

TRADE UNION (WALES) BILL

RCN Wales briefing for the Equality, Local Government and Communities Committee of the National Assembly for Wales

Preamble

1. This briefing has been prepared by the Royal College of Nursing in Wales (RCN Wales), in advance of an evidence session being held by the Equality, Local Government and Communities Committee of the National Assembly for Wales, which is scheduled for 16th February 2017. The following representatives of RCN Wales will be available at the session to give oral evidence to the committee:
 - Peter Meredith-Smith, Associate Director (Employment Relations), RCN Wales
 - Lisa Turnbull, Policy and Public Affairs Advisor, RCN Wales

The Royal College of Nursing

2. With a membership of 425,000 registered nurses, midwives, health visitors, nursing students and health care support workers, the Royal College of Nursing (RCN) is the voice of nursing across the UK, including within Wales where it has approximately 25,000 members. The size and breadth of its membership makes the RCN the largest professional union of nursing staff in the world. Our members work in all settings where healthcare is delivered, including hospitals and the community and within both NHS and independent healthcare settings.
3. The RCN promotes patient, health service and nursing interests on a wide range of issues in Wales. It achieves this by working constructively with the Welsh Government, all the political parties represented within the National Assembly for Wales, NHS and independent healthcare sector managers, voluntary organisations, professional bodies, other trade unions and any organisations that have an interest in protecting and improving our health services in Wales.
4. We are full members of the Welsh Partnership Forum (the joint Welsh Government, NHS Staff Side and NHS Management national partnership forum for NHS Wales), and currently hold the staff side chair of the forum. Although we work closely with the Wales TUC we are independent of it. We are a party politically neutral organisation, willing to work constructively with the representatives and officials of

any political party in Wales that has secured a legitimate mandate from the people of Wales through democratic process.

5. Although the use of industrial action is not precluded by the RCN, we have the reputation and a long history of avoiding the need for such action, achieving our aims and resolving workplace conflict within the health services within which we represent our members through productive partnership working with government officials and health service managers.
6. This context and history puts the RCN in Wales in a unique position to respond to the committee's evidence gathering in relation to the Trade Union (Wales) Bill.

The Trades Union Act (2016)

7. The RCN, including RCN Wales, considers the Trade Union Act (2016) as unnecessary legislation. The legislation angers its members, who strongly object to it. We are of the view that the legislation has the potential to seriously undermine the morale of frontline health service staff. The new law undermines legitimate and productive partnership working within the NHS (partnership working that has been particularly effective in Wales since the advent of the National Assembly). It also undermines the long established right of workers to withdraw their labour at times of serious and legitimate dispute between employers and employees, and it fails to recognise the role that effectively functioning trade unions have in the delivery of productive and effective public services.
8. Throughout the process of the development of the Trade Union Act (2016) at Westminster, the RCN strongly opposed it at every stage. This opposition was driven by the strength of feeling of RCN members, including those in Wales, who are working on the front line of our hard-pressed health services.
9. RCN Wales' opposition to the legislation reflected the position of the Welsh Government, NHS Wales managers and other trade unions in Wales that represent the interests of staff working in healthcare, all of whom recognised the lack of necessity for such legislation. This strength of feeling in Wales was seemingly ignored by the Westminster government, which passed a law that demonstrates a disregard for the legitimate right of the National Assembly for Wales and the Welsh Government to oversee the effective delivery of public services in Wales, including our health services.

The Trade Union (Wales) Bill

10. The RCN in Wales fully supports the efforts of the Welsh Government to pass legislation in Wales that seeks to reverse the effects of the

Trade Union Act (2016) in Wales, inasmuch as they apply to the delivery of our public services here, especially our health services.

11. We fully support the government's intention to reverse three specific aspects of the 2016 legislation (i.e. ballot thresholds for industrial action, the collection of trade union subscriptions and release time for employees to undertake trade union activities). Since the advent of the National Assembly for Wales, there have been no issues of dispute between NHS Wales employers and the trade unions regarding the these matters.
12. The legislation that has been made in England is not necessary for Wales and has undermined the balance between workers' rights and the rights of the public to receive safe and effective health services in Wales. Regarding the latter issue, there has never in Wales been a situation whereby NHS service safety has been compromised as a consequence of any trade union action taken by the RCN or its members. Effective "life and limb" protection arrangements exist in Wales that ensure that patient safety is never compromised during trade union action.
13. Restoring the rights of health service workers in Wales that have been stripped by the Trade Union Act (2016) will send a clear message to frontline NHS staff that the National Assembly for Wales recognises; (a) the lack of necessity for Wales of such draconian legislation, and (b) the effectiveness to date of the social partnership approach to running our public services in Wales.
14. Reversing the effects of the Trade Union Act (2016) will also have the crucial effect of maintaining and strengthening the productive spirit and culture of partnership working in Wales that has been so fundamental to the management and delivery of NHS services in Wales through extremely challenging times in recent years.
15. There is no doubt that the significant challenges facing our health services in Wales will continue into the foreseeable future. Given a continuance of the culture of constructive and effective employment relations across the NHS that is our tradition in Wales, the RCN has no doubt that all parties, that have responsibility to meet these challenges, will continue to work together effectively to ensure that our health services are delivered safely and to best effect for the citizens of Wales. The development of legislation for Wales that reverses those elements of the Trades Union Act (2016) that apply to the delivery of our public services in Wales is seen by the RCN as essential to this end.

2nd February 2017