

Consultation on Trade Union Legislation

Closing Date: 6th January 2025

Douglas City Council Response

TRADE UNION LEGISLATION

Do you think that the provision for notification of discontinuous action should be made clearer?

Yes.

Enhancing clarity around discontinuous actions could be of benefit to all parties involved by reducing confusion and potential legal disputes.

Do you think that provision for suspended action should be introduced?

Yes.

Including a provision for suspended action could enhance the framework for industrial relations by providing more flexibility and encouraging dialogue. Allowing for suspension of an action would provide for unions to be able to address urgent matters or changes in circumstances without causing lengthy disruption to the organisation's services or operations. Such provisions should be clearly defined on how and when such actions can be implemented and concluded. Clear protocols should be established to ensure both parties understand their rights and responsibilities. The provision should be regulated to ensure fair implementation and protection for all parties involved.

Do you think that the 'default' notice for industrial action should be increased from 7 to 14 days?

Yes.

Increasing the default notice for industrial action from 7 to 14 days may be valuable in relation to enhancing communication and allow for contingency planning to minimise the impact on operations and services. This would allow a longer period to facilitate discussions to resolve the dispute before action is taken/may remove the need for industrial action.

A flexible agreement to allow for shorter notice periods under specific circumstances, while maintaining a standard of 14 days for most circumstances, might be a better option.

EXPIRY OF MANDATE FOR INDUSTRIAL ACTION SIX MONTHS AFTER DATE OF BALLOT

Do you think that provision should be introduced for a mandate for industrial action as a result of a ballot to expire after 6 months?

Neither.

A six-month expiry period may ensure that the mandate for industrial action would remain relevant to current workplace conditions and employee views/opinions. A clear expiry date for mandates could reduce legal ambiguities in relation to the validity of industrial actions.

However, frequently having to renew mandates could lead to repeated disruptions in the workplace, this could impact employee morale with employees becoming frustrated at having to constantly vote in a ballot. This could mean fewer employees voting resulting in a less accurate outcome of employee views/opinions in respect of industrial action.

BALLOT THRESHOLD REQUIREMENTS

Do you think that a balloting threshold of 50% of members entitled to vote should be introduced?

Yes.

Introducing a ballot threshold could be beneficial. A 50% turnout requirement would ensure that any mandate for industrial action reflects the views of a significant number of the union's membership. Unions and employers would then have a standard to meet in representing valid support for industrial action. Increasing the threshold would align the Isle of Man with the UK.

INDUSTRIAL ACTION IN ESSENTIAL SERVICES

Do you think that extra balloting requirements for essential services should be introduced?

Yes.

Alignment with the UK would ensure industrial action in critical services e.g., healthcare, education are supported i.e., industrial action would need substantial support from union members. Public interests would be protected.

Do you think that the provision for a Court of Inquiry in the case of an industrial dispute in an essential service should be kept, and that an order designating essential services for this purpose should be made?

Yes.

Maintaining the provision for a Court of Inquiry in cases of industrial disputes involving essential services and establishing an order designating such services could improve the Isle of Man's ability to manage industrial relations effectively. Such a provision would ensure critical public interests are protected. Implementing these measures could contribute to a more stable industrial relations environment in the Isle of Man.

Do you think that provision for minimum service levels in specified essential sectors during industrial action should be introduced?

Yes.

Introducing provisions for minimum service levels in specified essential sectors during industrial action could enhance public safety and wellbeing, especially during emergencies, while aligning Isle of Man practices with the UK and international standards.

RECOGNITION OF TRADE UNIONS IN THE WORKPLACE

Do you think that the Isle of Man should introduce statutory provision for trade union recognition in the workplace similar to the UK model?

Neither.

Introducing statutory provisions would strengthen workers' rights to organise and be represented by unions. It would provide clear guidelines for both employers and unions regarding recognition processes and could result in improved terms and conditions of employment.

Some employers may determine recognition as an interference on their independence, particularly smaller businesses who may find it challenging.

Do you have any other comments?

No.