

***NHS Wales Employers is hosted by and operates as a part of the Welsh NHS Confederation***

Rt Hon Matthew Hancock MP

Minister for the Cabinet Office and Paymaster General

Cabinet Office

70 Whitehall

London

SW1A 2AS

14 October 2015

Dear Rt Hon Matthew Hancock MP,

On behalf of the Directors of Workforce and Organisational Development within NHS Wales, I would like to make a number of points in response to the Trades Union Bill.

In general, partnership working between employer organisations and trade unions works well in NHS Wales and we have established effective working relationships which support the development of effective and mutually beneficial solutions to a number of significant challenges which the service has addressed and continues to face. It is our view that the NHS’s workforce challenges are best addressed by an efficient, engaged and productive workforce, where there is regular consultation and ongoing dialogue with our staff and a key element of this approach is through social partnership with trade unions representing NHS staff.

We feel that some of the proposals outlined in the Trade Union Bill could have a detrimental effect on this relationship and potentially lead to unnecessarily challenging industrial relations in future.

In relation to some of the specific proposals, strike action in the NHS in Wales over the last decade has been minimal, despite significant organisational change and the introduction of significant changes to terms and conditions, so we do not believe that any additional measures to protect the public from strikes are necessarily required. When there has been industrial action, the impact has been managed through partnership discussions so as to ensure that essential services are maintained and TU members are able to exercise their right to withdraw their labour. Consequently, we do not believe that intimidation of non-striking workers is an issue within the NHS in Wales although, we agree that this behaviour is completely unacceptable and should be handled within the existing legal framework.

We have our own agreed key principles framework for time off and facilities for trade union representatives in place and we believe that this meets the needs of the service and supports our approach to social partnership and so we do not feel that any further requirements to negotiate on an individual basis would be beneficial.

With regard to the proposal to remove the public sector check off system, whilst recognising that the government will want to explore elements of cost avoidance, the service is often provided by payroll departments at a cost to the Trade Union. In addition, where the facility is offered it enables employers to understand the numbers of members in any one union and gain an understanding of the relative TU membership across the organisation.

Finally, we do not support the proposal to repeal the ban on using agency workers to cover for striking employees. In our experience, we have found that sufficient employees have been exempted from strike action to maintain essential services. It would in practice be challenging to recruit the appropriate trained agency workers to provide cover during strike action and could potentially lead to less co-operation from trade union representatives and/or their members in providing exemptions to cover essential services. It may also have the unintended consequence of the measure being used to challenge an employer to cover a service with agency workers thereby putting pressure on an employer to maintain services by an alternative means. Such an approach might also worsen the industrial relations environment between an employer and the trade union(s).

In conclusion, we are keen to encourage all aspects of social partnership within the NHS in Wales and feel that the proposals could cut across this approach and lead to a more adversarial environment through employers having to manage within new legislative requirements. We request that the government gives due consideration to the implications of the Bill, in general, and in particular, the views outlined in this letter.

Yours faithfully

Richard Tompkins

**Director**

**NHS Wales Employers**

For and on behalf of the Directors of Workforce & OD, NHS Wales (listed overleaf)

Cc Ian Hook, Senior Executive Officer, Scrutiny Unit, House of Commons, London

SW1A 0AA

Bev Edgar, Director of Workforce & OD, Abertawe Bro Morgannwg UHB

Anne Phillimore, Director of Workforce & OD, Aneurin Bevan UHB

Martin Jones, Director of Workforce & OD, Betsi Cadwaladr UHB

Raj Chana, Acting Director of HR, Cardiff and Vale UHB

Jo Davies, Director of Workforce & OD, Cwm Taf UHB

Lisa Gostling, Director of Workforce & OD, Hywel Dda UHB

Julie Rowles, Director of Workforce & OD, Powys tHB

Ruth Davies, Director of Workforce & OD, Public Health Wales

Sarah Morley, Director of Workforce & OD, Velindre NHS Trust

Claire Vaughan, Director of Workforce & OD, Welsh Ambulance Service NHS Trust

Hazel Robinson, Director of Workforce & OD, NHS Wales Shared Services Partnership