

Trade Union Bill

Consideration of Lords amendments (Wednesday 27th April 2016)

The 'opt-in' and party funding

Responses to Lords Amendments 7 and 8

The Society strongly welcomes government amendment (n) – extending the transition period for unions to require their members to 'opt in' to political funds from three months to twelve months. **This gives a year-long window of opportunity for all parties to get back around the table and negotiate a party funding deal**, before the current funding arrangements are knocked out of kilter.

We also welcome the government's acceptance of the proposal by the Trade Union Political Funds and Political Party Funding Committee (the temporary House of Lords committee) to make the introduction of the opt-in contingent on consultation with the Certification Officer and trade unions, and on parliamentary approval. This demonstrates that – even with a topic as politically controversial as party funding – parliamentarians from all sides can work together to achieve consensus. We would like to see that spirit of consensus sustained into negotiations between all parties on a fair and transparent party funding settlement.

The Society also welcomes other amendments which allow unions to give opt-in, renewal or withdrawal notices electronically. These amendments remain true to the spirit of opt-in, whilst increasing flexibility for union members.

Our polling has repeatedly shown that the public want to see a cleaner, more transparent party funding system. In our most recent research, 72% of the public agreed or strongly agreed that the system of party funding is 'corrupt and should be changed'¹. However, a unilateral approach to reforming party funding not only undermines the principle of seeking cross-party agreement on such matters, but is likely to lead to retributive attacks on party funds, damaging public faith in the process and creating a race to the bottom on party funding.

This amendment gives the government a chance to deliver on its manifesto pledge to “continue to seek agreement on a comprehensive package of party funding reform”. The Electoral Reform Society supports a package of reforms including a universal donations cap, lower spending cap and review of existing public funding arrangements. For further details of our work on party funding, view our [latest report](#).

¹ BMG polling for ERS, sample 1504, conducted between 22nd – 27th October 2015

Electronic balloting pilot

Response to Lords Amendment 2

The Society warmly welcomes amendments (a) and (b), which accept Lord Kerslake's Clause for a pilot of electronic balloting.

These amendments lay open the way for trade unions to seek to increase participation in ballots. As important civil society organisations, unions play a part in fostering participation in our democratic society. We see participation of this sort as beneficial from a democratic perspective. Clarifying the scope of the pilot including the type of votes or polls in which electronic methods will be tested would be helpful. Testing these methods across internal elections and strike ballots would provide maximum value from the pilot.

Established democracies can struggle to keep pace with social or technological change. The UK was the last modern democracy to switch from household to individual electoral registration, and it was only last year that the UK allowed online registration for public elections (this was a huge success, with nearly half a million people registering in just one day for the 2015 general election). Digitally savvy younger generations for whom online campaigning, banking, and shopping is the norm are particularly likely to see our pen-and-pencil democracy as hopelessly old-fashioned.

Modernising public elections has genuine challenges, given the need to balance security and secrecy whilst maximising participation. For that reason, whilst postal voting has become established, online has been treated with far more caution – and rightly so. However, private elections have seen more innovation, with a whole host of organisations combining electronic, postal and in-person ballots in an effort to maximise turnout. Millions of people – members of professional bodies, campaign groups, political parties or private clubs – now habitually vote electronically.

In all this, trade unions are something of an outlier. As civil society organisations go, they are some of the largest. Yet their methods for conducting ballots – not just on strike actions but also on their own internal elections – have been heavily constrained by law. Political parties, NHS Foundation Trusts and other large organisations have found that by offering a mix of different voting methods, participation can be improved. Trade unions should not be the only civil society organisations so restricted in its methods of voting and the government's amendments pave the way for greater avenues to participation for trade union members.

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