UNITE
WRITTEN SUBMISSION

Background

The importance of this Bill extends beyond issues of management and maintenance and indeed ownership of the current Forth Road Bridge (FRB) and the Forth Replacement Crossing (FRC).

That an unambiguous legal objective of the Bill is to remove barriers which prevent a single contract status for the maintenance and management of the FRB and FRC, with the Scottish Government (and by extension the public purse) acting as a guarantor for the successful tender, deserves scrutiny in the current economic and political climate.

However, at this first stage of the process, or main objective is to safeguard the future employment status and conditions of our members and the wider FETA workforce as a result of the Scottish Government's proposals and this is reflected accordingly in these issues of concern.

Dissolution of FETA – protecting workers rights

Of immediate concern to Unite is the future of our members and the wider workforce currently employed by the Forth Estuary Transport Authority (FETA). Our members will face a TUPE situation as employees will be transferred directly into the employment of the new operator which successfully tenders for the FRB contract.

In the first instance, this creates a significant degree of uncertainty among the workforce, further fuelled by the common knowledge for well over a year that the FRB maintenance contract would be tendered out. Although the Scottish Government assures there will be no compulsory redundancies as a result of the TUPE process, the legislation remains fraught with potential pitfalls for workers.

The Trade Union Congress (TUC) response to the Department for Business, Innovation & Skills (BIS) call for evidence on the Effectiveness of TUPE regulations in January 2012 highlighted that TUPE often results in a significant erosion of pay and conditions.¹ Unite shares this view and urges that we cannot be complacent in protecting the terms and conditions of the FETA workforce throughout the tendering process and beyond.

We emphasise these concerns with a view to offsetting any future problems for staff terms and conditions or employment status arising from the two bridge contract – e.g. a single workforce for the FRB and FRC.

We trust the Committee will take on board the need for companies tendering to follow best practice on this matter, fully engaging with the workforce and their trade union representatives upon award.

**Procurement**

The tendering process for the construction of the new FRC posed a number of questions of the Scottish Government's approach to procurement. More broadly, Unite supports the view that our procurement policies are vital in the pursuit of economic growth and in the need to offset the failed economic policies of the UK Government.

Radical reform of the procurement agenda - worth an estimated £9 billion according to the Reid Foundation\(^2\) - can help achieve this and this approach should apply to the contract award for the FRB & FRC maintenance contract.

Unite is clear in our view that the overarching future procurement agenda in Scotland should:

- Shift focus on moving away from lowest price tender to quality and sustainability which largely benefits people, not profit in public procurement; and

- Introduce a guarantee that companies identified as involved in blacklisting should be barred from tendering for public contracts in Scotland (this also includes known anti-trade union activities).

It has been well documented in recent weeks the depths of the blacklisting scandal. Scottish Government ministers have admitted firms involved in the FRC consortium were identified by the Information Commissioner Office (ICO) as subscribing to the Consulting Association, which charged its clients £3,000 a year and £2.20 for each blacklisting inquiry.\(^3\)

Quite simply there is no place for the scourge of discrimination and anti-union activity in modern Scottish society. The Scottish Government must ensure the utmost transparency and best practice in the procurement process for all future contracts.

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We highlight these broader concerns to the Committee in the context of the financial implications of the Bill where the Scottish Government have stressed issues of value for money, reform, economies of scale and savings as key factors in the procurement process.

Unite believes the Committee should be pivotal in ensuring this Bill and process does not repeat the oversights of previous governments and executives with regards to contract awards.

Unite
1 February 2013