

Tribunal rules Wiltshire Council 'broke law'



Bristol Employment Tribunal has ruled an email sent by council the Chief Executive broke industrial relations law

The unlawful act was an email seeking to deter GMB members who are traffic wardens from voting for industrial action over a proposed pay cut. [1]

The vote was part of a long-running dispute in which Wiltshire Council is seeking to reduce key worker pay by removing contractual out-of-hours pay enhancements.

Andy Newman, GMB Branch Secretary said:



"The simple fact is the court ruled an email sent by Terence Herbert, the chief executive of Wiltshire Council on the eve of a strike ballot in 2022 broke the law.

"Furthermore, the judges state that some of Terence's evidence to the Employment Tribunal was, in their words, 'simply implausible.'

"The judges refer to Terence's 'frustration and irritation' with GMB, and in our view this led him to acting rashly.

"The evidence given in court also reveals that Wiltshire Council's HR advice to Terence was completely wrong and our view is that between them they have brought the council into disrepute.

"GMB had sought to settle out of court, but Wiltshire Council preferred to waste taxpayers' money in fighting and losing in court.

"The email was unlawful and as far as GMB is concerned it was a bully-boy ploy to intimidate staff from voting yes to industrial action, so it is no coincidence Wiltshire Council is still threatening to use 'fire and rehire' to force a 10 per cent pay cut on frontline workers.

"It is time for Wiltshire Council to put this long-running industrial dispute to bed and withdraw the threat of the pay cut for staff working unsocial hours."

[1] Wallace and Others v Wiltshire Council was heard between 5 and 8 February 2024 at Bristol Employment Tribunal:

"In a judgement issued today [27 March 2024] the council have been found to have unlawfully broken s146 (b) of the Trade Union and Labour Relations (consolidation) Act (1992), of acting to deter legitimate trade union activity."

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