

**NEW RIGHTS
WON BY UNIONS**

**VOTE
YES**



YOUR UNION YOUR VOICE
use it don't lose it

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NEW RIGHTS WON BY UNIONS



1. INTRODUCTION

Trade union members need a political voice. Politicians make laws and policies which affect the lives of union members at work and at home. Unions need to be able to influence those laws and policies. To do that, they need a Political Fund.

Without Political Funds, unions would be unable to lobby Government on changes to improve the lives of working people.

Rights, protection, remedy

Trade unions have, throughout their campaigning history, changed the world of work for the better: from pay rises and Health and Safety Laws to Trade Union Recognition Rights. Trade unions have influenced Government policy to ensure that workers' rights are protected, and that when those rights are abused, that there is a legal remedy in place.

On the following pages are some rights, protections and remedies won by trade union campaigns and lobbying over the last few years.

FOR MORE INFORMATION

An exhaustive list of trade union legislation can be found on the website for the **Institute of Employment Rights** website: www.ier.org.uk/tu_law.htm or call 020 7498 6919.



2. EMPLOYMENT RELATIONS ACT

The **Employment Relations Act** was introduced in **1999** and reviewed in **2002**. This marked a milestone for union-negotiated policy and made a huge difference to the way unions organise and members work. New rights included:

- right to be accompanied by a fellow worker or trade union official in grievance and disciplinary procedures
- strengthened protection against discrimination against someone on the grounds of trade union membership
- protection from dismissal during the first eight weeks of lawfully organised industrial action and thereafter where the employer failed to take steps to resolve the dispute
- unions do not have to give employers a list of members' names when balloting or calling strikes
- a statutory right to trade union recognition where a majority, and at least 40% of those eligible, vote for it, in organisations of over 20 workers
- unions will be automatically recognised if more than half of a bargaining unit are trade union members in organisations with more than 20 employees.

Protection against unfair dismissal

Statutory protection against being dismissed unfairly was introduced as a result of union pressure in the 1970s. Whilst most unions continue to campaign for protection against unfair dismissal to start from day one of employment, unions have nevertheless successfully secured protection against unfair dismissal from 12 months of employment rather than two years as before.

The limit on compensation for unfair dismissal has been raised from £12,000 to £50,000 – index-linked and reviewed annually. This means that the current ceiling in 2003 stands at £53,500.

Employers can no longer ask staff on fixed-term contracts of one year or more to waive their rights to unfair dismissal if the contract is not renewed.

The **Public Interest Disclosure Act 1998** protects workers from dismissal or victimisation for whistleblowing.

FOR MORE INFORMATION

For more information and greater detail on the Employment Relations Act, please visit the **DTI** website: www.dti.gov.uk/er/erbill.htm or call the **Acas Helpline** on **08457 474747**. The **Employment Agency Standards Office Helpline** is on **0845 955 5105**.

Training and Skills

In 2002, trade union rights were further strengthened by giving **Union Learning Reps** similar statutory rights as Health and Safety Reps. Trade Unions have exclusive access to the **Union Learning Fund** and are taking full advantage of the new **Employer Training Pilots**.

FOR MORE INFORMATION

For further information on the Union Learning Fund and Employer Training Pilots visit the **LSC** website at: www.lsc.gov.uk or call the **LSC Helpline** on **0870 900 6800**. The **TUC** website: www.tuc.org.uk/skills/ or call **020 7636 4030** or the **Treasury** website: www.hm-treasury.gov.uk will also provide more information.



3. INFORMATION AND CONSULTATION

Trade unions have for years been campaigning for the UK to sign European **Information and Consultation** rights into domestic UK law. This goal has now been achieved and the new rights on Information and Consultation are currently out for consultation by the Government. A basic framework has, though, been agreed by the TUC and CBI. The final proposals will build on this framework and must comply with the EU Directive on Information and Consultation.

Information and Consultation rights give people at work the right to be told what is going on and the right to be heard: these are rights of better communication in the workplace and will begin to tackle the problem of workers hearing about their redundancies on the early morning news rather than being informed and properly consulted by their employers.

Areas covered by the new Information and Consultation Directive include:

- employment prospects
- changes in work organisation or contractual relations (including redundancies and transfers of engagement)
- economic prospects for the industry in which an employee works.

The European Information and Consultation Directive takes effect for firms with 150 employees or more in 2005; those with 100 or more in 2007; and those with 50 or more in 2008.

FOR MORE INFORMATION

For further details, visit the **TUC** website:
www.tuc.org.uk/law/tuc-6821-f0.cfm or call
020 7636 4030 or the **DTI** website:
www.dti.gov.uk/er/consultation/proposal.htm



4. NATIONAL MINIMUM WAGE

1998 saw the introduction for the first time ever of a **National Minimum Wage** in the UK. Unions are involved in the setting of the level of the National Minimum Wage through their membership of the Low Pay Commission. The introduction of the National Minimum Wage is itself a victory for the many unions that had campaigned for it for generations.

When the National Minimum Wage was first introduced, more than a million workers benefited from a pay rise. Many of these were women and part-time workers. From **October 2003**, the new wage rates will be:

£4.50 per hour for workers aged 22 or over

£3.80 per hour for workers aged 18 to 21.

From **October 2004**, the new rates will be:

£4.85 per hour for workers aged 22 or over

£4.10 per hour for workers aged 18 to 21.

While the National Minimum Wage puts a floor under pay levels, the new **Tax Credit** system is designed to increase further the income of lower paid workers and workers with families. Please see section **Parents at Work** for more information on **Tax Credits**.

FOR MORE INFORMATION

For further information, please visit the **Low Pay Commission** website: www.lowpay.gov.uk or call **020 7855 4543**, or visit the **Inland Revenue** website: www.inlandrevenue.gov.uk/nmw/index.htm.

The National Minimum Wage Helpline is on **0845 6000 678**.



5. WORKING TIME REGULATIONS

The **Working Time Regulations** marked a milestone in UK employment rights and a historic victory for trade union negotiators and campaigners. This piece of EU legislation aims to protect workers' health and safety by protecting them against the serious effects of overwork. For the first time ever, UK workers are legally entitled to paid holidays.

The new rights include:

- right to a break where the working day is longer than six hours
- guaranteed rest period of 11 hours every working day
- guaranteed rest period of 24 hours once in every seven days
- ceiling of 48 hours on the maximum average working week
- ceiling of night work of an average of eight hours in every 24
- free health assessment for all night workers with a possibility of transfer to day work if working at night is damaging a worker's health
- right to four weeks paid annual leave.

When the Working Time Regulations first took effect:

- 2 million adult workers plus 18,000 young workers received increased rest breaks
- 3.5 million night workers received health assessments
- 2.5 million workers received longer holidays.

The **Horizontal Amending Directive** which came into effect in August 2003, extended these working time measures to previously excluded sectors such as:

- non-mobile workers
- all workers in the rail and offshore sector
- all workers in aviation who are not covered by the Aviation Directive
- workers in the road transport sector.

FOR MORE INFORMATION

For more information on the Working Time Regulations and Horizontal Amending Directive, visit the TUC website: www.tuc.org.uk/law/tuc-6877-f0.pdf or call 020 7636 4030. The **Health and Safety Executive** has more information on the Working Time Regulations and can be contacted on 08701 545 500 or visit their website: www.hse.gov.uk



6. PROTECTION AGAINST DISCRIMINATION AND HARASSMENT

Trade unions have for many years campaigned to end discrimination of any kind whether on the basis of gender, disability, creed, religion, sexual orientation, age or ethnicity, whether at work or in the wider society. Trade union pressure helped achieve the Sex Discrimination and Equal Pay Acts in the 1970s.

The **Employment Equality (Sexual Orientation) Regulations 2003** and the **Employment Equality (Religion or Belief) Regulations 2003** will outlaw unfair discrimination in employment and vocational training on grounds of sexual orientation and religion or belief by December 2003 and discrimination on the grounds of age by December 2006.

Under the **Race Relations Act** all public, private and voluntary sector bodies are required not to discriminate on racial grounds. Since 2000, public authorities have an additional duty to promote race equality. This extends particularly to public authorities which have a duty to ensure that suppliers are complying with employment legislation including on race equality.

There are 8.6 million disabled people in Britain. That is equivalent to one in seven of the population. The **Disability Rights Commission Act 1999** led to the establishment of the Commission in April 2000. Its duties are to eliminate discrimination against disabled people; promote equal opportunities, spread good practice and to advise government.

FOR MORE INFORMATION

For more information and detail on **Equality Regulations** regarding **sexual orientation, religion or belief**, please visit the **DTI** website: www.dti.gov.uk/er/equality/index.htm and www.dti.gov.uk/er/equality/raceregs.pdf or visit the **Equality Direct** website: www.equalitydirect.org.uk or call them on **0845 600 3444** for more information.

For more information on **racial equality**, please visit the **Commission for Racial Equality** website: www.cre.gov.uk or call them on **020 7939 9000**.

For more information on the **Disability Rights Commission**, please visit the website: www.drc-gb.org or call the Helpline **08457 622 633** or **Textphone 08457 622 644**.

For more information on ending **age discrimination**, please visit the **DWP** website: www.agepositive.gov.uk/codeOfPractice.cfm?sectionid=90 and www.agepositive.gov.uk/complogos/AgeDiversityAtWork.pdf

For more information on **gender** and **equal pay**, please visit the **Equal Opportunities Commission** website: www.eoc.org.uk or call the **EOC Helpline** on **08456 015 901**.



7. PENSIONS

Trade unions have for many years campaigned for more rights for pensioners and improvements to the pension provision in the UK. These campaigns have been run for people currently drawing the pension as well as for people in work today who are planning for their secure retirement.

Unions will continue to lobby, campaign and negotiate to improve pension provision and rights for retired people. It is worth, though, outlining some of the major rights won directly or indirectly by trade union campaigning:

- **Pension Credit** is a new entitlement for people aged 60 and over. It guarantees an income of at least £102.10 for single people and £155.80 for couples, and rewards those who have a modest pension or savings.
- **Winter Fuel Payment** an annual one off payment to help older people with their winter heating bills. Every household with someone aged 60 and over is eligible. Households with someone aged 80 or over will receive an additional payment of £100.
- **Free TV Licences** for people who are 75 and over.
- **Free Eye Tests** for anyone aged 60 or over.

FOR MORE INFORMATION

For more information on rights and services for pensioners and for information on pensions, please visit the **DWP** dedicated website:

www.thepensionerservice.org.uk or contact the **National Pensioners Convention** – the umbrella body for pensioners' groups:
www.natpencon.org.uk or call **020 7553 6510**.



8. PART-TIME WORKERS

For years, part-time workers were disadvantaged in the workplace, often working the worst hours and receiving unequal pay and treatment.

Regulations which came into force in July 2000 have meant a real improvement to the working conditions of Britain's six million part-time employees, giving them the same rights as full-time workers including the same:

- hourly rate of pay
- access to company pension schemes
- entitlements to annual leave and maternity/paternity leave on a pro-rata basis
- entitlement to contractual sick pay
- treatment in access to training
- entitlement to staff discounts and bonus schemes.

Unions have also worked hard through their members in the European Parliament as well as by lobbying the European Commission to secure better rights for agency workers.

FOR MORE INFORMATION

For more information on the rights of agency workers, please visit the **DTI** website:
www.dti.gov.uk/er/agency/directive.htm



9. PARENTS AT WORK

The trade union movement has long campaigned for greater support for working parents and for better balance between working and family commitments. As a result, **Child Benefit** payments have been raised and there are now more childcare places. Paid leave for parents has been extended and leave for family emergency (such as a child's sickness or bereavement) has been introduced for parents and other carers. **The Employment Relations Act** also provides new rights to request flexible working hours for parents.

FOR MORE INFORMATION

For more information, see www.familiesonline.co.uk/topics/nannies/child_care_news.htm or the Treasury website: www.hm-treasury.gov.uk/mediastore/otherfiles/new_tax_credits.pdf or the Inland Revenue www.inlandrevenue.gov.uk/leaflets/credit.htm or call the **Acas Helpline** on **08457 474747**.

Working Tax Credit

Together with the National Minimum Wage, the **Working Tax Credit** means that every family with or without children with at least one parent in full-time work, takes home a minimum of £237 a week: a key policy in tackling in-work poverty – something the union movement has been campaigning on for many years.

The criteria for qualification are:

Aged 16 and over and responsible for at least one child if working at least 16 hours a week

People without children who are 25 or over and work at least 30 hours a week or

People without children who are 16 and over and work at least 16 hours a week and with a disability or

If one person in a couple is aged 50 or over and works at least 16 hours a week and is returning to work.

FOR MORE INFORMATION

For more information, please visit **Citizen's Advice Bureau** website at: www.adviceguide.org.uk/index/life/benefits/working_families_tax_credit_and_disabled.htm or visit the **Inland Revenue** website: www.inlandrevenue.gov.uk/taxcredits or call the **Helpline** on **0845 300 3900**.

Maternity, Paternity and Adoption Leave

The trade union movement as a whole has been lobbying consecutive governments on better rights for new parents – particularly the extension of maternity leave rights. Since 1999, maternity leave has been raised from 14 weeks to 26 weeks regardless of length of service. Statutory Maternity Pay and Maternity Allowance has been extended to 26 weeks and the standard rate has been increased from £62 to £100 per week.

The qualifying service for additional maternity leave has been reduced so most mothers are now entitled to take a year off work. In addition:

- fathers now have the right to two weeks paid leave
- adoptive parents will gain from six months paid and further six months unpaid adoption leave and equivalent paternity leave
- employers are able to recover Statutory Maternity, Paternity and Adoption Pay in advance from the Inland Revenue
- parents have the right to return to the same job or a job with equal or better status when they return from maternity, paternity or adoption leave and are protected from unfair dismissal and detriment for reasons relating to the leave
- parents can take extra unpaid time-off to look after their children if they have worked for their employer for at least 12 months
- employees are entitled to a total of 13 weeks parental leave for each child under five at 15 December 1999 generally up until the child's 5th birthday
- parents of adopted children can take leave within five years of the child's date of placement or until the child's 18th birthday
- parents of children who receive Disability Living Allowance may take up to 18 weeks parental leave up to the child's 18th birthday.

FOR MORE INFORMATION

For more information on work/life balance and more details on rights for parents, please visit the **DTI's** dedicated website: www.dti.gov.uk/work-lifebalance/ or the **TUC** www.tuc.org.uk/work_life/index.cfm or call **020 7636 4030**.



10. THE PUBLIC SECTOR: TWO-TIER WORKFORCE

After much lobbying and campaigning, the Government has recently announced steps to ensure decent pay and conditions for key public service workers and put an end to the **Two-Tier Workforce** in Local Government.

A new code of practice will cover the employment of staff in key areas of contracted-out public services. This will offer new protection for low-paid public service workers and ensures fair treatment for a range of employees in Best Value authorities.

The new code of practice will ensure:

- terms and conditions for new employees are no less favourable overall than for existing employees
- new joiners have a range of pension rights protections
- enforcement mechanism will be in place
- application not only to Local Government, but to all Best Value authorities
- clarity is given to the private sector, and that responsible contactors are protected against cowboy operators.

FOR MORE INFORMATION

For more information on the new measures, please see the **TUC** website:
www.tuc.org.uk/work_life/tuc-3553-f0.cfm or call **020 7636 4030**.

