

# Six days to the election; Six choices on workers' rights



Here at the Institute of Employment Rights, we have been busy comparing party manifestos for their workers' rights policies, and have now launched [a new table](#) that allows you to see the differences between the three major parties' deals for workers at a glance.

But if you're looking for something a little easier to digest, we've also broken the issues down into bitesize pieces below.

With six days to go until the General Election, we present six choices on workers' rights when you need to make when you decide who gets your vote.

## **1: Access to justice for all workers, or tens of thousands priced out of a hearing?**

Employment tribunal fees were introduced by the Coalition Government in 2013, charging up to £1,200 to workers trying to enforce their rights at work. Earlier this year, [a government report revealed](#) that the total number of claims made by workers fell by 78% within the first year of the introduction of fees. By 2015, the number of claims had fallen to 75,000 from 196,000 in 2013; and the number of cases had dropped to just 19,000 from 60,000. An [Oxford University analysis](#) of the government's data further showed that up to half of the cases that had a strong chance of success had been made economically unviable by the fees, as it would cost more to take a case to court than the claimant could hope for in compensation.

The Labour Party has promised to scrap employment tribunal fees entirely, as have the Liberal Democrats, SNP and Green Party.

The Conservative Party does not mention employment tribunal fees in its manifesto but has declined to ban employment tribunal fees when called on to do so.

## **2: Real Living Wage or Fake Living Wage?**

The Conservative Party has introduced what it calls a National Living Wage, capitalising on the popularity of the [Real Living Wage](#) but falling far short of actually delivering it.

While the Real Living Wage is calculated according to the actual cost of living; the Tory National Living Wage is a percentage of average earnings and bears no relation to how much a worker will realistically have to pay out. What's more, the National Living Wage is only accessible to people over the age of 25, excluding millions of workers.

By 2020, the Real Living Wage is expected to be £10 per hour, but the National Living Wage will only be £8.75 per hour.

If inflation surges after Brexit – which experts currently think is a likelihood – then workers could find themselves with very little money to live on if they only have access to the National Living Wage.

The Labour Party will provide the Real Living Wage to all workers; the Liberal Democrats will provide it to civil servants (and review how it can be rolled out to everyone else); and the Conservative Party will offer it to no workers.

## **3: Protection at work from Day One or continued uncertainty for millions of workers?**

The world of work is changing. Fewer people now have what we would consider a 'traditional' job, with the rise of "gig" work, agency work and other forms of less stable roles quickly becoming a new norm – but those engaged in this type of work are normally classified as "workers", with fewer employment rights to "employees". This includes being exempt from the right to claim unfair dismissal. Worse, many are misclassified as "self

employed", and are therefore prevented from accessing basic workers rights like the minimum wage and holiday pay.

It is currently estimated that over 900,000 people are on a zero-hours contract; around one million will be hired through agencies by 2020; and around half a million are misclassified as "self employed".

Such a complicated and fragmented world of work has led to confusion and exploitation, forcing the government to launch an inquiry last year into how employment law can keep up – The Taylor Review.

But only the Labour Party has dealt specifically with the issue of ensuring our workers continue to have rights in the modern workplace, by proposing the simplification of labour law to just one universal classification of "worker". This means that everybody in employment would have the same rights and they would be eligible for them from day one. This solution is one that 15 leading labour lawyers and academics recommended in the Institute of Employment Rights' Manifesto for Labour Law.

Meanwhile, the Conservative Party has put forward a vague promise of "protections" for gig workers, but has not offered any solutions.

#### **4: End to zero-hour contracts or "virtually worthless" reforms?**

Both the Labour Party and SNP say they will ban zero-hour contracts outright, but with the other parties it is harder to know where you stand.

The Liberal Democrats offer one solution that has already been roundly criticised and described as ["virtually worthless" > by the TUC – the right to request guaranteed hours. For most zero-hour workers this will be a right in name only, as they have no right to receive guaranteed hours, and may find their hours being "zeroed out" if they make this request.](#)

While the Conservative Party has said nothing in particular about zero-hour contracts, it is likely their response will be based on the result of the

Taylor Review, and according to recent BBC reports Taylor will recommend the Right to Request.

The Liberal Democrats also offer a consultation held at a later date to consider whether or not zero-hour workers who do regular hours should have the right to a contract that reflects those hours after a certain period of time.

## **5: End anti-trade union laws, or continue to restrict trade union rights?**

The Labour Party is the only major party to promise that it will repeal the widely criticised [Trade Union Act](#), which has been described as draconian and vindictive anti-trade union legislation and which Wales is currently trying to repeal insofar as it affects Welsh public sector workers. The SNP has also pledged to repeal the Act.

Among the many restrictions on trade unions introduced through the Act are laws that make it more difficult for workers to call a strike that in some cases will mean that industrial action cannot be taken even if most of the workers who voted on the issue were in support of a strike.

## **6: A democratic voice for workers, or continued protection of the elite?**

The Labour Party manifesto is the only one to offer wide-ranging reform of the employer-worker relationship, and even the government-worker relationship, to ensure that the average person has a voice both at the workplace and at Westminster.

Through the establishment of a Ministry of Labour, the interests of the UK's 31 million workers will be represented in parliament. By the extension of sectoral collective bargaining and other laws that make it easier for workers to join and engage with a union, they will be able to negotiate for fair wages and conditions at work.

Both the Conservative and Liberal Democrat Parties admit that employee

engagement is an urgent issue, and it is expected that the Taylor Review will highlight the need to give workers a voice. Indeed, it has been shown time and time again that better engagement leads to higher productivity – something the UK desperately needs at a time our productivity gap with our major G7 competitors is at the widest it has ever been.

However, the Conservatives and Liberal Democrats offer much less to turn this situation around. While the Liberal Democrats promise to put workers' representatives on boards through a German-style two tier system; the Tories don't even go that far, suggesting instead that a non-executive director can act as a conduit for workers' voices.

The problem with these much softer approaches is that without collectively organising, workers find it very difficult to raise their voice in the workplace. There is an inherent imbalance of power in the employer-worker relationship that is corrected when workers pull together. Working as a collective, workers have the leverage they require for a fair negotiation on wages and conditions.