

# Great Jobs are Union Jobs

## **How unions and collective bargaining create great jobs**

A report for the TUC by Sian Moore and Bethania Mendes De Brito Antunes, Work and Employment Research Unit, University of Greenwich



## Section One

# Summary

This research is based upon ten in-depth case studies where collective bargaining has delivered positive outcomes for workers, particularly in terms of job quality, working hours and work-life balance. In all cases they highlight the positive outcomes of collective bargaining in workplaces with high union membership and active workplace reps:

- Four of the case studies saw the establishment of new collective bargaining relationships, possibly addressing the legacy of periods of deregulated industrial relations and reflecting a renewed logic for joint regulation.
- Several cases studies involve negotiated agreements over working time, including the first 35 hour working week in the automotive industry at Bentley, a guaranteed maximum 35-hours week at Warburtons in the food sector, and a reduction in the working day and week from 40 hours to 37.5 in a recycling plant managed by Veolia.
- Across the case studies collective bargaining protects the notion of 'unsocial hours', including overtime, and compensates workers for these hours. It defends work-life balance against the tendency towards 'on-demand' working that characterises non-standard contracts. In one case negotiations led to the abandonment of changes to shift patters that would have undermined the precarious work and care arrangements and thus constrained choices of workers.
- Collective bargaining agreements ensure hours beyond the standard working day, including for part-time workers, are scheduled, planned in advance and adequately compensated. In one case study this involved the replacement of zero-hours contracts with fixed hours, thus increasing the predictability of working hours.
- In three of the case studies collective bargaining involved members on non-standard contracts. These included the removal of zero-hour contracts, the conversion of agency workers to permanent and the introduction of contracts and of full statements of terms and conditions for freelance (self-employed) workers in BECTU's agreement covering TV drama.
- While pay for workers in the UK has generally stagnated, at Bentley, Unite the Union negotiated an above average pay rise over three years and at Cardiff Airport, unions cited Brexit as a motivation for long- term deals that give workers security beyond 2019.
- Collective bargaining addresses low pay, including a commitment to pay the Living Wage Foundation's voluntary Living Wage at Cardiff Airport regardless of age.
- At the Met Office Prospect negotiated a new pay and grading system tackling equal pay in a government agency where the impact of the Government's pay freeze on the gender pay gap had been exposed. Collective bargaining delivered a significant pay increase to women trapped on lower grades.

- Collective bargaining at the Ministry of Defence has pushed back on performance related pay systems in government agencies where these were based upon forced distributions, where a fixed proportion of the workforce are deemed unsatisfactory with implications for their job security. At Delta School's academy chain appraisal processes have been standardised ensuring that informal observation cannot be used as part of the appraisal process. In other cases, individual performance management systems have been replaced by team-based performance or are now based upon quality rather than production and profit.
- Two agreements reflected recent legal clarifications that holiday pay should be based on normal pay. There were improvements to holidays in two case studies and in one of these there were enhancements of sick pay.
- Three agreements addressed a two-tier workforce, where as the result of contracting out or the recruitment of employees on new contracts, employees working alongside each other have been on different terms and conditions.
- Collective bargaining is delivering significant initiatives on learning and skills. A Personal Trainer Apprenticeship scheme has been developed by the Fire Brigades Union, for members and non-members, promoting fitness and well-being in the workplace. At Openreach, the CWU negotiated a new career pathway providing a progression route for engineers. These and other agreements saw enhanced job quality.
- Workplace reps are crucial to collective bargaining. They respond to worker grievances, support members and shape bargaining agendas, but also engage members in the process, including consultation over the outcomes of negotiations. Two collective bargaining agreements embedded the role of reps in the workplace.
- Employer representatives highlighted the role of collective bargaining in promoting employee engagement at the workplace. This was particularly evident where workplace reps were involved in rigorous consultation processes and workplace ballots with high turn-outs and in most cases large majorities for acceptance of agreements. Employers also appreciated the role of unions in representing collective, rather than individual, workforce interests, challenging the management agenda, providing feedback and bringing ideas to the table.

## Introduction

This research on the impact of collective bargaining builds upon existing evidence of the benefits of workplace trade union representation. It complements the quantitative analysis provided to the TUC by Alex Bryson and John Forth (2017)<sup>1</sup>. Bryson and Forth's research provided new analyses of the Workplace Employment Relations Surveys (WERS) 2004 and 2011, in relation to work-life balance. It found union effects for hourly pay, on-the-job training, occupational pension schemes, paid leave and sick pay and a range of work life balance practices, including long hours working. The research also demonstrated an association between unionisation and lower quit rates.

The research focuses up the impact of collective bargaining at the workplace level. It comprises ten in-depth case studies where collective bargaining has delivered added value for workers particularly in terms of job quality, working hours and work-life balance. In a period where collective bargaining coverage has been in decline and its potential downplayed, the case studies point to concrete outcomes for workers, unions and employers. In addition, they highlight the actual process of bargaining – a dynamic lost from recent industrial relations literature. The case studies emphasise the benefits that employers perceive from relationships with unions and from joint regulation, including in terms of worker engagement. Several case studies address the legacy of a period of deregulated industrial relations, the outsourcing of services and processes. Others deal with the consequences of government policies for equality.

The case studies cover a range of unions and workers in both the public and private sector and reflect the dynamics of collective bargaining while capturing the perspectives of all actors – employer and trade union representatives engaged in negotiations and members themselves. They highlight worker engagement in the conditions governing their work through the collective bargaining process.

At the same time the case studies are located within different sectoral and market contexts and these contexts define the scope that unions have for manoeuvre in terms of supply chain pressures in the private sector and pay restraint and privatisation in the public sector. However, the case studies also show that union strategies embrace wider bargaining agendas, particularly in terms of skills, working time and performance management processes.

The Taylor Review of Modern Working Practices<sup>2</sup>, along with more recent research on insecure work<sup>3</sup> and non-standard contracts<sup>4</sup>, points to an environment in which working time and the concept of 'unsocial hours' have been destabilized. Several case studies reflect these pressures

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<sup>1</sup>Bryson, A. and Forth, J. (2017), *The Added Value of Trade Union: New analyses for the TUC of the Workplace Employment Relations Surveys 2004 and 2011*.

<sup>2</sup> Taylor, M. (2017), *Good Work: the Taylor Review of Modern Working Practices*.

<sup>3</sup> Newsome, K., Heyes, J., Moore, S., Smith, D. and Tomlinson, M. (2017), *Living on the Edge: Experiencing Workplace Insecurity in the UK – A report for the TUC*.

<sup>4</sup> Moore, S., Antunes, B., White, G., Tailby, S. and Newsome, K. (2017), *Non-Standard Contracts and the National Living Wage: A Report for the Low Pay Commission*.

but suggest how collective bargaining can establish protections for workers that are based on their own (albeit constrained) preferences and work-life balance.

Following the Taylor Review (2017) the research draws upon the Institute of Employment Studies 'QuInnE' indicators of job quality:

- Pay;
- Employment quality including the predictability of weekly hours as well as involuntary long and part-time hours work;
- Education and training;
- Working conditions, including health and safety and autonomy over work;
- Work-life balance, including scheduling and flexibility and control over working hours;
- Consultation, participation and collective representation.

### ***Research Methods***

Bryson and Forth focus upon the effects of unionisation using statistical analysis of a nationally representative dataset (WERS). The research presented here focuses specifically on the impact of collective bargaining on workers based upon ten in-depth case studies. These are not representative of workplace industrial relations but reflect cases where unions have established recognition at national or workplace level and where mechanisms for collective bargaining are in place – concomitantly union density and membership is relatively high and there is representation at the level of the workplace. Further, the case studies are likely to reflect 'best practice' – agreements that have been publicised or identified by trade unions themselves. The sample includes a range of unions in terms of size and constituency, representing both large national bargaining groups and smaller workplace based bargaining units.

Each case study comprises analysis of appropriate documentation plus in-depth interviews with at least one representative of the union and at least one union member affected by the agreement. In most cases these are supplemented by interviews with representatives of the employer involved in negotiations and these perspectives bring a richness to the studies; unfortunately, in two cases this was not possible.

Interviews took place between October 2017 and January 2018 and were largely face-to-face with a small number by Skype or telephone. They were based on informed consent and participants are anonymised. Interviews were recorded and transcribed and were analysed thematically. In total 16 trade union officers were interviewed, 11 employer reps and 16 members.

## Key Themes

### *The Collective Bargaining relationship*

While six of the case studies reflect longstanding joint regulation between employers and unions, four saw the establishment of a new collective bargaining relationship. In independent TV drama the collective agreement between broadcasting union, BECTU and the Producers Alliance for Cinema and Television (PACT) was the first since 2006 and addresses a long-term erosion of terms and conditions and in particular long working hours. In part the agreement reflects the shift in the past 20 years away from production by the 'monolithic producers', the BBC and ITV, who had exemplar collective bargaining agreements, and the emergence of multi-channel independent production. This created a climate and logic for joint regulation. An employer representative perceived benefits from having a collective agreement that would provide clarity and increased understanding of terms and conditions, while a BECTU member believed that it would remove the friction from individual negotiations between freelancer and producer, resulting in better working relationships.

*'The background as I understand it was years and years of there not being any clear written terms governing working terms and conditions which basically created a lot of confusion and uncertainty for both producers and crew. They often would be negotiating without the firm basis of knowing what was the appropriate or the correct thing to do in any given situation. So, I think that was the background, there simply wasn't a clear set of rules. There were some common practices. There were some practices that had evolved over time which for whatever reason perhaps were out of date or perhaps just didn't work as well as they should from both parties' perspectives.'* (TV Drama, employer representative).

The collective agreement at Warburton's was the first national agreement for 30 years, superseding local deals and taking nearly three years to negotiate with BFAWU. The agreement NUT (now part of the NEU) and Delta Academy Trust standardised the terms and conditions of teachers transferred from a range of local authorities, again bringing consistency across the organisation. The GMB's agreement with Cardiff Airport marked the decision by the airport to bring security workers in-house following the return of the airport to public ownership via an arms-length company. UNISON's relationship with Veolia in Southwark was more established; workers at the Integrated Waste Management Facility in the borough were transferred from local authority employment in 2008 with UNISON retaining recognition.

In two case studies reflecting longer standing relationships the unions characterised their role in the collective agreement as proactive and positive rather than defensive or negative. This was particularly true for the Fire Brigade's Union (FBU), and the introduction of its Personal Fitness qualification. Here the union described how 'there was almost incredulity as to why would a trade union be getting involved in a government funded apprenticeship,' and how the agreement showed the union in a good light and was a 'win-win' for the employer and workforce.

*'It's linked to organising because obviously we are showing people what the FBU offers, we're not just there when people get into trouble. We're an organisation that supports real improvement and tries to promote and professionalise the role of the fire fighter. This project shows the FBU in a good light, it shows how the FBU can work with employers. It's shown that we're a professional union, it's shown we've got other strings to our bow and shows that we're a problem-solving union rather than a problem raising union. I think it's about showing that the union has got another role. It's not just about representing people, it's about assisting people in their life as well and improving their wellbeing. We recognise that if fire fighters are happy at work, employers are going to get the best out of them'. (FBU, union officer)*

Similarly, the Openreach Engineering Pathway negotiated with the Communication Workers Union (CWU), was described by the union as 'a win-win for everybody'. Following the agreement between PCS and the Ministry of Defence (MoD) on Performance Management, the union rep stated that PCS had 'demonstrated relevance' in the workplace; 'the relevance of being in a union, participating and getting a direct opportunity to change things'. Another MoD rep said that the union had been seen to be positive, where previously it had been negative, and this changed the dynamic in the workplace.

### **Working time, Unsocial hours and Work-life balance**

Work-life balance involves not just hours of work, but the scheduling of work including during 'unsocial hours' and control over working time<sup>5</sup>. The Taylor Review reported that the UK has a culture of unpaid overtime<sup>6</sup> and recent reports also imply a move away from the acknowledgement of unsocial hours through premia.

Several cases studies involve negotiated agreements over working time, including shift patterns, the notion of 'unsocial' hours and compensation for them. They reflect the precarious dynamic between basic pay, overtime pay and premia that can underpin worker's ability to earn a living wage. In some cases, unions conceded flexibility in working time in return for security of income. The case studies show that collective bargaining sustains the notion of unsocial hours and compensation for them as well as insistence on overtime being rewarded at higher rates.

Unite's, agreement with Bentley is regarded as ground breaking within the union; Unite negotiated the first 35 hour working week in the automotive industry with a reduction in weekly hours from 37 with no loss of pay. Workers can be flexed up to 40 hours for up to 18 weeks per year, with six weeks' notice, but with the extra five hours paid at a 33% premium.

*'By far the most popular element of the pay agreement has yet to be appreciated. The 35-hour week has been a massive coup for the trade unions here and at a wider level and I believe its implications are yet unmeasurable, I am aware that others in the auto sector are including a shorter working in their demands.*

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<sup>5</sup> Taylor (2017), Op.Cit.p.13.

<sup>6</sup> Taylor (2017), Op.Cit.p.14.

*Three-year deals have never been popular, but this deal, although it took a long time to negotiate and agree gives members security in their pay, security in their role and security for future earnings'. (Bentley, Unite member)*

At Warburtons, the work-life balance of the workforce was a key concern for both parties with a desire to move away from a system where pay levels were dependent upon hours worked at premium rates on Saturdays and Sundays. The agreement with BFAWU secured minimum hours of 35 per week - reduced from 38.5 - and an increase in the basic hourly rate, which means a guaranteed minimum weekly wage and that nobody can earn less than previously for 38.5 hours plus £40.

Every day is now treated the same so employees working Monday through Friday will be paid as if they work Saturday through Sunday. However, the agreement reduces financial dependence upon weekend working and there is still paid overtime. Shift patterns are more stable, so workers can better plan their lives and have more choice over their working time, while the reduction in weekend working means workers have increased work-life balance. The agreement means more opportunities for part-time shifts, which may diversify the workforce in terms of gender, while allowing older workers to move to part-time work or job-share rather than stopping work altogether.

*'The new agreement protects workers from swings in customer demand that in the past would lead them to work more weekend hours just to earn a good wage. Because the company had high weekend premiums it tried to help stabilise earnings when sales fell by running more weekend hours, but this obviously impacted the work life balance of our members. With the new agreement the company will be able to make fresher bread on the day it is needed, our members will not need to work weekends just to earn extra money, and everyday being paid the same brings benefits to everyone. By agreeing a fair guaranteed minimum wage that means you only need to work 35 hours a week to receive the wages above the level you received for 38.5 hours under the old agreement, people will have more stability. They can plan their lives better. If they set their standard of living at the minimum wage level, knowing that their wages can only increase above this level is a real benefit and it is better for the people we represent'. (Warburtons, BFAWU officer)*

UNISON's negotiations with Veolia at the recycling plant in Southwark involved proposed changes to shift patterns that would have undermined the precarious work-life balance of its workers in the Materials Recovery Facility.

This case study suggests the constrained choices of some workers, who preferred to work fixed 12-hour night shifts rather than move to rotating three shift patterns involving morning and afternoon working. They wanted the predictability on non-rotating nights, which fitted in with their childcare and being able to take children to school. Similarly, there was no appetite for those on day shifts to rotate to working nights once in three weeks.



Workers were reliant upon overtime to ensure a living wage and workers believed that the proposed consolidation of 17 Saturdays a year into their working schedules, would bring an end to overtime and leave them out of pocket. Workers preferred Saturday working to be on a voluntary basis and to attract overtime pay. Agreement was reached to retain shift patterns with a reduction in the working day and week from 40 hours to 37.5. All workers are paid at 40 hours entailing an increase in pay; 34 weeks in the year they work 37 ½ hours and 17 weeks of the year they work 45 hours with 18 Saturdays paid at time and a half, for which they are given 12 months' notice. In addition, the morning shift now starts at 7am instead of 6am and the afternoon shift finishes at 11pm rather than midnight, making it easier for staff to travel from and to home on public transport.

*'The day shift and the evening shift are two shifts so they're doing morning and evening, and nobody wanted to do the night shift, to do three shifts. And I spoke to all them doing the night shift, and they were happy enough to stay doing nights - they said nights suit them because in the morning they can take their kids to school.'*  
(Veolia, UNISON rep)

BECTU's agreement with the Producers Alliance for Cinema and Television (PACT) was concluded in the context of the union's campaign against long hours and unpaid overtime and its impact on work-life balance. There are now limitations on the 11-day fortnight that was becoming a feature of work in the sector and on sixth and seventh day working. The agreement ends the 'buy-out' of working time whereby workers were paid on a daily rate however long the day was and ended up working excessive hours. The requirement to pay overtime premia for work beyond contractual hours or during unsocial hours or rest periods creates a disincentive for employers and under the agreement overtime should be scheduled in advance. Workers should now get paid for every hour they work.

In the Delta Academies Trust, NUT negotiated to ensure that part-time teachers could not be required to undertake two hours of directed time on a weekly basis regardless of hours worked. Subsequently training and Continuous Professional Development (CPD) must be proportionate to contracted hours or paid as additional time.

*'It's just that it's always been an assumption that the policies apply to you on a pro-rata basis, depending on your job. And that's what this statement did, it clarified that definition of pro-rata. So, it's not a policy unto itself; it clarified how those pro-rata rates apply if you are part-time. And it cleared it up, because it had always been a bit of a grey area. It stacks up as a pretty good win. So, it was a win on that for us, and it was very positive; the general principle of having all your meetings on two hours didn't really work out.'* (Delta Academies, NEU rep).

Recent research on 'precarious' work highlights the unpredictability of hours, the limited relationship between actual hours and contractual arrangements and the difficulties this

causes workers<sup>7</sup>. Where workers are on non-standard contracts the identification of overtime or unsocial hours can be obscured. In several of the case studies here, unions have ensured that hours beyond the standard working day are scheduled and planned and adequately compensated.

At Cardiff Airport, where workers were transferred from a private security provider to direct employment by the airport, the removal of zero-hours contracts has increased predictability in working hours for security staff and the introduction of fixed hours led to the payment of overtime premia and double time for bank holiday working restoring the notion of unsocial hours.

### **Non-Standard Contracts**

The case studies challenge the view that collective bargaining may represent the interests of core workers at the expense of 'precarious' workers on the periphery. Three involved workers on non-standard contracts and, as described above, agreements mitigated against unpredictable work schedules and the 'on-demand' working characteristic of such contracts.

BECTU's agreement with PACT covers freelance (self-employed) workers in independent television drama. The agreement ensures all workers will be issued with a contract and full statement of pay rates, hours, planned locations and other conditions at the start of their engagement. Workers reported that this meant there was a clear understanding of the terms on which they work and the provision of basic facilities that meant they did not have to negotiate individually with producers.

*'People in hair and make-up are often given bad deals, or bad working conditions. Most of the time, they are women and it's hard to negotiate for everything, impose health and safety measures and many other things. It's always a fight. We are not trained enough in negotiating. Between the lack of confidence negotiating, the level of competition and the lack of recognised standards before, we had a massive struggle to get basics in place or defend our point of view. The agreement helps as it's all in black on white and we can just refer to it. Having water, toilets - yes that is something we missed on a few jobs - avoiding too many grace periods, avoiding too many 11-day fortnights or clawbacks, knowing when overtime strikes; all this is easier since we have the agreement. We, like locations and the other prep and wrap departments, are first on the job and last to leave so the questions of overtime and breaking turnaround are crucial for us. Having a clear understanding of what's what that we can refer to is a time and peace saver. The more it's shared, it helps people who were not informed or aware of their rights to know what they should ask for, that will help level up the standard practice all around, for everybody's health benefit'. (TV Drama, BECTU member)*

At Cardiff Airport the transfer of security workers to direct employment meant the removal of ZHCs, which were perceived as 'morally wrong' by the employer. The introduction of fixed

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<sup>7</sup> Moore et al., (2017), Op.Cit.

contracts has provided more control and predictability over working hours, engendering increased 'confidence and security' amongst workers with an improvement in work-life balance since workers can plan their shifts in advance. A 'huge' range of shifts have been replaced by a three-shift system with two ten hour and one 12-hour night shift. Interestingly the legacy of ZHCs, where the employer is not required to provide a minimum number of hours and there is no obligation for the worker to accept work, meant that workers felt that they could take a day off work unpaid at the last minute – this has necessitated the negotiation of attendance and absence policies.

UNISON's agreement with Veolia in Southwark resulted in agency workers on the night shift being converted to permanent staff, with the union representing their views when management wanted to change shift patterns.

*'It used to be a situation where people on zero-hour contracts weren't getting anything extra for working on bank holidays like Christmas or whenever. If you've got to work on a bank holiday whether it's Christmas, Easter, whenever, you are being paid double time now. They are fixed hours, ten-hour shifts. It is better all round. They've got the fixed hours now. They are respected, they are being paid at ten hours, it's a different kettle of fish entirely. It's impacted in a good way because people seem more secure and more confident now than they were before. So yes, I think it's working out. Well before with the zero hours contract they didn't know where they stood. Now it's a different kettle of fish. They are being paid these ten hours, so they know the security is there'. (Cardiff Airport, GMB rep)*

### **Pay and the Living Wage**

In the context of stagnation in the pay of UK workers collective bargaining at Bentley secured an above average pay rise. Unite negotiated a three-year deal with a 6.5% pay increase backdated to 1 January 2017, taking into account consolidated payments and potential bonuses the deal is worth more than 10% over three years taking the skilled rate to above £30,000 per year. The three-year deal covers a period of uncertainty for the car industry as a result of Brexit and provides security for workers. The GMB at Cardiff Airport also cited Brexit as a driver for a two-year deal offering 4% in total.

The case studies revealed some commitment to addressing low pay. At Warburton's the negotiations reflected a shared ambition by the BFAWU and employer to improve pay in the food sector. The introduction of the Living Wage Foundation's voluntary Living Wage was central to negotiations at Cardiff Airport and this will be introduced for all staff from April 2020, regardless of age. For the employer this was a 'moral and ethical argument'. Workers in Veolia's recycling sector had been awarded the Living Wage in 2013 when Southwark Council insisted it apply to outsourced workers.

*'We needed to look carefully at the jobs that people do. They're airport security jobs and the commitment to achieving the Real Living Wage reflected the level of responsibility. There is also a moral argument too as the Real Living Wage Foundation have long argued that people need a certain level of pay to maintain a*

*decent standard of living. In that sense, there is that moral and ethical argument'.  
(Cardiff Airport, Head of HR)*

### **Equal Pay**

Legal cases taken by Prospect exposed the impact of the Government's pay freeze on the gender pay gap in government agencies, trapping women on lower entry grades. This is the case at the Met Office where the freeze had undermined a pay matrix introduced in 2008 to tackle equal pay and a subsequent equal pay audit evidenced a continued gender pay gap. In response Prospect launched a legal case for equal pay involving 77 women, with male colleagues stepping in as potential pay comparators. Members at the Met Office took strike action for the first time with the aim of securing freedom for the Met Office from Government restrictions to manage and mend its own pay system. The submission of equal pay cases to an Employment Tribunal generated negotiations that resulted in a new pay and grading system based upon job evaluation and delivering a significant pay increase. Union reps reported that the Agreement had a significant impact in the workplace.

*'I think it has been really, really effective. In my whole career, I've never known that percentage of people be recruited. I think the whole debate in the union movement – why do people join, what are people getting, the whole organising vs servicing debate – I think people saw the benefits of collective bargaining, and that's the first time in a long time that, as a union officer, I've been able to so clearly demonstrate the benefits of collective bargaining. It's been difficult because of the government sector pay constraint and all of that. So, it was great, really, really good.'* (Met Office, Prospect rep)

### **Performance Related Pay**

The case studies suggest a push back by unions on performance related pay systems that are based upon forced distributions, that is where a fixed proportion of the workforce are deemed unsatisfactory with implications for their job security.

PCS at the Ministry of Defence, not only took up individual grievances resulting from the application of the Performance Management (PM) system, but also challenged management in terms of equality outcomes, perceived unfairness and the costs of the scheme. The union exposed the disproportionate outcomes of PM for BAME, disabled and older and younger workers and negotiated a system that aims to remove implicit discrimination.

The new scheme abandons the worst excesses of the previous system, but also appears to have heralded a wider move away from forced distribution across the civil service. For employees at the MoD, the removal of the initial PM scheme meant a substantial improvement in their working lives.

In the Delta Academies Trust, NUT has standardised the teacher appraisal process that informs pay across schools in the Trust, based on best practice that limits the number of lesson

observations per year. The union also stopped informal observations ('learning walks') being used as part of the appraisal process, shifting appraisal to a more supportive and developmental activity driven by Continuous Professional Development.

*'The appraisal policy I think was a good example because that improved the conditions for a lot of people. The learning walks, when they set off, were quite invasive, quite intrusive. The senior leadership team could use them to target people individually. Not all staff were visited fairly. You would think if you're doing learning walks they should go around on a rota and everybody should be visited fairly but some staff were clearly being targeted through those learning walks' (Delta Academies, NEU rep)*

At Openreach, CWU negotiated the replacement of an individual performance management system with a team-based performance system and at Bentley following negotiation with Unite, bonuses are now based upon quality rather than performance (production and profit), which union reps felt was more under worker's control.

### **Holiday, Sick Pay and Parental Leave**

At Bentley, the agreement negotiated by Unite included enhancements to sick pay with those with between one and fifteen years improving their sick pay entitlement to 26 weeks. Holiday pay premia were increased by four days to 24 in 2018 and a further four days to 28 in 2019. Two agreements reflected recent clarifications that holiday pay should be based upon normal pay, including premia.

At Cardiff Airport, GMB ensured that security staff were paid based on 12% of all hours worked rather than on the number of days (where shift work is involved this can reduce provision). Changes to shifts patterns at Veolia led to an increase in holidays from 26 to 28 days.

NUT negotiated standardised paternity provision and parental leave across Delta Academy schools. Male staff are now given paid leave to attend up to two antenatal appointments and a shared Parental Leave policy provides for paid leave of four weeks at 90% and twelve weeks at 50% of pay.

### **Addressing the Two-tier Workforce**

Three agreements involved unions addressing a two-tier workforce, where as the result of contracting out or the recruitment of employees on new contracts, employees working alongside each other are on different terms and conditions.

At Cardiff Airport successive tendering of security services had resulted in a range of 'legacy contracts' with security workers in receipt of double time for bank holidays working alongside those on single time. When the workers were taken in-house the Airport's agreement with the GMB ensured the equalisation of bank holiday pay to double time. While the union agreement did not necessarily satisfy member aspirations (highlighting the importance of expectations in

moderating the impact of collective bargaining) there was appreciation of improved overtime and bank holiday payments and the protection of holiday entitlement and pay.

At Openreach, the CWU's Engineering Career Pathway tackles the two-tier workforce by allowing for an increase in pay for engineers recruited after 2014. The opportunity to improve skill-sets and to move to 'Advanced Engineer' roles virtually closes the gap between their pay levels and that of engineers recruited prior to 2014, once non-pensionable bonus payments are taken into consideration.

*'This is where it all sort of started; these guys were £5,000 or £6,000 worse off than guys sitting next to them doing the same job. And that's why we felt these should be recognised for the skills that they had. The guys who were on the lower salaries is where it's going to have a bigger impact'. (Openreach, CWU branch secretary)*

In the Delta Academies Trust, NUT secured a recognition agreement that led to several policies that extend across its forty-three Academy schools that aim to equalise terms and conditions in schools that previously came under different local authorities.

### **Learning and Skills, Career Progression and Job Design**

Two of the case studies show the potential of collective bargaining for the development of worker's skills. The FBU's Personal Fitness apprenticeship allows firefighters to gain a fully funded qualification providing Accredited Personal Trainers in workplaces throughout the Fire and Rescue Service (FRS). With changes to the normal pension age demanding the extended fitness of firefighters the apprenticeship improves their capacity to do their job and once accredited allows them to support other workers in meeting the demands of the FRS.

This is an example of a union providing an apprenticeship and for the union it is part of its wider role in promoting and professionalising the role of firefighters. In terms of work-life balance, the apprenticeship has had wider benefits on firefighters' physical and mental health and wellbeing and without exception apprentices felt that they had been offered a real opportunity by the union.

*'I'm just under half way through the course and the knowledge I have gained has helped me lose over a stone in weight and increase my fitness. This will have an enormous impact on my job. There is no doubt that being lighter and fitter plays into every aspect of my job including mental wellbeing. In recent years there have been changes made to my pension conditions most importantly having to work to 60. With the knowledge that I will have gained from this course it will make the journey of working to 60 as healthy as possible. There is the obvious change I have made to my weight and fitness that means I enjoy in everything I do in every day of my life. This was a massive opportunity for me and I hope that the FBU Learning Centre can carry on providing these opportunities for other Firefighters'. (FBU rep)*

The CWU's agreement with Openreach provides a progression route for engineers that want to stay in the field, rather than go into a desk-based role or management. This pathway provides over 1,500 new national senior engineer roles, recognising existing skills but also involving career development. Successful candidates will have a high technical understanding, but it is a 'hands-on role working daily in the field on allocated jobs. Within the team the senior engineer is recognised by peers and line manager as the 'go to' person for technical and analytical expertise' and proactively helps and supports colleagues. Multi-skilling and the opportunity for field engineers to move from one business unit to another improves job variety.

A key aspect is the more transparent opportunities for progression. The agreement includes a clear and transparent selection process based upon core competencies, with applicants assessed during scenario and capability interviews and not just the line manager involved. The process involves support for hiring managers, which requires interview skills training and unconsciousness bias training.

*'The lads on my team - every time I speak to somebody - they're over the moon that they've got somebody to take things up, because our managers sometimes they're that busy in conference calls, meetings, anything that they're doing, the phones could be switched off. They've still got somebody they can turn to for advice. The guys are approaching me a lot more openly about certain things with the job that they're doing, which they're no longer phoning my boss for. I can then pass it on as a senior engineer to my manager saying one of the guys has had this problem on the job, he didn't want to talk to you. And there's a voice within the team'. (Openreach, CWU member)*

At Warburton's the agreement negotiated by the BFAWU aimed to address career progression and to move towards the wider utilisation of skills, with investment in training. Two job roles have been created, one fully multi-skilled and one that is skilled but with less expectations, but all team members work on multiple tasks and areas within the bakery with the opportunity to learn new skills.

### ***The Role of Workplace Reps***

All of the case studies demonstrate the importance of the role played by workplace reps in effective collective bargaining; firstly, in terms of responding to worker grievances and shaping bargaining agendas and secondly in engaging members in the process, including consultation over the outcomes of negotiations. Even where union reps would have preferred outright opposition to employer policies they engaged and demonstrated relevance in the workplace as was the case in the MoD where reps opposed Performance Management but represented members in grievances while evidencing its failure.

At the Met Office, Prospect negotiators stated that the agreement on equal pay would not have been possible without the active involvement of a group of workplace reps who supported members taking equal pay cases. At Veolia the branch secretary reported that if it had not been for the reps that spoke to workers on the night shift the branch would have 'been trying to bargain at arms-length'.

*'The outcome 'would not have been possible without the input of an active group of local reps, younger as well as older ones. We had 77 people that came forward and said they would take a legal claim against their employer. That's a really difficult thing for anybody to do you know, and the reps kept in touch with them and talked to them and kept them in a group.'* (Met Office, Prospect rep)

At Warburtons the company wanted trained and skilled representatives that were 'the voice of the people who pay their union membership'. Union reps were integral to the negotiation process and union training was provided for around 20 branch secretaries and shop stewards funded and supported by the company. Facility time allowed local reps to meet nationally and to develop a national perspective and shared vision for the union. The negotiation process was lengthy with time invested in developing a common agreement that formed a powerful base for consultation and negotiation with 'nothing off limits' and 'all having an equal voice' without recrimination in, albeit 'tough negotiations'.

A key outcome for the union is the embeddedness of their reps in the workplace. Under the agreement branch secretaries now have the right to meet quarterly and there is a National Branch Secretary Coordinator role with facility time operating on a national basis across all sites. The training of reps is also written into the agreement.

The involvement of reps in collective bargaining processes also develops confidence and expertise, as was the case in Veolia, while BECTU had over 20 reps involved in its negotiations with PACT over terms and conditions in TV drama, with the agreement also enshrining union representation for freelance workers.

### ***Advocating for non-members***

In a number of case studies unions actively represented the interests of non-members. At Bentley Unite surveyed all workers, including non-members, on the issues that were most important to them and felt this was an important part of the collective bargaining process. In the case of Veolia in Southwark the union represented the views of agency workers on the night shift. Here the plant manager raised the issue of the representation of non-members, particularly in consultation processes – he suggested that engagement with the union works better if all are members.

*'The added complication that you had with this consultation is that our consultation, our obligation to consultation is with our existing staff and our permanent members of staff. And the point being that obviously the night staff are temporary staff and agency and therefore they're not necessarily members for UNISON. So, UNISON were keen and were advocating in relation to the agency staff's views, but the fundamental principal for the consultation was for our permanent members of staff and for them to represent their members. So that was an interesting nuance.'* (Veolia, employer rep)



In the case of Warburtons the employer was clear that it was important that the collective agreement covered the whole workforce, both union members and non-union members.

*'We want to have skilled people who represent the membership. They represent the view of, and are the voice of, the people who pay their union membership. For the business, I think what's important is the collective agreement covers everybody, both union members and non-union members'. (Warburtons, employer rep)*

The FBU Personal Trainer Apprenticeship is open to non-members despite being funded and organised by the union. At the Met Office Prospect made sure the ballot on the employer's offer on equal pay occurred during its 'Union Week' and decided to allow employees to join the union and have a vote in the ballot. It recruited 260 new members. There were some concerns that employees would join the union solely in order to vote in the ballot and then leave the union, but union reps reported that this had not happened.

### **Recruitment and Organisation**

The collective bargaining process and outcomes promoted union recruitment. As described above at the Met Office the equal pay Agreement has led to substantial recruitment for Prospect with union membership increasing from below 50% to 65% of employees. Unite at Bentley recruited 150 permanent and agency workers on the back of its deal. The BFAWU at Warburtons has recruited through the ballot process and now has over 90% membership. At Veolia UNISON was in the process of recruiting night shift workers following their conversion to permanent contracts through the agreement. In cases where union membership was already high there was more focus upon retention and the profile of the union in the workplace.

*'Definitely my first point of contact is always the union, they're all over it like a rash, they're good at communicating with you. They were there for anything at all. They made themselves available for it. I have to say it's the most that I've ever heard the union being praised, you usually hear the union being slagged off and "oh they didn't do this for me, they didn't do that". But it's the most I've ever heard them being praised. It really did a lot for them, I would say not even for the recruitment, but for the retention because I think there was a lot of people looking. I've had a discussion with my job share partner and they said that people in her area had had appeals and on the back of that they were encouraging people to join the union, "this is what they got me". So, they were advocating joining the union. Well I think that from both sides. I think that the union has been commended for getting this because management hated it but went with it because they were told to. But I think they were so pleased that the union took it up and didn't let go until it was gone'. (Ministry of Defence, PCS member)*

### ***The Employers and Collective Bargaining – real employee engagement***

As might be expected the employers engaging in the case studies were positive about joint regulation. Both the employer representatives from Cardiff Airport and Openreach highlighted the importance of unions challenging the employer and bringing ideas to the table, alongside representing their members. Veolia management emphasised the importance of UNISON gauging its members concerns, but also making suggestions. The General Manager acknowledged that Veolia had ended up in a position that was at variance with its starting point and that had management-imposed changes 'it would have been a disaster'. The Employment Relations manager perceived the importance of the union in providing workforce representation and described the union 'as glue to bond the employee side together because otherwise without that you're effectively dealing with a bunch of individuals, aren't you? And you don't quite have the ability for the union also gauge the climate of a group of employees and have a collective position'. The process had improved relations with the union. Again, at the Ministry of Defence HR described the unions as a 'good sounding board' and important in providing feedback and getting workers involved. Both here and at Warburtons the negotiations were described as changing relations between the employer and union 'massively'.

In the case of the FBU the employer representative felt that the Personal Trainer qualification was a positive outcome of collective bargaining and a good example of employer and employee bodies working together for the benefit of employees. She also believed that it would have been difficult to achieve without the national collective bargaining framework.

Employer representatives also identified the role of collective bargaining in promoting employee engagement at the workplace. This was particularly evident where workplace reps were involved and ensured participation and consultation in negotiations. In most of the case studies negotiations led to rigorous consultation processes. All resulted in workplace ballots with high turnouts and in most cases large majorities for acceptance of agreements.

*'I think the role of the unions, they were a good sounding board for us. They were useful to bounce ideas off and get other ideas. They were useful in providing us with feedback particularly when we were doing some of the engagement exercises. Getting people involved and giving us their ideas. I think there was a sense from the workforce that "oh here we go again, and you never listen to us". So, I would say a sounding board, good ideas, feedback, outside of the usual consultation process that we were going through'. (Ministry of Defence, employer rep)*

### ***Conclusions***

The research builds upon existing analysis of the benefits of workplace trade union representation, conducted for the TUC by Bryson and Forth. While the case studies are not

representative of UK Workplace Employment Relations, they confirm the impact that collective bargaining has on hours and work-life balance. In the light of the Government's insipid response to the extremely limited recommendations made by the Taylor Review, the case studies demonstrate the capacity of collective bargaining to mitigate against the 'culture of unpaid overtime' and erosion of the notion of 'unsocial' hours working. These agreements ensure that work outside contracted hours is compensated and that work is scheduled so that workers can plan their lives. The premise of the Taylor Review is the preference of certain groups of workers (including women) for flexibility. In contrast collective bargaining allows unions to challenge the constrained choices that workers in the UK labour market have or, where this is not possible, to ensure that worker's preferences are represented to minimise the tensions between work and lives outside work. Where the Taylor Review suggests that the circumstances of particular groups in the labour market mean they are suited to jobs with flexibility, collective bargaining negotiates to improve the quality of jobs, to develop the capacity and skills of workers to do those jobs and to ensure that where possible jobs accommodate worker's lives outside work, rather than workers accommodating to jobs. While the Taylor Review and Government favour deregulation, several case studies suggest that there may be a move by employers towards joint regulation to address a legacy of deregulated and fragmented industrial relations.

The case studies highlight the extent to which the process of collective bargaining leads to positive outcomes for workplace relationships. In a period in which employee engagement is seen as key to organisational success the process of collective bargaining was seen by a number of employers as promoting real workforce engagement. Employers welcomed the role of unions in representing their members' interests and challenging employer agendas. This is not to say that Agreements were always the outcome of collaborative approaches by unions, in some cases they were the result of mobilisation in the workplace that included collective grievances, legal challenges and industrial action. In all, however, workplace reps were crucial in responding to member's interests and ensuring that outcomes made a material difference to their working lives.

## Annex 1: The Case Studies

### Case Study 1: PCS and Performance Management at the Ministry of Defence

The PCS agreement with the Ministry of Defence represents a challenge to the role of performance management across civil service agencies, removing the unpopular forced distribution or rankings which had resulted in inequality in outcomes and perceived unfairness.

#### Context

In April 2013 the Ministry of Defence (MoD) introduced a new performance-related pay system (PM) covering around 50,000 civil servants. The scheme was described as ‘a step-change’, involving forced distribution or rankings. This meant that the top graded 25% of employees received relatively substantial, non-consolidated, bonuses, but the bottom graded 5% (box 3) were subject to a Performance Improvement Plan (PIP), which could lead to a formal capability mechanism with the possibility of ‘managed exit’ from the organisation. PCS, representing around 7,500 administrative, technical and managerial staff, opposed schemes that linked pay to performance and initially advised members not to cooperate, but it transpired that those not participating would be automatically deemed to be a box 3. The scheme engendered an unprecedented number of individual grievances and PCS represented members on the grounds of procedural failures with a high success rate often in the face of Departmental guidance. The union produced a comprehensive Toolkit giving detailed guidance on the process and how to raise a grievance, with members who were managers contacting the union for advice. One PCS member described her experience of PM:

*‘Basically, you had to do your ‘wonder of me’ speech, you’ve got to talk yourself up in so many characters and all the rest of it, sell yourself basically. People just don’t want to do that. Then there’s resentment because you can’t help but compare yourself. For line management as well, it must be like Sophie’s Choice sometimes, “who do I choose because only one’s getting it?” But it did cause a lot of resentment and I always got the bonus, and I didn’t agree with it. I didn’t like it and I could understand how my colleagues would resent it because they would see “well I think I can perform every bit as well.”’*

PCS contended that the PM scheme undermined morale, was grossly unfair and discriminatory and unsustainable in terms of the amount of time and resources needed to deliver it. Following a stringent critique produced for the Scottish TUC<sup>8</sup>, the Scotland West branch produced detailed figures on the cost of administering PM using the department’s own published figures for 2013/14. It suggested a conservative figure of £98 million per year to administer £17.5m performance bonus money with over £5 in administrative costs to

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<sup>8</sup> Taylor, P. (2013) Performance Management and the New Workplace Tyranny: A Report for the Scottish TUC.

distribute every bonus £1<sup>9</sup>. The report gained coverage in The Guardian<sup>10</sup>. Another PCS member described the impact of the PM system on herself;

*'The old system wasn't a particularly pleasant experience for me. I had never encountered performance issues at all, so I've worked in the MoD 29 years and I had never been told that I was under performing. So, when it came to my six-monthly review, my boss gave me my report and she went through my objectives and told me that I was meeting my objectives for the 5 or 6 objectives, but at the end of the conversation she said, 'but you're under performing'. So, I was absolutely gutted to hear that from someone who is really quite conscientious in their job. I guess the system is that you have to find somebody in your grouping that is under performing and whether she thought I was the worst of a good bunch, I don't know. But certainly, on the occasion that she told me, I then developed chest pains. I then left the work and went to the doctor's surgery and he sent me to the hospital in an ambulance with chest pains and I was in the hospital for about 8 hours.'*

An Equality Impact Assessment demonstrated that performance related pay systems had disproportionate outcomes for virtually every protected characteristic except for women; as one PCS officer put it 'a smorgasbord of discrimination'. At the same time Professor Steve French from Keele University produced an analysis of Civil Service Performance Management Diversity and Inclusion outcomes data for 2014-5 across all agencies<sup>11</sup>. This confirmed the potential discriminatory impact of appraisal-based performance management systems with BAME, disabled and part-time staff and those over 60 less likely to receive 'Exceed' performance ratings and more likely to receive a 'Must Improve' rating. PCS had changed the climate for PM across the civil service<sup>12</sup>.

### The negotiation process

PCS asserted that the PM scheme was 'inherently discriminatory' and despite a number of interventions, including unconscious bias training, scheme outcomes did not change, and management found it increasingly difficult to defend. The appointment of a new Permanent Secretary (PS) led to the MoD announcing a review of PM and prepared the ground for negotiations on a new 'pilot' scheme from January 2017. At the same time the HR team had changed as one of them commented:

*'When we came to look at reviewing the framework, we completely recognised the issues that the trade unions had with the framework. The way that they had been handled in the past. There was a clean slate, I guess that we were a different team now, looking at the performance management framework going forward. My team was completely new. So, we really wanted to start with fresh dialogue, [to be]*

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<sup>9</sup> PCS (2015) Performance Management – Administrative Costs 2013-14.

<sup>10</sup> The Guardian 29 June 2016.

<sup>11</sup> French, S. (2016), *Civil Service Performance Management Diversity and Inclusion Outcomes Data 2014-15 – An Analysis*.

<sup>12</sup> A further spur to civil service employee policy was provided in April 2017 by the Supreme Court judgement in the Essop case, taken by PCS in the Home Office.

*constructive. We wanted to understand what the trade unions' concerns were and we needed to get their help with shaping what that new framework might look like. And we were really clear that we wanted to involve the workforce in designing this new framework as much as possible and to give them a voice, which we did successfully. So, we worked closely with the trade unions on that and they were very supportive'.*

There was an intensive timetable for negotiations, with PCS pushing for the replacement of the existing system by April, the beginning of the performance year. Formal consultation took place at the fortnightly Major Policy Committee involving the five MoD unions (FDA, Prospect, Unite and GMB) as part of its Employee Relations Framework. To ensure staff engagement HR conducted a staff survey that 10,000 responded to and held workshop sessions and road shows with around 6000 attending. HR shared scripts and presentations with the unions and for HR the process 'massively' improved the relationships between management and unions:

*'I think the role of the unions, they were a good sounding board for us. They were really useful to bounce ideas off and get other ideas. They were really useful in providing us with feedback particularly when we were doing some of the engagement exercises. Getting people involved and giving us their ideas. I think there was a sense from the workforce that "oh here we go again and you never listen to us". So I would say a sounding board, good ideas, feedback, outside of the usual consultation process that we were going through'.*

The negotiated document was put to PCS members in a consultative ballot, with the new scheme recommended by the Group Executive Committee and accepted by a clear majority of 78%.

## The Agreement

The new agreement was signed in April 2017, described by a PCS rep as 'an amazing turnaround from a totally despised and hated system across the board to one that people are resigned to'. The replaced PM system moves away from the previous forced ranking model and PIP exercise, scrapping a 'discredited, discriminatory system endured for four years'<sup>13</sup>. Performance is more closely related to personal development and against objectives rather than how employees compare to their peers.

The scheme introduced two new elements, from 2017. The first is the Thank You scheme, which is a single instance recognition tool related to performance (maximum £100). The second element is the more substantial in-year reward element with payments made at any point in the reporting year and with team awards allowed – 'a move away from the 'all or nothing' approach previously, whereby the 'top' 25% were awarded relatively substantial sums and the rest received nothing'. A mid-year review is a mandatory part of the process and should take place by October 31st - as part of this the line manager is required to provide an indicative rating and state whether the job holder is on track to meet their objectives, if the job holder is not on track the line manager will also be required to record what management

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<sup>13</sup> PCS (2017), *Defence Sector Group Performance Management Toolkit*.

action they will take to assist the job holder to do so. At the end of year review line managers decide on a final rating; countersigning officers validate the line management assessment. Once again PCS issued a toolkit with guidance on the new scheme for each member.

### The Impact of the Agreement

For both union and management, the objective was for a non-discriminatory scheme where the money was spent. A local rep emphasised the changed relationship between the union and senior management within the MoD, along with the union's role in ensuring the expenditure of the bonus pot by the moderation panels:

*'We can now be seen to be being positive where previously we were seen to be the opposite. We are now seen as being positive by encouraging managers to spend the allocation of money they have for bonuses or In-Year Rewards as they call them. So the dynamics have changed –It's a different dynamic than the previous where we were seeing as being really negative.'*

For members the removal of the scheme has had a direct impact on their working lives:

*'I'm not saying it's great but I think as I said earlier, it's not that old one. So I'm not saying everybody will be, all singing and dancing, but it's not the old one which seemed to be so unfair. I think it's still on a trial, they're having a wee look at it, but it's just better already, I can't speak for everybody else, but I think it's not that rigmarole, justifying yourself and going through all of that.'*

Because of mobilisation on PM the union reported a marked increase in attendance at branch meetings and a greater level of engagement with members, as one member put it:

*'Somebody was fighting your corner because you could feel quite isolated. You had somebody that was fighting your case, which is good, because it can be a lonely kind of thing. There were more people attending the meetings and I think there was more engagement.'*

For one of the negotiating team:

*'My favourite phrase is "demonstrated relevance" so we've shown the relevance of being in a union, because you get to participate in these things and you get a direct opportunity to change. Even though they had 5000 people participating in the workshops that was still less than 10% of the workforce. But the people who were PCS members got all the paperwork. They got the opportunity to comment on the paperwork. They got the opportunity – because we organised meetings in branches, where people come and talk about it. And lots and lots of people gave us their experiences which formed part of the evidence base that we put forward to say this is why you need to change it. This is why it is so unfair the whole scheme. This is why it demotivates people. This is why it demoralises people.'*

Another member described how employees appreciated the work of branch representatives:

*'Definitely my first point of contact is always the union, they're all over it like a rash, they're good at communicating with you. They were there for anything at all. They made themselves available for it. I have to say it's the most that I've ever heard the union being praised, you usually hear the union being slagged off and "oh they didn't do this for me, they didn't do that". But it's the most I've ever heard them being praised. It really did a lot for them, I would say not even for the recruitment, but for the retention. I've had a discussion with my job share partner and they said that people in her area had had appeals and on the back of that they were encouraging people to join the union, "this is what they got me". So, they were advocating joining the union. Well I think that from both sides. I think that the union have been commended for getting this because management hated it but went with it because they were told to. But I think they were so pleased that the union took it up and didn't let go until it was gone'.*

The impact of the new PM scheme went beyond the MoD, which was the first major civil service department to introduce the new version of PM and 'quoted as an exemplar' with union officers sharing the experience and materials with union reps in other departments.



## Case Study 2: BECTU, freelance workers and the UK Independent Television Drama Agreement

BECTU's agreement with Producers Alliance for Cinema and Television (PACT) covers a range of freelance workers in UK Independent Television Drama and provides regulation of terms and conditions and clarity across independent producers. It centres on the structure of the working day, aimed at curbing unpaid working time and overtime and the incursion of work into break times

### Context

BECTU represents 15,000 members in freelance media and entertainment production. In TV drama these workers are shooting and studio-based crew members, editors and other production, post-production, construction crew, support workers and off-set workers (including grips, lighting etc., the 'prep and wrap' departments, hair, costume, locations, art department etc.). Workers are generally self-employed or may work through agencies. The union reported that the absence of a collective agreement since 2006 had resulted in a long-term erosion of terms and conditions and long working hours. In part this reflected the shift in the past 20 years away from production by the 'monolithic producers', the BBC and ITV, who had exemplar collective bargaining agreements, and the emergence of a multi-channel independent production. However, the relocation of production to the UK and demand for high-end, English-language television drama has increased capacity in the sector promoted by tax credits. Demand has exposed skills shortages and put some pressure on skills, particularly with the removal of established career paths in the larger producers<sup>14</sup>. This environment appears to have created a climate and logic for joint regulation between the independent producers' umbrella organisation, PACT and BECTU. For an employer representative:

*'The background as I understand it was years and years of there not being any clear written terms governing working terms and conditions which basically created a lot of confusion and uncertainty for both producers and crew. They often would be negotiating without the firm basis of knowing what was the appropriate or the correct thing to do in any given situation. So, I think that was the background, there simply wasn't a clear set of rules. There were some common practices. There were some practices that had evolved over time which for whatever reason perhaps were out of date or perhaps just didn't work as well as they should from both parties' perspectives'.*

BECTU has recruited substantially since 2014. Certain groups, such as electricians, have been able to enforce rates through informal networks, including social media, and this has raised awareness amongst other groups in production. A further context is BECTU's campaign against long hours in the UK film and TV industry, including unpaid overtime<sup>15</sup>. BECTU research, based upon a survey of 476 respondents, found a majority working regularly over their contractual

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<sup>14</sup> Royal Television Society, Television Magazine (May 2017), *High-end TV drama is transforming UK studio business*.

<sup>15</sup> BECTU (2017), *Eyes Half Shut: A report on long hours and productivity in the UK film and TV industry*.

hours with a negative impact on family life and although this applied to men and women nearly two thirds of women said they did not expect to be working in the industry in the long term. Respondents reported feeling tired at work, with an impact on their productivity and safety – over half attributed this to scheduling issues.

### The negotiation process

BECTU production branches nominated reps across all sections in TV Drama who took part in the development of a negotiating position and document and were actively involved in negotiations with Heads of Production from six independent producers under the umbrella of PACT. BECTU began with a small group of around eight reps, but as one of them reported:

*'Once the momentum got going and we reminded all the other departments "look, these talks are going ahead, you need to be involved, otherwise you're going to lose out", I think our final number [was] up to nearly 20 I think meeting. I think we actually ended up having to turn members away because there wasn't enough room at one point, which is great, it really is good because it means people get involved'.*

Another rep described the importance of being involved in negotiations:

*'Having been able to chat with PACT has also been great, to make them understand our point of view, on a human to human level, and us theirs. Precise examples of how we were treated were a tough wake-up call for them on how some cowboy production companies dare to run their business' [rep2].*

Negotiations were described by one of the reps as 'long, drawn-out, painful' with between ten and 12 meetings. It took over two years to reach agreement, in part because of the difficulty of getting reps from both sides together. The employer representative reflected:

*'I obviously had a working group of heads of production who closely negotiated the agreement with me – and speaking to them they were genuinely motivated to make things as fair as they possibly could. I think we got to the agreement because I think both parties were prepared to be flexible and to hear each other and in particular over the course of the meetings, it became clear which were the key issues for both parties. I think that there was an effort made to accommodate those on both sides. I think it helped that we nailed the drafting of it as we went along and kept it really clear and simple and that's very much to the benefit of crew and producers. I felt BECTU were very pragmatic in their approach and easy to deal with. It was a very positive process ultimately I think'.*

BECTU consulted on the proposed agreement with reps recommending support and a ballot in May 2017 producing a 97% majority in favour.

## The Agreement

The BECTU-PACT TV drama agreement was signed in 2017 and effective from December 2017<sup>16</sup>. It ensures that all crew members are engaged for clearly agreed hours and transparent rates of pay; it ends unlimited unpaid overtime and establishes better overtime rates. The agreement means that workers are now contracted on day rates rather than weekly terms. It codifies paid holiday entitlement, travel time, working hours, meal breaks and rest breaks, and applies this consistently throughout a production. Importantly the agreement means crew will be issued with a contract and full statement of terms and conditions at the start of their engagement, a 'deal memo' detailing pay rates, hours, planned locations and other terms and conditions. The agreement also enshrines BECTU representation allowing Unit representatives reasonable facilities to represent members.

The 11-day fortnight which had become widespread in the sector should not now be something taken for granted with an end to overtime paid at flat rates or bought out. The requirement to pay overtime premia for work beyond contractual hours or during unsocial hours or rest periods creates a disincentive for employers. Under the agreement overtime should be scheduled in advance and is calculated as the greater of £35 per hour or 1.5 times the agreed rate. In a Continuous Working Day overtime should not occur, and if it does is subject to a cap of two hours per week and covers travel beyond the range of a worker's production base and travel costs. For BECTU the agreement has limited the highly unpopular 'clawback' of hours that pushed back the working day and meant workers having to experience long drives home in rush hour traffic. It also ends the 'buy-out' of working time whereby workers were paid on a daily rate however long the day was and ended up working extra hours. They now should get paid for every hour they work, and this particularly affects the prep and wrap departments, where women tend to work'. The agreement will run for an initial period of two years from late 2017 onwards. It is a 'whole agreement' which means that employers cannot cherry-pick terms and conditions from it, with a review period at the end of the first year.

## The impact of the Agreement

The agreement represents significant improvements in standard working practices in the UK TV industry. For the union's national officer, the victory is in having a negotiated agreement after a long period without one, contributing to the professionalization of the sector and the quality of management:

*'I think we can say that, with that qualification about the grace period, that we've got rid of unpaid work – people get paid for every hour they work now. A big driver for us was to get the terms nailed and the biggest win in this I think is a thing called the Deal Memo. With the Deal Memo, everybody who works in feature films will be given a document that lays out exactly what their terms and conditions are. What all the variables are. So, what's their rate? Is it a "standard working day" or a "continuous working day" as defined by the agreement? What's their mileage allowance? I think the second big victory is the fact that there's an agreement at*

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<sup>16</sup> PACT-BECTU UK Independent Television Drama Agreement 31.05.17

*all. And the headline one, the one that we'll make a fuss about is being paid for every hour. That's what everyone talks about, even though personally I think that when people talk about the bad old days, they'll be talking about not having an agreement at all. And not having a Deal Memo. For departments that are overwhelmingly women, getting rid of the buy-out is a big win. These are expected to do a lot of "prep and wrap" that was often unpaid. I think that having an agreement will professionalise things a little bit more. Even the hardest-headed manager knows that it's not good for an industry when employees are 'on the back foot' without bargaining power.'*

The employer representative also valued the coherence provided by the agreement:

*'I think the most important thing from the production companies' point of view is clarity because the producers have made several quite big concessions in the agreement. And the point is they negotiated for that because they wanted an agreement which they considered to be much clearer and fairer for both parties. And now they've got an agreement they can refer to which enables them to ensure that they're getting exactly the right things signed off. I'm still very positive that it's going to have a good impact on the industry because it's put in place terms and conditions which simply weren't there before and weren't understood before. And I think that's tremendously helpful to have that clarity.'*

Union reps appreciated the existence of the agreement and one hoped that it would become the 'industry standard':

*'For me, the whole idea was so that when I get a phone call and they tell me, "ok there are three weeks' night shoot in the middle, and we're going to be working away for weeks 3 and 4 and we're going to be doing, this, that and the other", all I have to say is "are we doing it as per the agreement?" And if they say "yes" that's the end of the conversation. You take away all that friction. It reduces that friction, so you actually get a better working relationship with your employer or the employer gets a better working relationship with their crew.'*

The agreement states that workers should have access to running water and toilet facilities at or within a short walking distance of any place used for work during periods of work as well as drinking water. The importance of such basic facilities was emphasised by another rep from hair and make-up, who was involved in negotiations:

*'People in hair and make-up are often given bad deals, or bad working conditions. Most of the time, they are women and it's hard to negotiate for everything, impose health and safety measures and many other things. It's always a fight. We are not trained enough in negotiating. Between the lack of confidence negotiating, the level of competition and the lack of recognised standards before, we had a massive struggle to get basics in place or defend our point of view. The agreement helps as it's*

*all in black on white and we can just refer to it. Having water, toilets - yes that is something we missed on a few jobs - avoiding too many grace periods, avoiding too many 11-day fortnights or clawbacks, knowing when overtime strikes; all this is easier since we have the agreement. We, like locations and the other prep and wrap departments, are first on the job and last to leave so the questions of overtime and breaking turnaround are crucial for us. Having a clear understanding of what's what that we can refer to is a time and peace saver. The more it's shared, it helps people who were not informed or aware of their rights to know what they should ask for, that will help level up the standard practice all around, for everybody's health benefit'.*

### Case Study 3: CWU and Openreach Engineering Career Pathways

CWU's Agreement with Openreach has opened up opportunities for field engineers to develop their skills and increase their earning potential through a new approach to 'career pathways' within the company, tackling the promotion 'wastelands'. The agreement creates a Senior Engineer role, providing Openreach engineers with greater and more transparent opportunities for progression.

#### Context

The CWU represents over 20,000 field engineers in Openreach. When a change in leadership saw Clive Selley, someone who had started as an apprentice engineer in BT, become Chief Executive the CWU saw an opportunity to deliver its long standing policy to develop career opportunities for field engineers. The union wanted a progression route for those that wanted to stay in the field, rather than go into a desk based role or management. Across BT the union had reached an agreement called Workforce 2020 that in 2014 had changed the terms and conditions for new entrants (TMNE2s) differentiating them from the longer serving field based members. Over the previous ten years a combination of technological advance, process changes and the concentration of traditionally higher-paid desk based roles in a smaller number of sites had resulted in a flatter structure and curtailed career progression. For the CWU national officer, 'It's been a set of circumstances that have meant that for both of us it was the right thing to do at the right time.' A CWU branch secretary summed up the issue for the workforce and union:

*'One of the engineers hit the nail on the head when he said no, he still wants to be an engineer. He wants to do what he does on a day-to-day basis but be given the opportunity to be recognised to actually do that. And that's the point that we were trying to get across to the business. It's the go-to guys who aren't being recognised, who want to stay as an engineer. They don't want to be a manager, but they want to be a good engineer, they want to do everything they can to help their colleagues to do a good job out there in the field. And just to get that recognition.'*

A wider context for the Engineering Career Pathways Agreement is the creation of Openreach as a wholly owned subsidiary of BT as a result of the Ofcom ruling. For the union this strengthened the case to 'bolt down' negotiated agreements. The CWU believes that Openreach's Service Delivery business unit would need to have 85% of the field engineering workforce skilled to Customer Service Engineer (CSE) level to meet Ofcom's service requirements. For Openreach the attraction of providing upskilling and multi-skilling opportunities is 'that the enhanced skill-sets of large numbers of field engineers will help the company meet ever increasing demands from Ofcom over service levels'<sup>17</sup>.

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<sup>17</sup> CWU The Voice, July/August 2017, [http://www.cwu.org/media/10545/thevoice\\_julyaug2017\\_lr.pdf](http://www.cwu.org/media/10545/thevoice_julyaug2017_lr.pdf).

## The negotiation process

The agreement came out of joint discussions about the structure of the organisation and took about one year to finalise, partly due to the detail of mapping job roles on to the grading system. The CWU has a national negotiating team with three executive members and four lay members supported by ten regional representatives. The union has tried to de-centralise and to involve as many as possible in national negotiations; 'having people out there that are still in touch and doing the job and giving you the arguments when you're sitting opposite the employer is really good'. The union meets management on a weekly basis through its national team on a wide range of issues. Discussion began on an informal basis and then moved to monthly and fortnightly meetings. The proposal went through a number of iterations, culminating in 'learning labs' to promote awareness amongst managers and local reps. The union consulted through its six weekly meetings with regional reps and through its three-monthly meetings with branch reps. It urged members to attend special branch meetings to discuss the proposal. For an Employment Relations Manager:

*'By working together with the CWU certainly we have managed to develop this whole career pathway and it benefits all of the team members, but it also benefits the business in the sense of there's a recognised career now through the engineering workforce actually out in the field as opposed to having to think 'manager' or sit in the office. I think that's where people have benefited, and the business has benefited. We've had to deal with a lot of sensitive things around this, so it's worked well and as we've collaborated with the CWU we've gained an understanding from their point of view, from our people's point of view - just bringing it all together. So that's been a really constructive exercise in that sense'.*

## The Agreement

The Engineering Career Pathways provides a simplified career structure with a clearer pathway, providing 1600 new national senior engineer roles. Successful candidates will have a high technical understanding of the systems and network, completing complex repair and build work. Crucially, it is a 'hands-on role, working daily in the field on allocated jobs; within the team the senior engineer is recognised by peers and line manager as the 'go to' person for technical and analytical expertise' and to proactively help and support colleagues and engineer accreditation. The role demands that they are trusted by the team, approachable and able to effectively communicate and engage at all levels; 'a true role model and go-to colleague'. The specialist role spans all three operational Business Units, Service Delivery, Infrastructure Delivery and Business and Corporate Delivery, with specific technical skills applicable to each Business Unit role.

The development of skills means that the company saves on 'a truck roll' – calling out further engineers in a van for one job – only one person needs to be called out and that they have the support of a senior engineer at the end of a phone promoting business efficiency. For an Employment Relations Manager:

*'It's a great benefit to the company because we should see improvement in customer service because where perhaps an engineer in days gone by might have thought that they couldn't actually resolve an issue and couldn't deliver service to a customer, a*

*call to one of the senior engineers might now mean that they have a different view on things offering different opportunities to deliver service on the day'.*

A key outcome of the senior engineer role is providing support in the workplace directly from the senior engineer:

*'It will take the people who they support a wee while to get used to it as well, because it is a new role. So, don't phone the coach, don't phone your management, just give Jimmy a ring because the senior engineer is there to help. And because they're part of the team as well, which is why we've been keen to say it's not the gaffer's helper. Because as soon as you become the gaffer's helper you're nearly the gaffer and you're not one of the team any more. So, we've tried to make sure that it has that role'.*

At the same time there has been a move away from an unpopular individual performance management system to team-based performance.

In conjunction with the upskilling opportunities, Openreach is working alongside the CWU to break down barriers that currently make it hard for field engineers to move from one business unit into another - again providing individuals with the opportunity to move their careers in the direction that interests them most. Every employee will have a career pathway one to one with their manager to discuss progression. For the Employment Relations manager multi-skilling potentially offers improved job quality and development for employees:

*'It's all about job enrichment and making sure you don't feel as though you're in a position where you have to be doing the same job day in day out for the rest of your career. It will involve multiskilling, because if you're going to move from one role to another you will increase the level of skills you've got, or you'll change the skills you use. But it also gives you the opportunity to look at a career where you can go in different directions, diagonal or horizontal or vertical. I think it's been a positive experience for the organisation.'*

The agreement includes a clear and transparent selection process based upon core competencies and not just the line manager involved. The process involves support for hiring managers that requires interview skills training and unconscious bias training.

### **The impact of the Agreement**

The Senior Engineer role generates 'opportunities for advancement in localities where such opportunities simply don't exist at present'. Following the successful trial of the new 'Senior Engineer' role in the North East, with 70 engineers involved in developing the job description, adverts had gone out for the new roles across Openreach with the intention of recruiting at least one Senior Engineer in every engineering team by March 2018. Successful candidates receive an overall remuneration package of £33,000 (£30,000 basic plus a 10 per cent bonus) – representing an increase of almost £7,000 for those on the minimum of their pay ranges, and



just over £3,000 for longer serving B2s at the top of their pay spine. For TMNE2s engineers the increase to the higher rate of pay begins to tackle the two-tier workforce resultant from the Workforce 2020 contracts as the national officer describes:

*'So, what we're trying to do through this as well is equalise it. It's going to take us a wee bit of time to do it but even in here, the difference between a new contract person and an old contract person if you just took wages coming in, is only circa £170. But it's made up of a wage and a 10% bonus. By getting them an additional payment on top of the percentage increase, which begins to close the gap.'*

Similarly, for the branch secretary involved in the pilot project:

*'This is where it all sort of started; these guys were £5,000 or £6,000 worse off than guys sitting next to them doing exactly the same job. And that's why we felt these should be recognised for the skills that they had. The guys who were on the lower salaries is where it's going to have a bigger impact.'*

One of the engineers in the pilot illustrates the benefits for the organisation of work, releasing managers to focus upon managing:

*'The lads on my team - every time I speak to somebody - they're over the moon that they've got somebody to take things up, because our managers sometimes they're that busy in conference calls, meetings, anything that they're doing, the phones could be switched off. They've still got somebody they can turn to for advice. The guys are approaching me a lot more openly about certain things with the job that they're doing, which they're no longer phoning my boss for. I can then pass it on as a senior engineer to my manager saying one of the guys has had this problem on the job, he didn't want to talk to you. And there's a voice within the team.'*

The engineers on the pilot also appreciated the more transparent and rigorous recruitment procedure with the line manager responsible for the team having an input but not the final decision:

*'We know that it's been set up properly, we know that it's not just a job for the person whose face fits. I think there was a few shocks as well, there was a few people who were deemed as blue-eyed boys who didn't get through the interview and that maybe opened a few eyes - I think they thought it was a done deal they heard they were going to get the job and a lot of them didn't'. (Engineer3]*

A second engineer on the pilot agreed:

*'I've heard a lot of my friends say, "it's a friend who gets the job or the position is already filled so why should I apply for it?" But they all had the same crack of the whip as we had and for me it's proven that that approach doesn't really exist anymore. Everybody who applies for something gets the opportunity to go for it.'*

The branch secretary overseeing the pilot emphasised the recognition of existing skills and that for those involved 'it is a positive, it's a win-win for everybody'. For the national officer BT Openreach will benefit from the agreement; 'What the company's going to get out of it is a far more engaged workforce and undoubtedly it will be better for the business and the customer because of the upskilling'. The Employment Relations Manager perceived that the agreement reflects a positive working relationship with the CWU:

*'I think the importance of the union involved was because we are seen to be working collaboratively together. We will get involved with the union on various things and this is certainly one of the biggest things we've seen in the business that we've changed recently. And it's really worked well with having the union working with us on that and challenging our ideas. It's always good to have somebody who challenges your ideas and makes sure that we put the right things in place.'*

## Case Study 4: Unite and the 35-hour week at Bentley

Unite's agreement with Bentley delivers the first 35-hour week in the UK automotive sector from 2019, along with a three year pay deal giving a 6.5% increase plus a consolidated payment worth £900 and the potential for bonuses linked to delivery, quality and efficiency.

### Context

Unite the union represents around 2000 workers based at luxury car manufacturer Bentley in Crewe, Cheshire. This covers administrative staff, semi-skilled line workers, skilled workers, technicians and engineers. The company's headquarters in Crewe employs around 4,000 people and is home to all of its operations including design, R&D, engineering and production of the company's four model lines, Bentayga, Continental, Flying Spur and Mulsanne.

The company is owned by the Volkswagen Group which has launched 'the biggest reform programme ever' following the diesel emission issue and the onset of electric and autonomous vehicles. Agreements with German unions over job losses have emphasised social responsibility. Bentley were looking for agreement on 'future performance commitment' to 'continue to improve efficiency, productivity and flexibility' and ensure the future of the plant at Crewe. Within the landscape of Brexit Unite considered that a three-year deal would get workers through Brexit and the launch of a new car. At national level Unite had a claim for a 35-hour week on its agenda for over two decades with members paying a levy to support this. Locally the union also wanted an increase in holiday pay following Unite's tribunal victory on holiday pay (35 days a year including bank holidays) - the company had conformed to the minimum.

The workforce are predominantly male with women (around 17%) concentrated in 'the treads' – producing car seats. Around 45 nationalities are employed, with about 25% BAME, generally Eastern European. Around 12% of the workforce are employed through agencies and the union secured pay parity for them three years ago, including the quality (but not the efficiency and delivery) bonus. There is a formal agency agreement with agreed restrictions on the use of agency workers.

### The negotiation process

Unite consulted workers, including non-members, on the issues of most importance to them, through an online survey with nearly 1600 participating. The importance of this survey in eliciting the views of members was described by one rep:

*'For me this cannot be underestimated, the ability to filter and sort preferences of members by age, service, gender and such like has been a great tool in understanding their day to day requirements'.*

Bentley has a company council comprising seven from the trade unions (six Unite and one GMB) and seven from the company. Negotiations on the agreement began in November 2016 and was accepted in June 2017. Initial discussions are held with the local reps and the company, followed by 'set piece of negotiations' where the company council go off-site to a

hotel. The company wanted a four-year deal, but for the union this was 'too far into the unknown'. The union put a 35-hour week on the table and the company was prepared to look at a 35-hour week because they wanted more flexibility over the working time of office staff. The line workers already had a time banking agreement (originating from when VW took over the plant in 1998) where the company could reduce working hours or remove shifts without loss of pay with the time repaid at a later date. This was renegotiated as an 'Active Time Account' in 2016 where the company could flex workers up or down from a 37 to a 42-hour week (max 18 times) or from a 37 to 32-hour week with a minimum six weeks' notice to the whole section through the company council. Workers were guaranteed to be paid a 37-hour week, but the hours were banked, and the company could call them back, but on time and two thirds. A previous agreement with the union meant that banking did not affect weekend working which is paid at time and a half – the company could not call hours back at weekends avoiding situations where workers were paying back hours without earning money. Owed hours are wiped out if people leave – so pay cannot be clawed back.

The company desired similar flexibility for office staff. Staff worked a 37-hour week; the company wanted to be able to flex staff up 26 times a year to a 40-hour week, with six weeks' notice, but at the flat rate whereas those in manufacturing received time and two thirds and in engineering time and one quarter. There was also an issue about altering shift patterns, with the company proposing to remove shift overlaps which would have extended Friday afternoon working into the evening. While improvements on holiday and sick pay and bonuses had been offered, these were sticking points in the negotiations, but the company moved to a final offer. Unite could not recommend the deal to members and it was rejected by 75% in a ballot on a turn-out of over 80%, mainly because of the changes to shift patterns. The company then made the union committee a one-year offer, which it turned down without recourse to members, since it considered the offer essentially inferior. The union-side then brought in full-time officers and following several meetings the introduction of the 35-hour week was brought forward a year to January 2019, although the reps were disappointed that it would not be introduced immediately:

*'I know it's complicated when you don't live it, but the 35-hour week lent itself to all the shift patterns. It all fitted lovely; the shift patterns were even nicer. But it was that in between time when it was on a 37-hour week, it was all clumsy. So, we said well why don't we have the 35-hour week immediately. So, in the end, we got it to 1st January 2019. We effectively took off the company their new shift patterns – "you can't have your new shift patterns till we have our 35-hour week". And that worked'.*

The union negotiated an increase in consolidated pay and then agreed to recommend the deal if the company put a little bit more money on the table. As throughout, its 30 shop stewards were regularly briefed and then communicated with the workforce as the Regional Officer described:

*'I think that marked change was in the first ballot; the company did lots of presentations. And in the second one, the company did none and they left it all pretty much to the reps and the senior reps to go around. There was a bit more understanding, particularly for the senior reps, we'd been in the negotiations, hadn't we? People can ask questions. And the senior reps did quite a lot of briefings and of course the message to some great degree got across'.*

The union balloted on the offer and this time it produced a 75% majority in favour.

### The Agreement

The Future Performance Commitment Agreement secured a 6.5% pay increase over three years from 1 January 2017. Staff will also receive a consolidated payment worth £900 over the three years, and there is the potential for employees to earn significant bonuses linked to delivery, quality and efficiency over this period. Union reps calculated that the deal is worth over ten per cent over three years, highlighting consolidation of increases, plus potential bonuses, in addition to the reduction in hours bringing up hourly pay. This takes the skilled rate to over £30,000 per year. Following negotiation bonuses are now based upon quality rather than performance (production and profit) as one rep described:

*'We were able to agree bonuses not on how many cars we build or how much profit we make, which was a significant change and it's already paid grandly. We're already £820 up since the middle of the year, since the deal went through; it's quality related. There are measures but none of them are how many cars we build or how much profit we make. So, they're a little bit more in our control'.*

Importantly the agreement sees employees' working hours reduced from a 37-hour to a 35-hour week from 1 January 2019. This reduction will not result in a loss of pay. In 2017 the normal week will be 37 hours plus a temporary agreement for the company to call on indirects and staff to work 40 hours for up to 26 weeks a year, with the extra hours paid at 33%. In 2018 this requirement is reduced to 18 weeks and by 2019 all employees will move to a norm of 35 hours with a flexibility agreement allowing indirects and staff to work 40 hours working for up to 18 weeks per year with the extra five hours paid at 33% premia. The agreement is based upon improved efficiency of shift patterns with reductions in shift overlaps and shifts adjusted to facilitate a 35-working week for direct employees, creating an option for a voluntary 45-hour shift pattern, mandatory for new recruits. Staff can be flexed up to 40 hours 18 times a year, but with six weeks' notice to the whole department.

The agreement also includes improvements to sick pay with those with between one and 15 years improving their sick pay entitlement to 26 weeks. Holiday pay premia were increased by four days to 24 in 2018 and a further four days to 28 in 2019. The deal also rolls out flexitime for indirect workers and staff, but where this is not possible introduces Time Off in Lieu for staff and manufacturing workers from 2019 allowing workers to accrue hours or days off.

## The impact of the Agreement

For the company the agreement is 'an industry-leading package'. For the regional officer at Unite, it is 'ground-breaking' in its introduction of the first 35-hour week in the automotive industry:

*'It allows the organisation to plan ahead, particularly in relation to new model development and gives members a great deal of security in what is a very uncertain time for car makers. By agreeing a multi-year pay deal all sides now know exactly where they stand as we continue with the countdown to Brexit. Without this multi-year pay deal there would inevitably have been an increasing amount of uncertainty, which is what all parties wanted to avoid'.*

A workplace rep also highlighted the certainty provided by the agreement:

*'Being for three years, the stability that that gives everybody I think is significant. They're talking about having this new model, aren't they? So, we've now got stability and they can plan. They have fixed costs; all the preparation and the research and development of the model can be done without any outside pressures. Brexit clearly is an issue. So, for three years everything is done and dusted. It was nice at last month's shop stewards' meeting, particularly if it's benefiting you, it's nice to look back. And I've had a bit of a "what do you think lads? Here we are now, we've done a year, we've got quite a lot of bonus, got some more to come after Christmas. And we've got £300 and 2.25% plus that guaranteed £250, we've had £820 this year. How would we be now going into pay talks because it would have been about now, end of November. So, do you think we'd have got that deal now? Hmm, well, probably not"'.  
'*

Union reps noted the complexity of the deal made it harder to communicate to members and that they were less likely to appreciate the outcomes – they felt that there was a lesson to be learned in this:

*'That was our concern. Here we are, we've got a 35-hour week on the table. People who had been paying into a levy for years could get a 35-hour week and here it is, it's in our grasp. And our concern, we could lose it, by misunderstanding, people just not knowing the intricacies or not prepared to look into the detail. And that was a big concern'.*

However, the union reports it has recruited around 150 permanent and agency workers on the back of the deal; for another rep:

*'As we enter the second year of the three year deal the impact now is becoming much clearer, members who were once against bonus payments, as we were too, are now reaping the benefits of efficiency and delivery bonuses, the move away from financial results has been a masterstroke in negotiation. The consolidations now understood by*

*the membership have been popular, these have brought the pay levels closer, although those at the higher end of the pay bands somewhat disagree there is a real honesty in everyone in the bargaining group receiving the same. By far the most popular element of the pay agreement has yet to be appreciated. The 35-hour week has been a massive coup for the trade unions here and at a wider level and I believe its implications are yet unmeasurable, I am aware that others in the auto sector are including a shorter working in their demands. Three-year deals have never been popular in Crewe, but this deal although it took a long time to negotiate and agree gives members security in their pay, security in their role and security for future earnings'.*

## Case Study 5: Prospect and Equal Pay at the Met Office

Prospect's Agreement with the Met Office addresses the gender pay gap that had developed in the context of the Government's pay freeze. The union adopted a legal and industrial strategy to put pressure on the constraints faced by the Met Office in the reform of the pay system with workplace reps crucial to the outcomes.

### Context

Prospect represents 1800 staff in all professions in the Met Office, an Executive Agency of the Department for Business, Energy and Climate Change (BEIS), but responsible for its own budget and commercial activities. Against the background of an increasingly competitive market for skilled staff and in line with Government policy, it modernised its pay system in 2008. The two-year deal created a new pay structure, with three pay zones (development, contribution and high value), pay levels informed by market rates and role-based jobs. Moreover, it included a pay matrix designed to reduce the equal pay gap with the aim to progress staff to an appropriate 'rate for the job'. Subsequently the proportion of female employees increased from 25% to 32% although as at February 2014, over 60% of females had less than 5 years' service. However, pay rates at the Met Office remained at 2008 levels and by 2014 70% of people were still in the 'development zone', despite their experience, widening the pay gap. The ad hoc use of recruitment and retention allowances had also distorted the pay system.

In 2010 the newly elected coalition government announced a pay freeze, ending in 2014, but with a 1% cap imposed since then. The new pay matrix 'was strangled at birth'. Despite being an income earning business the Met Office had no freedom to manage its own reward system and pay bill. In 2015, a staff survey showed that 83% of staff were unhappy with their pay (Civil Service Staff Survey) and recruitment and retention problems were growing. As one member commented:

*'I am still paid £2K less here than I was in 2012 when I was working for NERC (i.e. also government restricted salaries). And that's not even including inflation, if you factor that in I'm more like £4K below where I was 4 years ago despite now having 4 years' more experience and skills! It is depressing'.*

For Prospect the pay system was 'broken' as a Prospect officer observed:

*'Speaking specifically about the public sector, the government pay cap has made the equal pay gap much bigger. I think on the one hand they talk about equality and fairness, but they don't put the money into the system to sort it out.'*

In 2015 Prospect asked the Met Office to conduct an equal pay audit. It showed the pay gap between men and women was 10.7% and this meant, for example, senior female meteorologists earned about £7,000 less than male colleagues at the Met Office. Other professions were likewise affected. Moreover, the public sector pay cap was restricting the



Met Office's ability to not just close the gender pay gap but also to retain specialist staff, whose pay was 20-30% below private sector rates<sup>18</sup>. The audit was followed by the launching of a high profile legal case for equal pay by 77 women, supported by Prospect.

### The negotiation process

The employer, the Met Office, recognised the problem with the pay system but it did not have any authority to resolve the issue since reforming the pay system required approval from the Treasury. Inequalities and frustrations increased and the Branch council, comprising 15 union reps, was instructed to organise a pay campaign and this was launched in October 2014 and led by a group of Branch reps and ordinary members. The Branch was clear from the start that the campaign was to achieve freedom for the Met Office to manage and mend its own pay system.

The principles of Equal Pay, fairness and transparency were at the heart of the case, with all members working together to promote that. The Equal Pay audit and the Civil Service People Survey also provided compelling evidence of the issues and employee views. The Branch then ran an indicative ballot to gauge the appetite for action. The turnout was high and showed overwhelming support and so a case was made to Prospect's National Executive Committee for authority to run a formal ballot for strike action and action short of a strike. The first ever Met Office strike took place on the 26th February 2015 and the 3-hour walk out was successful in generating a great deal of publicity and media interest. A further day's strike action occurred a year later in 24 February 2016, this was followed by a number of visible actions short of a strike over the year.

The union adopted a combined industrial and legal approach. The Branch started gathering Equal Pay claims and meetings with potential claimants and members were arranged so that they could hear and learn from Prospect's legal officers and colleagues from the Intellectual Property Office, who had recently been successful in their own legal challenge. The Branch issued a proforma to collect names and a special leaflet, explaining what it entailed. A number of women came forward along with their male colleagues who stepped up as potential pay comparators and 77 claimants were identified. Prospect set up a regular newsletter to keep claimants informed of progress and local reps were available for them to speak to when they needed support. A collective grievance was heard in June 2015 and in November 2015 ACAS conciliation was sought. The Equal Pay audit was published in December 2015 and on 3rd March 2016 an equal pay claim was submitted to the Employment Tribunal on behalf of 77 women members.

Legal action provided a catalyst and in spring 2017 formal negotiations took place with the Met Office. A pay negotiating sub-committee of branch reps led by the branch secretary, with a full-time officer, union legal officer negotiated with the Head of HR from the Met office, plus Chief Financial Officer along with government lawyers:

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<sup>18</sup> CSW (Civil Service World Online) 3<sup>rd</sup> October 2017

*'We wanted a new pay system, one that paid jobs according to their job-evaluated levels, one that would take people out of the development pay, so that they were recognised as getting the rate for the job, and that would solve the equal pay gap, so make sure that men and women were paid the same. But we had the legal action going on as well, so the government's solicitors were involved and party to the pay agreement. The pay agreement was designed to settle the equal pay claims, so it wasn't quite the normal negotiation because of that. We had to take into account the costs of the settlements to the individuals and then the employer needed to know that if it made us a pay offer it did, that it would not then still face equal pay claims in court'.*

A formal offer was made after four months as a result of which Prospect advised claimants to withdraw their claims and accept the settlement, although this is ongoing. The Branch council agreed to recommend the offer and put it to a consultative ballot of members; 75% voted in favour of the offer on a 90% turnout. For one of the negotiators the role of workplace rep was crucial:

*'The outcome 'would not have been possible without the input of a really active group of local reps, younger as well as older ones. We had 77 people that came forward and said they would take a legal claim against their employer. That's a really difficult thing for anybody to do you know, and the reps kept in touch with them and talked to them and kept them in a group'*

## The Agreement

The agreement was implemented from November 2017 and introduced a new pay and grading structure with all existing jobs allocated to one of seven pay groups with new minima and maxima. One of the union negotiators described the structure as 'quite a fundamental change. Not only has pay changed for people but how they sit in relation to their colleagues has changed'. The agreement is a four-year deal that is both retrospective – effective from 2015 - and forward-looking to 2019. Union negotiators reported two issues arising from the agreement, both reflecting affordability. The first is the retrospective compensation of around 100 employees who had already taken voluntary redundancy. The second issue is reductions in allowances, weekend premia and performance related pay, which the employer insisted on to make the offer affordable. This created some tensions between employees.

The first pay increase was on 1st November 2017 and the second 1st December with a third pay increase from April 2018 and a final increase from in April 2019. The new pay package aims to lead to equal pay between men and women by 2020. The negotiator explains:

*'The new system has roles allocated to pay groups defined by job evaluation scores (JEGS). Where an individual's pay is higher than the maximum of the group they are allocated to, they have pay protection until 1 July 18. Steps will be taken to mitigate their loss, e.g. by job enhancement or moving to a new role. Thereafter their pay will reduce to the maximum of the pay group'.*

Changes to shift and weekend-working premia were due to be implemented in March 2018 with discussions between union and employer about compensation for any earnings loss along with trainee and apprenticeship pay scales.

### The Impact of the Agreement

For both union and employer, the objective was to reach an agreement that was fair and transparent for all employees with around 70% seeing pay increases of over 20%. For a union negotiator:

*'For most people, this is a significant pay increase at a time of real pay constraint, so I think it's been a real benefit to people, both immediately and in the longer term. I mean, I know it's not perfect, no pay deal ever is, but it's a really good step forward and a basis for, you know, further discussions'. Changes to the weekend working will also impact positively upon work-life balance. Union negotiators reported that despite differences with the employer and the submission of the ET claims it has maintained 'a really good working relationship through some very difficult times. And that has resulted in a really good pay agreement'.*

The agreement has led to substantial recruitment for Prospect. The branch made sure the ballot on the offer occurred during the union's Union Week and decided to allow employees to join the union and have a vote in the ballot. It recruited 260 new members. There were some concerns that employees would join the union solely in order to vote in the ballot and then leave the union, but this has not happened. Union membership has increased from below 50% to 65% of employees at the Met Office. As one union negotiator reflected:

*'I think it has been really, really effective. In my whole career, I've never known that percentage of people be recruited. I think the whole debate in the union movement – why do people join, what are people getting, the whole organising vs servicing debate – I think people saw the benefits of collective bargaining, and that's the first time in a long time that, as a union officer, I've been able to so clearly demonstrate the benefits of collective bargaining. It's been difficult because of the government sector pay constraint and all of that. So, it was great, really, really good'.*

Employees represented by Prospect have also been very positive about the result of the pay claim. One employee said: 'I am proud of what the union has achieved for the individual claimants but, more importantly, for the proposal for a new pay system that will benefit all Met Office employees going forward'. Another employee said: 'I would like to express my sincere gratitude for the huge amount of hard work that has gone into this case, this is what trade unionism is all about'.

Final details of the equal pay claim negotiation are still being discussed and the employer has not been able to provide further comments on the collective bargaining agreement at this stage. However, it did state that:

*'The Met Office is committed to attracting, maintaining and developing the very best people. We recognise and value the contribution our staff make and are aware that they underpin our success. We always endeavour to act in a positive way in our dealings with our staff and appropriately reward their achievements.'*

## Case Study 6: The FBU's Personal Fitness Qualification

The FBU has developed a nationally recognised and accredited Level 3 Apprenticeship Programme that will allow firefighters, who enrol on and complete the course, to achieve a Personal Training Qualification after an 18-month programme of study. With changes to the normal pension age demanding the extended fitness of firefighters the apprenticeship improves their capacity to do their job and once accredited allows them to support other workers in meeting the demands of the Fire and Rescue Service.

### Context

The FBU represents around 34,000 men and women in the UK fire and rescue service including control staff and firefighters working the retained duty system. The Active IQ Exercise and Fitness Personal Training Qualification has been developed by the union and its accredited National Learning Centre, in partnership with the Local Government Association (LGA) and Leeds City College, for all interested Fire and Rescue Services (FRS) and FRS employees in England. The qualification has been introduced in the wider context of the imposed increase in the pension age of firefighters to 60 - a change that provoked national industrial action. The FBU raised issues about fire fighters' capacity to maintain a safe operational fitness level beyond 55. Subsequently a Joint Working Group on firefighter fitness developed a best practice guide to identify how FRSs can best support firefighters to remain fit throughout their careers. One proposal was the idea of dedicated workplace fitness advisors supported by appropriate skills and training to undertake such an activity. The group also looked at the assessment of fitness and fitness standards.

The FBU already had in place a successful Union Learning model, based at the National Learning Centre in Cramlington, North-East England, providing accredited courses delivered by distance learning to FBU members and their families through learning agreements with local Fire Brigades. In 2017, the National Learning Centre was placed on the Register of Apprenticeship Training Providers (RoATP) that makes it eligible to deliver accredited apprenticeship training. The initiative was too early to qualify for the Government's Apprenticeship Levy, although it is hoped that it will be able to draw down funding from the Levy in the future.

### The negotiation process

The Personal Fitness Qualification was initiated by a FBU national officer and Union Learning project officer. They first had to 'explain it' to the union's Executive Committee to get support to approach the National Joint Council (NJC) and the Local Government Association (LGA), the body that represents the FRS employers. The FBU national officer reported:

*'The EC saw this exactly for what it was; a great venture, a great opportunity to put the union in a great light. And everybody got behind it. The EC recognised it for what it was straight away, the value to the union, as did the members.'*

For the Union Learning project officer:

*'There was a lot of work done before we approached the national employers because obviously to try and deliver and provide an apprenticeship under the government funded apprenticeship is no mean task. And we were able to do that because of the 5-6 years previously of delivering distance learning and what we'd learnt from that. So, it wasn't just about knocking some sort of qualification together and getting it out, it is actually about the quality. So, we were mindful that as a trade union we needed to get it right because we didn't think we would get a second shot at it.'*

The FBU felt that the engagement of the national employer was fundamental, although the qualification would be delivered through local agreements with Brigades:

*'We lined up the business case, we detailed what the elements were. We detailed what the government funding stipulations were and, I think it was important for us to detail that this had to be a partnership agreement. You can't deliver an apprenticeship if you haven't got the buy-in from the employers. You have to have that otherwise it's not going to work and to varying degrees buy-in is what happened; but overall we couldn't have delivered anywhere without the employers giving us access and allowing us to.'*

The proposal for the apprenticeship went to the NJC as a paper and was agreed as the national officer recalled:

*'It's a great way of the NJC working and working together for everybody's benefit. It's a win-win for everybody really. It was a great joint venture actually and it's a good example of the NJC working well.'*

The national employer and FBU sent out a joint letter to secure expressions of interest and a contact name in every brigade. Brigades had to clarify that they had sufficient numbers interested, would advertise the programme and assist with enrolments, offer time-off and provide gym facilities. The project manager remembered:

*'At the start there was almost incredulity as to why would a trade union be getting involved in a government funded apprenticeship? But one else was doing it. There was a huge gap there where our members were key to get involved.'*

In 2016 21 FRS's signed up to the programme, which is open to all employees and not just FBU members. A negotiating officer from the Local Government Association, the body that represents the FRS employers, reflected on the role of the FBU:

*'I think it has been fundamental. Having in place the groups and the skills and indeed finances to be able to put that in place has been fundamental. I think it is indirectly a positive outcome of collective bargaining because if we didn't have that*

*national collective bargaining framework, it wouldn't be impossible, but it would be much more difficult to achieve that consistency and support across the board. I think there's a very good example of employer and employer bodies working together to benefit both the employers and the employees'.*

## The Agreement

In February 2016, the FBU issued a circular to members<sup>19</sup> that outlined the Personal Fitness Qualification offered to local FRSs. It explained that it delivers a fully funded qualification, with a Personal Training Level 3 qualification and a Maths and English Level 2 qualification along with a Level 3 Award in Employment Awareness in Active Leisure and Learning. FRS's were asked to express an interest in the qualification by the end of February and to provide training rooms, access to a gym and to accommodate study through time-off and shift patterns. The FBU arranged for qualified tutors to support students throughout the programme of study, and work with individuals. Students needed to commit to an 18-month programme involving monthly attendance at classroom-based sessions, gym and practical based assessments, course work and tutorials. The apprenticeship is delivered locally with no cost to the FRS with FBU brigade officers securing local apprenticeship agreements based on the national template. A union website advertises the apprenticeship and firefighters then put in an expression of interest in.

As the national officer explained; 'the majority of brigades saw the benefit and in a lot of cases it was pushing against an open door'.

## The impact of the Agreement

The agreement provides national delivery of qualifications by qualified tutors and assessors that sits within the Government's apprenticeship framework. It offers the FRS access to Accredited Personal Trainers in workplaces with the ability to plan exercise and training specifically around Fire Service equipment and physical activity. It promotes a basis for the fitness and strength for firefighters returning to work under qualified supervision. The qualification provides evidence that can be used for continued professional development.

There were one thousand expressions of interest for places in two months and the initial 200 places with Leeds City College were quickly filled, with more apprentices subsequently enrolled. The content outside of functional skills is provided through a company called Active IQ who are the leading company for personal training in the UK. The union noted that there was also interest from FRS in the basic maths and English skills that are part of the apprenticeship, but also a requirement at entry level in the service. By the end of December 2017 there were 284 qualified PTs with another 177 due to finish in 2018. One union member talked about her experience of the course and how attendance is flexible and fits around her

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<sup>19</sup> FBU Circular2016HOC0098SS 17 February 2016

work. She felt that it might equip firefighters for anticipated changes in assessing and monitoring fitness:

*'The union has obviously negotiated the course with Active IQ and obviously the brigade to allow the use – I think they've pushed it really well to get this across nationally within fire brigades, it's brilliant. I think that's quite important to get us all educated on fitness and nutrition, to do our best, to make us ready for these changes should they come, and our colleagues. It's brilliant, I can't believe how lucky we are to get this opportunity, I think it's an awesome course. It's been really well run by Active IQ, certainly the trainers that we've had to date, we've had three - I find them really good, knowledgeable, know how to put the information across and the resources are good that they refer us to, so yes, I'm quite impressed with it. I think it's a great course, I think we're very lucky to have got it and the union have arranged it for us, I think it's brilliant' (Member1).*

Another FBU member on the course outlined the positive outcomes for the FRS as well as for firefighters:

*'Well I think there's a lot of benefits to the brigade obviously. You're going to have people who are employed by them knowing how to train people to the required standard which is obviously beneficial for the brigade because it's a physically demanding job. You need to be physically fit and so it has massive benefits to the brigade because they're going to have all these trained personal trainers within their organisation. So, they're going to be able to share their knowledge with other people they work with, help train these people, give them training plans, help them with rehabilitation if they're injured. Members have seen that it's a good qualification to get and it's something beneficial from being a member of the union'.*

For the national officer the apprenticeship is integral to union organisation:

*'It's linked to organising because obviously we are showing people what the FBU offers, we're not just there when people get into trouble or to stand in the way of progress. We're an organisation that supports real improvement and tries to promote and professionalise the role of the fire fighter. This project shows the FBU in a good light, it shows how the FBU can work with employers. It's shown that we're a professional union, it's shown we've got other strings to our bow and shows that we're a problem-solving union rather than a problem raising union. I think it's about showing that the union has got another role. It's not just about representing people, it's about assisting people in their life as well and improving their wellbeing. We recognise that if fire fighters are happy at work, employers are going to get the best out of them'.*



Another member reflects the positivity of the wider membership in terms of individual skills, qualifications and learning and on the impact of the programme on his ability to do his job, but also for his life outside work:

*'I'm just under half way through the course and the knowledge I have gained has helped me lose over a stone in weight and increase my fitness. This will have an enormous impact on my job. There is no doubt that being lighter and fitter plays into every aspect of my job including mental wellbeing. In recent years there have been changes made to my pension conditions most importantly having to work to 60. With the knowledge that I will have gained from this course it will make the journey of working to 60 as healthy as possible. There is the obvious change I have made to my weight and fitness that means I enjoy in everything I do in every day of my life. This was a massive opportunity for me and I hope that the FBU Learning Centre can carry on providing these opportunities for other Firefighters'.*

## Case Study 7: BFAWU and Warburtons

The BFAWU Agreement with Warburtons secures new guaranteed minimum hours, an increase in the basic hourly rate and more stable shift patterns so workers can better plan their lives. It promises long-term job security with opportunities to improve skills and gives more variety in jobs. Moreover, it embeds workplace union reps within the company.

### Context

For the BFAWU, the food and drink sector is a major contributor to the UK economy in terms of its value and directly employs around 400,000 people. However, those that work in the sector are often underpaid and under-protected<sup>20</sup>. The union represents over 1150 predominantly male production workers at Warburtons, the largest bakery brand in the UK, over 140 years old and owned and managed by the Warburton family. It has doubled in size in the past decade delivering to 18,500 retail customers per week and operates 12 bakeries and 15 depots across the UK.

The company employs over 4,500 workers and reports high levels of employee retention. The existing collective agreement between the company and BFAWU was over 30 years old and had been somewhat superseded by local agreements, making national pay negotiations challenging. In addition, Warburtons wanted to modernise terms and conditions to secure more flexibility to meet the changing needs of customers.

Supply chain pressures in the fast-moving consumer goods market and the volatility of the bakery market mean that orders often need to be turned around within 24 hours to give the company a significant competitive advantage; these issues mean that a flexible, multi-skilled and agile workforce are key to success. The company shared with the BFAWU a vision of 'changing the narrative of what it means to work in the UK food industry' ensuring long-term business success underpinned by long-term job security while also addressing low pay and career progression<sup>21</sup>. While many employees were highly skilled the utilisation of these skills was limited, the introduction of new product lines meant the company needed workers to be able to work across different bakery plants. Unlike other employers in the sector Warburtons uses agency staff on a limited basis and has not chosen to utilise zero-hour contracts as a manager explained:

*'We don't have zero-hour contracts, we invest strongly in our people; we believe that a highly engaged workforce delivers the very best product quality and productivity. It's something that we pride ourselves on.'*

Related to this decision and, importantly, for both Warburtons and the BFAWU, the work-life balance of the workforce was a key concern. There was a desire to move away from an existing

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<sup>20</sup> Foodworker, Winter 2017

<sup>21</sup> Warburtons, BUSINESS // ISSUE 12 // DECEMBER 2017

system where pay levels were dependent upon hours worked paid at premium rates including on Saturdays and Sundays.

### The negotiation process

Negotiation over a new collective agreement began in 2014. For the manager leading negotiations;

*'We entered into the process looking for fit for purpose terms and conditions with outputs that allowed us to be competitive but, I think equally, we strived to find common goals and objectives'. Discussions arose out of the Employment Relations programme where pay is negotiated and took three years to complete with in excess of 20 regular fully attended meetings held off-site with 'nothing off limits' and 'all having an equal voice' without recrimination in, albeit 'tough negotiations'.*

The Company had a cross-functional team of seven people. However, the involvement of trained union reps was integral to the process. Union training was provided for around 20 branch secretaries and shop stewards, funded and supported by Warburtons and delivered by an external provider; the reps were also released for BFAWU delivered training. Previously the site representatives from the different locations had only been able to meet briefly at the union's conference or national steward's meetings.

For the union, the training made sure branch secretaries and representatives understood company procedures and allowed the development of a national perspective and a clear shared vision, while the process built the confidence of the reps. As the BFAWU president reported, 'our people met on a regular basis, they started to form relationships, which then meant we had more consistency.' As one of the branch secretaries recalled:

*'The situation was very complex and although the terms took time to agree, we wanted to make sure we got them right. The negotiations were incredibly constructive and the whole process was a brilliant example of a business that was prepared to not only listen to its people, but to also respond to their concerns'.*

For the company:

*'We want to have skilled people who represent the membership. They represent the view of, and are the voice of, the people who pay their union membership. For the business, I think what's really important is the collective agreement covers everybody, both union members and non-union members'.*

The manager leading negotiations reported that there was a conscious change in the direction of the talks alongside a change of leadership in the Company team:

*'At one point it was very business-centric, and we turned it into being people-centric. That was a fundamental shift in direction, the business realisation that if you get the*

*collective agreement right through your people, if the people are the heart of what you're trying to achieve, you will end up with a stronger company. Underpinned by an agreement that gives you that agility and skillset that you want from your employee membership going forward'.*

For management the relationship between the company and the union 'changed massively' with 'ground rules' for how meetings are prepared for, pre-meetings and behaviour during meetings and afterwards. Objectives were set both for the management team and branch secretaries to go back to site to deliver messages in an open and honest way, but with confidentiality agreements set in place and the release of information jointly agreed and identical messages shared. For the first time in its history, the BFAWU strongly recommended the deal to members, who in November 2017 voted 70% in favour on a 98% turnout.

### The Agreement

The new national collective Agreement goes live from February 2018. There is an increase in the basic hourly rate and new guaranteed minimum hours of 35, down from 38.5, which means a guaranteed minimum weekly wage and that nobody can earn less than previously for 38.5 hours. Crucially every day is now treated the same so employees working Monday through Friday will be paid exactly the same as if they work a Saturday through Sunday. Premia have been removed, but there is still paid overtime. Two job roles have been created, one fully multi-skilled and one that is skilled but with less expectations. Team members work on multiple tasks and areas within the bakery and workers will be given opportunities to learn new skills increasing overall business agility. Shift patterns are more stable and there are seven pay bands with different hourly rates for each job role; three of them cover those who work days, three of them cover those who work nights, and one covers those who rotate doing days and nights. For the management representative:

*'That combination of "we bake today for tomorrow", to deliver fair pay that no longer requires people to have to work excessive hours at weekends - unless there is a business requirement for it - was a very strong foundation for the new collective agreement. If you pay everybody a higher rate of pay, which takes into account that you'll work a mix of weekends and weekdays, the net benefit is you will be able to make your product when you need to make it, much closer to when the customer wants'.*

Shift patterns have been simplified and there is increased clarity about pay so that everyone knows their hourly rate with standardisation across sites.

## The Impact of the Agreement

Although the agreement has not been implemented yet, for the BFAWU president the agreement is 'a landmark deal for our members'. It protects workers from fluctuations in demand in the bread market since workers know their wages cannot fall below a minimum guaranteed level:

*'The new agreement protects workers from swings in customer demand that in the past would lead them to work more weekend hours just to earn a good wage. Because the company had high weekend premiums it tried to help stabilise earnings when sales fell by running more weekend hours, but this obviously impacted the work life balance of our members. With the new agreement the company will be able to make fresher bread on the day it is needed, our members will not need to work weekends just to earn extra money, and everyday being paid the same brings benefits to everyone. By agreeing a fair guaranteed minimum wage that means you only need to work 35 hours a week to receive the wages above the level you received for 38.5 hours under the old agreement, people will have more stability. They can plan their lives better'*

As one of the shop stewards put it:

*'The new T&C's will allow our bakeries to make fresher bread today for sale tomorrow. I guess this is the flexibility that the business wants, to make sure we meet the customers' orders and in return, I think we will benefit because we will get better shift patterns and less changes to our working hours. The new agreement makes sure that we will be given more notice when our shift patterns are likely to change so we can better plan our family lives. It also means our members will have more options to work hours that better matches home life, for example, part time working or job sharing will become more available in the future than it is today'.*

For management the agreement is 'a win-win outcome, building a strong foundation to deliver what the business needed'. The new shift patterns reduce reliance on agency workers and means that there are opportunities for part-time shifts, which may diversify the workforce in terms of gender, while allowing older workers to move to part-time work or job-share rather than stopping work altogether. Not everyone will need to work 12 hour shifts. The agreement also allows job enrichment:

*'If everyone can do three different job roles that would go a long way to providing us the business agility we require. But it does more than simply enhancing people's pay. It should also lead to our people having a better, I would say, more pleasurable and varied work experience. We seek to build an ever engaged work environment with engaged people. A key part of our future engagement plans will be job enrichment and the agreement is central to these plans'.*

A key outcome for the union is the embeddedness of their reps in the workplace. Under the agreement branch secretaries now have the right to meet quarterly and there is a new National Branch Secretary Coordinator with facility time operating on a national basis across all sites. The training of reps is also written into the agreement, including capacity for trade union learning. The union has recruited through the consultation and negotiation ballot process and now has in excess of 90% membership:

*'Obviously the important roles are our branch secretaries, that's the critical element from a union perspective. If the Company hadn't recognised how vital a role the branch secretaries perform, or if the Company had failed to afford them the time to perform their role it wouldn't have worked. So I think that was essential. What we've lost sight of is that people need time to prepare and unfortunately as a union we don't normally have that opportunity. I think the reason why 70% of our membership accepted this agreement, and it's a huge agreement to accept, is because those branch secretaries were given the time to be able to consult and represent the interests of the workers. So as employers they were taking feedback on-board about how to address those concerns. And to me, this is a massive outcome about how we improve, in our economy, the decision making and why it's important trade unions are given a voice in the workplace. The actions of Warburtons giving a voice to trade unions in the workplace means that we are seeing most successful company in our industry, recognising the importance of the contribution that its workers make through a collective voice through a trade union. They've got a workforce that feels valued, they've got a workforce that feels that they have an opportunity to play a role in developing its own terms and conditions. And I think that's the critical point here.'*

## Case Study 8: NEU and the Delta Academies Trust

Since the NUT (now the National Education Union) achieved a national recognition deal with the Delta Academies Trust it has negotiated a number of policies that aim to equalise terms and conditions across schools that previously came under different local authorities. This has included standardising appraisal and clarifying working time for part-time teachers.

### Context

The Delta Academies Trust is a multi-academy sponsor operating as one employer across 43 Academy schools directly funded by the Government and independent of local authority control. Prior to 2016 it operated as the Schools Partnership Trust. The schools were converted between 2009 and 2014 and the Trust has 4,000 employees with 3000 teachers in secondary and primary schools across Yorkshire, Nottinghamshire and Lincolnshire. Staff were transferred to the Trust from local authorities under TUPE and were thus covered by a range of local authority policies.

In 2014 a national recognition agreement was signed off between the Delta Academies Trust and the teaching unions - ASCL, NAHT, NASUWT, the ATL and the NUT and support staff unions, the GMB, UNISON and Unite. In 2017 the ATL and NUT merged to form the National Education Union, with 450,000 members. The agreement with Delta covers all employees, teachers and support staff, with the exception of supply staff engaged through agencies. The recognition agreement aims to standardise conditions across schools from different local authority areas:

*'That's the basis of everything. Everything comes from that trade union recognition agreement. When the academies removed themselves from the local authorities, a lot of them weren't paying facility time so the Academies Trust were saying, well hang on, we're in seven, eight different regions, why should we pay seven or eight different people for trade union representation? And each one has slightly different agreements so what Delta wanted to do was to centralise all their policies and if you worked for Delta you had a policy no matter what region you were in.'*

The recognition agreement covers arrangements for the determination of pay, conditions of service and working time across all Delta Trust academies. Since 2014 a range of new policies have been negotiated between the NUT and Delta as part of the process of detaching academies from local authorities' policies:

*'So, Delta are gradually building up and changing and introducing all the policies that a local authority would have. So they can't do it all at once because it's such a big job so they're doing it over a number of years. So that's why we started with the big ones first, appraisal, capability, sickness absence and so on. They're the big policies that affect most of the members.'*

## The negotiation process

Following the recognition agreement Delta now provides facility time for academy school reps, with two operating across the chain on two days a week. Delta has a national Policies Committee where the union and employer may raise and discuss issues, as well as a Health and Safety Committee. Bargaining in Delta takes place at termly Joint Negotiating Committee (JNC), involving the HR Director, a Trust Director and representatives of all unions. There is also a regional structure with reps meeting with the Executive Principals of each region on a termly basis and members in schools consulted about issues prior to the meetings. One of the issues that emerged following recognition was appraisal; the assessment of performance related to pay progression. NUT policy proposes that classroom observation should be developmental and supportive and should not be used to trigger capability processes. When Delta proposed a new teacher appraisal policy in 2014 NUT reps compared existing appraisal across Delta academies and identified the academy school in Leeds as having an effective policy that it suggested should be introduced across the Trust.

The appraisal policy in Leeds was based upon a limit of three hours of lesson observations per year and a maximum of three observations unless a teacher's practice was causing concern. Other Academy schools did not have a maximum. One of the Academy Chain reps reported that the union had a 'no-detriment' policy:

*'We won't sign up to a policy that worsens the terms and conditions for any of the members. We argued with Delta that Leeds has quite a lot of members, we're not doing those down, they should make the appraisal policies of Lincolnshire and Hull better and they should up it to the level of Leeds. For us that agreement (Leeds) was better than a lot of local authority ones because it limited it to three visits, three per year, so usually one per term, and not to exceed three hours. What some schools have done is their management have interpreted that as they can't go over three hours, but they can do six half hour visits, take the three hours and split it up into six.'*

NUT reps visited the schools to meet members and to give information about the ongoing discussions with Delta. Negotiations over the new teacher appraisal policy took just under a year with the policy going to reps and NUT divisional officers for consultation.

## The Agreement

The Appraisal Policy was implemented in September 2015 and it states that there will be a limit of three hours observation per year for all purposes and a maximum of three observations unless a teacher's practice is causing concern. The policy also says that there is no requirement to use any or all the three hours. The number, timing and focus of classroom observations should be discussed at an individual planning meeting at the start of the appraisal cycle, but can be reviewed at any point throughout the cycle by either the appraiser or the appraisee by agreement. The number of observations should be proportionate to the individual's need. This information should be recorded in the planning and review statement/appraisal report. Written feedback on any observation should be provided within



five days of the observation<sup>22</sup>. After the policy was agreed members approached reps through the regional structures to raise concerns about the excessive 'learning walks' involving informal lesson observation conducted in their schools, as one of the NEU reps explains:

*'A lot of schools do these things called learning walks where senior leadership team walk around, head teachers walk around at schools and they drop in lessons unannounced. They don't have to give any notice. They just open the door and come walking in and they stand around for ten, 15 minutes in a lesson. Sometimes they write things down, they judge the quality of the lesson and they go back to the member of staff to say, we saw this in your lesson, we didn't like this, and they give them some praise to say this was good but generally they pick up on the negatives and say we don't like this and we really think you should improve on this and so on. Now, in the appraisal policy there is no mention of learning walks. The only observations that should count towards a teacher's appraisal are the ones that are part of these three hours and part of the appraisal process. So, we have been able to use the fact that learning walks are not mentioned in there or anywhere, that when senior leadership team go into lessons and observe staff, they can't use anything that they see or anything negative.'*

Since the Learning Walks are not part of Delta policy, NUT reps were able to raise the issue with head teachers in schools and then at the JNC. Delta consequently informed Head teachers that written feedback could not be given to teachers as a result of learning walks as it is not part of the appraisal process, emphasising the more supportive developmental activity driven by Continuous Professional Development that is enshrined in the appraisal policy.

Linked to appraisal was the capability policy and process, where Leeds had longer timeframes of 13 weeks in which staff could demonstrate improvement before they could be dismissed, where in other regions the timeframe was shorter than this. When the policy came up for renegotiation union reps ensured that the timeframe specified across the Trust was a minimum of six weeks.

The NUT also negotiated policies on maternity, paternity and parental and adoption leave. Again, this has involved the standardisation of paternity provision and adoption of the policy implemented in Leeds where male staff were given paid leave to go to two antenatal appointments. A shared Parental Leave policy provides for paid leave of four weeks at 90% and twelve weeks at 50% of pay. As the NEU the union was also in the process of equalising redundancy notice periods across regions, but also between teaching and support staff.

In 2016 the union took up the issue of working time for part-time teachers. The Trust introduced a new work practice where on Tuesdays, on a weekly basis, staff would undertake two hours of directed time incorporating all meetings, CPD and INSET training. However, this was applied to all staff regardless of hours worked, as a NEU rep explained:

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<sup>22</sup> Delta: Appraisal Policy and Procedure for Teachers, September 2015.

*'The idea was that on a Tuesday night you would get all your meetings out of the way, plus all your training, and there would be no further requirements for you in terms of your directed time. The problem that we had with that was that the two hours directed was applied equally to all staff; so, it didn't matter whether you worked a full post, or if you were on 0.6, 0.2, the idea was that you would still have to do the same two hours each week. So, it struck me as being unfair, so I challenged it in school, and I was told by school principal that was the way it was, this is the new policy, you would have to get on with it'.*

In 2017 the NEU rep challenged the policy on the basis that it amounted to discrimination against part-time workers and he organised part-time members to submit grievances. As a result, HR issued a note to all academies making explicit that part-time teachers attend CPD sessions proportionate to their contract of employment. For example, a teacher employed on 0.7 Full Time Equivalent (FTE) attends 70% of training/CPD sessions and this must be on a day the part-time member of staff would normally work. Nevertheless, in cases where part-time members of staff may want to attend more training/CPD sessions than their contract requires, this can be mutually agreed with the Leader of the Academy and they will be paid for these additional sessions. Likewise, there is no obligation for part-time teachers to attend extra training/CPD sessions. From September 2017 schools have to agree with every part-time teacher what sessions they are expected to attend to ensure they receive the pro-rated amount of training/CPD throughout the year.

### **The Impact of the Agreement**

The negotiations on part-time working affected the 500 part-time staff members employed by Delta Trust; for one of the Academy Chain Reps:

*'It's just that it's always been an assumption that the policies apply to you on a pro-rata basis, depending on your job. And that's what this statement did, it clarified that definition of pro-rata. So, it's not a policy unto itself; it clarified how those pro-rata rates apply if you are part-time. And it cleared it up, because it had always been a bit of a grey area. It stacks up as a pretty good win. So, it was a win on that for us, and it was very positive; the general principle of having all your meetings on two hours didn't really work out'.*

The union negotiators suggest that the nationally agreed appraisal policy has been beneficial for teachers in Delta academies and represents a positive change in their working conditions:

*'The appraisal policy improved the conditions for a lot of people. The learning walks, when they set off, were quite invasive, quite intrusive. The senior leadership team could use them to target the people individually. Not all staff were visited fairly. You would think if you're doing learning walks they should go around on a rota and*

*everybody should be visited fairly but some staff were clearly being targeted through those learning walk'.*

Another rep felt that increased membership and activity often came from case work in the schools:

*'When we have case work in an individual school and that's been successful, then word spreads amongst the members so the next time we go in and have a member's meeting, we tend to have a bit more activity and have more people come to the meeting because they see it as us having done something good for that. They just talk between themselves, and now the number of people coming to the meetings, the engagement with the union I think has increased'.*

## Case Study 9: UNISON and shift patterns at Veolia

UNISON and Veolia engaged in negotiations over proposed changes to shift patterns that would have undermined the precarious work-life balance of its members. While this involves working 17 Saturdays a year with 12 months' notice, the agreement secured shorter weekly hours with no loss of pay and overtime premia for Saturday working. The union represented the interests of agency workers in negotiations and they have subsequently been converted to permanent staff.

### Context

Veolia has worked in partnership with Southwark Council since 2008 to provide recycling and waste services as part of a rolling 25 year waste management contract based at the Integrated Waste Management Facility in the borough. The contract with the Council entails the collection of municipal waste, but the depot also manages waste from across London with the dual operation maximising value for the authority. The Materials Recovery Facility (MRF) deals with materials collected for recycling using mechanical processes, but also manual labour. Staff were transferred from the local authority in 2008 with UNISON retaining recognition. While the depot has 330 employees including refuse collectors, MRF has around 90 workers with one third women, around 30 of whom were agency workers on the night shift, a number Hungarian and Portuguese. As part of the Council's commitment to its own employees, but also contracted out workers, the Living Wage was introduced for MRF operatives in 2013.

In June 2017 Veolia management wrote to UNISON to consult on proposed changes in shifts for the MRF team which would result in alterations in terms of conditions. This was done in compliance with the company's obligations to provide employee representatives with information in writing under section 188 of TULCRA. The consultation document set out the reasons for changes to shifts, the numbers affected, and methods for change. At that point the MRF had three existing shifts with two rotating: Monday to Friday 6am to 2.30pm and 3.30pm to 12pm (8.5 hours shift). A fixed night shift had been introduced on a temporary basis to cope with extra demand for waste management across London and operated between 11pm and 6am Monday to Thursday and 11pm to 11am on Friday. The company then realised that the night shift had to become permanent. Managers at the depot described the MRF work as 'physically exhausting' and 'repetitive'. The company proposed that the night shift arrangements were tiring for staff, particularly the 12 hour shift on Fridays, and that since the night shift was fixed operatives had limited access to training and development and the company's physiotherapy, surgery and workplace forum. It was reported that productivity was lower on night shifts in terms of tonnes of waste processed per hour. The company also cited Health and Safety Executive guidance on night shift work advising against permanent night shifts and in favour of rotation. In addition the 6am start for the morning shift and midnight finish for afternoon shifts were difficult for staff who had to rely on public transport to get to and from work.

Shifts had been constructed by management at 40 hours to ensure a living weekly wage. The company proposed a new rotating three-shift pattern so that all operatives would work a morning, an afternoon and a night shift on a five-day weekly 24/5 basis rotating over three weeks. This would limit night shifts to 8 hours including a 30-minute break (37.5 hours). The

proposal involved the reorganisation of all existing shifts with start times at 7am, 3pm and 11pm, but also including 17 Saturdays worked a year fixed one year in advance with weekly hours either 37.5 (5x7.5 hours) or 45 hours (6x7.5 hours) and salary protection equivalent to 40 hours per week. The Saturdays would be worked in periods of high demand after Christmas and Easter. The proposed new shift pattern would require the recruitment of 35 new staff for the MRF.

### The negotiation process

Veolia has a national and regional forum with routine Joint Negotiating Committee meetings at depot level. At the Southwark facility these involved UNISON's workplace convenor and management meet with UNISON monthly. There is also a Depot Employee Forum. Negotiations on shift changes involved the two workplace reps, convenor and the branch secretary for the UNISON Southwark Council local government branch, which covers contracted-out workers. At a consultation meeting in June UNISON asked if management intended to re-engage or redeploy those 56 workers covered by proposed redundancies. Management responded that the workers would be mapped to roles in the new organisation although a payment equivalent to statutory redundancy would be made to those who did not want to accept changes to terms and conditions.

UNISON's two workplace reps for the MRF talked to workers, including agency workers on the night shift who were not union members. They found that workers were not happy with the proposed changes to working hours since rotation involved compulsory night shifts for people who did not do night shifts and compulsory day shifts for people who only did night shifts. The worker's reluctance reflected the precarious nature of their work-life balance that would be destabilised by change, as one of the reps explained:

*'The day shift and the evening shift are two shifts so they're doing morning and evening and nobody wanted to do the night shift, to do three shifts. And I spoke to all them doing the night shift, and they were happy enough to stay doing nights - they said nights suit them because in the morning they can take their kids to school.'*

The union reported to management that members on the night shift did not want to work days nor did they want to work 17 Saturdays a year, believing that this would bring an end to overtime and leave them out of pocket. Workers preferred Saturday working to be on a voluntary basis and to attract overtime pay. UNISON believed that changes would lead to poor morale and worker exit. It wanted unsocial hours payments for night and weekend working and improvements on statutory redundancy pay for anyone who could not take up the changed working patterns.

The union insisted that the agency workers had be consulted on change and since they have worked over 12 weeks were covered by the Agency Working Regulations (AWR) with the right to be treated no less favourably. One issue was that it was reported that agency workers were being sent home on no pay when machinery broke down - UNISON reported this to management as a breach of the AWR and if agency workers were sent home they should be paid, which management accepted. Following the feedback Veolia management decided to

consult on preferred shift patterns. Staff consultation and drop-ins were held in July with UNISON in attendance and there was individual staff consultation between the end of July and the end of August. At the same time UNISON consulted via a survey with the options including the existing pattern, plus 17 Saturdays; the rotating three shift pattern and two alternative patterns based on four 12-hours shifts followed by four days off (put forward by employees but not supported by the union or employer). The union and employer constituencies were not the same and there was also an issue about consulting agency workers as a HR partner outlined:

*'The added complication that you had with this consultation is that our consultation, our obligation to consultation is with our existing staff and our permanent members of staff. And the point being that obviously the night staff are temporary staff and agency and therefore they're not necessarily members for UNISON. So UNISON were keen and were advocating in relation to the agency staff's views, but the fundamental principal for the consultation was for our permanent members of staff and for them to represent their members. So that was an interesting nuance'. (Veolia, employer rep)*

While the company result was in favour of the four 12 hour shifts the UNISON survey supported the existing pattern with consolidated Saturdays.

### The Agreement

The employer's consultation was concluded in August and following discussions with UNISON the employer accepted that workers could retain their current shift rotations with the consolidation of 17 Saturdays a year, but paid at time and a half. The permanent night shift is retained. The new shift patterns were introduced in October 2017. The two rotating shifts alternate between mornings and afternoons over a two week period with a reduction in the working day and week from 40 hours to 37.5, although pay is for 40 hours entailing a pay increase. Operatives work six days a week for four months of the year with one year's notice. The morning shift now starts at 7am instead of 6am and the afternoon shift finishes at 11pm rather than midnight. This makes it easier for staff to travel from and to home on public transport, as the rep reflected; 'it was really hard to get home at that time of night'. In line with the change in working time annual leave entitlement has been increased by two days to 28 days.

### The Impact of the Agreement

UNISON reps felt that the agreement had made a difference to their member's lives in terms of work-life balance and had been positive for the profile of the union in the depot:

*'A lot of the members were happy that the proposals went so we don't have to do night shifts because they mainly just don't want to do nights. A lot of them said if they have to do night shifts they were going to leave'.*

The HR partner similarly reflected:

*'That's where that nuance comes, it's about your permanent staff and therefore their work life balance and their view was we don't want the night shift because that affects our work life balance.'*

While those on morning and afternoon shifts did not want to do night shifts, equally interesting was the fact that those on nights did not want change because it would not fit in to the organisation of their working lives. The UNISON branch secretary was cautious in her evaluation of the impact of the agreement:

*'I don't think that people think that UNISON is the panacea or anything. I think that it was expected of us and if we hadn't have managed to get some results then people would have left the union as well as their employment. Very often we're seen as part of the problem, not the solution. That we don't do enough, we're not strong enough, they pay their subs, what do they get for it? So all we did was what was expected that we would do, not – there was no cherries on the top or anything. So we weren't overwhelmed with gratitude or anything like that, no. I think for the team that went in and did it, we were very relieved because otherwise we'd have had potential strike, people leaving, all the complaints about the union being useless. So to see off all of that to come up with something at the end was a huge sigh of relief.'*

She did think that one positive outcome was the experience that workplace reps had gained in negotiating:

*'We might get some recruitment. It was a good experience for the reps as well, being more involved in the actual collective bargaining rather than one to one sickness and so on and recruiting. If it wasn't for the reps we would've been trying to bargain at arms-length so to speak. I would never have met the night shift for example.'*

As a result of the agreement the agency workers have been converted to permanent contracts and all had been given UNISON membership forms by the reps. The depot's General Manager felt that the relationship with the union had improved and was 'positive', he again raised the issue of the representation of non-members:

*'We had some very meaningful meetings so there were really meaningful changes - we ended up in a place contrary to what we thought to start with. That actually was very interesting because our assumption was that everybody would embrace [the proposals] and say "yes, it's perfect". If we didn't have the consultation and we imposed the changes it would have been a disaster because everybody would have been unhappy. It was transparent. There was one thing that I think somehow came across is this fact that non-members are not actually represented and that is what I think is one of the weaknesses of this consultation. We engage with the union and if*

*you are not a member, which is fine, but it only works if everybody is forced to be a member.'*

The Employment Relations manager perceived the importance of the union in providing representation:

*'I think that's always helpful because it kind of provides a bit of glue to bond the employee side together because otherwise without that you're effectively dealing with a bunch of individuals aren't you? And you don't quite have the ability for the union to gauge the climate of a group of employees and have a collective position. My experience is without that it can be more difficult'.*



## Case Study 10: The GMB and the Living Wage at Cardiff Airport

With the transfer of security staff to direct employment at Cardiff Airport the GMB has negotiated a commitment to pay the voluntary Living Wage by 2020. The transfer has seen the removal of Zero Hours Contracts and the equalisation of overtime and bank holiday premium for workers, along with agreement to a two year pay deal

### Context

The GMB has substantial membership in the security sector in the UK, with 3,500 to 4,000 members in Wales and the South West, including security workers at Cardiff Airport. The Airport was bought by the Welsh Government in 2013 and is now operated on a commercial, arms-length basis. At the time of the purchase the airport directly employed only 40 staff, but around 1,000 staff worked on the site as sub-contractors<sup>23</sup> including around 94 security workers half of whom were women. The security workers worked for ICTS, a major supplier of aviation security, and with whom the GMB had recognition. Baggage handlers at the airport are employed by Swissport and also covered by a national agreement with the GMB. In April 2016 the Airport decided to move security staff, cleaners, car park attendants and passenger assistance staff in-house and to employ them directly. This resulted in a joint GMB and Unite the Union agreement across four departments. The security workers were on a number of 'legacy contracts' since there had been repeated transfers of staff, under TUPE, from one company to another by the time the contract with the Airport changed hands. This meant that there were a number of anomalies such as security staff working bank holidays on double time working alongside staff working on single time and most staff were also on zero-hours contracts.

### The negotiation process

The GMB and Unite sit on the Joint Consultative Negotiating Committee with management represented by the Chief Executive, the Head of HR, the Head of Quality Safety Health and Environment and the Director of Operations. From the GMB a Regional Officer and local rep attend the Committee, which meets on a bi-monthly basis.

The Airport's first pay offer for 2016-17 was, initially for 1% as the airport was still in a loss-making position. This was rejected and negotiations that year lasted from April to November. One Point of contention was the Airport's attempt to introduce 'collaborative working' whereby security staff would be asked to undertake different duties during 'downtime' and support other departments at such periods. Security members did not feel these duties were part of their job. The Regional Officer met several times with the members to consult on the offer. Pay discussions included a proposal to pay time and a half for all overtime worked, to all staff. The Regional Officer commented:

*'It was only when we managed to secure the time and a half for overtime that then they accepted. They didn't think that the airport would agree to it but they were*

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<sup>23</sup> <http://www.bbc.co.uk/news/uk-wales-21952079>

*happy for me to try. And thankfully we got that, the airport came back and said we would be more than happy to do that. And then the pay deal was accepted'.*

Following the transfer of staff to the airport the GMB requested that the employer look to implement the Living Wage Foundation's voluntary Living Wage. In December 2012, the Welsh Government was among the first to pay the voluntary Living Wage and the Regional Officer argued that its role in the acquisition of the Airport meant it should be extended to airport workers. In November 2017 a commitment was made by the Airport to strive towards achieving the Living Wage Foundation's rate of pay, but that this would have to be balanced in line with the Airport's financial position as it returned to profitability. This commitment was later updated with the Airport agreeing to achieve that position by April 2010, subject to business performance. The Head of HR discussed the Airport's motivation:

*'We needed to look carefully at the jobs that people do. They're airport security jobs and the commitment to achieving the Real Living Wage reflected the level of responsibility. There is also a moral argument too as the Real Living Wage Foundation have long argued that people need a certain level of pay to maintain a decent standard of living. In that sense, there is that moral and ethical argument'.*

The union recognised that since the Airport does not receive any direct grants from the Welsh Government it was not bound to abide by the Real Living Wage. It was further acknowledged that the Airport was working to a detailed business recovery plan to ensure a sustainable airport:

*'Whilst we accept that big changes like this cannot be made overnight we're satisfied that there is a plan in place that will see the living wage implemented voluntarily'<sup>24</sup>.*

The Airport has now confirmed it will be implemented in April 2020. Alongside discussions on the Real Living Wage, in the summer of 2017, negotiations began on the pay rise for 2017/18 for all directly employed workers. That pay negotiation was somewhat shorter than the previous year's discussions and an offer of 4% over two years was accepted. For the GMB Regional Officer the potential impact of Brexit on the airport provided a logic in securing a two year deal; 'we were very keen to secure 2% for next year as well, although it's below inflation, it's in the bag. And we didn't want to risk there not being anything next year'. She reported developments via a union bulletin, with herself and the union rep available at the Airport to discuss the offer with members. The union balloted over three weeks in August and the offer was narrowly accepted (54 to 47) with the results announced in early September.

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<sup>24</sup> GMB Press Release November 10<sup>th</sup> 2017.

## The Agreement

On taking over security staff the Airport's first priority was to remove zero-hours contracts and introduce guaranteed hours contracts. The Director of Operations recalled:

*'Before they even TUPE transferred across, we worked really closely with the GMB because the majority of staff in the security function were actually on zero hours contracts and this caused us concern. We thought that was morally wrong. So we worked really closely with GMB to ensure that at the point of transfer they were all offered full time contracts or part time contracts if that's what they wanted. Therefore, at the point of transfer they actually all transferred across with proper contracts of employment. That was one really positive success story for us. People need to know that what salaries they're bringing home every month, what pay they're bringing home every month. We held group meetings with security staff before they transferred and one of the concerns that came across loudly and clearly was that they didn't know how they were managing from month to month because they didn't know what money they would be having at the end of each month. Security staff may have been issued shift patterns and then at the last minute two or three shift patterns might be pulled back away from them. So they had no way of knowing at the end of the month how much money they'd actually be bringing home'.*

The legacy of zero hours contracts, where the employer is not required to provide a minimum number of hours and there is no obligation for the worker to accept work, meant that subsequently workers felt that they could ring in and say they were not coming in to work on the basis that they would not get paid. As the Head of HR noted:

*'They were on these zero hour contracts and they would think "we get shifts taken from us at the last minute so there's no onus on us really to turn up". And so that created problems of 'no shows' for us where people were just not reporting for work. We, subsequently, had to agree a formal approach to that with the union'.*

The employer also consulted staff on preferred shift patterns after listening to feedback from staff that the pre-existing roster was not fair and not working. In an occupation where 12-hour shifts are the norm, full-time hours for security staff at the airport are now generally 42 per week over an eight day period although some work part-time on 24 or 30 hours. This arrangement then triggers overtime pay and the union secured double time or time off in lieu for bank holidays – achieving parity for all workers as the regional officer explained:

*'It was accepted pretty well because of the double time, because there were quite a number of members, the new people who had come in to ICTS who were really unhappy that they had people working bank holidays beside them and they were having double time and they were on single time'.*

While zero hours contracts were removed, shift patterns were also simplified. The GMB and Airport negotiated and agreed extensive roster changes centred around three shifts; a morning and afternoon shift of ten hours on a four on, four off basis and a 'perimeter shift' of 12 hours; 2 days, 2 nights and four days off.

The employer initially proposed to calculate holidays on the government standard, which for shift work is the number of days worked rather than the number of hours, whereas at ICTS holidays were calculated on the basis of 12.03% of all hours worked. When the union contested this, the Airport agreed to the existing rate of calculation. Overtime is also subject to calculations for holiday pay and staff thus received an increase so they did not have to go back to a basic rate when they took holiday, as the regional officer reported, 'people were reluctant to take holidays because they were going to have less pay'. A further major gain for workers is that staff are no longer subject to 'site removal notices' where organisations can demand that contractors arbitrarily remove a security worker without any disciplinary procedure, something prevalent in the sector.

### The Impact of the Agreement

The regional officer reported that members' response to the agreement was qualified since the transfer to direct employment with the Airport and a perception that they would be working for the Welsh Government had raised expectations. However, she felt the agreement had made a positive difference to staff particularly in the context of the security sector where the National Minimum Wage tends to apply for all hours worked, generally 12-hour shifts:

*'They've probably got better work life balance with the secured shift system now and the roster changes mean that they can plan. They've definitely benefited financially. Obviously they have an increase in wages and addition of time and a half for working overtime. And I'd say the guaranteed hours. Everybody knows in advance now month in, month out more or less what shift they're going to be working. They get the roster for a number of months ahead which is quite unusual in the security industry because very often it's a week or two weeks if you're lucky. And the fact that they've secured the 12.03% holiday pay, because without my intervention on that they were all going to lose a week at least.'*

The union rep highlighted the difference that the removal of zero hours contracts and move to fixed hours had made, particularly in restoring the notion of 'unsocial' hours, but also the simplification of the shift system:

*'It used to be a situation where people on zero hour contracts weren't getting anything extra for working on bank holidays like Christmas or whenever. If you've got to work on a bank holiday whether it's Christmas, Easter, whenever, you are being paid double time now. They are fixed hours, ten-hour shifts. It is better all round. They've got the fixed hours now. They are respected, they are being paid at ten hours, it's a different kettle of fish entirely. It's impacted in a good way because people seem more secure and more confident now than they were before. So yes, I think it's working out. Before, with the zero-hours contract, they didn't know where*

*they stood. Now it's a different kettle of fish. They are being paid these ten hours so they know the security is more or less there'.*

The Head of HR reflected upon the role of the union and the relationship with the employer:

*'I think we have developed a really collaborative working relationship with the union. One in which both parties can challenge one another. It is quite a healthy challenge that goes on when required. And when we get those challenges we can face them and we often end up reaching a compromise position that suits both sides.*