



Making Work Pay

Duty to inform workers of their right to join a trade union

Introduction

This response is made by Unite the Union. Unite is the UK's strongest trade union, representing over one million members across all sectors of the economy including manufacturing, financial services, transport, food and agriculture, construction, energy and utilities, information technology, service industries, hospitality, health, local government and the not-for-profit sector.

Unite welcomes the proposal to introduce a duty on employers to inform their workforce of their right to join a trade union.

In the past most workers found out about trade unions at work. In the public sector, trade union presence remains relatively high with nine out of ten employees employed in workplaces where unions are present. But in the private sector the number of employees benefiting from a union in their workplace has fallen with just 1 in 3 employees (31 per cent). It is therefore unsurprising that union membership in the private sector has fallen to just 12 per cent¹.

New YouGov polling recently commissioned by the TUC found that one in five workers have either not heard of trade unions (3 per cent) or do not know what they do (17 per cent). This rises to one in three of young workers aged 18 to 24, 5 per cent of whom have not heard of trade unions and 27 per cent of whom do not know what unions do.

This is not surprising as workplaces, employers control information and unions will often be invisible. This is particularly a risk for outsourced groups of workers, those working for sub-contractors and those in fragmented parts of the labour market.

¹ <https://www.gov.uk/government/statistics/trade-union-statistics-2024>

The employer duty to inform workers of their right to join a union could play an important role in addressing this awareness gap and in enabling workers to make an informed decision about whether to join a trade union.

Union membership brings a wide range of benefits to members including representation at work, advice and support on issues such as health and safety, discrimination law and equal pay and providing specialist legal advice and representation. Most importantly, joining a union enables workers to organise collectively to improve their pay, terms and conditions through collective bargaining.

Collective bargaining brings significant benefits for workers, employers and the wider economy. Workplaces with collective bargaining² have higher pay, better access to training, improved holiday and sick pay provision, enhanced equal opportunities practices, more family-friendly measures, shorter working hours, better disciplinary and grievance procedures and better health and safety compared with non-unionised workplaces. Employers benefit from lower staff turnover and innovation and productivity gains. Involving unions in discussions can facilitate change management, reducing staff anxiety relating to organisational change.

IMF commissioned research³ and OECD Employment Outlook (2018)⁴ confirm unions and collective bargaining are associated with lower inequality. The OECD has also concluded that collective bargaining can “foster skills development and skills use in the workplace and allow for the effective dissemination of good working practices”, while helping to “promote a broad sharing of productivity gains”. The OECD has recommended that governments “put in place a legal framework that promotes social dialogue in large and small firms alike and allows labour relations to adapt to new emerging challenges⁵.

The YouGov polling commissioned by the TUC found that 62 per cent of workers would support a union negotiating on their behalf on pay and working conditions. It is clear that there is significant unmet demand from workers for collective bargaining.

Informing workers of their right to join a trade union is an important stepping stone towards ensuring workers can make an informed choice to join a union and to organise for collective bargaining.

² Research by Alex Bryson and John Forth on the added value of trade unions, based on analyses of the Workplace Employment Relations Surveys 2004 and 2011, TUC 2017: <https://www.tuc.org.uk/added-value-trade-unions>

³ Florence Jaumotte and Carolina Osorio Buitron, Power from the People, Finance & Development, IMF March 2015, Vol. 52, No. 1

⁴ OECD Employment Outlook 2018 (page 83)

⁵ OECD (2018) Good Jobs for All in a Changing World of Work, The OECD Jobs Strategy, OECD Publishing, Paris, <https://doi.org/10.1787/9789264308817-en>

Section A: Content

Question 1: Do you agree that the following types of information should be included in the statement provided to workers? Please consider each item below:

Unite believes that the statement should include the following types of information:

A. A brief overview of the functions of a trade union

Recent YouGov polling commissioned by the TUC found that one in five workers and one in three young workers aged 18 - 24 have either not heard of unions or do not know what they do. And almost half of workers say they have some, but not a good, understanding, of what unions do.

It may therefore be helpful for the statement to summarise the role of trade unions at the same time as explaining the right to join a trade union.

It will be important that the government consults trade unions on the description of trade unions used.

B. A summary of the statutory rights in relation to union membership.

The statement should summarise the full range of statutory rights relating to trade union membership and activities, including

- The right not to be refused employment due to trade union membership, or activities
- Protection from blacklisting
- The right to be accompanied by a trade union representative in grievance and disciplinary hearings
- Protection from detriment and dismissal relating to trade union membership and activities during working time
- Rights linked to trade union recognition, including rights for recognised trade unions to be consulted on health and safety, collective redundancies, TUPE transfers, pensions, etc
- Protection from dismissal for participating in lawful industrial action and new protections from detriment.

Again, it is important that trade unions are consulted on the text of the proposed statement.

C. A list of all trade unions that the employer recognises (if any).

Where an employer recognises trade union(s), the employer should be able to list those unions in the statement, identifying which unions represent which groups of workers, as appropriate. The employer should consult recognised unions on the proposed text.

D. A signpost to a GOV.UK page with list of trade unions

Unite agrees that the statement should include a link to a recognised web page listing trade unions. Workers should be encouraged to join unions which are independent and actively organised and bargaining in their sector.

In our opinion, a link should be provided to the TUC [union finder](#) site. Unions affiliated to the TUC make up the vast majority (86 per cent) of union members in the UK.

The TUC union finder also guides workers through a list of questions, including whether their colleagues are already in a trade union and the industry they work in, to generate a list of relevant unions for them to join. Signposting workers to this site could therefore assist workers to find an appropriate union to join.

Unite believes that a link to the TUC site would be preferable over a link to an official Government site. A Department of Business and Trade (DBT) generated site could quickly become outdated and is unlikely to include industry specific information. The Certification Officer list of trade unions includes a list of multiple non-independent unions which are not engaged in the representation of workers or in genuine collective bargaining. Signposting workers to such ‘unions’ would not be consistent with the government’s stated objective of improving workplace representation. Individuals, especially migrant workers, are less likely to trust information displayed on an official government site.

If an official site is to be used, Acas would be the best placed official agency to hold and maintain a list of trade unions. However, Unite believes that it would be preferable for the statement to link to the TUC union finder.

E. Add other types of information (please specify)

In workplaces where unions are recognised, employers should be expected to include the names and contact details for union representatives in the statement. Again, the relevant unions should be consulted by the employer before finalising any statement.

Otherwise, it is important that employers are not permitted to amend the statement. Future regulations and guidance should make clear that employers cannot send, post or disseminate negative messages about trade unions on or alongside the statement, posters or information held on staff intranets. Even minor employer commentary can discourage workers from joining a union.

Section B: Form of the statement

Question 2: Do you agree that the statement should be a standardised statement provided by the government?

Yes.

It is important for the government to prepare and require employers to use a standardised statutory statement. Preparing a standardised statement will reduce administrative burdens for employers and will assist smaller businesses which are less likely to employ HR departments. It could also reduce tensions in the workplace.

It is important that employers are not permitted to amend the statement or to send, post or disseminate negative messages about trade unions on or alongside the statement, posters or information held on workplace intranets.

The only additional or different information which employers should be able to include in the statement is set out above, i.e. in recognised workplaces, employers should be able to list recognised unions and the names and contact details for union reps, following consultation with the relevant unions.

Question 3: If the proposal for an employer-drafted statement (option B) is chosen, do you agree that the Government should provide a model statement that employers can adapt?

Unite remains firmly opposed to this proposal. Allowing employers to draft their own statements would affect the quality, consistency and accuracy of the statements sent to workers. It would also allow the employers to communicate negative messages about the role of unions, thereby undermining the positive impact of the new right. Even minor employer commentary can discourage workers from joining a union.

Section C: Manner of delivery

Question 4: Do you agree that the written statement should be delivered directly to new workers?

Yes.

The written statement should be delivered both directly and indirectly to new workers.

New workers should be informed directly of the right to join a trade union in their letter of appointment or in the written statement of particulars provided at the start of their employment. They should also be regularly reminded of the right in emailed statements or in text added to their pay slips.

New workers should also be reminded of their right to join a union by posters which include the standardised statement and which are displayed throughout the workplace

and via messages posted on any work intranet. Ensuring the statement is visible is important to underline that union membership is a normal part of workplace activities.

Question 5: Do you agree that employers should be able to deliver the statement indirectly or directly to existing workers?

Yes.

Existing workers should be informed directly and regularly reminded of the right to join a trade union by the inclusion of the standardised statement in individuals' pay slips or via emails sent by the employer.

Existing workers should also be reminded of their right to join a union by posters which include the standardised statement and which are displayed throughout the workplace and via messages posted on any work intranet. Ensuring the statement is visible is important to underline that union membership is a normal part of workplace activities.

Question 5a: Please explain your answer.

Many employers are familiar with the preparation of letters of appointment and/or written statements of particulars. Including the statement of the right to join a trade union in these documents will not add to employers' administrative requirements.

However many workers do not receive a written statement of employment particulars when they join an organisation. Requiring employers to remind workers of their right to join a union on their pay slip and/or via emails sent directly to workers is likely to raise awareness of the right.

Workers should also be reminded of the right through posters displayed throughout the workplace and/or on the staff intranet.

Including information in payslips and on staff intranets helps to normalise union membership in workplaces.

Section D: Frequency of delivery

Question 6: Do you agree that employers should be required to provide workers with the statement, or reminder, on an annual basis?

No, it should be another frequency (please specify).

Unite believes that employers should be required to circulate statements quarterly or at least twice a year.

Question 6a: Please explain your answer.

Less frequent circulation would significantly disadvantage workers in temporary or transitory employment, including agency workers and those on zero hours contracts, who regularly do not receive written statements and who may be in most need of union representation.

To improve awareness and enforcement of the new right, the government should set a regular date or month when statements should be circulated to existing staff. The government could develop communication strategies to accompany the circulation of the statements. This would make it much easier for unions or enforcement bodies to monitor compliance.

Question 7: Do you agree that a standardised frequency should apply to all organisations regardless of sector or size?

Yes.

All workers should be reminded of their right to join a trade union, regardless of the sector where they are employed or the size of their employer.

Question 7a: If you selected 'no', please explain your answer.

The only exception may be police officers and members of the armed forces who do not have a right to join a trade union.

The Police and Ministry of Defence (MoD) must still be required to issue regular statements to civilian staff.

Section E: Additional comments (optional)

Question 8: Do you have any further comments on how the duty to inform workers of their right to join a trade union should be implemented?

We believe that the enforcement of this right should be strengthened. In organised workplaces, unions will remind employers of their duty to circulate statements.

Otherwise, workers will be unaware of the new right and/or will be reluctant to take an employment tribunal claim, due to backlog of cases and limited compensation payable.

We propose that enforcement of the duty to inform workers of the right to join a union should be added to the responsibilities of the Fair Work Agency and HSE inspectors and equivalent local authority inspectors when carrying out visits or otherwise engaging with an employer.

Contact:

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