Consultation on the DTI draft Code of Practice on access and unfair practices during CAC ballots for trade union recognition or derecognition

Thank you for a copy of the consultation document. Acas Council has considered the draft Code and makes the following points in response.

Council notes that the content of the draft Code builds on the existing statutory Code on access during CAC ballots. This seems a sensible approach, given that the Code’s practical guidance is generally well regarded as a helpful benchmark when parties are establishing agreed arrangements.

Council also notes and welcomes the references in the Code to use of Acas assistance and advice:

- use of Acas to help broker an access agreement or where problems arise over implementing an agreement (para 21 and 77);

- use of the Acas Code of Practice on Disciplinary and Grievance Procedures, when contemplating disciplinary action (para 54);

- implied use of Acas assistance in respect of complaints about conduct during campaigning (para 79), in that the Code suggests that it would be good practice to follow similar procedures to those advised for resolving differences over access arrangements.

Council suggests that DTI consider including within the Code, that as a matter of good practice, employers and unions ensure that when agreeing access and campaigning arrangements, these are effectively communicated within their respective organisations. However good the arrangements and the intentions of the principal negotiators, the actual practice on the ground will depend on all managers and union representatives receiving the correct information about the agreement and appropriate messages about how to conduct those arrangements. This advice could perhaps be included as a sub-section of both Section C and Section E of the Code.

I hope these observations and suggestion help in finalising the contents of the Code.

RITA DONAGHY
CHAIR