

Date: Wednesday, 02 September 2009

## **ALL MEMBERS**

### **DISPUTE UPDATE**

Dear Brother/Sister,

Members may now be aware of management's requirement for Grey Book staff to attend their briefing meetings and a further requirement for those personnel to inform management if they intend to partake in any industrial action - if the Union calls for it.

On behalf of our members we have gained the appropriate legal advice which is as follows:

Section 230 (4) of Trade Union and Labour Relations (Consolidation) Act (TULRCA) states

"A ballot shall be conducted so as to secure that -

(a) so far as is reasonably practicable those voting do so in secret,....  
....."

Paragraphs 39 and 40 of the code of practice also state that the identity of a voter should be protected.

On this basis there is no obligation on our members to agree to management's requirement to inform them of which way they are going to vote and our advice is that TULRCA stresses that a vote for industrial action should be secret.

In short TULRCA stipulates that votes for industrial action should be secret and this is supported by the associated code of practice. The employer will be informed of the outcome of the ballot in accordance with the provisions set out in TULRCA. It is not a reasonable instruction to be asked which way you are going to vote at the present time as the ballot would no longer be secret. Therefore members are not advised to give any notification to either the union or the employer of the way in which you intend to vote and if members are asked they should refer to the fact they understand the ballot should be conducted in secret.

Yours in unity

L Skarratts  
Brigade Secretary