

The Key to the Lock

Trade Union Recognition
and Economic Justice



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Protecting Public Services
Supporting Public Servants

Preface

In our 2015 Statement to Members *"An Economy We Own, A Society We Shape"*¹ we discussed how the ferocity of the economic challenge we face requires the trade union movement not only to carry out its core work in defending our members' terms and conditions but also broaden the nature of our challenge to the anti-democratic corporate takeover of the economy. This also involves a "battle of ideas" wherein we argue for an economy that is truly democratic, with trade unions at its heart. This offers the chance to systematically challenge the inequalities generated by market intrusion into public service.

This latest Policy and Research booklet picks up on these themes not only by referencing the growing debate on the damage inequality does to our society but showing its clear link to decades' long erosion of the trade union rights that challenged such an imbalance of economic power and accountability. Given this we stress the need, in a devolved context, to campaign for trade union legislation that guarantees trade union recognition and promotes the establishment of collective bargaining rights.



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Introduction

Over the last few years, even within the narrow confines of an economic debate bordered by the historic remnants of social democracy on one side and faith in neo-liberalism on the other, some stark truths about inequality are being spoken. Whether this has come from figures rooted in the Establishment (in the International Monetary Fund,² the Bank of England³ for example) or from Nobel prize-winning economists critical of neo-liberalism⁴, it has demonstrated an awareness that the extent of global inequality, the disparities of economic power and the nature of its unjust foundation are unsustainable.

If this is at the tip of the pyramid, in wider society there has been a longer standing analysis of the ways in which the economy has been re-structured to deliberately weaken any democratic opposition to the demands of the market. This has recognised that an obvious source of such a challenge has always come from the trade union movement and that, in the UK, a key part of “Thatcherism” was a systematic assault on the legal framework within which trade unions operate.

Successive governments whether New Labour, Tory or a Conservative/Liberal Democrat coalition have left this framework untouched to, in effect, “lock in” these restrictions on the trade union movement. Indeed Tony Blair, when Leader of the Opposition, advertised that he had no intention of repealing Tory anti-trade union legislation. As he wrote in the Times in 1997:

Let me state the position clearly, so that no one is in any doubt. [Under Labour] the essential elements of the trade union legislation of the 1980s will remain...the changes that we do propose would leave British law the most restrictive on trade unions in the Western world.⁵

This stated 'ambition', to some extent, exposes the hollowness of the current hand wringing and "what can we do about inequality?" noises from many of his successors. They merely "interpret the world" and do so in a determinedly limited way. They do not emphasise, indeed are clearly opposed to, the idea of re-empowering the movement that could in a **systematic and long-term** manner re-balance the economy. Inevitably, therefore, they do not outline how this agent could be freed from its legislative strait-jacket in order to genuinely challenge economic injustice. As a consequence, current labour laws, because of their longevity and ideological foundation, are treated as if they weren't man-made or reversible with discussion of justice in the industrial field, too easily focused on **individual** redress.

The starting point of this booklet is to reject this approach. It argues that "changing the world" in relation to inequality cannot be done at an individual level i.e. it must be about **collective** redress. Existing labour laws that do not assist this aim, therefore, need to be repealed/replaced. The booklet also acknowledges the advantage that devolution offers Northern Ireland in that as our employment law *is* devolved, we are able to attempt to shape the industrial relations framework within which aspects of our economy operate and ensure that this establishes, rather than undermines, social justice and economic reward. Before looking at how this might be done, we begin by looking at: the mainstream debate about equality triggered by the publication of "The Spirit Level"; the evidence linking trade unions and economic justice and the implications of the new, wider threat from Westminster in the form of the 2015 Trade Union Bill.

Inequality 'rediscovered' - The Spirit Level

In 2009 a book by Professors Richard Wilkinson and Kate Pickett called "The Spirit Level – Why Equality is better for everyone"⁶ was published. It became a surprise bestseller. To some extent the underlying reasons for and scale of its popularity were testimony to both the climate of uncertainty following the economic crash of 2008 and also an indictment of the longstanding failure of 'mainstream' economic/political analysis to expose the limitations of and damage done by poorly regulated market capitalism. Nowhere was this failure more evident than in the social democratic parties that had swallowed neo-liberal analysis whole and spun its benefits as an unchallengeable 'Third Way'. With this approach now frayed by economic catastrophe, there was clearly an appetite for a broader discussion of how society was being disfigured by the market. The timing of "The Spirit Level" therefore was perfect. So what did it highlight?

Whilst the brief synopsis offered below cannot capture the breadth of Wilkinson and Pickett's analysis⁷, their work systematically illuminates:

the pernicious effects that inequality has on societies: eroding trust, increasing anxiety and illness, (and) encouraging excessive consumption. It shows that for each of eleven different health and social problems: physical health, mental health, drug abuse, education, imprisonment, obesity, social mobility, trust and community life, violence, teenage pregnancies, and child well-being, outcomes are significantly worse in more unequal rich countries⁸.

Analysing data from “23 of the most developed nations and from comparisons between the 50 states of America”⁹ Wilkinson and Pickett were able to compare the UK to other advanced economies that had been slower in embracing this ideology. Their findings show where “winner takes all” economics, initiated and pursued from the latter part of the 1970s has left the UK (see Table 1).

**Table 1: Spirit Level analysis -
UK versus most advanced economies¹⁰**

Mental Illness = 2nd worst out of 12
Life Expectancy = 7th worst out of 23
Infant Mortality = 4th worst out of 23
Obesity = 3rd worst out of 22
Children’s Welfare = Worst out of 22
Teenage Births = 2nd worst out of 21
Murder Rate = 11th worst out of 21
Imprisonment Rates = 5th worst out of 21
Social Mobility = 2nd worst out of 8
Trust = 6th worst out of 23

(Note: Not all countries have comparable information on these topics, so that the total number varies for each subject)

From this data the authors' conclusions were that:

- The level of problems varies consistently with the level of equality for each country but greater inequality seems to lead to general social dysfunction.¹¹
- Beyond a certain point, increased national income does not improve the quality of life in a society, but greater equality does. Inequality within a country is what matters, not differences in average income between countries.
- In rich countries, a smaller gap between rich and poor means a happier, healthier and more successful population. The most unequal countries, the US, the UK, Portugal and Singapore have much worse social problems than the most equal countries of Japan, Sweden and Norway.¹² See Figure 1.

Figure 1: Social/Health Problems and level of Inequality



(Note: the above uses the ratio of income between the top and bottom 20% of income after tax as measure of inequality, but other measures produce similar results).

Policy solutions

The authors explore but reject the idea that “inequality is the price we have to pay for a thriving economy”¹³, discuss the policy implications that flow from this rejection and prioritise the policies that would play a key role in challenging economic inequality. Among these are:

- **Decreasing the wage gap** - Income inequality arises first and foremost in the workplace and it is there that the remedies must start. This would entail...employers in both the public and private sectors [adopting] low pay ratios, transparency, and other codes of best practice. Government and local authorities can contractually oblige firms paid by them to keep to a low pay ratio – [this would challenge the situation where] in some firms with public funding the chief executive gets 300 times the pay of the lowest paid worker.¹⁴
- **Paying a living wage** - In-work poverty is rising. Introducing a [genuine] living wage would counteract this growing injustice.
- **Restricting top pay rates** - Moves to enable shareholders to prevent exorbitant top pay rates should be supported.
- **Promoting trade union and employment rights** - Extending industrial democracy, worker representation, co-ownership and other measures will reduce workplace inequality. Trade unions have an important role in improving wage levels for union and non-union members alike. Higher wages mean more spending power. Over the last thirty years, a lower and lower proportion of national income has gone to the majority of workers. Effective unions can raise this

proportion, reducing the share going to those already extremely well off. Their work can benefit the entire society, not just union members.

- ***Reforming the tax system*** - through increasing inheritance and property tax; introducing more progressive taxation policies; reducing tax relief on pension contributions for the highest earners; cracking down on those operating through tax havens to eliminate tax evasion and reduce tax avoidance.
- ***Improving Public Services*** - Public services have a massive effect on increasing the wellbeing and opportunities of the worse off. For example, reducing the cost of university education for those who cannot afford it, and increasing the supply of good affordable housing can have a wider impact on levels of inequality. Child wellbeing in the UK is lowest among the leading developed countries and services that improve the lives of poorer children are particularly important.¹⁵

Trade Unions and Economic Inequality

As we have just outlined, “The Spirit Level” references the role of the trade union movement itself in fighting inequality. This fight represents a longstanding, organised attempt to counteract the existing class and power imbalance between employee and employer. Even in the capitalist homeland of the United States this essential challenge and its broader economic benefits is acknowledged with the 1935 and still extant National Labor Relations Act stating:

The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract and employers who are organised in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilisation of competitive wage rates and working conditions within and between industries.¹⁶

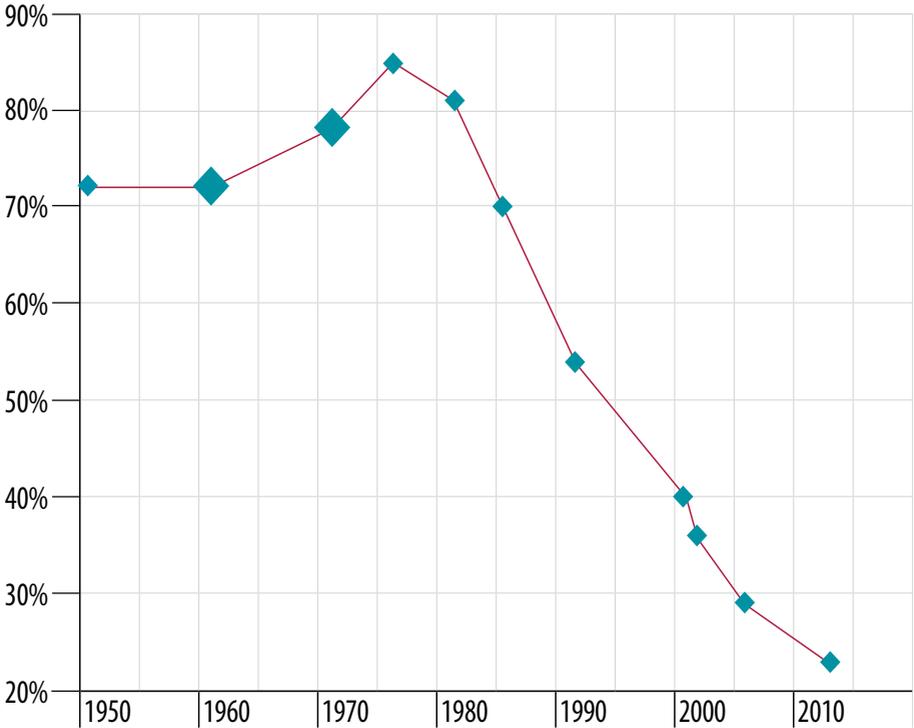
This is the challenge to the free market’s whip hand that trade unions offer – a challenge its enemies caricature as “burdensome over-regulation/red tape”, “health and safety gone mad” etc., while in reality a powerful union presence means:

...employment standards, including systems of pay setting and health and safety policies, are agreed with the workforce as a group and everybody is covered by the same rules¹⁷...Without trade unions, the realities of working life mean that individual workers are under

pressure to simply accept the pay and conditions that an employer presents to them. To do otherwise risks missing out on the chance of a job or being dismissed. The bargaining power of trade unions has the potential to defend existing employment conditions, so that new workers are not brought in on lower rates of pay or forced to accept other terms which are inferior.¹⁸

Such a counterbalance, however, is only possible with a **union presence** capable of delivering collective defence and advance. The data on this declining presence is both stark and telling. In the 1970s in the UK, for example, 58% of workers were trade union members and 82% of wages were set by collective bargaining.¹⁹ By 2012 the former figure had reduced to 26% of workers in a union with only 23% of the workforce covered by collective bargaining²⁰ (see Figure 2).²¹

Figure 2: UK Collective Bargaining Coverage
(including wages councils)



Note 1: The data in this graph are drawn respectively from S Milner, 'The Coverage of Collective Paysetting Institutions in Britain, 1895- 1990' (1995) 33 BJIR 69 (1950-1980); N Millward, A Bryson and J Forth, *All Change at Work? British Employment Relations, as Portrayed by the Workplace Industrial Relations Surveys Series* (2000), p 197 (1984, 1990, 1998), K Brook 'Trade Union Membership: An Analysis of Data from the Autumn 2001 Labour Force Survey', (2002) 110 (7) *Labour Market Trends*, p 343. See also P Davies and M Freedland, *The Evolving Structure of Collective Bargaining in Europe 1990-2004; National Report on the UK*, (European Commission and University of Florence, 2004 (2000); H Grainger *Trade Union Membership 2005* (DTI, 2006), pp 12, 39 (table 28), B Kersley, C Alpin, J Forth, A Bryson, H Bewley, G Dix and S Oxenbridge, *Inside the Workplace: Findings from the 2004 Workplace Employment Relations Survey* (2006), B van Wanrooy et al, *The 2011 Workplace Employment Relations Study, First Findings* (2013), p 22 (table 1) (2004, 2011).

Note 2: Some of these figures, particularly the early ones, may significantly under-estimate collective bargaining density, with the Ministry of Labour and National Service reporting much higher levels (86%) just after the second world war.

The deliberate dismantling of collective protection, therefore, has facilitated the attacks on wages, hours and terms/conditions through casualisation. This has meant “a drop in living standards not experienced since Victorian times”²² and as a report from the Joseph Rowntree foundation in 2013 highlighted: “a majority of families in poverty...in work”²³ with “low wages...doubling... the number of workers who need housing benefit and [who are reliant] on food banks.”²⁴ While the origin and pace of the post-Thatcher “reforms” in the UK made it appear, at first, a Western European exception to more social democratic norms, the post-crisis opportunism of ruling elites since 2008 has seen a strategic unpicking of collective provision across the European Union. This has meant that the Bundestag saw a blueprint for Ireland’s future before the Dáil did,²⁵ whilst states most vulnerable to “reform” such as Greece and Romania have been similarly blackmailed by the “Troika” (European Commission, European Central Bank, IMF). In this way “industrial relations structures in countries in what was once social democratic Europe [are] now also falling like ninepins. Whilst in leading liberal market economies such as the United States and Canada, the erosion is even greater than in the United Kingdom.”²⁶

Is the world not enough?

Despite this power shift and the counter-revolution against the “1945 settlement” captured above, it seems incredible that the UK Government via the 2015 Trade Union Bill has still made it a legislative priority to further escalate the war against workers’ ability to collectively defend their rights. Whilst we stated at the outset the distinctness of our devolved labour laws, we must also acknowledge that workers here, particularly those

who participate in UK wide union ballots will not be unaffected by these Westminster-led developments. Furthermore, as we have seen recently re welfare “reform” legislation, we should be conscious of the possibility that, when it is expedient to do so amidst a local political crisis, devolved powers can be meekly returned to Westminster. Any complacency, therefore, of devolved protections being *guaranteed* would be misjudged. For these reasons we need to look at what is being proposed and threatened by the TU Bill before exploring what we should positively require in relation to trade union protection within our future labour laws.

The threat from the Trade Union Bill 2015

It has been argued that the Trade Union Bill 2015 has three central aims:

- The first is to single out public sector trade unionism for particular assault, as part of a strategy to suppress organised resistance to the destruction of public services and to eliminate any meaningful bargaining over pay or terms and conditions from the public sector, allowing the government to cut wages, pensions and staff.
- The second is to undermine collective bargaining by more restrictions on the lawful exercise of the right to strike. Without an effective right to strike, the right to collective bargaining is, of course, no more than a right to collective begging. So the Bill is intended to put yet further obstacles in the way of the only means that workers have to protect or improve the conditions of their working lives.

- The third is to silence the political voice of the organised working class...to ensure that unions have limited resources and opportunities available to offer political resistance to the government.²⁷

The Bill also makes a calculated attack on facility time and “check off” arrangements (whereby a worker’s union subs are deducted from their pay at source and forwarded to the union by their employer). On the former, employers will have to quantify the cost of facility time (with no recognition, of course, of its well documented benefits)²⁸ and limit the extent to which employers allow its use. This provision has been described as “a clear breach of International Labour Organisation (ILO) Conventions 98 and 151, the latter in turn providing not only that public sector trade unions have the right to workplace facilities, but also that these facilities are to be the subject of collective bargaining.”²⁹ In relation to ballots, there are further demands on the level of participation required with this having to be even higher than a basic majority in certain sectors. For example, “industrial action will be lawful only if 50% of those eligible to vote do so, and if a majority of those voting support the action in question, [whilst] as far as minimum levels of support are concerned, in six sectors³⁰ industrial action will be lawful only if it is supported by at least 40% of those eligible to vote in the ballot.”³¹ These are thresholds that a Conservative Government elected in 2015 by 25% of the electorate was incapable of reaching yet who now, hypocritically, present such levels of support as the yardstick of trade union legitimacy.

In relation to the notice period for industrial action that unions are required to give an employer, this will double from 7 days

to 14 days. In addition the ballots' validity will expire after four months with a new ballot required, should the dispute continue, after this period of time. Further requirements include the facts that: the ballot paper will in future be more detailed (on the dispute, on specified action where action is short of industrial action and date of action); the ballot result itself will be more detailed on threshold/turnout requirements met etc., and future reports to the Certification Officer will also need this level of additional detail.

On top of these moves to load the dice in favour of the employer is another legislative change that could not be clearer in its intent. This is the facilitation of the use of agency workers to carry out strikers' work. Again by setting aside previous regulations that stopped such state sponsored strike breaking another International Labour Organisation Convention (No. 87³²) is breached. Finally, the Bill attacks trade unions' political (levy) activity to such an extent that its approach has been described as a "return to the General Strike era...re-introducing opting in and prohibiting opting out."³³

This brief overview of the Trade Union Bill shows it to be "further restricting the right to strike and to picket [and in so doing] violates ILO Convention 87.³⁴ Other of its provisions and subsequent announcements violate ILO Conventions 98³⁵ and 151³⁶ (invalidating and prohibiting collective bargaining on the use of the check off in the public sector), whilst the provisions of the Bill dealing with trade union facilities violate Conventions 98, 135³⁷ and 151 to the extent that they empower ministers unilaterally to rewrite collective agreements dealing with facilities".³⁸ In short, we have proposals in the Trade Union Bill

that attack three **core labour rights**:

- the right to organise;
- the right to bargain and
- the right to strike.³⁹

So what do we call for?

The discussion above reports an awareness of the scale and growth of inequality in society and the clear link to it being fuelled by a dismantling of the bulwark against such injustices offered by the trade union movement. It also suggests this will be accelerated in the UK by the latest industrial relations legislation. So what could be done in this context? In particular, how, with the advantage of devolved employment legislation might we seek any and every space within which to gain advantage from our distinct room to operate and, in so doing, strengthen the presence and leverage of labour in the workplace?

Firstly in the context of the new Employment Bill⁴⁰ that the NI Assembly has introduced the Trade Union movement welcomes its retention of aspects of local labour law that are less regressive than the GB legislation (e.g. it has not read across the increase in qualifying period for claiming unfair dismissal or reduction in consultation period for collective redundancies) and we welcome the initial statements from the Minister for Employment and Learning that he did not endorse nor recommend local application of the Tories' 2015 Trade Union Bill. However, while these facts acknowledge no immediate political rush to make things worse, they also show what we refer to above - the unsurprising failure to look to a much broader framework of employment law that would empower the voice of a key element in the workplace – the trade union movement. The reason for this approach may be a lack of imagination or objectively (as suggested by the failure to ban exclusivity clauses in zero hours contracts) an ideological choice. Whatever the motivation, the labour movement locally cannot let its consequences go unchallenged.

We need to look therefore at building a campaign that moves beyond seeing our labour laws not “getting worse” as enough. Such a campaign should argue for employment legislation that re-empowers and gives stronger voice to the fight for economic justice and democratic accountability that the trade union movement can offer. This need to be on the front foot is even more essential in the context of Departmental re-structuring that will see the majority of the Department for Employment and Learning’s functions subsumed into a new “Economy” Department. We have to raise the question, therefore, of how labour’s voice is heard in any new arrangement.

In this context we might wish to look at the work undertaken in the UK for the Institute of Employment Rights by Dr. Lydia Hayes and Professor Tonia Novitz. Where as we examined above, Wilson and Pickett highlight the role of trade unions in fighting inequality⁴¹ Hayes and Novitz argue for two specific ways in which this can be achieved. These are to simplify the statutory procedure for trade union recognition and in a proposal – described as “the boldest and most important”⁴² – to put in place arrangements for “sector-wide collective bargaining.”⁴³

Why Trade Union Recognition is key

As we know the labour market, like the free market in general, is anything but “free” in that while trade union membership has to be “voluntary”;⁴⁴ it is far from automatic. The legal contrast between the employers’ largely voluntary approach to trade unions and the hoops through which trade unions have to jump for recognition could not be clearer. In this way:

The statutory mechanism through which an employer can currently be required to ‘recognise’ a trade union in the workplace can depend on: complex assessments of the number of members or potential members; a determination about who should be part of the potential ‘bargaining unit’ and a secret ballot and majority support.⁴⁵ Even when trade unions are recognised through legal mechanisms, the issues they are entitled to negotiate with employers about are restricted to those mentioned in the statute (essentially, pay, hours and holidays). [As a consequence] current legislation reduces workers’ capacity for voluntary choice about trade union membership.”⁴⁶

The only way inequalities can be challenged and a rate for the job (irrespective of all other factors including gender and location) established is if centralised collective recognition and bargaining is achieved at a “multi-employer or sectoral level”. Here again however, “legislative constraints on so-called secondary or ‘sympathy’ industrial action currently make this difficult to achieve. There is currently no statutory mechanism for employers to be brought to the bargaining table to set wages on a sectoral basis across a manufacturing or services industry.”⁴⁷

A manifesto for collective bargaining

If this is the artificially created, restricted world in which trade unions are expected to operate, how then could/should it be challenged? One approach is to consider a manifesto for collective bargaining. At the UK level this was advocated prior to the 2015 General Election by Professor Keith Ewing and John

Hendy QC who proposed “a new Ministry of Labour to promote trade union participation in collective bargaining alongside legislation that obliges employers to participate in collective bargaining.”⁴⁸ While, obviously, we are not arguing for a separate, additional Ministry in Northern Ireland to achieve this, the Ewing/Hendy proposal should be explored to see how we could achieve its **progressive ambition**. This looks to:

Overhaul...the way in which unions are ‘recognised’ for the purposes of collective bargaining so that union members have greater access to representation. Every trade union should be able to bargain on behalf of its members and every worker should have the legal right to be represented by his or her trade union on all matters relating to his or her employment. Re-establishing sectoral bargaining is crucial for delivering greater economic equality for workers. Multi-employer agreements secured by trade unions should be legally enforceable. Renewing the ability of trade unions to fight for economic equality means it is essential we defend our democratic rights. Freedom to speak out against injustice, to campaign for economic equality and to work together through trade unions are underpinned by rights set out in the European Convention on Human Rights 1950. This includes Article 10 of the European Convention on Human Rights to freedom of speech and Article 11 rights to freedom of assembly and freedom of association. The same rights are recognised in the International Labour Organisation’s Constitution and through ILO Conventions and Recommendations.⁴⁹

Ewing and Hendy argue that such a manifesto offers “the least steps necessary to begin to secure social justice, democracy in the workplace, the reduction of inequality and to increase real wages and so stimulate the economy.”⁵⁰ They point out that collective bargaining and “sector-wide collective agreements provide a solution to all of these problems and much else besides – the glaring gender pay gap, the abuse of agency workers... the problem of the two-tier work force and the contracting out of public services.”⁵¹ The holistic nature of the benefits of such collective bargaining is illustrated in Figure 3.⁵²

Figure 3 Benefits of Collective Bargaining



A manifesto for collective bargaining

These benefits - for those in work and to wider society - are captured in the ten key points of the Ewing/Hendy manifesto for collective bargaining. These are:

1. The right to a decent wage and to a decent income for those not in employment;
2. The effective regulation of zero-hours contracts;
3. The right of every worker to be protected by a collective agreement;
4. The re-establishment of sectoral collective bargaining and Wages Councils;
5. The re-establishment of a Ministry of Labour;
6. The right to strike in accordance with international law;
7. The removal of a qualifying period for unfair dismissal;
8. The restoration of redundancy consultation rights;
9. The right to legal protection for everyone who works, regardless of their legal status ('employee', 'self-employed', 'agency worker' etc.) and
10. The right of all workers to access to justice, including the abolition of tribunal fees.⁵³

They further propose that the priorities of a Ministry of Labour would be:

- a.** Legislation...to delegate from the proposed Ministry of Labour to the Advisory, Conciliation and Arbitration Service (ACAS) or a similar body, the duty to encourage the establishment of sectoral collective bargaining;
- b.** The legislation should include measures designed to oblige all employers to participate in these arrangements, including a provision that participation is a pre-condition of the award of all public contracts;
- c.** The legislation relating to sectoral bargaining should make provision for the determination of pay and other working conditions, provide procedures for the resolution of disputes, and deal with skills, training and productivity;
- d.** The legislation relating to sectoral bargaining should provide for the legalisation of sectoral agreements, so that the appropriate terms of the agreements in question become inderogable terms and conditions of all workers in the sector;
- e.** The legislation relating to sectoral bargaining should include a power vested in the Central Arbitration Committee (CAC) to resolve disputes about sectoral boundaries, and to determine which collective agreement is applicable to which employer in case of disputes;
- f.** The statutory scheme providing for sectoral bargaining should be implemented gradually and flexibly, the

agencies responsible for its development being empowered to respond to the specific needs of each sector; in industries without the apparent infrastructure to support collective bargaining, wages councils should be instituted;

- g.** There should be an overhaul of the statutory recognition procedure so that trade unions are entitled to be recognised by an employer on demonstrating 10% membership and evidence of majority support verified by the CAC;
- h.** When that threshold for recognition on behalf of a defined bargaining unit is not met there should be a statutory right of every trade union to recognition by an employer to bargain on behalf of its members;
- i.** The existing statutory right to be accompanied should be overhauled so that every worker has the right to be represented by his or her trade union on all matters relating to his or her employment.⁵⁴

Frances O'Grady of the TUC contrasts the genuine freedom such reform would offer to the current reality of: having to wait before gaining essential protection in employment and a fee regime/legal apparatus used as a deterrent that hands "employers the kind of absolute power that Victorian mill owners once wielded."⁵⁵ She too stresses the need to "reverse the trend of casualisation that loads the dice in favour of bad bosses. This means paying agency workers the same rate as permanent staff, clamping down on exploitative zero-hours contracts and calling time on bogus self-employment."⁵⁶

This reference to fees again brings us back to the opportunity that devolved employment law offers us. With the Scottish Parliament now debating the scrapping of tribunal fees, rejecting the ideology underlying the Trade Union Bill and arguing for *its* autonomy over employment law, it is surely time for the broad trade union movement here to act. It should campaign to expand the differences in employment law that already exist **in a progressive manner** and seek any and every opportunity to strengthen the trade union presence we already possess. This would mean, for example, in addition to securing the presence and collective bargaining rights discussed above, building these rights into every public procurement contract and making trade union recognition, unrelated to threshold of membership, the default position of every publicly funded body and/or project. This builds trade union and civic engagement from the bottom up. It offers a stark contrast to a formulaic, passive process of “politics” that is distant from and fails to inspire the electorate. Instead it offers a process of democracy/involvement that is meaningful, **daily** and active.

Conclusion

Our Conference motion pointed to: the research evidence highlighting the growing trend towards greater inequality in the last few decades and linked this to the simultaneous attack on trade unions during this period. This booklet emphasises how these 'trends' towards inequality in society and a reduced place for a trade unionised workforce were not separate or accidental features of our economic system. Indeed, it has been the attack on the latter that has unpicked the raft of social protections that flowed from collective action and built a fairer, safer and more cohesive society.

This trend will not be reversed by wishful thinking or further years of gathering reports that clearly illustrate the fallout from an economic/political ideology based on the law of the jungle and a race to the bottom. Instead it is essential we and our partners in the wider trade union movement use the space (however limited) devolution offers and campaign for new legislation to be written that fulfils the needs of a "manifesto for collective bargaining" in a devolved context. This will empower trade unions to more fully protect and represent those at work and make them essential contributors to accountability/regulation in the workplace. This is the key to the lock of inequality in wider society as well as a means of re-tooling the trade union fight for social and economic justice.

Endnotes

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7. Space also prohibits examination of the well-funded, calculated "culture war" it triggered from neo-liberal academics.
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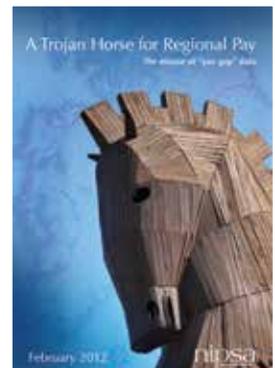
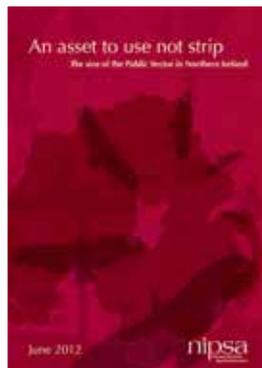
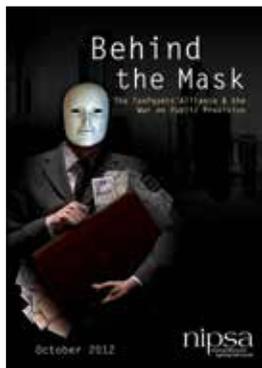
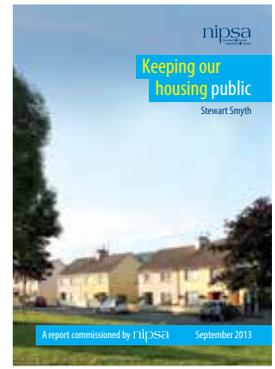
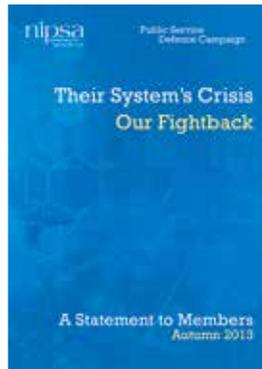
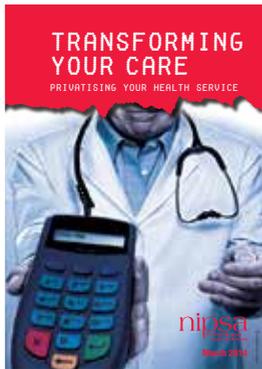
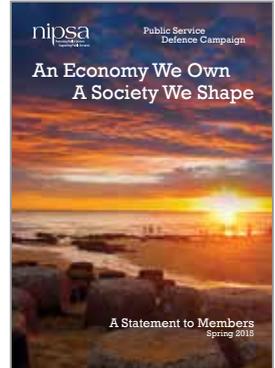
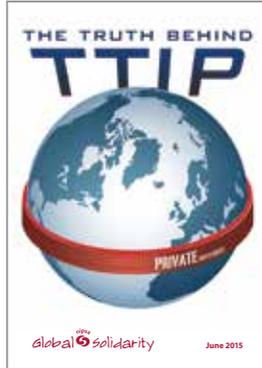
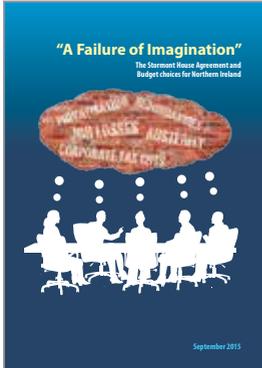
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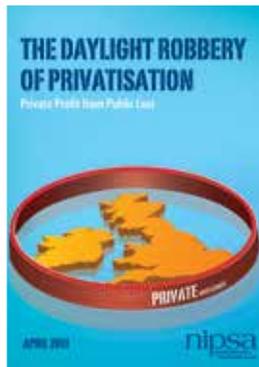
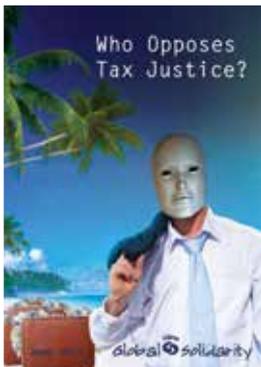
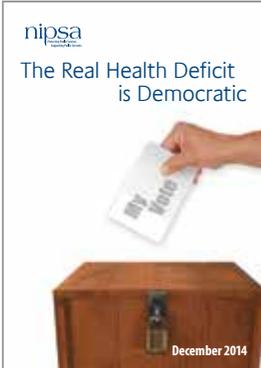
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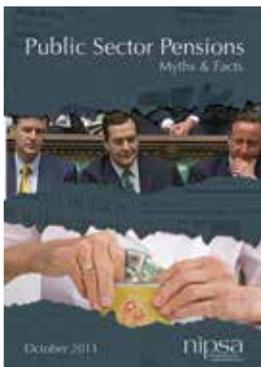
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