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Dear Rebecca

### **Consultation response – Trade Union Bill**

I am writing on behalf of the Women's Budget Group in response to the following BIS consultations: *Ballot thresholds in important public services; Hiring agency staff during strike action: reforming regulation; and Tackling intimidation of non-striking workers.*

The Women's Budget Group (WBG) is an independent organisation bringing together academics and non-governmental organisations to promote gender equality through appropriate economic policy.

The Women's Budget Group is concerned that aspects of the Bill are likely to raise issues of concern for users of public services and in particular women and there has been insufficient thought given to the equality impact of these proposals and insufficient time allowed for meaningful consultation or public debate.

Before addressing our specific concerns in relation to the impact of the proposals on women, it is worth noting that we do not believe that there is an evidence base to support the reforms being proposed in these consultations. The government has not demonstrated the need for additional restrictions on trade unions or made clear what serious harm needs to be addressed.

The number of days lost to industrial action per year has fallen dramatically over the last 30 years. Since 2010, on average 647,000 days have been lost to industrial action each year,

compared to 7,213,000 days lost per year in the 1980s.<sup>1</sup> In an economy with over 30 million people in employment this is an extremely low level of industrial action.

The Regulatory Policy Committee (RPC) has issued scathing reviews of the government's approach. The Committee concluded that the impact assessments which accompanied the Bill proposals were 'not fit for purpose'.

## **Women and Trade Unions**

The Women's Budget Group believes that trade unions are a valuable part of civil society and have a crucial role to play in defending women's rights in the workplace and bargaining for equality.

According to the latest Worklife Balance Employer Survey, published by BIS in December 2014<sup>2</sup> :

- Seventy-seven per cent of unionised workplaces had a written policy on flexible working arrangements compared with 43 per cent of non-union workplaces.
- Union workplaces were more likely to offer a full range of flexible working practices including job shares, term time working, compressed working weeks and annualised hours.
- Fifty-two per cent of unionised workplaces provide enhanced maternity pay compared with 35 per cent of non-unionised workplaces
- Union workplaces are also more likely to provide support for women returning to work from maternity leave. Eighty per cent of union workplaces allowed for a phased return to work; 77 per cent ran keep-in-touch schemes compared with 58 per cent of non-union workplaces. Seventy-seven per cent of unionised workplaces offered retraining for women returning to work after maternity leave, compared with 58 per cent of non-union workplaces.

Unions also have a crucial role to play in ensuring that workplaces are safe. According to research commissioned by the government in 2007, by reducing lost time from occupational injuries and work-related illnesses, union safety reps save taxpayers between £181m and £578m every year.

Finally, it is worth noting that the trade union wage premium for women stands at 30% compared to 7.8% for men.

## **Ballot Thresholds**

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<sup>1</sup> Office of National Statistics (ONS) on Labour Disputes

<sup>2</sup> BIS (2014) *Fourth Worklife Balance Employer Survey*, published in December 2014, BIS Research Paper No. 184, available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398557/bis-14-1027-fourth-work-life-balance-employer-survey-2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398557/bis-14-1027-fourth-work-life-balance-employer-survey-2013.pdf)

With regard to the proposal relating to ballot thresholds, the Women's Budget Group contends that the right to strike is a human right, which is a hallmark of any free and democratic society. Taking industrial action is always a matter of last resort. The government's proposals are designed to make it far harder for union members to take industrial action in support of their jobs, their livelihoods and their working conditions.

For the last decade, women have made up the majority of union members in the UK.<sup>3</sup> The majority of union members covered by the 50 per cent turnout requirement will therefore also be women. Research carried out by the TUC also suggests that women are likely to be disproportionately affected by the introduction of a 40 per cent threshold with nearly three quarters (73 per cent) of the trade union members working in 'important public services' being women. This is unsurprising given the high concentration of female employment and higher levels of union density amongst women in the public sector. For example, in the public health services, women account for 78 per cent of staff and 80 per cent of union members.

The Women's Budget Group has made the case time and again that significant cuts in public services have a disproportionate effect on women and their families. The government's proposals will mean that further opposition to jobs and services from public sector workers will be reduced. With the Chancellor asking non-protected government departments to model spending cuts of up to 40% of current finances it is no surprise that employees in these organisations want to organise to oppose significant jobs cuts, which risk damaging the scale of service provision.

The Women's Budget Group fears that these proposals will diminish women workers' ability to achieve better pay, working conditions and living standards.

### **Use of Agency Workers during strikes**

The Women's Budget Group is concerned that giving employers the freedom to use agency workers to undertake work normally performed by permanent staff be detrimental to safety in the workplace. Agency workers will be recruited at short notice to cover for those participating in industrial action. They are, therefore, less likely to have received health and safety training necessary to do the job safely. The use of inexperienced temporary staff will also reduce the quality of services provided to the public.

This proposal also means that agency workers, many of whom are women, will be faced with an invidious choice between crossing a picket line or turning down an assignment and risking not being offered future employment.

### **Pickets and trade union protests**

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<sup>3</sup> ONS data on Trade Union Membership 2014, June 2015 Table A15

The Women's Budget Group believes that the proposals relating to pickets and union protests are heavy handed and risk infringing civil liberties and freedom of speech. Restrictions on the use of social media and other campaign activities are draconian and unnecessary. We also believe that limited police resources could be better deployed protecting local communities rather than monitoring the peaceful activities of trade union members.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Diane Elson". The signature is written in a cursive style with a large initial 'D'.

Professor Diane Elson

Chair, Women's Budget Group