

Balloting

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Is strategic balloting going to make an impact where unions lack confidence in voter turnout or the anticipated level of support?

This talk covers:

1. Balloting – an outline
2. The problem for the unions
3. Strategic balloting

Industrial action has the support of a ballot if

s.226B: appointment of a scrutineer

s.227: entitlement to vote

s.228/228A: separate workplaces, separate ballots

s.229: voting paper

s.230: conduct of ballot

s.231: information as a result of ballot

thresholds

- At least 50% of those entitled to vote did so
- Where majority engaged in provision of important public services: 40% vote “Yes”

Important Public Services Regulations 2017

it is for trade unions, “to consider what is normal in the specific circumstances of their sector or workplace when they determine who they will ballot for industrial action, and whether they hold sufficient information to reasonably believe whether or not a majority of workers are normally engaged in important public services”

Meanwhile in Wales...

The National Assembly for Wales has passed the Trade Union (Wales) Act 2017 (c.i.f. 13 September 2017).

The Act excludes the 40% support requirement in ballots for industrial action in important public services from applying to devolved Welsh authorities

The problem

Of 146 strike ballots conducted by 26 different unions over the period 1997-2015, while generally been overwhelmingly successful in winning majority 'yes' votes in favour of strike action, many would fail to achieve the 50% participation threshold. Even if they did, they would still often fail to obtain the 40% majority threshold

The problem of errors

- s.232B: an error in determining the balloting constituency or a failure to send a ballot paper to a member who was entitled to vote will be disregarded if it is accidental
- But this does not apply to s.226 (the % thresholds)

Strategic balloting

Example 1: the union represents both airport workers and managers involved in security at a major airport. It chooses to ballot the managers only because it can predict more accurately the turnout and the impact, although less, will be significant.

Separate ballots

Example: the same as before, but across different airports. Where s.228A would allow a singly, aggregate ballot (“a ballot may be held in place of some or all of the separate ballots”), the union may choose not to do so.

Mixed workforces

Example: a nurse works 2 days a week in A&E and the remaining 3 days a week in a walk-in clinic for minor injuries. She has been allocated to work full-time in A&E for 4 weeks to cover staff absences.

Alternatives?

- Protests
- Corporate campaigns
- Expressing grievances in other ways

Thank you

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