

# Trade Union Bill and Scotland



## Introduction

The Trade Union Bill weakens our voice at work, and weakens our campaigning voice. It undermines the right to strike, union organisation and aims to make it harder for unions to win a fairer deal at work.

The Bill receives its Second Reading at Westminster today. This briefing points branches to resources on the Bill and in particular the implications for Scotland.

## Bill Provisions

The Bill is a huge attack on our trade union. It will:

- undermine our right to strike for better pay and conditions or against unfair treatment
- threaten freedom of speech, with new restrictions on protests and pickets
- allow employers to use agency temps to replace striking workers
- introduce new red tape that makes it harder for unions to run political campaigns
- Reduce the rights of union reps in the workplace, making it harder for them to represent their members
- Make it more difficult to join a trade union by ending check off/DOCAS agreements.

The detailed provisions are in the UNISON activist [briefing](#).

## Industrial Relations in Scotland

The Trade Union Bill has been described even by [employer](#) organisations as an outdated response. That is particularly true in post-devolution Scotland.

One of the early actions of the first devolved Labour-Liberal coalition was a Memorandum of Understanding between the trade unions and the Scottish Government, which has led – through different iterations – to the Scottish Government’s new Fair Work Convention. The Working Together [report](#) describes how Scotland’s industrial relations has taken a different direction, particularly in the public sector, the main target of this legislation. We highlighted the growing differences recently in an article in the [Scotsman](#) and in the [Policy Now](#) journal.

## Legislative Consent by the Scottish Parliament

While industrial relations is a reserved matter to Westminster, sections of this Bill, particularly those dealing with check off/DOCAS and facility time, explicitly interfere in devolved issues of public administration. We have therefore argued that the Bill requires the support of devolved parliaments. The Scottish and [Welsh](#) governments support this position.

## KEY POINTS:

- **Trade Union Bill is a crude attempt to weaken trade unions and workers rights.**
- **It runs contrary to the positive industrial relations culture in Scotland.**
- **It should require the legislative consent of the Scottish Parliament.**
- **There is broad opposition to the Bill.**
- **Branches can take a range of actions now to support the campaign.**



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Scottish public bodies are required under the Public Sector [Equality Duty](#) to have due regard to the need to eliminate discrimination in the area of employment. In error, UK government officials posted a final draft of the Bill's equality assessment that shows that officials have [serious doubts](#) about the lack of evidence to support government assertions.

The Scotland Act also requires that [human rights](#) must be respected and realised at all levels of governance in Scotland. The Trade Union Bill breaches a number of the articles in the European Convention on Human Rights and in particular ILO conventions that the UK has signed up to. UNISON Scotland is supporting a submission to the UN on UK compliance with the Covenant on Economic and Social Rights that includes these issues from a Scottish perspective.

The human rights aspects have also been [criticised](#) by Liberty, Amnesty International and the British Institute of Human Rights. General Secretary, Dave Prentis, covers the sinister surveillance issues at [Left Foot Forward](#).

### Campaign

The campaign against the Trade Union Bill has received broad political support across Scotland. Both the [SNP](#) and [Scottish Labour](#) oppose the Bill. Almost all of Scotland's MPs will oppose the Bill today.

Scottish councils and other public bodies are starting to recognise the impact this will have on their industrial relations culture. Renfrewshire and Glasgow councils have tabled strong [motions](#) opposing the Bill and others are considering similar positions.

Both party leaders in Scotland have made the link between the Bill and the Tory approach to the workplace generally. They support the idea that employees working together for better wages, terms and conditions makes for a more productive workforce – good for business and good for society. This is a point well articulated by [Will Hutton](#) the former Director of the Work Foundation and leading [academics](#). Vince Cable has [described](#) the Bill as 'vindictive' and even senior Tory MP, [David Davis](#), has described the picketing proposals as like something out of Franco's dictatorship in Spain.

There is to be a UK [demonstration](#) at the Conservative Party conference on 4 October and a [mass lobby](#) of Westminster on 2 November. There is a wide range of campaign materials on the dedicated UNISON [web page](#).

### Action for Branches

- Ensure your activists are fully briefed on the Bill.
- Start a dialogue with members to explain the implications. A briefing will go to UNISON Scotland 'Influencers' this week with further materials to encourage conversations with members.
- Support the UK demonstrations.
- Ask your employer to pass a motion opposing the Bill.
- Write to your MP asking them to oppose the Bill and your MSP to argue for a Legislative Consent Motion. While most support us, it never hurts to show them the strength of feeling.
- Encourage activists and members to support future events including one in Glasgow to be announced for the end of November.
- Use the campaign as an organising opportunity to strengthen UNISON organisation in the workplace.

As Dave Prentis said: *"It is yet another malicious attack from a government determined to deny ordinary working people a voice at work. But it's an attack we expected, and one we've seen off before. If we act together as one union, I know that we can rise to this challenge, build a stronger union and continue to speak up for our members."*

#### Further info

Links to evidence on the Bill in the briefing text.

UNISON [Resources](#)

STUC [Briefing](#)

[Trade Union Bill](#) and supporting [documents](#)



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