

WORKERS' RIGHTS MANIFESTO

 Labour

FOR THE MANY
NOT THE FEW

WORKERS' RIGHTS MANIFESTO



FOREWORD

So many people's working lives are dominated by low pay, insecurity and powerlessness. It is a sign of this broken system that many people
- and not just the lowest earners
- are forced to top up their monthly wage with debt, just to cover their living costs.

As our economy has flatlined under the Tories, wages have stagnated. People are, on average, paid less than they were 10 years ago. This is a scandal that must end. The Labour Party is the only party that is committed to eradicating in-work poverty within the next Parliament.

People spend so much of their time at work and that time should not be characterised by worry and fear. As a government, we will be on the side of the worker, the good employer and the trade unionist, while putting exploitative employers on notice.

Our transformative programme for workers would give them real power, real respect and dignity, while changing the culture of work in this nation. By breathing hope into workplaces across Britain, we can achieve real change.

Laura Pidcock
Shadow Secretary of State
for Employment Rights

INTRODUCTION

THE NEED FOR CHANGE IN OUR WORKING LIVES

Work should provide a decent life for all those who do it. As well as respect and dignity at work, it should provide people with the security, earnings and leisure time needed to enjoy a full life outside of work – to make plans for the future and to save up to go on holiday. It can also be a gateway to learning new skills, the creation of opportunities and the opening up of horizons.

Yet for growing numbers of people their experience is one of low pay, job insecurity and uncertain hours – whether long and arduous, or not enough to live on. Too many people find their work makes their life more difficult not less, causing anxiety, stress and fear for the future. It leaves people unable to save, afraid of being ill and finding it difficult to find time to spend with family and friends.

Work no longer guarantees a way out of poverty. TUC analysis has found that in 2010, 1 in 5 children in working households were growing up in poverty; by 2018 this had increased to 1 in 4. Growing numbers receive in-work benefits because employers don't pay them enough. Wage growth has stalled

for most people, with average real wages still lower than ten years ago. Meanwhile, incomes for those at the very top have soared away, leaving our country increasingly unequal and unfair.

In the modern economy some workers are required to work excessive hours while others are unable to obtain enough hours each week and month to sustain a decent standard of living. Rising workloads mean many people are working harder and faster just to stand still, leaving them overworked and exhausted. Others struggle with unpredictable hours and insecure earnings. Too many workers across Britain are on zero hours contracts and other precarious arrangements that deny them enough regular, secure hours to earn a decent living.

Too many people – not just those at the very bottom of pay-scales – feel that they are living on the edge, struggling to make ends meet. Discrimination causes harm. It continues to limit opportunities for individuals and means that society is missing out from failing to harness everyone's potential.

This isn't inevitable and things don't have to stay this way.

As a country we can and should be better than this. We can create the conditions where work leaves people feeling confident about their future and their children's future. Where work gives people security, better pay, the ability to save up for and enjoy holidays. Where work offers people opportunities and ways to take advantage of them.

A Labour government will transform and rebuild our economy, creating high quality, skilled jobs in every region and nation in the UK through our Green Industrial Revolution and expansion of public services. As part of this we will bring about the biggest extension of workplace rights that our country has ever seen and remove unnecessary and unfair restrictions on our trade unions, so that workers can have their voice heard.

This won't just improve people's lives, it will make our economy much stronger.

It is widely known that too many big businesses take short-term decisions – putting immediate short term profits ahead of anything else, often at the expense of their workforces, productivity and long-term sustainability. Widespread exploitative practices allow good employers to be undercut by bad ones. Putting in place measures that will create better working lives will help turnaround our country's poor productivity, encourage employers' to think about the longer term and help end Britain's reckless corporate culture.



IMPROVING OUR WORKING LIVES

Making working people's lives better will be at the heart of what we do in government. Labour will start by creating a Ministry of Employment Rights. A Secretary of State of Employment Rights will give workers a strong voice at the centre of government and drive through our plans to transform industrial relations in Britain through a huge roll out of individual and collective rights.

It doesn't make sense that on an issue so important to everyone's life there isn't a government department taking an overview of what is needed in the same way as there is for health, education, business, social security and, as Labour is proposing, for housing.

We will create a minimum 'rate for the job' and a floor of standards in each sector of the economy by rolling out sectoral collective bargaining.

This means in each industry employers and trade unions will be brought together to negotiate minimum standards on a wide range of issues affecting people's working lives, including pay scales, hours, holidays, promotion, training, health and well-being and equality policies. No longer will terms be dictated on a 'take it or leave it' basis.

Many of the most successful companies know they need to talk to their workforces about pay scales and the issues at work that affect their lives. Labour will

support and improve these practices and ensure they exist across our economy.

Existing national collective bargaining arrangements will be supported, strengthened and extended where they already exist, such as local government, construction, health care, and agriculture in Wales, Scotland and Northern Ireland. We will re-establish an Agricultural Wages Board in England so every part of the UK is covered and we will bring back the School Support Staff Negotiating Body and national pay settlements for teachers and it will be rolled out in sectors where it does not currently exist.

These new collective bargaining institutions (Bargaining Councils) will be the foundation of our agenda to transform the world of work. They will prevent good employers being undercut by bad ones and stop the race to the bottom in pay, end job insecurity, set a minimum 'rate for the job' – not a ceiling – and make workplaces safer, more equal and better places to work.

In starting to roll out national sectoral collective bargaining we will prioritise sectors where pay and work standards are particularly poor and urgently in need of improvement. Care work, for example, is increasingly outsourced, insecure and fragmented, eroding the rights and pay of the workforce – overwhelmingly women. Not only is this bad for workers, it is also pushing down the quality of services provided.

Raising wages

A Labour government will transform peoples' working lives by making pay higher and we will end in-work poverty in our first term by tackling the causes of poverty and inequality, such as low pay and high living costs, and raise the floor provided by our social safety net.

As well as increasing wages through sectoral collective bargaining Labour will:

- Rapidly introduce a Real Living Wage of at least £10 for everyone aged 16 and over, ending discrimination against young workers. We will use savings to the public finances to help small businesses to manage the extra cost. We will also consult with unions and industry on future uprating to improve living standards.
- Restore public sector pay to at least pre-financial crisis levels (in real terms), by delivering year-on-year above-inflation pay rises, starting with a 5% increase, to reward and retain the people who do so much for us all.
- Ban unpaid internships except when they are part of an education or training course – because requiring people to work for free is exploitative and wrong.
- Require rest and meal breaks during shifts to be paid and in sectors such as social care, for example, ensure travel time is paid and take action on 'sleep over' hours.

We will take action to achieve equal pay by;

- Requiring employers to devise and implement plans to eradicate the gender pay gap and pay inequalities underpinned by race and/or disability – or face fines. After 50 years of equal pay legislation, we will make the law work to ensure equal pay for work of equal value. This will include requiring all employers with over 250 employees to obtain government certification on gender equality or face further auditing and fines. Women will no longer be penalised by secretive pay and bonus setting. By the end of 2020, we will lower the threshold to workplaces with 50 employees and will make sure we provide the necessary additional support for small businesses. We will ensure class actions can be brought against employers where there is a clear pattern of unequal pay based on a protected characteristic.
- Introducing equality audits that cover more than just pay on each protected characteristic in the Equality Act and reinstate Equality questionnaires.
- Requiring large employers to report annually on the number and proportion of disabled people they employ.
- Enabling positive action for recruitment to roles where employers can justify the need for more diversity.

A better work life balance

People need a greater say over their working hours, so the hours they work suit their lives as well as their occupations. At the moment it is too much of a one-way street. Flexibility needs to work for employers and the people that work for them, not at their expense.

People should be able to enjoy time with their families and loved ones. That means addressing two problems. Firstly, the excessive hours culture that has been allowed to take a hold in some parts of our economy. Last year UK companies took the benefit of £32.7 billion of free work through people doing unpaid overtime. Across our public services cuts have meant smaller workforces with heavier workloads. Secondly, those on precarious arrangements need the security of predictable, regular, hours and earnings to enable them to have a decent standard of living – because people's rent or mortgage, childcare and commuting costs don't vary from week to week, or month to month and people need to be able to plan their life.

Having a work-life balance, instead of stressfully trying to juggle our responsibilities, makes for a happier, healthier life and better relationships. It makes sense for individuals and for business. Productivity in the UK has nosedived to the lowest in Europe; neither exhaustion nor insecurity leads to people working productively.

Labour will give workers more security in their working hours by:

- Banning zero hours contracts and fixing minimum hours. We will strengthen the law so that those who work regular hours for more than 12 weeks will have a right to a regular contract, reflecting those hours. We will protect workers who have worked irregular hours for 12 weeks so they too can transition to a regular hours contract if they wish. We will not allow British law to fall below the standards of the EU Directive on Transparent and Predictable Working Time of June 2019.
- Requiring cancelled shifts to be paid and proper notice given for changes in hours. This will mean that all workers get proper notice of their working hours so they can plan their life. Employers' flexibility doesn't have to leave people worse off; if people are asked to work extra hours, they will be paid at a higher rate. This will encourage employers to be realistic in setting working hours. This still allows flexibility for employers where needed, but not at the expense of their workforce having unpredictable hours and earnings.
- Keeping the restrictions on Sunday trading in place.

Labour will support a better work life balance and stronger family-friendly rights by:

- Introducing four new bank holidays celebrating our four patron saints' days. All bank holidays will be with pay.
- Extending statutory maternity pay from nine to twelve months.
- Doubling paternity leave from two to four weeks and increasing statutory paternity pay.
- Reviewing family-friendly employment rights, including rights to respond to family emergencies during working hours for all workers.
- Introducing statutory bereavement leave, so that workers have time off to grieve the loss of close family members or after experiencing miscarriage or stillbirth.
- Ending the opt-out provision for the EU Working Time Directive of the maximum 48 hour working week, making sure working time regulations are enforced and reviewing unpaid overtime, to stop excessively long hours that erode people's quality of life and can be dangerous in some occupations.
- Setting up an independent Working Time Commission to advise on raising minimum holiday entitlements, rest periods between shifts and reducing maximum weekly working time as quickly as possible without increasing unemployment. Within a decade we will reduce the average full-time weekly working hours to 32 across the economy, with no loss of pay, funded

by productivity increases. Labour will invest to increase productivity and will make working hours, including reductions in working time, one of the areas covered by collective bargaining with workers and employers negotiating a way to improve working hours for their sector.

Labour will give workers greater flexibility by:

- Giving all workers the right to flexible working, not just the right to ask, by creating a presumption in favour of flexible working and a duty on employers to accommodate workers' requests so far as is reasonably practicable. We will work with small and medium sized businesses on what support they need to enable flexible working practices and to increase the uptake of flexible working by those who need it.
- We will also ensure that there are additional steps taken to ensure effective flexibility for those with caring responsibilities for loved ones, particularly disabled people or those who are terminally ill.

Rebuilding and expanding rights at work

A Labour government will bring about the biggest extension of rights for workers that our country has ever seen to make our economy and society fairer and ensure the rewards of growth are shared.

We will:

- Give everyone full and equal rights from day one at work, whether part-time or full-time, temporary or permanent. We will end the qualifying time for basic rights, such as unfair dismissal, sick pay and parental leave to end the arbitrary unfairness in of the system.
- End bogus self-employment by creating a new, single "worker" status covering all but the genuinely self-employed in business on their own account. This will simplify and clarify the law, making it easier for employers and people to understand, reducing costly litigation. Labour will prevent the status of worker being evaded by artificial payroll companies or agency working and ban overseas-only recruitment practices.
- Ensure justice for migrant domestic workers, by ensuring they are workers with full rights, able to change employer, so ending this form of modern slavery. We will restore the overseas domestic workers' visa.
- Restore and expand the Union Learning Fund and make life-long learning and skills development a reality, including giving people the right to accrue paid time off for education and training, so that people can progress at work and take advantage of technological change.
- Require employers to create and maintain workplaces and working conditions free from harassment,

including by third parties. No one should be harassed at work, yet we know from the outpouring of #MeToo experiences and TUC research that more than half of women experience sexual harassment at work. We know that people in public facing roles such as health, retail, bus driving and postal work are at risk of “third party harassment” – we will reinstate and strengthen this provision in the Equality Act.

- Ensure that public-facing workers are protected by toughening the law against abuse and violence.
- Introduce 10 days of paid leave for survivors of domestic abuse.
- Require employers to make reasonable adjustments to assist those going through the menopause.
- Ensure that workers are not subject to undue and belittling snooping, surveillance and monitoring at work.
- Introduce a legal right to collective consultation on the implementation of new technology in workplaces.
- Bring back specialist employment advisors, introducing a government-backed Reasonable Adjustments Passport scheme to help disabled people move between jobs more easily, and review support for disabled people to find and stay in work, including how we can expand, strengthen and better promote Access to Work support.
- Ensure employers uphold their obligations to consult with recognised trade unions. In government we will review and amend legislation relating to ‘protected conversations’ in order to prevent existing rights at work being undermined.
- Bring UK law into line with the International Labour Organisation standards it has ratified, the European Convention on Human Rights, and the European Social Charter so that Britain leads the world instead of engaging in a race to the bottom. Labour will also ratify new international laws such as the International Labour Organisation (ILO) Convention on preventing violence and harassment at work.

Trade union freedom, worker voice

Many of the things that help make our working lives happier – paid holidays, pensions, weekends, health and safety at work, a minimum wage, rights against discrimination, maternity and paternity rights and more – have been won by people working through their trade unions.

But trade unions have been tied up by unfair legal restrictions over the last 40 years and have not been able to defend workers properly. The growth of insecure work, exploitative working practices, and ‘take it or leave it’ conditions of work has come about because the balance of power in the workplace has tipped too much towards bad employers.

Labour will reset the scales. As a country we should be leading the world, rather than joining a race to the bottom in employment standards.

Labour will:

- Repeal anti-trade union legislation, including the Conservatives' undemocratic Trade Union Act 2016, and create new rights and freedoms for trade union unions to help them win a better deal for working people, negotiate better pay and quality of working life and enable people to organise in their workplace if they wish to.
- Simplify the law around union recognition, ending the current complexity and removing barriers to workers being collectively represented by a recognised trade union in their workplace.
- Strengthen and enforce trade unions' right of entry to organise, meet and represent their members and to recruit. People shouldn't have to face difficulties at work alone, and workers should be able to freely organise with their colleagues to make their workplaces better for everyone if they wish to.
- Make sure trade union reps are able to take enough time off to perform their union-related duties, undertake relevant training and take part in their union's democratic structures.
- Introduce statutory time off for trade union equalities reps so they have the time to support colleagues facing discrimination and contribute to positive changes in workplaces that make discrimination less likely to happen in the future.
- Remove unnecessary restrictions on industrial action and allow people to take industrial action through their trade union when they feel it's the only option left against bad and unreasonable employers. We will remove the unnecessary and bureaucratic barriers placed on people and trade unions trying to make their working lives better and make sure their rights are respected.
- We will restrict the grounds on which employers can resort to legal action based on technicalities to override legitimate, democratic decisions taken by the people who work for them. Employers should come to the negotiating table, rather than resort to legal action. This harms industrial relations, and fails to deal with the underlying problems that make a workforce so desperate they are prepared to take strike action.
- Allow workers and trade unions to use secure electronic and workplace balloting.
- Ban union-busting and strengthen protection of trade union representatives against unfair dismissal and of union members from intimidation, harassment, threats and blacklisting.

- Hold a public inquiry into the injustice of blacklisting to ensure that it truly becomes and remains a thing of the past. We will release all papers on the Shrewsbury 24 trials and 37 Cammell Laird shipyard workers.
- Make sure the £200 billion of public money the government spends on contracts in the private sector is spent in a way that rewards good employers rather than bad. We will choose to do business with companies that: treat their workers well, recognise trade unions and have provision for collective bargaining arrangements and fair wages clauses; have effective equality policies; adhere to high environmental standards; are fully tax compliant; strengthen local jobs and supply chains; and constrain boardroom excess with fairer pay ratios. In the public sector we will enforce a pay ratio of 20:1. We will tackle late payments that leave small businesses and the self-employed waiting months to be paid, including banning late payers from public procurement.

Making workplaces healthier and safer

Labour will set up a Royal Commission to review the law on health and safety at work to revise our dated legislation and make it fit for now and the future.

The Royal Commission will make provision for stress, mental health, the impact of new technology and

new materials, and ensure that injury, illness and death from work is reduced to the minimum and that when it does occur the burden does not fall disproportionately on workers and their families.

Many workers – bus, lorry and train drivers, construction, warehousing, agriculture, and call centre workers – are regularly denied basics such as a rest, access to toilets and toilet breaks. Our Royal Commission will make sure everyone at work has access to basic facilities such as toilets and toilet breaks. We will review the law to prevent sick or injured workers being unreasonably disciplined or subject to capability procedures as a means to dismissal.

We will also,

- Introduce a maximum temperature for workplaces, closing loopholes to ensure all workplaces are covered by health and safety legislation, for example, drivers' cabs, and look at how we deliver this protection for outdoor workers.
- Put mental health on a par with physical health in our workplaces.
- Work with trade unions and employers to raise awareness of neurodiversity – a term covering but not limited to autism, ADHD, dyslexia, dyspraxia and dyscalculia – in the workplace, in public services and across wider society.
- Consider how we could introduce 'roving safety reps' for workplaces –

the right for trade union health and safety reps to inspect workplaces and employers other than their own.

- Allow workers to bring civil cases for breaches of statutory health and safety regulation.
- Defend workers' ability to recover legal representation costs from negligent employers and keep the right for workers to be represented and recover their costs in cases of employer negligence leading to injury at work.

Better Job Security

Losing your job can be a distressing and disruptive experience. It can turn your world upside down and throw the future into doubt and turmoil, especially when it happens unfairly. Ending someone's employment will sometimes be necessary, but we can limit the damage caused by job losses by making sure they only happen when necessary or right.

We will;

- Give people the basic right to be protected from unfair dismissal from their first day at work, because unfair dismissal is by definition unfair and there is no justification in it not being a day one right. We will make it easier to prove unfair dismissal and give full compensation without statutory limits to those who are unfairly dismissed and do not wish to be reinstated.

- Strengthen protections for pregnant women, making it unlawful to dismiss a woman who is pregnant or for 12 months after giving birth without the certification of the Worker Protection Agency. Where her job is under threat of redundancy for this period she will have the right of first refusal of any suitable alternative job.
- Strengthen the protection for whistleblowers because such actions protect others.
- Increase protection against redundancy for people wherever they work. When redundancies are under consideration all workers must be properly consulted at the earliest stage regardless of where they work or the size of the workforce. We will increase the obligation on employers to provide help with training and job finding for those who are made redundant.
- Let struggling companies go into protective administration, so they can be sold as a going concern rather than collapsing into insolvency.
- Improve statutory minimum redundancy pay by an extra half a week's pay for each year of service under the age of 40 and by an extra one week's pay for each year of service over the age of 41 with no maximum number of years. We will review the level of the capped weekly rate and its operation in consultation with trade unions and employers.

- Make sure workers do not suffer when moving from one contractor to another or suffer when a business is transferred from one owner to another (including by a share buy-out). This can be an anxious and uncertain time, so we will strengthen 'TUPE' to make sure that all terms and conditions and agreements are transferred to the new owner, and that people's trade union and individual rights are protected.
- Seek to develop collective income protection insurance schemes for the self-employed.

Enforcing rights

We will make our rights at work meaningful, not just rights on paper, by creating a new unified Workers Protection Agency that will be given extensive powers to inspect workplaces and bring prosecutions and civil proceedings on workers' behalf. Many existing rights, do not have a government body responsible for enforcing them or that people, trade unions, and employers concerned about being undercut can involve in workplace issues if needed.

This failure to enforce the law doesn't just hurt workers who lose out on their rights, it is also bad for good employers who have to compete unfairly with those who are prepared to break the law.

We will keep employment tribunals free, because justice at work shouldn't

come with a price tag. We will extend their powers and introduce new Labour Courts with a stronger role for people with industrial experience on panels. We will extend the time period for bringing claims.

There will be tougher penalties for those who break the law or fail to comply with tribunal orders, including personal liability for those that were directors of companies at the time. Workers will receive full compensation without statutory limits if they suffer loss because of employers' breaches of the law.

Engaging and including workers

Labour will engage the knowledge and experience of the workforce to make our businesses better and tackle the reckless corporate culture that is damaging our economy. Large companies with 250 or more workers will reserve a third of the seats on company boards and remuneration committees for elected worker-directors.

We will give workers a stake in the companies they work for – and a share of the profits they help create – by requiring large companies to set up Inclusive Ownership Funds (IOFs). Up to 10% of a company will be owned collectively by employees, with dividend payments distributed equally among all, capped at £500 a year, and the rest being used to top up the

Climate Apprenticeship Fund. The cap will rise to ensure that no more than 25% of dividends raised by IOFs are redistributed in this way.

We will also harness the expertise and insight people gain through their work to strengthen our industrial strategy, by ensuring trade union representation on sector councils, on learning, skills and apprenticeship bodies and on other statutory bodies such as the Competition and Markets Authority which have a direct effect on their working lives.

Conclusion

These changes will transform workplaces and working life, benefitting the more than 30 million workers in Britain and their families. It is time for real change in our working lives.

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