

# **Empowering Workers Transforming Workplaces**

**A Ministry of Employment Rights  
under a Labour Government**

**CAMPAIGN FOR  
TRADE UNION FREEDOM**



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# **Empowering Workers Transforming Workplaces**

## **A Ministry of Employment Rights under a Labour Government**

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# **The realities of working life in Britain**

**pay**  
**workloads**  
**terms and conditions**  
**insecurity**



# Introduction

**F**OR MANY people, work dominates their lives. When work is good, it can be a means to a happy and fulfilled life. It allows you to plan for the future, enjoy time with your family and gives you more confidence in yourself.

But when work is bad – low pay, job insecurity, boring, or demeaning tasks, long hours or not enough hours – it can make all aspects of life more difficult both for the worker and the worker's family.

It means being unable to save money for a holiday, worrying about getting older, going to work when sick, being afraid to speak up when things are going wrong, missing your kids' sports day because you can't get time off.

Bad work doesn't just affect those who have to do it – it is bad for society as a whole. Millions of people in work need to claim in-work benefits to make ends meet, or housing benefit to pay the rent, which means it costs us all when employers don't pay enough. Societies that are more equal are more likely to be happy and healthy.

Labour believes that work should guarantee a decent life for all. But for growing numbers of people, working lives are getting harder not easier – and that means life is harder for their families too. We should not forget that of the 66 million people in the UK, 32.7 million are in work and most of the rest of the population make up the families that depend on them. So the conditions of working life affect practically all of us. We are the many.

## WHAT'S THE PROBLEM?

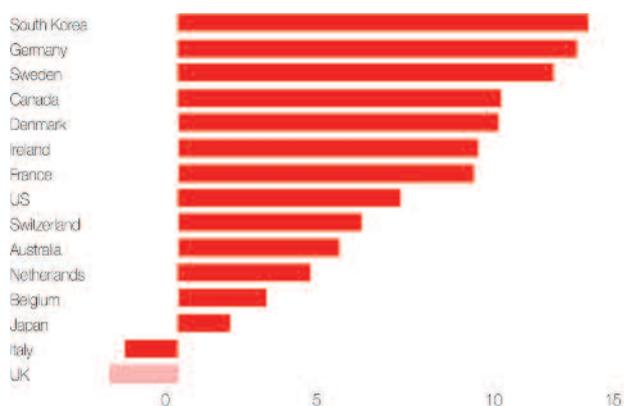
The Tories crow about a so-called “jobs miracle,” but the headline employment figures conceal the grim reality of working life for many. The number of people in work (32.7 million) is high by historic standards, and the number of unemployed stands at a ‘mere’ 1.3 million. But the number of jobs is deceptive since a job for even one hour a week counts as a job and many people are doing two or more jobs to make ends meet. On every other measure, working life in the UK is bad and getting worse. Below we consider four aspects of working life in the UK today.

### Pay

The last decade has seen the **biggest squeeze on wages since the Napoleonic Wars** in the early 19th century, with real terms pay for the average worker still lower than it was ten years ago.<sup>1</sup> And the decline in real wages is not likely to be made up quickly.<sup>2</sup>

The problem of wage stagnation is peculiarly British. An analysis by the *Financial Times* of OECD data shows that the UK performance since the crisis is the worst across all OECD countries.<sup>3</sup>

### Real annual average pay for full time employees. % change 2007-2018



Source OECD

The share of national income going to workers has been relentlessly declining for forty years, as company profits and dividends to shareholders increase at the expense of wages and salaries.

In 1976 wages took 65.1% of GDP; now the wage share has slumped to 49.4%.<sup>4</sup>

There is also increasingly more inequality amongst those who work for a living. **The bosses of the biggest companies are now paid 133 times more than the average worker.** But pay inequality is not just because of top CEOs. In the UK, **40% of total income goes to the top 20% of earners, while just 7% goes to the bottom 20% of earners.**

The stagnation in earnings affects those who see themselves as middle class as well as working class people. It is only the wealthy who have seen their incomes soar. **Austerity has only been a blow suffered by those who are not rich** – the rich have been exempt.

**Inequality is now becoming to be seen as a pernicious, destabilising and threatening aspect of the economy.**<sup>5</sup>

Low pay, unsurprisingly, increases poverty and hardship. Poverty is not confined to those who can't find a job. **The proportion of people in poverty who are in work has increased from 40% in the mid-1990s to 60% today.** In a damning report,<sup>6</sup> the UN Special Rapporteur on Extreme Poverty and Human Rights found, on government figures, that **14 million people are living in poverty<sup>7</sup> in the UK despite it being one of the richest countries in the world.** Of these, a shocking 4.6 million are children.

**No less than 9 million of those below the poverty line are living in households with at least one person in work. Nearly 3 million children are included in this figure.**

Low pay is not just a problem for wage earners and their dependents; it is also a problem for employers as a whole. **It means that people spend less and demand in the economy for the goods and services that employers supply is slack.** So, for example, it is not just

internet shopping that led to the closure of 2,481 shops in the top 500 towns in the UK in 2018; it is lack of money to spend in them.<sup>8</sup>

**Largely as a result, 85,000 retail jobs were lost in 2018.**<sup>9</sup>

### ***Workload***

Too many people are having their work-life balance undermined by long hours, rising workloads, or being expected to work harder when at work. **Stress and long hours are now workers' biggest concerns following pay.**<sup>10</sup>

The success of the 200 year old fight to reduce people's working time has tailed off since the 1980s. **Workers in the UK work longer hours than those in all other EU countries except Greece and Austria.**<sup>11</sup> Many full-time workers regularly work longer than their contracted hours, whether because a clause in their contract says they must or because it's the only way to get their work done. And often, the extra hours are worked without extra pay.

Yet, while some are working too many hours, others cannot get enough hours to make a living. Most zero hours contract workers (59%) want more hours. The majority (54% say they find it difficult to pay bills because they can't get enough work.<sup>12</sup> Those who don't have sufficient paid hours in one job are often forced to take additional jobs, meaning extra unpaid time spent travelling between jobs.

The irony is that for all this hard work, productivity has stagnated since 2008 and lags far behind the OECD average.<sup>13</sup>

### ***Terms and conditions***

Reports abound of Uber drivers unable to take toilet breaks or stop to eat,<sup>14</sup> Amazon workers forced to pee in bottles,<sup>15</sup> or Parcelforce couriers forced to pay £250 a day for falling ill.<sup>16</sup> **But terms and conditions have grown worse across the workforce** as work has intensified, employers have cut back on pensions, works

canteens, shift and anti-social hours allowances, enhanced sick pay and redundancy pay, and other allowances and perks. In particular **terms have worsened with the destruction of collective bargaining** (see below).

### ***Insecurity***

Many of the jobs created in the last few years have been in casual work, characterised by irregular hours, lower pay and fewer rights and protections.

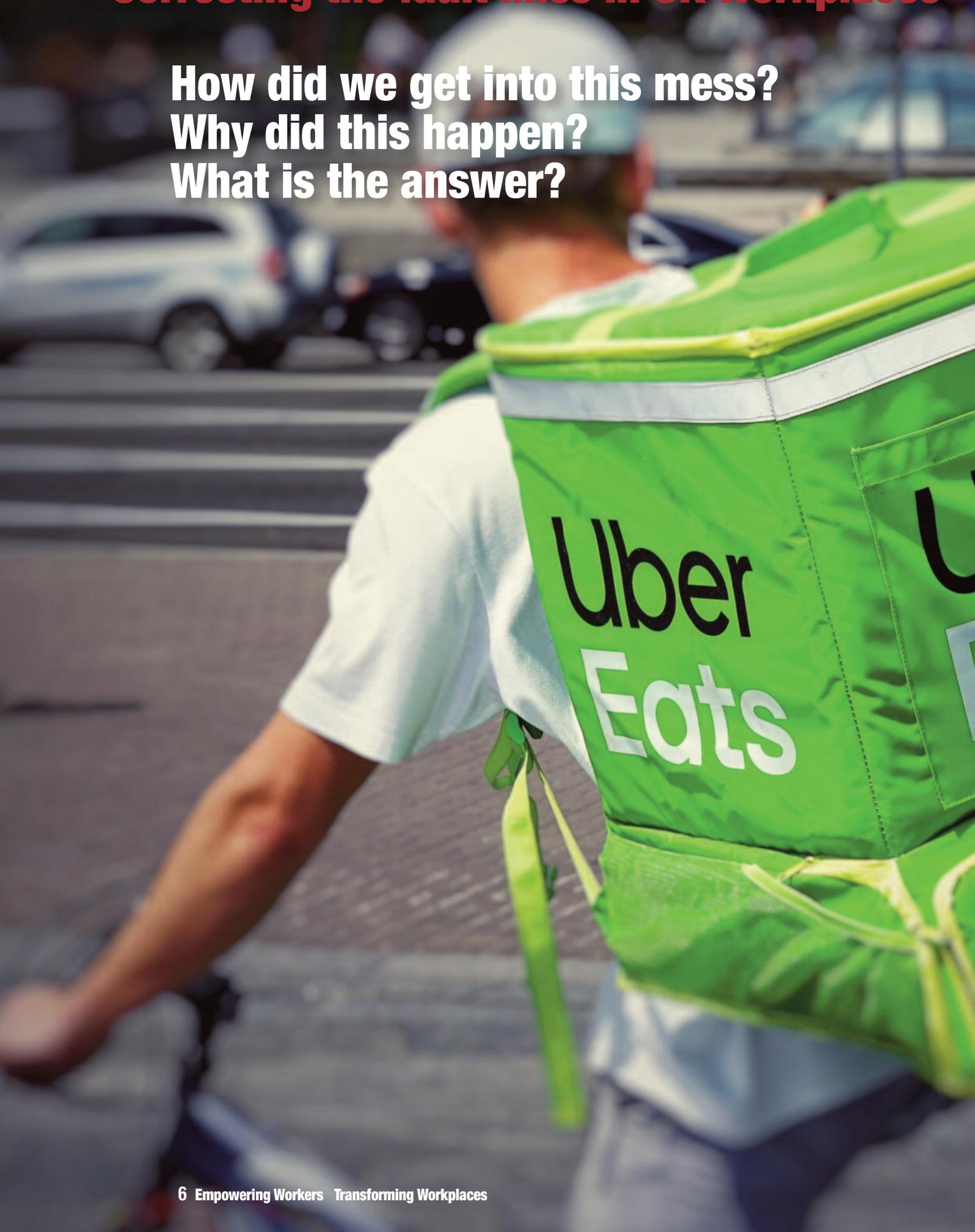
Research by the TUC has found that **3.7 million people – one in nine of UK workers – are in insecure work,**<sup>17</sup> including people on zero-hours or short term contracts, agency workers and temporary casuals, and those in low-paid, often bogus, self-employment.<sup>18</sup>

The growth in casual work is often blamed on new technology enabling new forms of exploitation. It is true that the so-called "gig economy" is taking more and more workers outside of formal employment regulations. But it is not technology that is driving casualisation – it is employers seeking to avoid the obligations to their workforce which follow from permanent employment. As it stands, the law allows basic rights like paid holidays, sick pay, the minimum wage, maternity pay, pension contributions and health and safety obligations to be evaded if employers create legal forms of engagement which are not classed as 'employment.' In recent years casualisation has become as much a feature of traditional professions (such as teaching, journalism and nursing) as it is of workers in the gig economy.

**The growth of casual work is reinforcing existing social inequalities, as casual workers are more likely to be young, female, to identify as non-white and to be on low pay.**

# Correcting the fault lines in UK workplaces

**How did we get into this mess?  
Why did this happen?  
What is the answer?**





**T**HE CONSERVATIVE Government wants us to believe that all this is inevitable - that decent rights, fair pay and dignity at work somehow damage the economy. Employers, they say, need the “flexibility” of complete power to exploit their workers if they are to remain competitive.

**But the reality of flexibility at work has simply been more freedom for employers to shirk their responsibilities to staff and more insecurity for workers.** Competition has translated into undercutting wages, terms and conditions. **We are returning to a Victorian ‘labour market.’**

#### *Deindustrialisation*

For decades, the **Conservatives have encouraged deindustrialisation and offshoring, losing hundreds of thousands of good manufacturing jobs.** New jobs have largely been lower-skilled, badly-paid service sector jobs; the story is familiar in towns and cities across the UK.

#### *Exploiting the legal status of workers*

**Employers have adopted more casualised forms of work as a way of keeping costs down** by paying their workers only for the hours (or even minutes) when they are actually working.

**The law has spectacularly failed to keep pace with the ingenuity of employers’ lawyers in devising new forms of contract –** particularly when new technology hides the employment relationship and makes it even easier for employers to shirk their responsibilities.

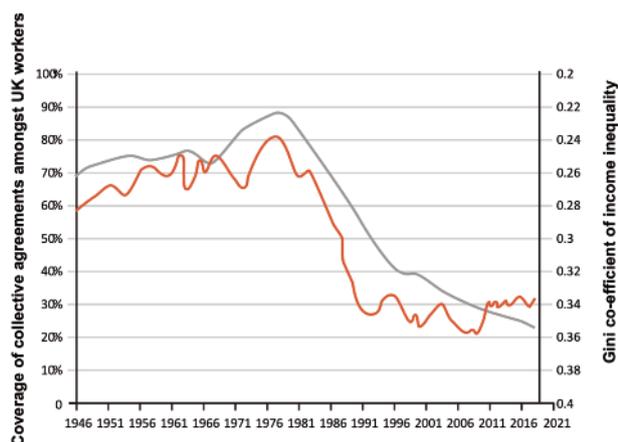
#### *Destruction of collective bargaining*

So the new forms of engagement, growing casualisation and the threat of Universal Credit have left workers increasingly powerless to respond to the deterioration of working life. But, yet more significantly, **the collective ability of**

workers to organise in their own self-defence has been systematically eroded by decades of anti-trade union legislation.

Forty years ago, eight out of every ten workers enjoyed terms and conditions negotiated by a trade union on their behalf. Today, only one in four workers have that benefit and the rest, as every worker knows, are at the mercy of their employers. In the absence of collective bargaining, employers, with an eye on 'the labour market,' offer the lowest terms and conditions they think they can get workers to work for - on a "take it or leave it" basis.

In the UK, as collective bargaining coverage has been destroyed, so inequality has risen; see graph.<sup>1</sup>



[ The grey line is the percentage of the workforce covered by collective bargaining; red line is the international Gini measure of inequality where 0 is all wealth shared equally and 1 is all wealth owned by one individual.

These developments have been intensified by a decade of austerity, cuts to social security, and the punitive sanctions and conditionality regime of Universal Credit. **Since 2010, workers have been forced by the Tory and Coalition governments into bad jobs and low pay.**

## WHY DID THIS HAPPEN?

The deterioration of working life was the intended consequence of the adoption of neo-liberal economic dogma by successive governments over the last 40 years. The 'post-war settlement', which had accepted the benefit of trade unions and collective bargaining, supported decent wages because they stimulated the economy, and encouraged UK manufacturing, was swept away when Mrs Thatcher was elected in 1979. Put shortly, the theory of the neo-liberals was that the market is the best regulator of the economy. In relation to workers this meant that wages and conditions have to fall to the lowest levels at which workers are prepared to accept in order to survive. Consequently, trade unions and collective bargaining which interfere in and alter the balance of naked power at the workplace had to be neutralised so that workers are driven to compete amongst themselves to secure work at the lowest levels of pay and conditions.

To promote this lowering of wages and conditions, social security benefits and entitlement had to be cut so that the 'labour market' was not distorted. Likewise, workers' rights were to be reduced to the lowest publicly acceptable level since workers' rights are a 'burden on business' and so distort the 'labour market'. **The function of the State is, under neo-liberalism, not to secure fairness but to do no more than to support capitalism, facilitate free markets and to maintain order.**

**Neo-liberalism** is a reincarnation of the free market laissez-faire economics of the 19th century. It was adopted in the USA by Reagan at the same time it was embraced by Thatcher, and **has been the dominant ideology throughout the world for the last 40 years. But it has failed. Even the central institutions of capitalism realise that right wing dogma has driven capitalism into the ground. They also realise that wages must be driven up, that collective bargaining is essential, and that rights at work benefit the economy.**<sup>20</sup>

## **WHAT'S THE ANSWER?**

**Workers' rights, pay, working life and living standards have stagnated since 1979 and gone backwards since 2008.** This is not the consequence of economic necessity but the **result of deliberate government action - decades-long legal transfer of power away from working people.**

It doesn't have to be this way.

### ***Austerity, privatisation and outsourcing; infrastructure and the Green New Deal***

Labour will end austerity and give our public services the funding they need so creating (or filling) thousands of jobs which society needs.

Labour will end privatisation and the outsourcing which has destroyed so many jobs and degraded pay and conditions for hundreds of thousands of workers.

Labour will take advantage of the historically low interest rates to raise £500 billion of investment through its proposed National Transformation Fund and National Investment Bank to invest in infrastructure and in every community in Britain.

Together with a strong industrial strategy to kick start Labour's Green New Deal these steps will create jobs, reinvigorate industry, stimulate demand and strengthen the economy. And the jobs created will be good, unionised jobs across all four nations.

### ***Tipping the balance of power in the workplace and beyond***

But this is only part of the story. To guarantee that, under Labour, every job is a good job – one that gives the worker security, dignity, pay, a sustainable work-life balance, training and the opportunity to progress – Labour must and will decisively tip the balance of power in workplaces back towards workers. This means strengthening their individual rights and the

capacity of workers to organise collectively.

More specifically there are four elements in achieving this goal.

- First, Labour will create a new Ministry of Employment Rights.
- Second, it will re-introduce sectoral collective bargaining.
- Third, it will strengthen individual and trade union rights at work.
- Fourth, it will make sure that workers' rights will be enforced.

Taken together, these commitments to repeal anti-trade union legislation and strengthen individual and trade union rights, to roll out sectoral collective bargaining across the economy, to bolster enforcement, and to give workers a seat at the Cabinet table by establishing a Ministry of Employment Rights amount to **the biggest extension of individual and collective rights our country has ever seen, a plan that will irreversibly transform our workplaces and working lives for the better.**



**A Ministry of Employment Rights**  
**delivering Sectoral Collective Bargaining**  
**and more**



**A**T THE HEART of Labour's plan to restore power to working people is the creation of a Ministry giving workers a strong voice at the centre of government, transforming industrial relations in Britain and delivering individual and collective rights at work.

The Ministry will be led by the Secretary of State for Employment Rights, a key member of the Cabinet.

A Secretary of State will preside over a **National Joint Advisory Council** consisting of employers, trade unions and independent experts to advise her on industrial relations matters, and work closely with the Treasury and BEIS to deliver the economic reconstruction our country so badly needs.

An essential function of the Ministry will be planning. Planning so as to ensure that all workers have the skills and training they and employers need for the future.

The Ministry will also work with the Cabinet Office to ensure that public money is spent in a way that promotes the principles of the Ministry by favouring good employers that treat their workers well.

The most important task for the Ministry is to restore the balance of power in the relationship between workers and employers through a transformation of the proposed industrial relations practices and procedures. This will be implemented through a wide-ranging and transformative Industrial Relations Bill, at the core of which will be the restoration of Sectoral Collective Bargaining.

The Ministry will ensure that Labour's reforms will finally bring UK law into line with the international obligations to which the UK has been signed up for decades. It demeans the standing of the UK that it fails to abide by international laws which it has ratified.<sup>21</sup>

The UK has been in breach of these obligations for many years. Labour's proposals will mean that Britain will implement international best practice and set an example to the world.

We will no longer be engaged in a race to the bottom, as is likely to be the consequence of Tory plans for a post-Brexit Britain.<sup>22</sup>

## **SECTORAL COLLECTIVE BARGAINING**

Sector-level bargaining means that **minimum terms and conditions are negotiated and apply to all employers and all workers in a sector** such as agriculture. Labour will roll out sectoral collective bargaining, sector by sector, across the economy.

Sectoral collective bargaining will be the beating heart of the Ministry. It will be responsible for rolling out. Sectoral collective bargaining was a central feature of industrial relations for three quarters of the twentieth century in the UK and is still the defining feature of most successful economies in Europe.

### ***The benefits of sectoral collective bargaining***

By setting a sector-wide minimum standard, collective bargaining is **the most effective means we have to protect workers against exploitation and to improve pay, terms and conditions and job security**. A wealth of evidence shows that collective bargaining improves (amongst other things) pay.<sup>23</sup> As we have seen above, **the UK is crying out for a pay increase. Sectoral collective bargaining is an effective way of increasing pay nationally.**<sup>24</sup>

The benefits reach far beyond the individual worker. On a societal level, **better pay means less poverty and, crucially, less inequality**. It means **less need for the Government to use taxpayers' money to subsidise poverty pay**; it really is unacceptable that millions of people in work have to be on benefits in order to top up poor pay. **If pay increases, less will be spent**

**on benefits and more raised in tax as more people climb to a higher tax threshold. This means government has more to spend on public services.**

Better pay will also have a **major knock-on benefit for employers** and for the economy as a whole. This is because **workers will spend their higher wages,**<sup>25</sup> **driving up demand for goods and services and creating more jobs** in the private sector and delivering more prosperity.

Sector-level bargaining, **creating a 'rate for the job'**, will be a major factor in preventing companies competing by undercutting wages and setting workers against each other. This is good for workers but it is also good for business and productivity. It encourages competition in other ways, for example by increased investment in research and development and productivity.

How sectoral collective bargaining will work  
Establishing Sectoral collective bargaining across the economy will not happen overnight. It is a long-term strategy that will **require the creation of new Bargaining Councils to be appointed by the Secretary of State.**

The Bargaining Councils will be **made up of equal numbers of employer and worker representatives** chosen from the sector's most representative employers' organisations and unions respectively. The two sides may agree to appoint some independent members, trusted by both sides, with limited functions, such as to give advice.

**Bargaining Councils will negotiate collective agreements which will set out the minimum terms, conditions and other standards for the whole of the sector.** Reflecting this, discussion of **a core set of issues, including pay, hours, grievance and recruitment processes, equality and health and safety,**

**will be mandatory.** Bargaining Councils will, of course, be free to agree to discuss additional matters beyond the mandatory subjects.

To deal with failures to agree, the Secretary of State will establish a model disputes procedure which the parties may refine. This may include binding arbitration.

The economy is not neatly divided into coherent sectors **so the Secretary of State will need to exercise judgment as to the boundaries of a sector for the purposes of sectoral collective bargaining.** The Secretary of State will take ONS standard classifications of industries as a starting point, and consult extensively with employers and workers on where the boundaries of a sector are most reasonably drawn for the purposes of sectoral collective bargaining. **There will be no one-size-fits-all definition of a sector** so consultation, along with flexibility and adaptability and the opportunity to contest a decision, will be crucial. Some sectors will require sub-sector councils to deal with specific categories of work or worker; but all will report back to the national Bargaining Council.

**Labour will begin implementing sectoral collective bargaining in the public sector as soon as it comes into office.**<sup>26</sup> The private sector will have to wait for the passing of the Industrial Relations Act. Rolling out sectoral collective bargaining across the whole economy will take time, so the **Secretary of State will prioritise sectors in which pay and/or conditions are particularly poor, and hence where the need for collective bargaining structures is most urgent.**

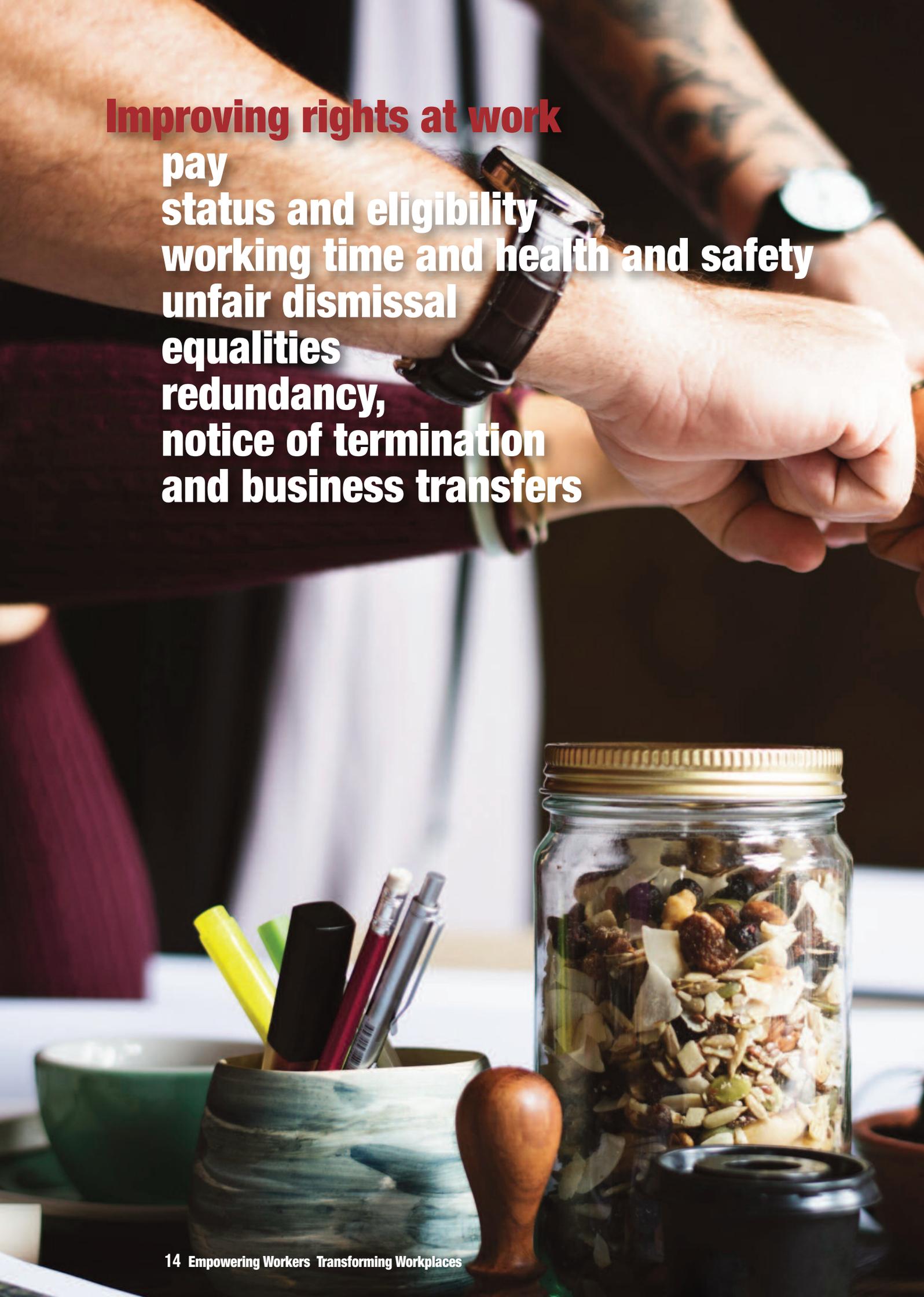
**Care work, for example, is increasingly outsourced, casualised and fragmented, eroding the rights and pay of the overwhelmingly female workforce** and leaving them in a weakened position relative to employers. While sectoral collective bargaining

won't by itself fix our ailing care sector, it will improve the lives of care workers and hence the lives of those they help.

An agreement reached by a Bargaining Council will set a legal minimum for every employer and every worker in the sector, once the agreement is registered with the Ministry of Employment Rights. So, for example, **no employer will be permitted to provide a worker with terms and conditions or pay below the registered Bargaining Council minimum which will be binding once posted on the Ministry's website.** Thereafter it will be enforceable by any affected worker, trade union, employer or employers' association, and by the Labour Inspectors of the Workers' Protection Agency.

**Sector agreements will provide a floor and not a ceiling, with unions and employers free to improve upon sector minimums by agreement in each workplace.**

Sectoral collective bargaining is not a new idea. Legislation requiring it was introduced in 1909 and it spread both by legislation and other forms of State support during much of the twentieth century. The coverage of sectoral collective bargaining was at its height in the 1970s when levels of income inequality were the lowest they have ever been in British history. **Sectoral collective bargaining continues in many successful economies around the world.** There is no reason for workers (or employers) in the UK not to share those benefits.



**Improving rights at work**

**pay  
status and eligibility  
working time and health and safety  
unfair dismissal  
equalities  
redundancy,  
notice of termination  
and business transfers**



## INDIVIDUAL RIGHTS

Individual rights play a crucial role in guaranteeing minimum standards and giving all workers the security and confidence they need to stick up for themselves. Labour will update these rights to suit the changing world of work, and ensure all workers have full and equal rights from day one of employment.

### Pay

No one can feel secure on poverty wages, which is why one of Labour's first acts in government will be to introduce a **statutory Real Living Wage, £10 an hour in 2020, for all workers age 16 or over.**<sup>27</sup> Labour accepts that such a wage should properly be described as a national minimum *hourly* rate because that is what it is. Whether people's incomes are adequate or not depends on the number of hours they work as well as their hourly rate.

An increase in the national minimum hourly rate is important for the lowest paid workers. **Significant increases in income for working people will only come with the extension of sectoral collective bargaining across the economy.**

Labour will **make equal pay for work of equal value a reality, after the ineffectiveness of 50 years of equal pay legislation.** It will introduce a civil enforcement system to ensure compliance with gender pay auditing. Labour will end the so-called "Swedish derogation", which permits employers to pay agency workers less for the same work; **it acts as a disincentive to regular employment.**

As competition for work has increased, some, particularly young, workers have been pressured into doing unpaid internships. Requiring people to work for free is exploitative and wrong in any circumstances. When unpaid internships are a pre-condition for finding work in a sector, they discriminate against those who do not have an alternative direct or indirect income that enables them to work for free.

**Labour will ban unpaid internships except when they are part of an education or training course.**

### ***Status and Eligibility***

**UK law currently allocates rights to workers by organising them into three different categories** – ‘employee’, ‘limb b worker’ and ‘independent contractor’. Each has a separate legal definition (of great complexity) **and each category carries a different set of rights for the workers within it.** Some employers have been twisting the law to put their workers in a lower category with less rights at work. This undermines decent employers who do not stoop to such dodges and allow their workers their proper rights. The law has utterly failed to keep up – not by accident.

Under Labour’s plans, all workers will have all workers’ rights from the first day of their engagement. Rights to increased benefits according to length of service will remain. So, for example, the longer you have been working for an employer, the longer the holidays, notice periods and redundancy pay to which you are entitled.

**For the purposes of workers’ rights** (though not in relation to taxation or social security) **Labour will introduce a new single “worker” status to apply to all persons performing work for another.** Only the genuinely self-employed in business on their own account will be excluded. Labour will take other steps to improve the situation of those who are genuinely self-employed.<sup>28</sup>

Labour will also shift the burden of proof for determining whether someone is genuinely self-employed, so that **it is the employer who must prove that the worker does not qualify for full rights not the other way round.**<sup>29</sup>

The single classification of “worker” will **reduce the need for workers to litigate** to determine their status and secure their rights, and it will **make it easier for such rights to be enforced.**

Labour will **give all workers all their rights from day one by abolishing the qualifying periods** which apply to some rights. These vary across different types of workers. For example, agency workers only gain the right to equal treatment on pay, holidays and working time, and to improved pregnancy rights, after 12 weeks in post.

Additional rights, including sick pay, rights against unfair dismissal, and parental leave, are only available to those workers classified as “employees.” And unfair dismissal can only be claimed at present (in most situations) after 2 years of employment.

Under Labour’s plans, all workers will have all workers’ rights from the first day of their engagement. Rights to increased benefits according to length of service will remain. So, for example, the longer you have been working for an employer, the longer the holidays, notice periods and redundancy pay to which you are entitled.

**Agency workers will be able to enforce their rights** against both the end-user for whom they work and the employment agency which engaged them. And the new classification will **prevent ‘umbrella’ or ‘letterbox’ companies** where the worker is obliged to set up a one-person company which stands between him or her and the real employer.

**The law on whistleblowers will be revised to increase protection** for these brave workers whose actions benefit workers, employers and society.

### ***Working Time and Health and Safety***

**Flexibility of working time should be a benefit available to both workers and employers.**

Labour will make it easier for workers to enjoy the benefits of flexibility by giving all workers the right to seek the working hours that suit them and placing a corresponding duty on the employer to accommodate the worker’s request, so far as is reasonable.

Labour will **introduce four new public holidays** on top of statutory holiday entitlements, to redress the fact that workers in the UK get less holidays than workers in most other European countries. **All bank holidays will be paid.** **Labour will end the practice of not paying the statutorily-required breaks during shifts.**

Labour will **double paid paternity leave from two weeks to four and increase paternity pay**, so that fathers can spend more time with their new babies. **Statutory maternity pay will be extended** from 9 to 12 months. And Labour will introduce statutory bereavement leave, guaranteeing workers time off to grieve the loss of close family members or following miscarriage **and** consult with employers and unions on introducing family-friendly employment rights, such as to respond to family emergencies, **with extra protections for pregnant women, those going through the menopause and terminally ill workers.**

**Labour will ban zero hours contracts by requiring employers to give all workers a contract that accurately reflects their fixed and regular hours.** Those who work regular hours for more than 12 weeks will have a right to fix those hours in the contract. If the worker is asked to **work more than these specified hours, they must be paid a premium rate and given reasonable notice of changes to hours or shifts.** If they are asked to work **less than these hours, they will be entitled to be paid as if they had worked them.** This will give employers flexibility but ensure that workers do not lose out financially in the event of their hours changing, **minimising the inconvenience of working unpredictable hours.**

No one should be put at risk of physical, emotional or psychological harm in the course of their work. Labour will set up a **Royal Commission to review health and safety legislation** (including mental health) and bring it up to date. Labour will **allow workers to bring civil cases for breaches of statutory health and safety regulation.** And Labour will impose a **duty on all employers to create and maintain a workplace and working conditions free from harassment** - including by members of the public or others not formally part of the employing organisation (known as "third party harassment").

### ***Unfair Dismissal***

Losing one's job unfairly is a distressing, disruptive and financially damaging experience. While employers should be protected against spurious claims of unfairness, more needs to be done to ensure that, if the dismissal is unfair, the financial, emotional and other damage done to the worker is minimised.

Firstly, Labour will improve the statutory procedure for **protection against unfair dismissal by getting rid of the qualifying period so that all workers have this protection** (like other rights) **from day one** of their employment. The Tories have already conceded, for the purposes of this election, that the two-year qualifying period they imposed is unwarranted but they only propose to reduce it to one year.

Labour will **expand the list of reasons for dismissal that automatically qualify as unfair**, incorporating, among others, failure by the employer to follow proper procedures such as notifying the worker of what they've been accused of and allowing them to defend themselves. Employers will also be legally required to **remind the worker of their right to be represented before every disciplinary meeting.**

Labour will **tighten the definition of what counts as reasonable grounds for dismissal** so that some reasons – such as whilst pregnant (see below) or being on a blacklist – are automatically treated as unfair. In particular, Labour will strengthen protections for women against unfair dismissal and redundancy, because no one should be penalised for having children.

When unfair dismissal is found to have taken place, **reinstatement will become the default remedy**, except where the worker prefers not to go back or the employer gives unassailable reasons why reinstatement is not possible, for example, because the company has gone out of business.

Labour will **remove the present statutory limits on compensation for unfair dismissal** (and employment rights generally) so that tribunals can make an award which **properly compensates the real loss to the worker caused by the unfair dismissal** (or other broken right).

### ***Equalities***

Labour will take a number of steps to make equality law effective and protect diversity. **'Protected characteristics' will be extended to include socio-economic disadvantage and caste and will be redefined in relation to gender identity.** Employers will be required to **devise and implement plans to eradicate the gender pay gap.** The UN **Convention on the Rights of Persons with Disabilities will be fully implemented.** Intersectional discrimination will be regulated. Discrimination by algorithm will cease to be permitted. As above, employers will be obliged to ensure workplaces are free of harassment. **Equal pay for work of equal value will be vigorously enforced** after 50 years of ineffectual legislation. **Equal pay comparisons will be permitted across employers** where men and women work in the same workplaces or on similar projects or on comparable work. Employers will have to **implement plans to eradicate inequalities tainted by race, sex or disability.** It will be **impermissible to dismiss a woman who is pregnant** without the prior certification of the Workers' Protection Agency, and **reasonable adjustments will have to be made for those experiencing the menopause.** Maternity and parental leave will be extended. Employers will be required to **facilitate the election of equality officers.**

### ***Redundancy, notice of termination and business transfers***

Labour will strengthen the rules for consulting on collective redundancies by reducing the threshold for the number of workers that will trigger the duty to consult and by **restoring to 90 the number of days before redundancy dismissals can take place** after the consultation (the

Conservatives reduced this to 45 days).

Before any redundancy, Labour will require employers to provide the worker with all **reasonable support** (given the size and circumstances of the company) **for retraining and finding alternative employment,** as in many other European countries, so helping to redress the fact that at present it is much cheaper to make UK workers redundant than workers in other western European countries – encouraging multi-nationals to close facilities here rather than abroad.

Labour will **increase the 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. Labour will **remove the cap on the maximum number of years (presently 20).**

Labour will also **increase the statutory minimum period of notice** to be given by an employer to a worker before dismissal to 1½ weeks for each year of service with no maximum number of years.

Labour will **make sure workers do not suffer when a business is transferred from one owner to another** by making sure that all terms and conditions are enforceable against the new owner, including terms and conditions that derive from collective agreements. Sectoral collective bargaining will decrease business transfers since all employers in the sector will be required to observe at least the minimum terms of the sectoral agreement. But where there are enhanced terms in any enterprise, these too will transfer with the business.

# The real world of work

**60%**

OF PEOPLE IN POVERTY live in a household where **at least ONE PERSON WORKS**



**1 IN 9**

WORKERS have NO GUARANTEED WAGE

££££????



**1 IN 3** WORKERS

who win a Tribunal case NEVER RECEIVE THEIR COMPENSATION – and half only receive a portion



REAL WAGES have been STAGNANT for

**11 years**

COSTS



**1 IN 5** WORKERS

CANNOT COVER the cost of living



**Half**

OF WORKERS earn BELOW £24,000 – not enough to take out the average first-time buyer mortgage



FTSE 100 CEOs are paid

**133 times**

the average worker



**55%**

OF HOMELESS FAMILIES have jobs but CAN'T AFFORD RENT



**77%**

OF WORKERS have their pay and conditions IMPOSED by their EMPLOYER



**Promoting and protecting workers' rights  
trade unions**

**Workers' Protection Agency**

**i'm lovin'  
workers' rights**



**#McStrike**

**£15 and a union**

**BAKERS  
FOOD  
AND ALLIES**



## **TRADE UNION RIGHTS**

Trade unions speaking collectively at work is the most effective way in which the voice of workers can be heard. Democracy at work has all but evaporated with the collapse of collective bargaining coverage from 86% of workers who had the benefit of negotiated terms and conditions in 1976. Now **over 77% of workers' terms and conditions are not negotiated but offered by employers on a take it or leave it basis.** Democracy is not just for government elections it should apply to the condition of our working life where so many of us spend so much of life time.

**Sectoral collective bargaining relies on the existence of a strong trade union movement** to serve as the organised representatives of workers. Decades of attacks on trade union rights and collective bargaining have led to a significant decline in trade union membership, though it is slowly growing again.

**The roll out of Sectoral collective bargaining will be supplemented by stronger trade union rights.** This will make it easier for trade unions to represent workers at sector and workplace level. This will give enhanced protection to workers and lead to them being given the respect and dignity that a restored balance of power will bring.

### ***Anti-union practices***

Persecution of union representatives or members has historically been a key tactic used by employers in union-busting, and the blacklisting scandal in the construction industry shows that it continues to be an issue. **Labour will hold a public enquiry into blacklisting to expose and right historic injustices.**

**Labour will ban anti-union practices and protect union members from intimidation, harassment, threats and blacklisting.** And Labour will strengthen protection of trade union representatives against unfair dismissal by

requiring a Labour Inspector from the Workers' Protection Agency to give prior approval (which will only be given if there is a compelling reason that is not related to the representative's trade union activities).

### ***Rights to entry and facilities***

The ability of unions to recruit, organise and support their members strongly relies on them being able to access workplaces. Labour will **give unions the right, reasonably, to enter workplaces for their legitimate activities (including to meet members on union business and to address new staff).**

Labour will ensure **adequate time off for union representatives** in the workplace to perform union-related duties, and to take part in union-related structures. Labour will introduce **statutory time off for equalities representatives**, so that they have time to defend workers against discrimination.

Labour will also remove the requirement in the public sector to report publicly the amount of time off for union duties, which was introduced by the Trade Union Act 2016 – after all the employer and the union already know how much time off is required, and the reasons for it.

### ***Recognition for workplace collective bargaining***

The sectoral collective bargaining framework described above will establish trade unions as legitimate partners in industry and help to overcome much of the resistance to trade union recognition that currently exists in some companies. Nonetheless, the legal procedure by which trade unions can compel collective bargaining at workplace level by employers will continue to be important.

Labour will therefore **simplify the legal process by which trade unions gain recognition for collective bargaining at enterprise level.** Currently, the law presents complex legal barriers

that are exploited by some anti-union employers. Under Labour's simplified process **a union with members at a particular enterprise will be entitled to bargain collectively on their behalf.** To be recognised for collective bargaining on behalf of the entire workforce, a union (or unions jointly) will need to show that a majority of the relevant workforce support it (and may call on ACAS to conduct a ballot to demonstrate majority support).

Currently, only employers with 21 or more people employed are subject to recognition procedure. Labour will change this so that **all workplaces will be eligible, regardless of the size of the workforce.**

### ***Rights to trade union autonomy***

**The Trade Union Act 2016 imposed unfair and arbitrary restrictions on trade unions' basic functions,** including how they receive their subscriptions and how they manage their political funds. It also imposed high thresholds on strike ballots, so that a simple majority is no longer enough to legitimate industrial action. **Labour will repeal the Act in its entirety.**

This will mean giving members **the choice of opting out of their union's political levy rather than into it.** It will also mean making it **easier for people to pay their union subscriptions.** Simple democracy will be restored to union ballots by **permitting workplace or online ballots as well as postal ones,** though in all cases ballots must be secret, secure and free from interference or undue influence. Labour will abolish the pointless statutory requirement for periodic ballots in order for a union to retain its political fund.

Unlike clubs, companies and other organisations, the law has restricted unions' ability to decide, follow and enforce their own internal rules. **Labour will restore the right of autonomy so that union members are bound by their unions rules just as you would be if you joined a book club or a cricket team.**

### **Removing unfair regulatory red tape**

A lone worker is in an inherently weak position relative to their employer. If an individual worker is asked to work in conditions that are unsafe or to take a pay cut, they have little choice but to take it or leave the job. It is easier for an employer to replace a worker than it is for a worker to find a new job. And the costs for a worker of not finding a new job straight away are high when there are bills to pay and a family to feed.

Because of this, **the fear of unemployment is an unspoken threat which disciplines workers.** Workers with a fear of losing their jobs or being given fewer shifts or hours, are less likely to complain and more likely to accept poor, dangerous or discriminatory working conditions and low pay. And, of course, the stronger or more justified this fear is, the more effective the disciplining effect. This is why the current mix of anti-union legislation and insecure work forcing workers to accept lower pay, terms and conditions is so toxic – the less secure a worker is, the less able they are to resist.

While this inequality in power has dramatically increased over the last 40 years, the underlying imbalance is as old as capitalism itself. **The app technology used by the likes of Uber and Deliveroo seems cutting edge, but the business model differs little from that used in the mills, factories, shops, farms, docks and mines of the nineteenth century.** From the worker's point of view, there is little difference between waiting at home for a text message to find out whether she or he will work today and, half a century ago, jostling in the crowd 'on the stones' outside the dock gate hoping to be picked to work a shift.

**Workers formed trade unions to redress the inherent imbalance between workers and employers.** While individual workers are weak, when they organise collectively and stand together they can be strong.

Workers' withdrawal of labour, when implemented collectively, is a real threat to employers. **No worker wants to go on strike but the power to do so if necessary has enabled workers, through their trade unions, to negotiate better terms and conditions in a way that the individual worker could never.** The stark reality is that it is through the threat of the exercise of this power that decent pay, job security, safer workplaces, rights against discrimination, maternity and paternity rights and time for leisure and family have, historically, been won. That is why the right to strike is recognised as a fundamental human right by the European Convention on Human Rights and in the Constitutions of most countries of the world.

Without the industrial campaign for the ten-hour day at the end of the nineteenth century, and for the eight-hour day in the twentieth century, we would never have got the full-time working week of forty or less hours that is now considered normal. Equal pay for men and women did not come about because of philanthropy, but because unions fought – and took industrial action – to obtain it.

Nowadays these rights, first achieved by dialogue and agreement under the threat of further industrial action, have been embedded in UK legislation.

The anti-trade union legislation of the last four decades has imposed complex legal barriers to organising strike action. This has meant that the threat of industrial action has become less credible and, for many workers, has evaporated. With that loss, the effective power of workers to improve their lot in the workplace has diminished, often to vanishing point. In consequence, since unions are less able to defend their members, less workers join trade unions.

Labour is proud of the labour movement's historic achievements in giving people a voice at work through collective action. But it is not just part of

our history; it is also part of our future. **Only through the restoration of the power of workers to defend themselves in the workplace will we achieve decent jobs, equitable wages,<sup>30</sup> fair terms and conditions and security and dignity at work.** And that is what the next Labour Government will deliver.

**The right to withdraw one's labour is protected in international law.** Labour will declare that right in domestic legislation and will remove unnecessary and unfair regulatory hoops. Restrictions will, however, remain on the right to strike - as in every country in the world.

Labour will **remove the unnecessary obligation on unions to give notice** to the employer of a ballot on industrial action. The requirement for a ballot will remain but the law will be changed to **allow ballots to be conducted at the workplace or electronically** (as well as by post) so long as the vote is secret, secure and free from interference or undue influence. **Employers will still have to be given notice of industrial action** but the burdensome requirement for the notice to identify the numbers and categories of those to take industrial action and their workplaces will go.<sup>31</sup> There will be **proper protection against dismissal for those who take lawful industrial action**, including a requirement for the prior approval of a Labour Inspector.

**Labour will also ease the rule that says workers can only take strike action against their nominal employer** so that workers will be able take action against companies in the same group, or employers who regularly have significant commercial dealings with each other, strikebreaking employers, or in support of workers here or overseas whose employer is breaching fundamental international law.

With the roll out of sectoral collective bargaining it is not anticipated that the level of industrial action will increase since **most points of**

**dispute will be resolved through negotiation.** This is the experience of the countries with high levels of collective bargaining coverage.

## **THE WORKERS' PROTECTION AGENCY**

**The enhanced rights set out above will be meaningless if they are not properly enforced.** The minimum wage is not paid to all those entitled to receive it, and **at least 439,000 individuals receive less than their entitlement to holiday pay.**<sup>32</sup> Failure to enforce the law doesn't just hurt workers who lose out on their rights, it is also **bad for law-abiding employers who have to compete unfairly with employers who break the law.**

**Enforcement has been lamentable for years** in respect of the rights workers already have. Yet it should not be forgotten that the **Tories tried to bar workers altogether by imposing swingeing fees** on anyone who wanted to bring a claim in an employment tribunal.

Not for the last time the **Tory government were told that that was unlawful.** Yet it appears that they are **still contemplating bringing back fees.** Labour will never do that.

Yet even in the absence of fees, **only about half of claimants who are successful in tribunals actually receive their award.**

For many existing rights, there is no State agency responsible for enforcing them. Even where a state agency does have jurisdiction, it often does not have sufficient resources to be effective.

That's why Labour will **transform the enforcement system.**

**Currently, responsibility for enforcing labour law is spread across government,** for example, HMRC is responsible for enforcing the National Minimum Wage and the Health and Safety Executive for safety matters. **Labour will**

**bring these responsibilities together in the hands of a new unified Workers' Protection Agency operating out of the Ministry of Employment Rights.**

**The Workers' Protection Agency will be tasked with policing industrial relations and enforcing the law so that all workers receive the rights and protections to which they are entitled.** To this end it will be **given extensive powers** – akin to those the Health and Safety Executive has now, but with the resources to back them up – for its Labour Inspectors to **enter premises and inspect without prior notice and to bring prosecutions and civil proceedings on workers' behalf.**

The Conservatives have made a similar proposal for a unified labour enforcement agency.<sup>33</sup> However, their proposals do not give it the funding or powers it would need to be effective. In contrast, **the Workers' Protection Agency will have real teeth and be properly staffed and funded.** Basing it in the new Ministry of Employment Rights will make the Inspectorate bold and motivated to enforce the law.

The difference proper enforcement will make cannot be overestimated. Without it the law – and workers' hard-won rights – are merely notional. **It is easy for an unscrupulous employer to ignore an individual worker who asks for their rights to be respected** – and many workers will be reluctant to make such demands in the first place for fear of repercussions. **But if the employer knows that Labour Inspectors could access their workplace at any time** – having not only the right, but the resources to make this a realistic possibility – and that non-compliance will have serious consequences, **they are far more likely to comply with the law in the first place.** While the Labour Inspectors of the Workers' Protection Agency will have the power to enforce collective agreements, it will often not be the first port of call. Bargaining Councils will have in-

house dispute resolution procedures based on guidance provided by the Secretary of State. **As sectoral collective bargaining rolls out, the disputes procedures of Bargaining Councils will become the usual way of resolving disputes. Negotiation will largely come to replace litigation,** and industry procedures will be preferred to tribunals as a way of **providing accessible and inexpensive resolution of disputes.**

However, Labour will also introduce **sweeping changes to the legal enforcement system,** to ensure individual and collective rights are properly protected when in-house procedures fail.

The Ministry of Employment Rights will work with the Ministry of Justice to introduce a **transformed Labour Court system for both individual and collective disputes.** Labour will **bring back three member tribunals,** so that all cases are heard by judicial panels which include people with industrial experience. These will be made up of a professional judge (or judges in the Court of Appeal) and two non-lawyer members with industrial experience nominated by employers and unions respectively.

Labour will introduce **tougher penalties for employers who break the law,** including **compensation commensurate with the losses suffered by the victim,** and **tougher consequences for non-compliance with court orders,** including **personal liability** for those who were directors of companies at the time. As well as Workers Protection Agency inspectors, trade unions, workers, employers and employers' associations will all have the right to enforce sectoral collective agreements in employment tribunals.

# Policy proposals

- Minimum rates, terms and conditions will be set by employers and unions for each sector of the economy to raise wages and prevent undercutting.
- The national minimum hourly rate will be increased to £10 per hour in 2020 (the Conservatives want to wait until 2025 to do this), including for those over 16.
- There will be a single legal status of ‘worker’ for everyone who works – except those who are genuinely self-employed in business on their own account.
- Agency workers will have rights against the firms they work for as well as against their agency.
- All workers will have all their rights guaranteed by statute from day one.
- The minimum breaks between shifts and at weekends currently guaranteed by law will be extended, to reduce average working time – without loss of pay. Breaks during shifts will be paid.
- Four new public holidays (to mark each of our four nations’ national days) will be created. All work on bank holidays should be properly paid.
- Zero hours contracts will be regulated so that each worker gets guaranteed pay for a working week. There will still be flexibility for employers, but they will have to pay extra for it.
- Any reduction in the number of hours of work (such as the cancellation of a shift) will be paid for and any increase in hours will be paid at a higher rate.
- Proper notice of changes to shifts will have to be given.
- Workers will have the right to ask for flexibility and employers will have a duty to do what is reasonable to accommodate such requests.
- Unpaid internships will be ended except where part of an educational course.
- The public sector pay cap will end. Pay will be negotiated between public employers and unions.
- The Trade Union Act 2016 will be repealed, trade union autonomy will be restored and the right to take industrial action, in accordance with international law, will be recognised.
- Some of the restrictions on industrial action will be eased, though with the roll out of sectoral collective bargaining the level of industrial action will not increase since most points of dispute will be negotiated.
- Ballots may be conducted at the workplace or electronically as well as by post, so long as the vote is secret, secure and free from interference or undue influence;
- Notice of industrial action will be simplified.
- No one who takes *lawful* industrial action will be able to be dismissed without the prior approval of an Labour Inspector from the Workers’ Protection Agency.
- Labour will also ease the rule that says workers can only take strike action against their own employer.
- Trade unions will be given reasonable access to workplaces to speak to members and new employees.
- Every worker will have the right to be represented by a trade union at work.

- A range of amendments to equality and diversity law will be made to make it properly effective.
- Employers will be obliged to ensure workplaces are free of harassment.
- Equal pay protection will be extended.
- Employers will not be able to dismiss a pregnant woman and reasonable adjustments will have to be made for those going through the menopause.
- Maternity and parental leave will be extended.
- Employers will be required to facilitate the election of equality officers.
- The law will require that government and employers abide by those international labour standards which the UK has ratified.
- The law on unfair dismissal will be improved. The test will be fairness, it will be unfair not to follow a fair procedure, and compensation will be the full measure of loss.
- The protections for workers transferred when a business transfers (TUPE) will be improved.
- The protection for whistle-blowers will be improved.
- Minimum notice periods and redundancy pay will be increased.
- Employers' duties in the event of redundancy will be extended. The consultation period, slashed by the Coalition government to 45 days, will be restored to 90 days. Assistance will have to be given to find other work and training.
- The **Ministry** will establish and properly fund a unified Workers' Protection Agency to enforce workers' rights.
- Employment tribunals will have employer and trade union members sitting with the judge, and their powers will be extended.
- Labour will establish a Royal Commission to update every aspect of the law on health and safety at work.
- Labour will appoint a public inquiry into blacklisting – so that evil practice becomes a thing of the past.

# Notes

- 1 For August 2019 average regular pay (in constant 2015 prices) was £472 pw, whereas for April 2008 it was £473 pw: ONS, *Labour Market Overview*, UK: October 2019, p.8; <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/averageweeklyearnings ingreatbritain/august2019> (dataset for figure 2)
- 2 Resolution foundation, *The RF Earnings Outlook, Q2 2019*. It includes the comment that 'pay for millions of workers is still below pre-crisis levels, and that our pay downturn has left average pay £138 a week off track.'
- 3 <https://www.ft.com/content/cf2bf4c4-008c-11ea-b7bc-f3fa4e77dd47?desktop=true&segmentId=7c8f09b9-9b61-4fbb-9430-9208a9e233c8>.
- 4 <https://blogs.lse.ac.uk/politicsandpolicy/how-can-the-uk-boost-the-wage-share/>.
- 5 The effects of which are corrosive, see: R Wilkinson, *Mind the Gap: Hierarchies, Health, and Human Evolution*, Yale UP, 2001; R Wilkinson and K Pickett, *The Spirit Level: Why More Equal Societies Almost Always Do Better*, 2009. The recognition of the threat posed by inequality may be seen in *The Business for Inclusive Growth* (B4IG) coalition launched at the G7 Leaders' Summit in Biarritz in August 2019, launched by President Macron and coordinated by the OECD: <https://www.oecd.org/inclusive-growth/businessforinclusivegrowth/>.
- 6 <https://undocs.org/en/A/HRC/41/39/Add.1>.
- 7 The poverty line is internationally fixed as income of less than 60% of median wages. The median gross full time weekly wage in 2018 was £569: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annuasurveyofhoursandearnings/2018>. The poverty line was therefore £341.40 pw, i.e. £17,752.80 pa.
- 8 There were 5,833 shop closures and 3,372 openings, a net loss of 2,481: PwC, *High Street exits remain at historic high as openings slump to lowest levels on record – what next for retailers?* PwC, 10 April 2019.
- 9 *Independent*, 24 October 2019.
- 10 15.4 million working days were lost to work-related stress in 2017/2018, an increase of nearly 3 million days, at a cost to industry, individuals and government of £5.2 billion. Statistics: <http://www.hse.gov.uk/statistics/causdis/stress.pdf> reported in HSE, *Tackling work-related stress using the Management Standards approach*, March 2019, <https://www.hse.gov.uk/pubns/wbk01.pdf>. And see STUC, *Time, Control, Trust*, STUC 2019: <http://www.stuc.org.uk/files/precariryreport.pdf>.
- 11 Full-time employees in Britain worked an average of 42 hours a week in 2018, nearly two hours more than the EU average – equivalent to an extra two and a half weeks a year. Britain's "long-hours culture" is not having a positive impact on productivity. So, for example, full-time employees in Germany work 1.8 hours a week less than those in the UK but are 14.6% more productive. And in Denmark – the EU country with the shortest hours – workers put in over four hours less than UK workers, but productivity is 23.5% higher than in the UK. The average full-time week in Britain has shortened by just 18 minutes over the past decade. Even if the EU average stayed the same, at current rates of progress it would take 63 years for UK workers to get the same amount of free time as their European counterparts. <https://www.tuc.org.uk/news/british-workers-putting-longest-hours-eu-tuc-analysis-finds> figures taken from Eurostat Database - *full-time employee hours Q4 2018*; *OECD database - GDP per hour worked 2018*.
- 12 <https://www.tuc.org.uk/news/two-thirds-zero-hours-workers-want-jobs-guaranteed-hours-tuc-polling-reveals>
- 13 <https://www.ft.com/content/1043eec8-e9a7-11e9-a240-3b065ef5fc55>.
- 14 <https://www.independent.co.uk/news/uk/home-news/why-uber-drivers-loo-breaks-are-going-out-the-window-literally-10311620.html>
- 15 *The Independent*, *Amazon workers 'forced to urinate in plastic bottles because they cannot go to toilet on shift' accessed at* <https://www.independent.co.uk/news/uk/home-news/amazon-protests-workers-urinate-plastic-bottles-no-toilet-breaks-milton-keynes-jeff-bezos-a9012351.html> on 22 July 2019.
- 16 <https://www.theguardian.com/business/2017/mar/06/sick-parcelforce-couriers-royal-mail-mands-john-lewis-hamleys-dpd>
- 17 TUC, *Insecure Work*, 2019: <https://www.tuc.org.uk/researchanalysis/reports/insecure-work>.
- 18 There are about 5 million self-employed workers in the UK, some 15% of the work force (<https://www.tuc.org.uk/blogs/almost-half-self-employed-are-poverty-pay>). This is the highest proportion in Europe. Almost half earn less than the minimum wage - which may give a clue as to how many are falsely classed as self-employed when they should be classed as employees.
- 19 This graph is drawn from the ONS Family Expenditure Survey and Family Resources Survey, P Bourquin, J Cribb, T Waters and X Xu, *Living Standards and Income Inequality*, Institute of Fiscal Studies 2019; and KD Ewing and J Hendy, *Reconstruction after the Crisis: A Manifesto for Collective Bargaining*, Institute of Employment Rights, 2013, p2 where the sources for the graph of collective bargaining coverage are set out.

- 20 e.g. ILO Global Commission on the Future of Work, *Work for a Brighter Future*, 2019 at 41-43; ILO (S Hayter and J Visser), *Collective Agreements: Extending Labour Protection*, 2018, at 20-26; ILO (D Vaughan-Whitehead), *Reducing Inequalities in Europe, How Industrial Relations and Labour Policies can Close the Gap*, 2018 at 1-68; ILO, *Global Wage Report 2016/17*, 2016 at 86-87; ILO, *Collective Bargaining, A Policy guide*, 2015, at pp4-9; OECD, *Good Jobs for All in a Changing World of Work*, 2018, at 143-149; OECD and ILO, *Building Trust in a Changing World of work*, 2018, at 53-113; ILO and OECD, *The Business Case for Social Dialogue*, 2017; OECD, *Economic Outlook 2019*, at 191-218; OECD, *Economic Outlook 2018*, at 73-110; OECD, *Economic Outlook 2017*, at 125-166; IMF (G Ciminelli, R Duval, D Furceri), *Employment Protection Deregulation and Labor Shares in Advanced Economies*, 2018; IMF (F Jaumotte, C Osorio Buitron), *Inequality and Labor Market Institutions*, 2015; S Storm, *Labor Laws and Manufacturing Performance in India: How priors trump evidence and progress gets stalled*, Inst of New Economic Thinking Working Paper No 90, USA, 2019; JG Palma, 'Behind the Seven Veils of Inequality. What if it's all about the Struggle within just one half of the Population over just One Half of the National Income?', *Development and Change*, Distinguished Lecture 2018, John Wiley & Sons Ltd on behalf of the Institute of Social Studies, 2019; M Lübker, *Europäischer Tarifbericht Des WSI – 2018/2019: Positive Tariflohnentwicklung stabilisiert Wachstum in Europa*, Wirtschafts- und Sozialwissenschaftliches Institut, 2019; industriAll, *Together at Work: Time to Rebuild Collective Bargaining in Europe*, 2019
- 21 These are, most notably, ILO Convention 87, which protects freedom of association and the right to organise, and ILO Convention 98, which concerns the right to bargain collectively, as well as articles 5 and 6 of the European Social Charter of 1961. There are, however, many more international laws ratified by the UK.
- 22 For example as it is now clear they intend if they can achieve the Brexit deal Boris Johnson advocates: <https://www.ier.org.uk/news/leaked-document-reveals-govt-plan-tear-workers-rights>.
- 23 Look no further than the OECD Economic Outlook 2017, Economic Outlook 2018, and Economic Outlook 2019, Paris, cited above. In this it is more effective than raising the national minimum wage (though that too is an important measure). Apart from anything else workers have no say in determining the national minimum wages whereas it is the workers who provide the union's mandate in collective bargaining.
- 24 Sectoral collective bargaining was the technique adopted by governments (successfully) for improving wages and hence increasing demand throughout the capitalist world in the 1930s, including the USA (see National Industrial Recovery Act of 1933).
- 25 It is the very rich who save increased earnings and salt them away in offshore accounts.
- 26 A single bargaining council for the Civil Service, though no doubt with Ministry al sub-councils reporting to it, is an obvious first step.
- 27 This will comply with the UK's obligation under Article 5 of the Charter of Fundamental Rights of the EU which requires that; "workers shall be assured of an equitable wage, i.e, a wage sufficient to enable them to have a decent standard of living."
- 28 <https://labour.org.uk/press/workers-gig-economy-will-get-sick-pay-rights-labour-government-mcdonnell/>
- 29 Article 5 of the Charter of Fundamental Rights of the EU defines an equitable wage as a wage sufficient to enable every worker to have a decent standard of living.
- 30 Errors deriving from mistakes in union databases are the usual ground for employers to seek to show the strike is arguably unlawful so as to obtain an injunction to stop it.
- 31 [www.gov.uk/government/news/minimum-wage-underpayment-on-the-rise-low-pay-commission-find](http://www.gov.uk/government/news/minimum-wage-underpayment-on-the-rise-low-pay-commission-find) .
- 32 [www.gov.uk/government /consultations/good-work-plan-establishing-a-new-single-enforcement-body-for-employment-rights](http://www.gov.uk/government/consultations/good-work-plan-establishing-a-new-single-enforcement-body-for-employment-rights). DBEIS, July 2019.

