

LEADING TRADE UNIONISTS ON
CREATING AN ECONOMY THAT
GENERATES GOOD WORK

Securing the GOOD WORK Economy

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About Unions21

We provide an open space for discussion of the future of the trade union movement. Our work has helped shape unions since 1993 by providing evidence, advice, new thinking and networks. We are mainly resourced by contributions from unions and others who work with unions that recognise we need to keep the movement evolving in an ever-changing world.

We encourage discussion through research, publications, conferences, seminars and similar activities.

Our steering committee meets monthly to identify the issues that matter and decide how we can stimulate debate around the relevant policy areas and engage with those holding influence so that new thinking can be put into practice.

We are committed to a sustainable future for the trade union movement and to helping unions to continue to meet the needs of their members.

We pride ourselves on working with a range of organisations and individuals that share our aims. We welcome proposals for partnering in all areas of our work.

Chair of the Unions21 steering committee

Introduction

The Unions21 Fair Work Commission, which began in 2013, has demonstrated that unions have plenty of good ideas for creating better work, grounded in practical experience and expertise. For further information see *Fair Work Commission First Report* and *Whose Recovery?* – both published at unions21.org.uk/publications

Britain needs a high-profile national debate about a future world of work. Workplaces that are increasingly unequal, characterised by insecure employment and rising levels of workplace stress and mental ill-health are not the route to a high-quality, high-productivity economy. We urgently need a compelling vision of what good work looks like, as well as a programme to deliver it.

Unions provide the most effective route to fairer workplaces and must be at the heart of this debate. This publication provides the opportunity to reinvigorate industrial and political thinking, giving our ideas the traction they deserve.



The contributors were all asked to set out their key idea for securing a good work economy. The first section of the report explores proposals for a change in

direction; the second part addresses the need for action to secure justice at work; and the third section sets out proposals to deliver good work in some key sectors.

Unions will continue to develop their thinking, through Unions 21 and other channels, but this publication is primarily aimed at political colleagues aspiring to form the next government. There are two key reasons why politicians should listen:

First, Britain needs more good jobs in high performing workplaces to rebalance the economy. Second, driving positive change at work is without doubt a vote winning agenda.

We look forward to constructive dialogue.

Ian Murray MP

Labour's Shadow Minister for Trade and
Investment

Foreword

Unions 21 have been at the forefront of the discussion on the idea of 'good work', particularly through the important work of the Fair Work Commission. The Commission's work has brought together key people interested in how we reduce unfairness in the workplace and improve the quality of jobs here in the UK. I'm delighted to have been involved in its work and thanks are due to Dan and all at Unions 21 for their efforts.

Its work on those aims of tackling unfairness and creating 'good work' couldn't come at a more apt time as people up and down the UK face a cost of living crisis. The signs of that crisis are clear to all – the weekly shop is more expensive, energy bills never seem to stop rising and day-to-day living expenditure like travel is becoming unaffordable. And the overarching factor is that the average person is £1,600 a year worse off on average since 2010, a direct sign that people are not benefitting from growth under this government.

On top of all this, there is the hidden contributor to the cost of living crisis – job insecurity.

Flexibility can work for employers and employees, but it should not be an

excuse for exploitation, and people need a safety net for them to fall back on should they be wronged at work. That is the key to a good work economy.

This government fails to recognise this and the growing insecurity of Cameron's Britain is left to further squeeze people's living standards and hamper economic recovery.

We need an agenda that focusses on pay, job security, skills and progression in the workplace underpinned by a fair and productive employment relations system. The ideas and proposals in this publication drive forward that agenda.

Whether it's reducing the exploitative use of zero hour contracts, strengthening trade union membership, encouraging employers and employees to work together more collaboratively, contributors have identified problems and offered solutions which could contribute to creating a good work economy. Their suggestions merit consideration.

Indeed, many of the issues discussed in these pages are at the forefront of Labour's own policy process, a process which has seen one of the most radical policy platforms of any political party in recent years being adopted.



Where the Tories have failed, Labour will act; that is the choice. We will strengthen the minimum wage and introduce Make Work Pay contracts so that more companies pay the Living Wage; we will support our young people with a jobs guarantee for those out of work for over a year; and tackling workplace exploitation by closing existing loopholes that allow agency workers to be undercut by workers from abroad and banning the abuse of zero hour contracts.

Trade unions have a strong role to play in all this by boosting training, pay and conditions for their members and helping Britain win the race to the top. Because trade unions can be powerful forces behind our economic success.

We can't expect wealth to trickle down from the top; it should be built on the contributions of all where opportunity is extended and barriers to success removed.



As well as securing 'good work', we're committed to get more finance flowing to business again with a proper, independent British Investment Bank and a network of regional banks to support businesses that need growth capital; to radical devolution of economic powers to our cities and regions; tackling our dysfunctional skills system by increasing the number of high quality apprenticeships and finally working strategically with employers and employees to encourage long-termism in our economy through an Infrastructure Commission and proper industrial strategy.

In the months ahead, every Labour and trade union member and activist should spread the message – it is only a Labour Government that can deliver a new economy based on a new relationship in the workplace, which recognises the role that all working people play in generating growth and in turn, provides those workers with better standard of living and security for them and their families.

Come May 2015, I believe people across Britain will make their voice heard that they won't stand for insecure workplaces and it is only Labour which can secure fairness at work and the good work economy.

Contents

PART 1

A CHANGE IN DIRECTION

8-Roy Rickhuss

A new culture of partnership working

10-Jim McAuslan

A manifesto for the moderate middle

12-Mike Clancy

A legally guaranteed collective voice

14-John Hannett

Protecting working people when employers go into administration

16-Chris Keates

Supporting and developing, growing and nurturing

18-Jess Belmonte

Occupational health services for all workers

20-Mary Bousted

Skills qualifications and training

PART 2

JUSTICE AT WORK

22-Manuel Cortes

A new settlement for workers seeking justice

24-Tom Jones

Make access to justice more than a slogan

26-Mick Whelan

Why we need decent employment rights

PART 3

SECURING GOOD WORK IN KEY SECTORS

28-Rachael McIlroy and Jon Skewes

Valuing nurses and midwives

30-Gerry Morrissey

Why creative careers matter

32-Dave Penman

Equality of access to senior public
sector roles

34-John Smith

Fair pay for professional musicians

Roy Rickhuss

General secretary, Community the Union

A new culture of partnership working

Much of the debate around the role of industrial relations has centred on the legislative context for union activity: ballots, industrial action and other minimum standards around trade union recognition.

Of course, we should always seek to improve the legislative position around collective rights, but that is only part of the picture. Of concern is that there appears to be less focus on developing strong working relationships between employers

and unions, promoting productivity gains through modern industrial relations and involving union members in influencing the key decisions taken by employers.

There is an old saying that managing is too important to be left to managers alone. I've been involved in countless meetings with companies facing productivity issues, gaps in workload or job losses, where a constructive suggestion has emerged from the trade union side of the table that has led to jobs being saved, new work being won or more

productive working practices being introduced.

Unfortunately this type of strategic engagement doesn't happen enough, as it is supplanted by a minimalist approach to information and consultation, too often only when jobs are at risk.

A massive culture change is needed across the British economy. Through deeper engagement between employers and employees, organisations will

be better able to tackle the issues that arise, seek out new opportunities and fix potential problems.

We need to move from an era of minimal consultation to an era of partnership working and co-determination, which can embed the long-term decision-making culture the UK economy desperately needs to continue to compete globally.

An incoming Labour government should be able to create a new era of partnership in a number of ways by:



MY KEY IDEA

Government should encourage culture change across the British economy, incentivising deeper engagement between employers and employees. We need to move from an era of minimal consultation to an era of partnership working and co-determination, embedding the long-term decision-making culture the UK economy desperately needs to continue to compete globally.



- establishing a genuine forum for strategic, tripartite social partnership between business, trade unions and policy makers, which would send out a clear message that it believes in partnership working
- developing a range of sector-specific industrial strategies that provide strategic goals for industry and foster constructive industrial relations constructing the legislative framework for employee representatives to become board members and influence decision-making in companies.

This type of direct intervention by government would ensure greater long-term thinking, more collaboration and increased investment in people by industry.

The business community regularly highlights the need for more government support. I'm happy for

businesses to get support as long as they create sustainable jobs, provide developmental opportunities for their staff and involve employees in decision-making. That sounds like a fair and sensible relationship to me, and one that could drive the UK economy forward.

If we want business to up its game unions should be ready to change, too – that means real and meaningful modernisation, looking to the future rather than relying on our past.

Most importantly, to retain a role as a responsible social partner, unions need to be seen as relevant and appealing to the millions of non-members, which means thinking about our culture, language and approach.

Undoubtedly there are challenges for all social partners, but the ultimate prize is a more sustainable, inclusive and productive economy, an objective I am sure we can all share.



@CommunityUnion

Gov, unions and business need culture of partnership working and co-determination, embedding long-term decision-making needed by UK economy

Jim McAuslan

General secretary, BALPA

Manifesto for the moderate middle

In the search for a general election victory, the government and opposition are digging themselves into the right and left fringes of British life and ignoring the concerns of those in the large, moderate, middle ground.

Professionals and the rest of the moderate middle have helped lift the UK out of recession. However the weight of this burden must be carefully balanced to ensure the flow of future professionals to drive future economic growth.

Competing core vote strategies are driving policies and likely manifesto pledges away from the moderation that lies at the heart of our nation.

Professionals investing in themselves and the country through training and taxes epitomise the neglected moderate middle. Pilots, for example, invest huge effort, time and money in getting on and climbing up the career ladder, working up from lower paid and insecure jobs towards a rewarding and secure working life and retirement. There is intense pressure on the first steps up this ladder and increasingly the cost, insecure contracts and an unpredictable career future deter many from getting on the first rung.

The mounting pressures felt by professionals of debt, housing, work-life balance, childcare, dwindling pensions and rising living costs resonate across the middle class, but are ignored by strategies that focus on the core vote.

MY KEY IDEA

Political parties are digging themselves into the fringes of British life by focusing on core voters and neglecting the moderate middle. We need a manifesto for those who occupy the middle ground. It should tackle the concerns of professionals like pilots, including zero hours contracts, pensions and restoring pay levels.



A manifesto for the neglected moderate middle would aim to restore a fair balance of power at work, which has shifted too far away from the employee to the employer.

Dedicated staff no longer expect a decent, secure job with respect, fair rewards and a career path. Instead they are told, right up to professional level, to be thankful simply for being employed. Employees have accepted frozen or reduced pay to help the country through recession.

The current and next government should signal to companies that they expect to use the return to growth and profits to help employees to catch up and recoup what they have sacrificed.

The next government can also tackle the increase in insecure employment that lies beneath the employment figures.

In some airlines pilots have to opt for self-employment and the resulting lack of holiday, sickness protection, security, pension and proper personal and company contribution to public finances. Alongside this, the rise in zero hours contracts removes a pilot's ability to plan for the next week or month and raises the risk to passengers of pilots going to work when they are ill, tired or otherwise not fit to fly.

Professionals in the moderate middle are trying to plan for their futures as pension policy shifts beneath their feet. The proposed easier access to retirement savings will help professionals meet other costs. However, this benefit is dwarfed by the recent cut to the lifetime allowance. A reduction in how much



can be saved in a pension before having to pay tax could put many off saving for retirement altogether.

Professionals and others in the moderate middle are not attracted by simplistic core-vote policies aimed at galvanising parties' existing supporters. A party with a manifesto that commits to putting fairness and moderation back at the heart of our nation could find the moderate middle carrying them to victory next year.



Mike Clancy

General secretary, Prospect

A legally guaranteed collective voice

We know the statistics – private sector collective bargaining coverage at 16%, union membership at 14.5%. After decades of employer hostility to union organising and minimal statutory support for bargaining, these numbers may actually indicate surprising resilience.

Leaving aside the impact on unions and their role in civic society, what does this mean for employees? What does it mean for workplace decision-making, employee engagement and underlying UK corporate health?

Well, you could say that if private sector employees wanted to join unions for a voice they would, and the fact that more of them don't tells its own story. Or maybe it is too simplistic, to the point of being partisan, to suggest that union membership levels are the only barometer of the real appetite for worker voice in collective decision-making.

Equally, some might say, why worry,



since employee engagement is the rage, filling pages of human resources magazines, with employers all converts to listening.

That's all very well, but what is the real value of engagement where the process and substance are at the behest of employers? Can engagement be authentic if its reins are only in corporate hands?

Some might think that engagement is really a means of getting employees to improve operations, production and service; a grand "suggestion" scheme by another name, but with sophisticated tools to make it look contemporary. Because why are those same employees who have helped make their organisations leaner, helped with restructuring and shared their tacit knowledge then denied a say in employment security, conditions or reward?

In my view, untrammelled authority cloaked in human resources blandishments contributed to the conditions in which banks broke the

MY KEY IDEA

Real engagement with working people across the private sector means offering them an independent collective voice on their working conditions and the direction of their companies. To transform workplaces and make our economy resilient, any future government should introduce the statutory right to collective bargaining in all workplaces.



economy. Scrutiny and accountability exited stage left as deregulation took hold.

And it is not just banks – most UK corporates have become used to life without any countervailing voice. Yet we still have a productivity problem, skills shortages and rely on inward investment rather than indigenous success.

All the evidence shows that employees want to contribute to the success of their companies. It is right for companies to maximise how they harness that talent and commitment to help build an innovative and globally competitive private sector. However, those same employees want and deserve a collective voice on the shape of the company and major decisions affecting their future. It should be articulated

through elected representatives, independent of the employer.

Being comfortable with collective scrutiny by employees should be a cornerstone of the new corporate governance replacing the thinking that brought us to the brink of meltdown.

But this will not happen just by exhortation and reference to good practice. Nor will it happen solely through unions organising to achieve a collective voice through bargaining. Rather than going from 16% to a majority of workplaces having a collective employee voice, the real danger facing us is of heading in the opposite direction.

Now is the time for statutory intervention by a government bold enough to realise that a paradigm shift in favour of legally guaranteed collective voice is a key component of transforming our workplaces and making our economy resilient. And where are we going to find a government like that?



To transform workplaces and make our economy resilient, government must give employees the statutory right to collective bargaining @ProspectUnion

John Hannett

General secretary, Usdaw

Protecting working people when employers go into administration

In 2007, Kwik Save went out of business following a period of six weeks where employees were attending work without pay. Kwik Save was followed into administration by other major retailers, including Woolworths, Ethel Austin and Comet. The economic downturn has highlighted the need for a good work economy to plan for situations where businesses fail.

Usdaw believes that as part this plan, a good work economy needs to provide:

- an increase in the statutory limit on redundancy pay and for this to be a right from day one
- an extension to the statutory protected payments in insolvency – holiday pay, enhanced redundancy
- an increase in the limit on preferential debts in insolvency. The limit is currently £800 and has not increased since 1976. This would be of particular benefit to those with less than two years' service, who do

not qualify for statutory redundancy and the higher paid who earn over the statutory limit (currently £464).



We continue to campaign on the issue of employers avoiding consultation altogether by claiming that there are fewer than 20 employees being made redundant. Strategic decisions are being made at national level but consultation is not taking place at small stores. The issue revolves around the definition of “establishment”.

Usdaw is also campaigning for a new information and consultation framework to apply to administrators in redundancy situations. Such a framework needs to resolve three key issues:

- the breaking of the good relationship with the union – administrators need to be reminded of their duty to engage in meaningful consultation
- the difficulties surrounding the administrator's use of

MY KEY IDEA

The economic downturn has highlighted the problems employees face when a business enters administration. We need a new information and consultation framework in redundancy situations to ensure that a good work economy protects workers and delivers the best chance of a business continuing to operate.



confidentiality to avoid engaging in any dialogue with the union. For example, when Kwik Save was in administration we had to attend court hearings to find out what was happening. Confidentiality agreements are a simple solution

- the lack of any meaningful consultation over redundancies. Administrators are ignoring their obligations since they do not have to deal with the ramifications of not doing so, as it is the National Insurance Fund that pays out when a protective award is made. Administrators should face financial penalties, as employers do.

In response to a lack of consultation from administrators, Usdaw has successfully brought employment tribunal cases for a protective award on behalf of members in Woolworths and Ethel Austin. Due to a weakness in legislation, these judgements exclude 4,400 staff who worked in stores with fewer than 20 employees.

Udaw appealed this decision and won £5m for members in smaller stores. This landmark decision changed the law on collective

redundancy consultation. Unfortunately, the business secretary has been given leave to appeal this judgement and the case has now been referred to the Court of Justice of the European Union.

As a consequence, former Woolworths and Ethel Austin employees have been waiting for over five years to receive justice. Usdaw is confident of the strength of our case at the CJEU.

Udaw will continue our strategy of pursuing protective awards in cases where there is a failure to meaningfully consult and we have recently won a further case for members in Comet.

This work also serves to highlight the need for a new information and consultation framework in redundancy situations. The next government must also reverse the legislation to reduce the minimum consultation period to 45 days.



@JohnHannett

When a business enters administration we need an information and consultation framework to protect workers

Chris Keates

General secretary, NASUWT The Teachers' Union

Supporting and developing, growing and nurturing

Beyond 2015 a key priority for policymakers must be to secure an economic policy that delivers inclusive prosperity.

The claimed current economic growth has made little difference to the lives of ordinary working people and their families, with millions struggling with the high cost of living exacerbated by cuts in working hours, job loss, pay restraint and increased pension costs. The UK now has 3.5 million children living in poverty, set to rise by 600,000 by 2016 if current economic and social policies continue.

Productivity and growth can only be achieved within an economic context where policymakers value and respect workers, protecting and enhancing their rights rather than creating a race to the bottom. Fairness at work is integral to economic success.

No one would deny the importance of tackling the financial deficit, but the coalition government has used

the economic crisis as a convenient excuse for stripping away workers' rights and conditions.

The key to economic success is the workforce and the spiral of decline in employment rights must be reversed.

There is no better example of the diminution of rights than the growth of casualisation through zero hours contracts and fixed and temporary appointments. This has principally but not exclusively impacted on younger workers.

Such contractual arrangements lead to a growth in general economic and political insecurity. The next

government must outlaw zero hours contracts and ensure clear rights and entitlements for those on fixed or temporary contracts.

The coalition government has also adopted a toxic and corrosive approach to health and safety in the workplace, using the recession and reducing bureaucratic burdens on business as the pretext, despite the clear connection between health and safety and productivity. The next



government must make health and safety of workers a priority, including introducing effective measures to hold employers to account for the welfare of their workforce.

Even the coalition government has said its changes to flexible working arrangements will be worth £475m to the economy in coming years. But they do not go far enough to support the four in 10 British workers who wish to work flexibly ,

Greater flexibility and stronger employment rights are needed on parental and carer leave, including for elder care.

Public investment in education produces higher economic growth and social returns such as community safety, crime reduction and citizen participation, in turn reducing costs associated with social problems.

The next government must establish coherent system-wide strategies to develop education policy, underpinned by progressive values that secure entitlement for all children and young people; put in place effective frameworks for the curriculum and qualifications; and provide sufficient financial and other resources.

An education system that works for all young people is not only socially right but essential to the economy.

The OECD has emphasised the importance of lifelong learning. A future government must do more to encourage employers, and employees, to participate in lifelong learning schemes.

The importance of trade unions in achieving fairness in work for pay and conditions cannot be overstated. Weakened union influence in the US has been directly linked to greater pay inequality. For a fairer work society, unions must be seen as part of the solution, not part of the problem.

A future government must not miss the opportunity to create a fairer work economy to achieve the rebalancing needed. Self-interested business organisations may resist but these measures provide the catalyst for future productivity and growth.



Occupational health services for all workers

Sickness absence costs the UK around £15bn annually in lost economic output and more than 5% of sickness absence becomes long term (more than four weeks). This accounts for almost half the working days lost each year¹.

In the NHS almost 40% of staff absence is due to musculoskeletal conditions such as back pain or repetitive strain injury.

Long-term sickness has a detrimental effect on the individual but also on society. Evidence shows that good work is good for your health. For most people, including those with long-term conditions, health can be improved by being in work.

If an individual is absent from work for six months there is an 80% chance that they will be out of work for five years. This leads to welfare dependency and is associated with an increased incidence of mental health problems.

Early access to quality occupational health services is widely acknowledged as a cost-effective way to reduce sickness absence, improve safety and enhance performance in the workplace. Indeed, for every £1 spent on OH services there is a £3 return for the business.

York Teaching Hospital NHS Foundation Trust invested £160,000 in a multidisciplinary occupational health team over three years to work in partnership with managers and trade unions to reduce sickness absence and assist sick or injured staff to return to work.

After three years long-term absence had reduced by 72% for absences of four weeks or more and the trust had saved almost £1.2m a year in bank and agency staff costs.

We propose that all workers, including those on fixed-term, casualised and zero hour contracts should have a statutory right to a full range of occupational health services on demand.

MY KEY IDEA

Quality occupational health services are a cost-effective way for employers to reduce sickness absence and increase productivity. All workers, regardless of contract type or length of service, should have access to a full range of OH services on demand to address ill health issues promptly.



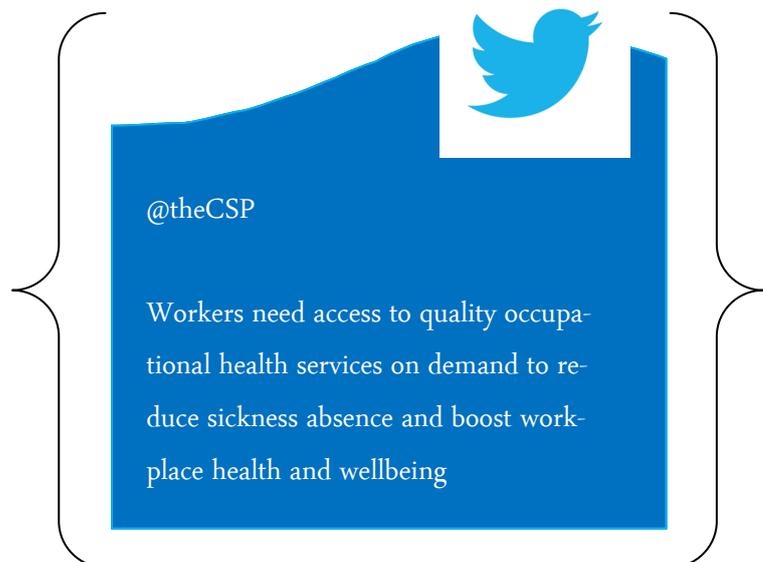
This should include access to physiotherapy, complementary therapy, psychological support services such as psychotherapy and cognitive behavioural therapy, debt counselling and lifestyle and dietary advice.

This should be offered regardless of length of service, duration of contract or size of employer. Employers have a legal duty of care to their employees and a moral responsibility to promote staff health and wellbeing.

Staff who have immediate access to quality occupational health services will be able to tackle ill health issues, such as back pain or stress, promptly, preventing them from becoming chronic problems and reducing sickness absence. Employers will recoup the cost of offering these services through a valued, well supported workforce with high morale reducing staff turnover, recruitment and agency staff costs.

If employers were obliged to offer these services to all staff this could go some way towards discouraging the use of casualised and zero hours contracts. In addition it would create jobs in the health sector and contribute to a healthier nation.

With thanks to the Association of Chartered Physiotherapists in Occupational Health and Ergonomics



Mary Bousted

General secretary, ATL

Skills, qualifications and training

The problem is clear – there is not enough work to go round and too much of what work there is requires only low skills, is insecure and is badly paid.

Too many workers feel exploited, overworked and underpaid but do not believe they can do anything to improve their working lives, because if they stand up for their rights, and suffer the consequences, there are plenty of others to replace them.

Employers have outsourced the cost of poor employment – the taxpayer picks up the bill through working tax credits. In-work poverty is growing, which creates chronic long-term physical and mental ill health, for which the taxpayer again picks up the bill.

The truth is that labour is simply too cheap. Low wages drive the growing

market for low-cost services and have another, serious, and long-term consequence: they drive employers away from long-term investment in plant and kit, and from the creation of jobs requiring the skills to use such plant and kit.

There is no knowledge economy. While knowledge-intensive areas and sectors exist, no overall industrial and economic strategy is worthy of the name.

Only 12% of employers have high-performance workplaces and effective, high-quality management systems. Last year 34% of UK employers offered their employees no training or development.

Shamefully, the UK came top of the OECD league table for over skills qualification – that is, workers doing jobs that do not fully use their skills. This is a waste of talent and skill of industrial proportions.



MY KEY IDEA

Lack of long-term, strategic investment and planning has left the UK workforce over reliant on a low-skills, low-wage economy. The UK comes top of the OECD league tables for over skills qualification and lack of training and development. Unions are an essential part of the answer to these systemic problems.



One consequence of the latest recession is the widespread acknowledgement that wages have fallen so low that workers cannot afford, unless they get into debt, to purchase more than the necessities (and, in many cases, they cannot afford even that). Finally it has begun to hit home that if you pay people peanuts, that's all they can buy.

So, we cannot carry on. If we are to create an economy in which good work can thrive we need a new model of capitalism built on long-term strategy; planned long-term investment; a well trained workforce; and workers to receive a fairer share of the profits of their labours.

Highly inequitable societies, and the UK is one, always do worse economically and socially.

Yet the alternative is possible. In April 2012, I went to the Siemens factory in Berlin as part of a tripartite (CBI, government and union) delegation to look at the apprenticeship training delivered there, and to meet employers and unions.

One remarkable lesson of the trip was the shared consensus among employers, unions and government that, despite the difficulties it sometimes involved, a social partnership model was best for the future of the company.

The different perspectives of unions, managers and employers needed to be heard if the company was to remain viable and profitable for the long term. Such consensus is rare in the UK, where the prospect of unions having anything at all to contribute is an anathema to many employers.

It is this mindset, above all, that needs to be changed if we are to create a good work economy in the UK.



@MaryBustedATL

UK workers deserve more – fairer pay and better training. Unionised workplaces have better industrial relations and are more productive.

Manuel Cortes

General secretary, TSSA

A new settlement for workers seeking justice

The introduction of employment tribunal fees by the coalition government is a despicable act that is seriously restricting access to justice.

Unions are rightly demanding that a future Labour government does away with these payments, which have seen a very worrying fall in claims. However, we should be far more radical – we need a new settlement for workers seeking to enforce their rights. Let's face it, even before fees, the employment tribunals system had become cumbersome and expensive as

solicitors and barristers laughed all the way to the bank.

Tribunals originally came into being to offer workers speedy resolution to claims in a non-legalistic environment. This is a far cry from what we have today – barristers, never mind solicitors, are a regular feature. This has led to a steady and unwelcome increase in costs associated with securing justice for workers. We must find a way back to a system which serves the aspirations that led to the creation of tribunals.



MY KEY IDEA

The next Labour government must abolish employment tribunal fees, which stop workers asserting their rights, and carry out a more fundamental reform of the system, moving away from intimidating court-style proceedings and banning lawyers from hearings altogether.



The first step is potentially simple, although possibly controversial. We need to ban solicitors and barristers from representing workers – or employers – at hearings. To do this, a body such as the Advisory, Conciliation, and Arbitration Service needs to be given the power and resources to adjudicate speedily and cost effectively in claims that workers make under employment legislation.

Holding hearings in a more informal setting provides a more relaxed environment for workers who are mostly unfamiliar with adversarial court proceedings, while still being able to involve lay members with industrial experience in decision-making.

Put simply, claimants would no longer feel intimidated by the weight of the legal establishment, which must clearly make for fairer hearings. Of course, rulings must be underpinned by legislation, otherwise employers may refuse to act on determinations.

However, appeals should be restricted to points of law. These would be heard by employment appeal tribunals where rightly, solicitors and barristers will make their presence felt. Indeed, this would easily blend with the new

early conciliation requirements introduced before claims can reach an employment tribunal.

Putting such a system in place is far from rocket science. Our neighbours in Ireland have a Rights Commissioner Service, which operates as part of the Labour Relations Commission, their equivalent of ACAS.

Rights commissioners investigate and adjudicate in disputes, grievances and claims made by workers under employment legislation. Decisions can be appealed to a higher legal body.

However, in reality, most employers simply accept the decisions of the rights commissioners. Solicitors can represent claimants or respondents at hearings, but this rarely happens. We should go a step further and ban legal professionals from hearings as part of a new settlement for workers' justice in Britain.

This will greatly reduce costs for both employers and unions and will also act as a catalyst towards securing justice in a more timely manner. In the 21st century, workers badly need access to justice that is fairly and promptly delivered!



.@Manuel_TSSA says
Labour must totally reform employment tribunals, ending court-style proceedings & banning lawyers

Tom Jones

Head of Policy, Thompsons Solicitors

A new culture of partnership working

In 2009, senior judges in England allowed themselves to be taken in by an insurance industry lobbying campaign that told them Britain was in the grip of a “compensation crisis” – even though two government enquiries had concluded that this was not the case – and ordered a review by Sir Rupert Jackson into the costs of civil justice.

Jackson presented his report just a few months before the Conservative-led government came to power. This was perfect timing for the insurers who had extensive contacts within the Tory party and are talked of as being big party funders. The government responded to their demands and wrote virtually all of Jackson’s recommendations into law in 2013 as part of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO).

Unions have managed to continue to provide a free legal service to their members. However, swingeing cuts to legal aid and a new fixed cost regime (again, demanded by the insurers) has shifted the balance of

power firmly in the favour of the employer.



Those not a member of a union are now expected to pay upfront costs. Expert medical reports can cost over £1,000, so it is easy to see how this is a barrier to accessing justice for many working people.

What’s more, the guilty party, or more often their insurer, no longer has to pay any insurance premium taken out by the injured person to cover any costs awarded against them. To cap it all, individuals pursuing a personal injury claim have to pay up to 25% of the compensation they are awarded, even if they are successful. This was crudely described by those advocating the reforms as giving claimants “skin in the game”.

Another major change to the legal landscape, which further tilts the balance of power away from working people and towards their bosses, is the end to strict liability, previously a central tenet of our legal system since the 1880s.

MY KEY IDEA

The government has introduced many attacks on access to justice. Repeal the Jackson reforms, restore strict liability and end tribunal fees. Make access to justice more than a slogan and listen to the voices of all victims, not just those who can buy influence.



on health and safety legislation, belittling it as “red tape”, are demoralising workers and making workplaces more dangerous and unfair.

Labour is the only party that can bring about real progress on access to justice. Ensuring a good work economy requires working people to be confident that if their employer doesn't treat them properly there is a system in place offering them recourse. Access to justice under this government is becoming the preserve of the wealthy.

Under strict liability, having shown the employer had broken health and safety laws the claimant, in certain cases, didn't have to prove a higher test of “fault”. Removing strict liability has lifted pressure on employers and made claims even more difficult for the injured.

The government has also gone after those who may have a claim in an employment tribunal. It has even introduced tribunal fees to lodge a case and as the case progresses, pricing out those of ordinary means who do not have union membership.

My message to the coalition is: You have willingly given in to pressure from the insurance and employer lobby. LASPO, together with employment tribunal reforms and legal aid cuts, massively undermine the ability of working people to seek justice when they have been wronged by their employers. Attacks



Stand up to the insurance and business lobby. @ThompsonsLaw says access to justice for all. #Conference2014 | #Labour

Mick Whelan

General secretary, ASLEF

Why we need decent employment rights

Despite the financial crisis in 2008, globalisation and neo-liberal ideas still dominate international political and economic discourse. It is this prevailing orthodoxy which undermines good work and against which trade unions across the world must stand firm to ensure the employment rights of our members are defended and protected.

In the UK our employment rights have been under attack since Margaret Thatcher's deregulation in the 1980s and the challenge for unions ever since has been to defend the status quo as much as we can.

Regrettably the endless and ever-escalating race to the bottom of

longer hours, zero hours contracts, agency work and stagnating wages all create a downward spiral for the average British worker. These factors in turn affect their health and wider quality of life and that of their family. This is why aspiring to good work is vital to our social and economic wellbeing.

Good work is employment with job security, a work-life balance, and decent pay. Zero hours contracts undermine these principles and, as a trade unionist, I believe they must be scrapped, particularly given that most affected by them tend to be low - skilled workers. I welcome the Labour party's commitment to ending their use.



MY KEY IDEA

The decline of trade unions in the UK has increased wage inequality, making it one of the most unequal countries in the developed world. We should learn from the welfare systems of countries like Denmark. A good starting point would be to scrap zero hours contracts while strengthening unions.



The average full-time employee in the UK works more hours per week than the EU average but that does not lead to more productivity and greater output. In fact, it leads to the opposite.

The best models of workplace regulations in Europe have emerged from nations such as Denmark, which use the Nordic model of social welfare. Research shows Denmark has some of the shortest working hours in Europe, while creating a strong economy that is much fairer than many western ones. This also coincides with Denmark rating as one of the happiest nations on earth.

Moreover, the UK is one of the most unequal countries in the developed world. The richest 1% of people have got steadily richer while pay for the rest has stagnated, forcing people to borrow to maintain a standard of living. It's no coincidence that this

has happened while workers' rights have eroded.

Indeed, international research from Berkeley economist David Card suggests that up to 29% of all wage inequality between British men over the 1980s and 1990s is down to the decline of trade unions.

The UK employment rights framework does not maximise the economic and social benefits to the country. The rights and regulations regarding work and employment must be urgently reviewed.

We must urgently reform our system, which persecutes the lowest paid workers. Ending misuse of zero hour contracts while strengthening trade unions may not be the complete solution, but it's a step in the right direction.



@ASLEFunion

Good work with job security, a work-life balance, and decent pay is undermined by zero hours contracts, which should be scrapped

Valuing nurses and midwives

Nurses and midwives go to work expecting to be busy and work hard. They expect to uphold the respect of their patients, the public and their profession. Their duties include identifying symptoms; collecting and interpreting data; administering and evaluating treatment; checking progress in illness and recovery; and delivering, managing and coordinating care for people when they most need it.

Whether working in hospitals, clinics, the community or people's homes, nurses and midwives play a critical role in health care, and in return they expect to be valued.

That means not making up for the shortfall in staffing by relying on goodwill. Working beyond scheduled hours, often unpaid, has a significant impact on quality of life and can result in fatigued staff giving potentially unsafe care. Yet nurses and midwives are being forced to work with insufficient staffing, overwhelming workloads, and inadequate skill mix, compromising their own health and that of their patients.

Valuing nurses and midwives means valuing the full range of skills and roles they fulfil. Whatever their job

title – staff nurse, midwife, clinical nurse specialist, nurse consultant – they regularly display their skills as researchers, educators, patient advocates and managers of care, using clinical reasoning and judgment based on scientific methods, skilled observation and assessment.

The breadth and depth of their skills and knowledge must be recognised. This means acknowledging that nursing involves thinking as well as doing, with time required for both.

Nurses and midwives need to be given protected time for reflection, skills development and continuous professional development. Nursing and midwifery have changed and will continue to do so as we face changing and increasing demands. The workforce needs support to meet these challenges – but should not be stretched to breaking point by taking on more responsibilities, managerial and clinical roles in the quest to meet cost savings.



MY KEY IDEA

Nurses and midwives expect to work hard but their goodwill should not make up for shortfalls in staffing, as this compromises not only their own health but that of patients. Valuing these professionals includes paying them fairly and supporting their development, and is essential to saving lives and aiding recovery.



They need the time to plan and do their job, but constantly report that they don't have enough time to provide the level of care they would wish, to a high level of quality and safety. This means ensuring that they take all the breaks they are due and don't work beyond their shifts.

Valuing nurses and midwives means making sure there are enough staff. Too many NHS organisations rely on bank and agency staff to fill vacancies, meaning a lack of continuity of care. Work environments must be properly resourced and safe staffing levels maintained.

Valuing nurses and midwives means honouring the independence of the NHS pay review body and paying them a fair salary that keeps pace with the cost of living. Governments

need to provide sustainable funding for the NHS to invest in quality services and a quality workforce for the benefit of patients.

Failing to value nursing and midwifery will have profound social and economic impacts. There is a clear relationship between nursing and midwifery staffing levels and workloads and patient safety, yet low staffing levels are commonly reported because of inadequate baseline staffing, or failure to replace staff that are away ill or on leave.

Nurses and midwives account for the largest health profession, across multiple specialties. The care they provide has the capacity to save lives, prevent complications, aid recovery, promote wellbeing and save money.



Gerry Morrissey

General secretary, BECTU

Why creative careers matter

No sector of the British economy would benefit more from an industrial strategy than the creative entertainment sector. The fruits of its success run like a thread through policy areas as diverse as education, law and order and community cohesion.

People really want to work in our sector. It's good, creative work, which contributes strongly to the UK economy, in the right way. Investment in TV programmes results in a terrific multiplier.

Each pound, euro and dollar invested in a production circulates many times, creating rewarding jobs that are also strategic assets for the future.

Britain punches above its weight in the audio-visual industry. We are the destination of choice for the filming of US blockbusters, as seen with Pinewood Studios' £200m expansion.

If it didn't exist, no one would invent the BBC – yet, economically, it is a huge success story. It creates the capacity, funding and demand for high-quality TV drama and documentary on a scale no other investment vehicle could dream of.

The British TV audience enjoys more locally made drama than any other group of viewers in the world.

In catering to global demands for quality rather than quantity, the UK has in some ways raced to the top. Our skills are in global demand. Members of BECTU's Sound and VFX branches brought home Oscars again this year – for their amazing work on Gravity.

Yet our future success depends on a delicate balance that is endangered. If local theatre funding is slashed today, we will see the damage in years to come. If the BBC continues to be a political football, suffering spiteful cuts and other Tory impositions on licence fee revenue, we will gradually destroy something that guarantees vast investment and innovation.



MY KEY IDEA

The creative industries are a UK success story, but to continue to be the driving force our economy needs, we need a plan to end the current long-hours, freelance culture with its Devil Wears Prada-type reputation for exploitation, bullying and low pay.



It's sometimes hard to believe that politicians understand the importance of craft to our economic success.

Our industries have become hugely dependent on freelancers with a race to the bottom on long hours and low pay. The award-winning skills in the UK are developed by people often left alone to make unaided choices about their future investment in skills and equipment. Because of the way the industry is structured, purchasing decisions are often made on price, not quality.

Corporations have traditionally been good at protecting their long-term interests, but the UK's audiovisual sector has never been so leaderless, dominated by independent producers, often globally-owned and predominantly employing freelancers.

Our success depends on making programmes for a diverse marketplace and a wide range of tastes and cultures. We also need a review that tackles our (sometimes) "hideously white" sector. BECTU has challenged the damage that unpaid interns do to diversity and inclusion, but often feels alone in this.

The UK has a comparative advantage in content production. Content sells hardware – where we don't have a comparative advantage. Yet the UK is almost alone in not having a private copying levy that compensates content producers for the exploitation of their work by hardware manufacturers.

This is, effectively, a donation from the British economy, a subsidy from our most prized assets to our fiercest competitors. The impact on our balance of payments is perverse.

BECTU is hammering out an agreement with employers' organisation PACT to guarantee working conditions and fees that any other key part of the economy would take for granted. We are pleased with what we have negotiated, but it doesn't go far enough.

To be the driving force the British economy needs, our industry cannot be founded on a long-hours culture with a Devil Wears Prada-type reputation for exploitation, bullying and low pay.

These are the jobs that the British economy needs to turn itself around in the long term. We need a plan – or they will go elsewhere. Because everybody wants to work in this sector.



@Bectu

Everybody wants to work in the UK's creative economy. But without a plan for a long-term industrial strategy, this won't happen

Dave Penman

General secretary, FDA

Equality of access to senior public sector roles

Government is responsible for overseeing the development of the British economy and is advised by its civil service. Central to this is the creation and retention of a cadre of senior public servants with a strong connection to Britain's diverse communities and those from socio-economically diverse backgrounds, who have a huge stake in our economic success.

Recent progress has stalled and action is needed to re-energise the process of delivering the "broader, deeper leadership talent pipeline that reflects the diversity of talent available" promised by Civil Service Reform.

The question is how to deliver change to a short (five-year) timescale. Some thinktanks have suggested the way forward is to replace the current civil service graduate training framework, Fast Stream, with an approach that instead draws talented school leavers directly into policy training roles, perhaps using quotas to ensure diversity.

This approach is flawed because it sees the Fast Stream admission process as the problem. However, the process itself is generally seen as a good measure of the skills and the talent of those who get to the assessment stage.



MY KEY IDEA

Britain needs senior public servants with talent, whatever their background and education. This requires urgent action to ensure greater diversity, including major changes to enable highly talented school leavers and those from diverse backgrounds to enter public service and proceed into senior levels.



The real problem is ensuring a level playing field to ensure that those with talent, whatever their background, are encouraged and enabled to access the entry stage with an equal chance of success.

The challenge is to make sure we get those with extraordinary talent from wherever they come. “One Nation” is not best created by quotas or lowering standards, but rather by true equality of opportunity.

Allowing existing civil servants without a degree to apply for Fast Stream (if they meet all other requirements) has helped to improve the socio-economic balance. Work led by the FDA trade union, representing senior level civil servants, to encourage diverse students from modern universities has also had success.

There is a way to take this work a step further to enable school leavers without a degree to access senior levels. It is based on the policy being

adopted in industry around apprenticeships.

The next government should review the current talent pathway in the civil service to deliver a stronger link between the two-year civil service apprenticeships for school leavers and the Fast Stream. It should allow successful completion of the apprenticeship to replace the degree requirement and the initial qualifying test stage of Fast Stream.

This would go hand in hand with developing the FDA and Fast Stream’s work with modern universities to encourage and prepare students from diverse backgrounds to apply.

The first step would be a short, time-limited review – including the FDA, civil service Fast Stream and other stakeholders – to put a scheme in place in time for the first Fast Stream recruitment process in the autumn after the election of the next government.



@FDA_union

Britain needs a route for highly talented school leavers & those from diverse backgrounds to access senior public sector roles

John Smith

General secretary, Musicians' Union

Professional musicians deserve proper fees

The biggest problem facing professional musicians in the live sector is the increasing amount of work they are being asked to undertake for no fee.

The Musicians' Union's Work Not Play campaign (www.worknotplay.co.uk) challenges the widespread view that being a professional musician is not a proper job, and that musicians can be expected to work for free. The website also highlights and challenges venues and organisations that exploit musicians.

It is not just individual venues not offering pay – in summer 2012 we saw widespread attempts by London Organising Committee of the Olympic and Paralympic Games to secure the services of professional musicians without pay.

Becoming a professional musician takes years of training, practice and application and we all benefit from this dedication. The value of UK music exports exceeds £17bn every year and festivals alone contribute £864m to the economy each year. And that's just the financial aspect. The value of music to all of our cultural lives is infinitely more important.

We need the help of politicians, local councillors, funding organisations and the population to challenge those who put on events without a music budget but expect to secure professional musicians. Assist the MU in naming and shaming the culprits.

All of this is particularly pertinent given that recent research by the MU demonstrated that more than half of professional musicians work for less than £20k per year and that 60% have had to work

for free over the past year.



MY KEY IDEA

Being a professional musician is a job, not a hobby. We need the help of politicians, local councillors and funding organisations across the country to help challenge and name and shame those who plan events without a music budget and then expect to get professional music for free.



Anyone who loves music should be worried. If this continues, you may well find that your favourite bands and musicians just aren't around any more in a few years' time, as they won't be able to sustain a viable career. Future musicians will have to be wealthy to begin with or get a lucky break early on in their career. And unfortunately that sort of luck is very rare indeed.

Most of the MU's 30,000 members already have to do other jobs alongside music in order to make ends meet.

As one of the musicians on the website says: "Training to be a musician takes 10-15 years on average. Studying music is expensive too; on average, musical training costs £20,000, plus any college and university fees, not to mention maintaining your instrument. The professional musician exists on a delicate balance of projects, gigs, tours, party bands and teaching, often working upwards of 70 hours a week."

This delicate balance is in increasing danger of being upturned by the trend of asking professional musicians to work for free.



@WeAreTheMU

#WORKNOTPLAYMU support fair pay for professional musicians and name and shame those who don't

Unions21