

TRADE UNION ACT 2016: A summary of the consultation responses received as part of the statutory consultation to determine the transition period for the opt-in to political funds.

In determining the transition period to implement section 11 provisions of the TU Act, the Government consulted with the TUC, unions with political funds and the Certification Officer from 6th July 2016 to 12th August 2016. The consultation was specifically on what they needed to do during the transition period and how long they would require to complete those activities.

In total the Government received 16 responses from the following unions with political funds, the TUC and the Certification Officer:

Associated Society of Locomotive Engineers and Firemen (ASLEF)

Bakers Food and Allied Workers Union (BFAWU)

Broadcasting Entertainment and Cinematograph and Theatre Union (BECTU)

Fire Brigades Union (FBU)

National Association of Schoolmasters and Women Teachers (NASUWT)

National Union of Rail, Maritime and Transport Workers (RMT)

National Union of Teachers (NUT)

Society of Radiographers

Transport Salaried Staffs' Association (TSSA)

Union of Construction, Allied Trades and Technicians (UCATT)

Union of Shop Distributive and Allied Workers (USDAW)

UNISON: The Public Service Union

Unite the Union

University and College Union

TUC

Certification Officer

The consultation letter to unions covered 3 questions:

- What changes have to be made to technical operational systems to ensure that the new provisions in section 11 are implemented? Please provide details of changes, such as changes to on line forms or websites.

- What administrative changes have to be made, including changes to rules, approval of rules by the Certification Officer, approval of rules by the union, and other procedural changes?
- What, if any, other factors should be taken into consideration when determining an appropriate transition period?

Summary of the consultation responses:

None of the responses indicated what a suitable transition period would be. Instead, unions provided detail on what they would need to do to implement the opt-in.

Changes to Union Rule Books

One of the key activities raised by unions was the changes they will need to make to their rule books. All of the unions who responded appear to have established processes for approving changes to their rule books and stated that this process cannot begin until new model rules have been provided by the Certification Officer (CO). Once model rules have been provided by the CO, unions amend their own rulebooks at rule-making conferences and the timescale for this varies from union to union. Some unions said they hold such conferences annually, others are every other year and some are even less frequent. There are a number of steps that have to be followed before the draft rules can be submitted to conference (including sign-off by the CO). A number of Unions said they have conferences scheduled for April/May 2018.

Several unions said that arranging a 'special conference' outside of the usual conference timetable would incur additional costs. Most unions did not give a cost estimate but of those that did the costs varied greatly from £50,000-£60,000 plus the travel, accommodation and loss of earnings costs for delegates to £812,000 (which was based on the cost of a four day annual conference). Some unions do allow rule changes to be made following an all-members ballot but again they said there would be additional costs.

Technical and Administrative Changes

All of the unions said they will need to make changes to operational systems, although unions did not indicate what the potential cost burden would be. In addition to this, most unions said they will need to make changes to their websites and online application forms and staff will need to be trained in the new systems and rules. Some unions said they will not be able to start making technical changes or training staff until the rule book changes have been agreed.

Most of the unions said they also use hard copy application forms which will need to be redesigned and re-printed. Similarly, training manuals and rule books will need to be reprinted after the relevant changes have been made. For this reason, some unions specifically asked that the transition period is long enough to make the necessary changes without having to dispose of current hard copy forms and recruitment and training materials. The TUC said that some unions organise one print run of materials per year as it is more cost effective.

Response from the Certification Officer (CO)

We also received a response from the CO, and met with him to discuss the transition period. The CO did not give a view on the specific timeframe for the transition period. He confirmed that to assist unions in the process of compliance with the new provisions he intends to prepare and publish new guidance including new model rules.

The CO stressed that few unions use the model rules without any amendments and therefore he will encourage unions to submit draft rules for interim approval before they are put to rule-making conferences. As the majority of unions will be submitting their own draft rules to the CO at around the same time the CO will require sufficient time to manage the approval process.

