

18 February 2019

Dear Labour Councillor

Birmingham Bins Dispute

I feel compelled to write to you in order that the true position of Unite can be understood.

Unfortunately I have felt that recent commentary about Unite, as referenced in Cabinet reports, has become highly inflammatory, in places defamatory and highly inaccurate.

Let me deal with this on the broadest of levels:-

Why are we in dispute?

In 2017 Unite members took industrial action to protect the terms and conditions for all Grade 3 workers in waste. The dispute ultimately concluded by protecting the pay for all Grade 3s including those who had never contemplated the taking of industrial action themselves.

In late 2018 Unite became aware that payments ranging from £3,500 to £4,300 had been made in June of 2018 to GMB members who did not seek to take Industrial action in 2017.

Those payments had been made secretly. They had not been reported to the Council and those who received the payment had been asked to sign confidentiality clauses to attempt to keep the issue of payments secret.

The Council officers now claim the reason for the payment was because of a failure to consult with the GMB over contractual changes. Although Early Conciliation is said to have been started, a particularised claim was never made to the Council nor lodged at an Employment Tribunal. It is also common ground that no one was made redundant in 2017 (the normal circumstances where a payment is made) and it is common ground that no one (who received the Council's payment in 2018) had suffered any financial loss for which they needed to be compensated.

Quite extraordinarily the council officers are now repeatedly saying their supposed failure to consult was because of Unite insisting they could not consult with the GMB. This is false and designed to protect the reputations of the council officers. Very simply Unite was in a dispute with the Council and Unite was in legal proceedings. The Council needed to negotiate with Unite on both the dispute and the Court action but it is disingenuous to say that Unite controlled any relationship or discussions with other unions. Unite does not hold the diaries of council officers.

And if a failure to consult was in fact the fault of Unite, then why did the officers withhold details of the payments (in June 2018) from everyone, including yourselves and why did they go to such efforts to attempt to ensure the payment never became known.

Where are we now?

The payment made discriminates against those who took industrial action in 2017. On this basis we have issued Employment Tribunal proceedings and been forced into industrial action.

Our demand is parity and equality in the workplace. Those who took industrial action cannot be penalised to the extent that they see payments made to those who did not take industrial action.

The response of the council officers has been to say they have put forward an offer of up to £3,000 for Unite members. There is no logical reason for arriving at that figure other than to say it is “fair”. It is not calculated based upon the risk of losing the Employment Tribunal claims, it is not calculated as against the cost to the council of industrial action, it is not the parity and equality that Unite seek. It is simply described as “fair”.

Clearly the council officers feel able to advise the Council to settle the dispute with payments to Unite members but rather than accede to the figure of parity sought by Unite, they want to make a payment that would only further divide the workforce. The workforce can see no logic to asking them to accept less than those who went on strike other than the council officers want to make a statement that the Unite members must ‘understand their place’.

All of this means that the fractional difference between the parties will not be bridged but instead the officers will ask your authority to bring in contract labour designed to break the dispute at a cost of hundreds of thousands of pounds to the Council.

The threat of an injunction

In recent weeks the council officers have attempted to push the cabinet into agreeing to take an injunction against Unite to prevent the forthcoming strike action.

This is extraordinary.

I must also say that I felt dismayed when I heard the Deputy Leader’s explanation for this at Saturday’s meeting of the Midlands Labour Board.

Colleagues, we, the Labour Party and the Trade Unions, are a movement intended to give voice to the workers. The Trade union task is to give a collective voice in the workplace, with the knowledge that collective strength is essential to protect workers’ rights; and the political party (the Labour Party) is tasked with giving legislative power to allow the workers voice to be heard.

Now our Labour Party in Birmingham City Council, and some Labour Councillors individually, stand on the precipice of saying they will seek to use Tory legislation to deny the democratic voice of its own workforce. Legislation that the Labour Party Nationally committed to repealing in the 2017 manifesto would be used by a Labour Council regionally in order to seek to deny the 95% yes vote of the Council’s own workforce.

The Council’s Deputy Leader’s explanation for using the Tory legislation, given to the Midlands Board on Saturday, amounted to “much legislation is Tory legislation”!

I am sorry Deputy Leader but this is undemocratic, anti- union, anti-worker legislation that seeks to deny the right of workers to withdraw their own labour in a dispute with employers. That the legislation exists is no excuse for a Labour Council to seek to use it.

I am equally dismayed by the public commentary made by the new Councillor for Waste who seems to have no understanding as to what your employees will be thinking as he repeatedly states his eagerness to gain an injunction to allow him to ignore their genuine dispute.

Where to now?

If the Council seeks an injunction then Unite expect to defeat the challenge and the dispute will go on.

However regardless of the outcome in Court, an injunction will not resolve the very real issues of disparity that now exist in the depots.

The mere seeking of that injunction will of course reflect a sad day for the Labour Group in Birmingham.

The alternative of course is to agree that regardless as to why the payments were made in 2018 they have created an inequality in the workplace that must be resolved by seeking parity. Certainly this course of action is the most cost efficient method of bringing the dispute to an end whilst also being best for the people of Birmingham.

Unite is open to talking

Unite always remains open to talking. All disputes are ultimately resolved by dialogue. Unfortunately dialogue has stopped since the last ACAS meeting.

Indeed since your new Councillor for Waste has been appointed the offer of settlement from the Council has gone backwards and the ultimatums and threats have escalated. In the view of Unite this sadly reflects an industrial naivety- statements and actions that only serve to further a dispute not to resolve it.

Personally I have offered to publicly debate the reasons for the dispute and how it can be resolved with any, or multiple members, of the council's team. I am willing to debate this publicly with the Leader, the Leader's choice of officers, the council's legal team and the Councillor for Waste to ensure the true position is understood.

Additionally I would be more than happy to accept any invitation to a Council meeting itself where I would openly and transparently answer all questions.

Colleagues we are at a watershed. This wider Labour Group within the Council must take ownership of the decisions, each Labour Councillor must look within themselves as to the decisions they take and seek to do the right thing by your workforce and the people of Birmingham.

In solidarity



Howard Beckett

Assistant General Secretary