



Department for Business, Innovation & Skills

Consultation on ballot thresholds in important public services response form

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is 9 September 2015

Name: PUBLIC SERVICES INTERNATIONAL

Organisation (if applicable): GLOBAL TRADE UNION FEDERATION

Address: 45 AVENUE VOLTAIRE 01211 FERNEY-VOLTAIRE CEDEX FRANCE,

Please return completed forms to:
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 Department for Business, Innovation and Skills
 3 Abbey 1
 1 Victoria St
 London SW1H 0ET

Tel: 020 7215 5000

Email: labourmarket.consultations@bis.gsi.gov.uk

Please tick the box that best describes you

<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input type="checkbox"/>	Micro business (up to 9 staff)
<input type="checkbox"/>	Provider of public services
<input type="checkbox"/>	Small business (10 to 49 staff)
<input checked="" type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	User of public services

Other (please describe)

Question 1 (referring to paragraphs 1 through to 13)

Do you agree these are the key impacts industrial action would have in these sectors? Why / why not?

No, we strongly disagree. Trade unions in public services, including fire, health, education, transport border security and nuclear decommissioning already use industrial action as a measure of last resort and responsibly ensure effective essential services. There is therefore no need for the UK Government to place further limitations, red tape and controls on the action of UK trade unions, including on public service ones. The exercise of the right of UK public service workers to take industrial action is a prerequisite for maintaining the conditions under which effective, quality public services, can continue to be provided. Without strong trade unions able to take industrial action when needed to uphold health and safety standards and decent working conditions, quality public services would no longer be ensured and UK people would pay the price for that every day. The matter at stake here is not about getting the balance right between the interests of union members and the interests of the majority of public service users. This Bill is a deliberate attempt to weaken the position of labour through lopsided legislation evidently geared towards the interests of other UK business and government that will alter the balance of powers among social partners so that privatization and job cuts in public services can be implemented more easily. This regressive legislation would result into a crippled UK industrial relations system where it would be much harder to engage in constructive negotiations and dispute settlement in the future. At the same time, government and business would have a free hand in privatizing, cutting jobs and conditions and repressing labour discontent in public services while undermining the human, labour and civil rights of British people and putting at risk the quality and affordability of such important services.

Questions 2

What other impacts are there of strike action in the following sectors? (If relevant, please include specific examples of your experience of strike action taken in these sectors.)

a) Fire services

Public sector union members are committed public servant and have always agreed to provide minimum levels of services to protect the public's safety and health, including those in fire services. **Concrete positive example here**

The International Labour Organizations clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent.

b) Health services

Public sector union members are committed public servant and have always agreed to provide minimum levels of services to protect the public's safety and health, including those in health services. For instance, in a strike in October 2014, the Royal College of Midwives worked with hospitals to ensure that services were still available to women going into labour or in need of urgent care. Other health unions agreed similar arrangements.

The International Labour Organizations clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the

c) Education services

Public sector union members are committed public servant and have always agreed to provide minimum levels of services to protect the public's safety and health, including those in education services.

Concrete positive example here

The International Labour Organizations clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent.

d) Transport services

Public sector union members are committed public servant and have always agreed to provide minimum levels of services to protect the public's safety and health, including those in transport services.

Concrete positive example here

The International Labour Organizations clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent.

e) Border Force

Public sector union members are committed public servant and have always agreed to provide minimum levels of services to protect the public's safety and health, including those in border force services.

Concrete positive example here

The International Labour Organizations clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent.

f) Nuclear decommissioning

Public sector union members are committed public servant and have always agreed to provide minimum levels of services to protect the public's safety and health, including those in nuclear decommissioning.

Concrete positive example here

The International Labour Organizations clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent.

Question 3.

What factors do you think are important in defining 'important public services'? (Referring to paragraphs 14 through to 16)

- Protection against loss of life/ serious injury
- Maintenance of public safety and national security
- Enabling economic activity across a significant area of the economy
- Enabling significant numbers of people to get to their place of work
- Others (please specify)

These are all important public services for the services they deliver, but are not important services in the sense intended by the UK Government, that is to qualify for a 40% ballot threshold. The workers of these sectors should not be imposed a 40% ballot threshold even if the services they provide are important because public sector union members are committed public servant and have always agreed to provide minimum levels of services to protect the public's safety and health, in all the above mentioned sectors. This proposal is in breach of ILO international labour standards on freedom of association C. 87, that applies to all workers "without distinction whatsoever", and are therefore applicable to public service employees. It is inequitable to draw any distinction in trade union matters between workers in the private sector and public servants or treat them differently, since workers in both categories should have the right to organize for the defence of their interests. Strikes are at historically low levels. As the House of Commons points out, more working days were lost in labour disputes in 1926 than in the 37 years combined between 1974-2011. In 2011 there have been protests over public sector pensions: such disputes should be looked at not as public sector unions disrupting important services, rather as public sector workers standing up for their pension rights against brutal and unprecedented cuts and fighting to secure decent working conditions in order to be enabled to continue deliver important, quality public services. The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

Question 4 (Referring to paragraphs 17 and 18 and the table on page 10)

- a) Do you agree these are occupations and functions in fire services the Government should consider when defining those subject to the 40% important public services threshold? When answering please consider those key in avoiding the adverse impacts discussed above.**

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK. The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

- b) Do you agree these are occupations and functions in health services the Government should consider when defining those subject to the 40% important public services threshold? When answering please consider those key in avoiding the adverse impacts discussed above.**

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK. The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

- c) Do you agree these are occupations and functions in education services the Government should consider when defining those subject to the 40% important public services threshold? When answering please consider those key in avoiding the adverse impacts discussed above.**

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK. The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

d) Do you agree these are occupations and functions in transport services the Government should consider when defining those subject to the 40% important public services threshold? When answering please consider those key in avoiding the adverse impacts discussed above.

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK.

The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

e) Do you agree these are occupations and functions in Border Force the Government should consider when defining those subject to the 40% important public services threshold? When answering please consider those key in avoiding the adverse impacts discussed above.

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK.

The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

f) Do you agree these are occupations and functions in nuclear decommissioning the Government should consider when defining those subject to the 40% important public services threshold? When answering please consider those key in avoiding the adverse impacts discussed above.

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK.

The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

Question 5

What other occupations and functions should the Government consider within these six sectors?

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK.

The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

Question 6

a) (if relevant) Please explain why the additional occupation or function should be covered.

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK.

The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

Question 7 (Referring to paragraphs 19 through to 21)

Do you agree with the Government's proposed approach to ancillary workers? Why / why not?

No, we strongly disagree. The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK. The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

Question 8. (Referring to paragraphs 19 through to 21)

Please give examples of ancillary workers in the six sectors discussed that you think should be subject to the 40% important public services threshold.

Fire services:

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK.

The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning

Health services:

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK.

The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning

Education services:

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK.

The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

Transport services:

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK. The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions

Border Force:

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK.

The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

Nuclear decommissioning:

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK.

The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if

Question 9. (if relevant) Please explain why the ancillary worker(s) you have cited should be covered.

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK.

The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

Question 10. (Referring to paragraphs 22 through to 24)

Do you agree with the Government’s proposed approach to private sector workers? Why / Why not?

The government should NOT consider applying a 40% ballot threshold neither to the occupations above nor to any other occupation in the UK.

The International Labour Organization’s C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO’s C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

Question 11. (Referring to paragraphs 25 through to 29)

How common are disputes involving some workers who would fall within scope of the 40% important public services threshold, and others who would not?

- Frequent
- Infrequent
- Never
- Not sure

Question 12.

Please give examples of a dispute that has or could include only a small proportion of workers undertaking “important public services” (using the definition used in this consultation)

n/a

Question 13.

Do you agree that the Government should require a ballot to be run under the 40% important public services threshold if a majority of workers involved in the dispute are subject to the 40% threshold? Why / Why not?

The government should NOT consider applying a 40% ballot threshold to none in the UK regardless of the composition of the workforce.

The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

Question 14.

What are the practical and administrative considerations a trade union would have to make to calculate whether a ballot ought to be conducted under the 40% important public services threshold?

The threshold should just NOT be applied.

The International Labour Organization's C.87 the UK is a signatory of clearly holds that public service employees should be able effectively to establish organizations of their own choosing, and these organizations should enjoy the full right to further and defend the interests of the workers whom they represent. Besides, under ILO's C. 151 the UK is a signatory of public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration. This proposal goes against both fundamental international labour rights provisions and if passed would place the UK in breach of such provisions.

Do you have any other comments that might aid the consultation process as a whole?

PSI would like to express its strong opposition to the UK Government's Trade Union Bill which will severely undermine fundamental human and trade union rights, such as freedom of association and the right to strike in the UK, which are enshrined and acknowledged in international human rights' treaties and jurisprudence since 1948, whilst at the same time undermining the UK industrial relations system. We firmly oppose the proposal to increase the thresholds of ballots for industrial action, including a higher threshold for "important" public services, and believe that these measures are unnecessary and disproportionate. In addition, the power to limit union facility time and resources in public services threatens to undermine and destabilize the longstanding constructive dialogue and collective bargaining relations between many of our UK affiliates and the employers with whom they cooperate and negotiate on a regular basis. We are also appalled at the proposal to enable the use of agency workers during industrial disputes, the criminalization of picketing and other forms of protest, the heavy limitations and surveillance being put on trade union activity, and the use of social media in support of labour struggles. These measures are not only undemocratic and at odds with fundamental human and trade union rights, for which the UK should be a world-class benchmark, but they will also create a climate of fear and intimidation among workers which will prevent them from speaking and standing up for their rights. This will lead to the creation of deep social tensions and unrest at the workplace; and will ultimately result in explosive social conflicts which will no longer be possible to resolve within the constructive framework that trade unions and employers – including in the public sector – have been effectively building and using for many decades. The UK needs strong, free trade unions as they are key partners for the democratic, economic and social development of the country and critical allies in building a more equitable society that supports the neediest. This is especially relevant to the UK, where inequality and poverty levels are among the highest of the OECD countries and at a time when the global economic crisis is hitting the weakest members of the UK society. The deliberate attempt to weaken the position of labour through the lopsided legislation of the proposed Trade Union Bill, which is evidently geared towards the interests of other UK social partners – business and government – will alter the balance and inevitably clog the UK industrial relations system, make it harder to engage in constructive negotiations and dispute settlements in the future. We believe that the UK Government should show leadership in respecting and strengthening – not detracting from – the human and social rights of British people. We call on you to observe and implement fundamental ILO international labour conventions, including ILO C. 87 and C. 98, to which the UK is a signatory, as well as the obligation of the State to protect human rights including labour rights, as enshrined in the UN Guiding Principles on Business and Human Rights (UNGPs) and proactively endorsed in the 2013 UK Government's National Action Plan. PSI is working with their affiliates in the UK, collaborating with other international trade union organizations and reaching out to European Works Councils to join the campaign to oppose the proposed legislation. We believe it will cripple the UK industrial relations system, curtail the social and civil rights of UK people and set a very dangerous precedent for the European Union and the rest of the world. Fundamental human and labour rights should not enter the battlefield of electoral campaigns and political cycles. We urge the UK Government to withdraw this draft Bill that breaches fundamental human and labour rights and would place the UK among the ranks of human rights offender countries. We encourage and support the UK Government to focus instead on positive, constructive measures to facilitate and support social dialogue among all UK social partners, as well as sustainable economic growth and decent employment opportunities for the UK people, both in the public and private sector. Finally, this public consultation is flawed and not fit for purpose as: 1 - it does not provide any alternatives to the proposed, restrictive thresholds, as ascertained by the UK Regulatory Policy Committee on 18 August 2015; 2 - it is inconsistent with international legislation the UK has ratified and is called upon to comply with, among which are UN Covenant on Human Rights, ILO Conventions 87 and 151 and the EU Social Charter; 3 – its online consultation was launched over a short period over the summer and without prior check and prior debate with social partners, especially trade unions, which is not appropriate for a properly democratic consultation.

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No



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