

Individual Members Debate: the Tory Trades Union Bill

(I declare an interest as a member of the GMB and MU member and as listed in the register)

At a 1979 election rally in 1979 Margaret Thatcher said the following:

“As you well know, for over 100 years, ever since Disraeli’s day, since before the Labour Party existed, it has been the belief of the Conservative Party that the law should not only permit, but that it should assist, the trades unions to carry out their legitimate function of protecting their members.... “

I have never been a fan of Thatcherite policies, she destroyed much of our industry, decimated the coal industry, allowed profitable mines to be closed for politically vindictive reasons and left a legacy of politics based on greed and self-interest.

However, despite this, she had the qualities of statesmanship and leadership that are now so missing in a Conservative Party that today is far more vindictive and class ridden than was ever the case during the Thatcher years. A party that under the guise of helping working families is attacking low paid workers, destroying the public sector and increasing poverty and inequality.

Even she would never have supported the Trades Union Bill and would have seen it as a step too far. An Act which puts Tory party interest over the interests of the country and which attacks the very basis of our democratic system and fundamental rights.

The Bill is in my view an unwarranted and ideological attack on the internationally established rights of trades unions in this country.

It has been condemned by civil liberties organisation *Liberty*

It has been condemned by *Amnesty International*

It has been condemned by *the British Institute for Human Rights* who jointly have stated:

“Taken together the unprecedented measures in the Bill would hamper people’s basic rights to protest and shift even more power from the employee to the employer..... it is hard to see the aim of the Bill as anything but seeking to undermine the rights of all working people”

Even the independent body appointed by the government to scrutinise regulatory proposals has slammed the Government’s impact assessment of the Bill’s proposals as “not fit for purpose”

The bill includes a series of proposals relating to turnouts in strike ballots which far exceed the turnouts required to elect

Councillors, MP's and Assembly Members. The Bill imposes extensive bureaucratic red tape and costs on trades unions who will become subject to a new financial levy. The Bill requires employers to report on resources allocated for facility time in the public sector and in organisations which provide public services. It is also taking powers to impose a cap on the amount of facility time paid in each public and local authority and it will limit the statutory rights of trade union officials to paid time off.

The net effect of all this is to reduce the ability of unions to represent their members at work effectively, to negotiate on pay and terms and conditions of work and limit access to learning and skills.

If this wasn't enough, this anti-freedom, anti-democratic Bill gives the government the power to interfere in individual contracts of employment and collective agreements which provide for facility time.

In a move that tramples on any notion of partnership working, the Bill will change the law and allow and effectively encourage employers to bring in agency workers as strike breakers irrespective of the consequences for industrial relations and health and safety. So much for the Tory party's claim of being on the side of hard-working people.

And finally the Bill will subject trades union protest and picketing to levels of state and police scrutiny that go far beyond what is fair and acceptable in a modern democracy.

Lets be clear... I worked as a trades union solicitor for 30 years. I have never seen a strike where workers wanted to go on strike. And in the past 20 years the level of strikes has reduced to an all-time low.

Workers and their unions know and understand the Global pressures that exist today on companies, and Wales, a country previously renowned for its militancy is increasingly recognised for the development of partnership working. All the accepted evidence shows that where there are recognised trades unions and where there is an effective industrial partnership between workers and employers, a win-win situation results: workplaces are safer with less accidents and less illness, workers' pay and terms and conditions are better and the businesses are more productive and successful.

Even Margaret Thatcher recongised that when she said in 1979 that British Industry *couldn't prosper unless management and unions worked together in partnerships...*

Yet, the right to strike, to withdraw Labour, is a fundamental right of workers to counter the unregulated power of employers.

I have always believed that you can measure the strength of democracy in a country by how free its trades unions are. You can take any country in the world, and the more freedom given to the trades unions, the freer the country is.

The Government will claim that the Bill is about setting reasonable ballot thresholds. They make no comment on the

massive technical complications that exist even under existing legislation, to holding ballots, identifying the groups to be balloted, contacting them and so on. And they ignore the requests by trades unions to allow e balloting.

The General Secretary of Unite has said there could well be agreement on this issue if the government were to allow e balloting. Of Course, Cameron refuses, arguing it is not sufficiently secure, despite the Tory Party having just elected Zak Goldsmith as their London Mayoral candidate by e ballot.

The only conclusion you can draw is that this legislation has nothing to do with balloting thresholds or boosting workplace democracy, but is about chaining working people, gagging trades unionism and restricting democratic protest.

One need only look at the bizarre and oppressive proposals in respect of trades union protest and picketing.

Contrary to the rulings of the ILO's Freedom of Association Committee, and various articles of the European Convention on Human Rights, the Bill, amongst many other legal obligations, would require pickets to appoint a picket supervisor, to give that person's name and address to the police, to provide a letter of authority, and to be present or contactable whilst the picketing is taking place and to wear a badge or armband. We can be thankful I guess, that Trade Unionists going about their lawful activities won't yet be required to wear a red triangle.

The Government's proposals even include requiring unions to report on plans to run twitter or facebook accounts and suggests unions will have to report in advance on the likely content of any protest website.

What country are we living in? Do we really want our police to emulate the notorious Stasi, do we want to become a new Soviet Union, which also banned free trades unions, or are we to become like, as one Tory MP described the proposals, as more in keeping with Franco's Spain?

In Wales we can be justifiably proud of our good and constructive industrial relations. The proposals can only undermine what we have achieved in Wales and what has been achieved in many other parts of the UK.

The proposals intrude into our Welsh jurisdiction and devolved powers. As the First Minister stated on the 9th November, the proposals will lead to a more confrontational relationship between employers and workers, and ultimately undermine rather than support public services.

The UK Government says the Bill only relates to non-devolved matters. But that cannot, with any reasonable reading of the proposals be true. Significant elements of the Bill specifically refer to public services which are unquestionably devolved in Wales.

The Bill seeks to make it virtually impossible for trades unions to carry out representative duties many of which arise for long established collective agreements between trades unions and employers by abolishing or severely restricting time off for trades union duties. Duties which include consultation and negotiation, disciplinary issues, health and safety issues and the many other activities which are part and parcel of modern and efficient businesses.

This is a destructive and unnecessary piece of legislation. It

undermines good industrial relations, it is authoritarian and vindictive and undermines civil liberties and long established principles of freedom of association.

I hope the Bill is defeated. I do not want to see this oppressive Bill enacted in any part of the United Kingdom. I do not want to see it undermine work that has been done over decades to build progressive, co operative industrial relations in Wales and in addition I oppose the intention of this Bill to intrude on the devolved responsibilities of this Assembly.

We do not need this law in Wales, we do not want this law in Wales and I know we will do all we can to support all those who oppose this Bill and if necessary, to challenge its legitimacy in the Supreme Court. I hope the Welsh Conservatives will have the integrity, decency and independence of thought and principle and stand up for Wales and our democratic freedoms.