIVE SUMMARY	<p>The purpose of this report is to bring to the Committee's attention the response of the Chief Fire Officer to consultation documents issued on 15 July 2015 by the Department for Business Innovation & Skills (BIS) in relation to the proposals in a) the Trade Union Bill and; b) the draft Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2015.</p> <p>The deadline for response was 9 September 2015. The response (Appendix) was submitted on 4 September 2015 after consultation with the Chairman.</p>
ACTION	Information.
RECOMMENDATIONS	It is recommended that the response of the Chief Fire Officer be noted.
RISK MANAGEMENT	The recommendation has no impact on service delivery.
FINANCIAL IMPLICATIONS	None arising from the recommendation.
LEGAL IMPLICATIONS	The Chief Fire Officer is authorised under the Authority's Scheme of Delegation to Officers to make a formal response on behalf of the Authority to any Government Consultation with prior consultation with the Chairman of the Authority.
CONSISTENCY WITH THE PRINCIPLES OF COLLABORATION	The content of the final response has been shared with the Chief Fire Officers of the Thames Valley FRAs.
HEALTH AND SAFETY	None arising from the recommendation.
EQUALITY AND DIVERSITY	None arising from the recommendation.

<p>USE OF RESOURCES</p>	<p>The content of the response has been shared Mr Neil O'Connor, Director of Fire, Resilience and Emergencies at DCLG at his invitation.</p>
<p>PROVENANCE SECTION & BACKGROUND PAPERS</p>	<p><u>Ballot thresholds</u></p> <p>The Trade Union Bill would introduce a 40% ballot threshold in support of taking industrial action in 'important public services' from those entitled to vote.</p> <p>The definition of 'important public services' will be left to be specified in future regulations, but the Bill states that it will include services within the "fire services"(sic) sector.</p> <p>The Bill also includes clauses that would require a trade union to provide an employer with 14 days' notice of industrial action after it has secured a ballot mandate and before any such action is taken (extended from the current 7 days); would remove the current requirement that there must be some industrial action within a period of 4 to 8 weeks following a ballot in order for the mandate to remain valid, and replaces it with a provision that the members' agreement to a union's proposed industrial action will automatically expire four months after the date of the ballot; and would require a trade union to specify in the ballot paper the type or types of industrial action that amount to action short of a strike and to provide an indication of the time period during which it is proposed that those specific types of action are to take place. <i>None of these elements are the subject of the consultation. The Bill also affects other areas of union activity outside of industrial action.</i></p> <p><u>Tackling Intimidation</u></p> <p>Lawful picketing as part of trade dispute is allowed under current legislation where persons attend at or near their own place of work, to peacefully obtain or communicate information to another, or peacefully persuade another person not to work. A trade union official may also attend at or near the place of work of a member they represent. In addition to these statutory limitations, a revised Code of Practice on Picketing was brought into force on 1 May 1992 by the Employment Code of Practice (Picketing) Order 1992 [1992/476] which, whilst not binding in law, is admissible in evidence and may be used in any court proceedings as providing the appropriate guidelines for behaviour on the picket line.</p> <p>The Bill would insert further legislation such that trade unions must comply with additional requirements whereupon picketing would only be lawful when those requirements are met.</p> <p>The consultation indicates that the Government would</p>

	<p>consider creating a new criminal offence of "intimidation on the picket line".</p> <p><u>The Employment Businesses (Amendment) Regulations 2015</u></p> <p>The proposed regulations would revoke Regulation 7 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003. Currently Regulation 7 prohibits employment businesses from providing agency workers to a) cover the duties normally performed by an employee of an organisation who is taking part in a strike or other industrial action; or b) cover the work of an employee covering the duties of an employee taking part in a strike or other industrial action.</p> <p>Scheme of Delegation to Officers, June 2013 http://bucksfire.gov.uk/files/1514/0439/0309/SCHEME-OF-DELEGATION.pdf</p> <p><i>Ballot thresholds in important public services</i>, Consultation Documents, BIS, 15 July 2015 https://www.gov.uk/government/consultations/ballot-thresholds-in-important-public-services</p> <p><i>Tackling intimidation of non-striking workers</i>, Consultation Documents, BIS, 15 July 2015 https://www.gov.uk/government/consultations/tackling-intimidation-of-non-striking-workers</p> <p><i>Hiring agency staff during strike action: reforming regulation</i>, Consultation Documents, BIS, 15 July 2015 https://www.gov.uk/government/consultations/hiring-agency-staff-during-strike-action-reforming-regulation</p> <p><i>Code of Practice: picketing (revised in May 1992)</i>, BIS https://www.gov.uk/government/publications/code-of-practice-picketing</p> <p>Regulation 7 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003 http://www.legislation.gov.uk/uksi/2003/3319/regulation/7/made</p>
<p>APPENDICES</p>	<p>Trade Union Bill - Response to Consultation from the Chief Fire Officer.</p>
<p>TIME REQUIRED</p>	<p>15 minutes.</p>
<p>REPORT ORIGINATOR AND CONTACT</p>	<p>Graham Britten gbritten@bucksfire.gov.uk 01296 744441</p>