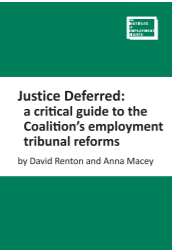


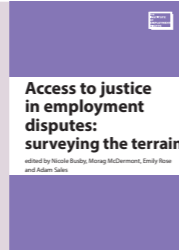
Latest publications

Justice Deferred: a critical guide to the Coalition's employment tribunal reforms



The authors clearly identify recent changes including the introduction of fees, the lifting of caps on costs, the ending of witness expenses, the removal of wing members, the end of statutory discrimination questionnaires and more.

Access to Justice in employment disputes: surveying the terrain



The papers in this book examine the 'forensic lottery' of the unfair dismissal procedures, the role for Acas and others in mediation and conciliation, the very particular crisis for employment rights in times of austerity, and the choices faced by an employment tribunal system at the crossroads.

The political attack on workplace representation – a legal response



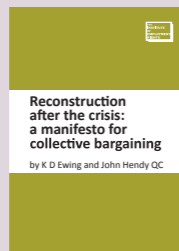
The authors outline the political nature of attacks on facility time, concluding that the UK is "a rogue state" when measured against the "modest yard stick of international human rights law". They finish with a "ten point manifesto as a blueprint for political action and legal reform".

Forthcoming events

<p>Employment Law Update 2013: Ken Gill Memorial Fund</p> <p>London: 09/10/13 Liverpool: 06/11/13</p> <p>This popular annual conference is designed to ensure trade union representatives are kept up to date and well-informed about developments in employment law.</p>	<p>TUPE update: The new regulations</p> <p>London: 23/10/13</p> <p>In this period of austerity, increased contracting out and further plans to open public services to private providers, it is imperative that trade union representatives understand how the changed Regulations might impact on their members and how best to respond both industrially and politically.</p>	<p>'In Conversation' – an evening event The Dublin Lockout: learning the lessons in the centenary year</p> <p>Liverpool: 30/10/13</p> <p>In this centenary year of the Dublin Lockout, Tony Donaghey, General Secretary of the Connolly Association, and Lynn Collins, Regional Secretary of the North West TUC, will consider the lessons we can learn from this historic event.</p>	<p>Labour Migration in Hard Times</p> <p>London: 20/11/13</p> <p>This event will consider the ongoing desire for low-cost, unregulated and non-unionised labour and the detrimental effect this can have on the labour market.</p>	<p>Equality and Discrimination: what next for equal rights?</p> <p>London: 04/12/13 Liverpool: 22/01/14</p> <p>This conference will bring leading equality experts and campaigners together with experts from the law, trade unions and academia to critically assess the changes and anticipate where they will lead us in terms of equality at work.</p>	<p>Pension Rights</p> <p>London: 12/02/14 Liverpool: 26/02/14</p> <p>Pensions will be one of the key battlegrounds in the coming general election and this conference will provide the experts and the arguments to enable trade unionists to arm themselves and challenge the Coalition's attack on pensions.</p>	<p>Access to Justice</p> <p>London: 05/03/14 Liverpool: 19/03/14</p> <p>This conference will provide an opportunity for trade union members, academics and lawyers to look at the changes to the employment tribunal system and the implications of the diminishing opportunities for workers to resolve employment disputes through recourse to the law.</p>
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Buy the full manifesto

Reconstruction after the crisis: a manifesto for collective bargaining
By K D Ewing and John Hendy QC



The authors set out a powerful and timely argument for the introduction of a statutory framework for collective bargaining. Keith Ewing and John Hendy trace the historical background to the current economic crisis – including the dismantling of trade union rights by successive government since 1980 – and set out a viable alternative for economic growth based on international law and best European practices. The end result is a considered and fully evidence-based policy recommendation summed up in a succinct ten point manifesto for collective bargaining. This manifesto has already won the support of a range of trade unions from the largest general union through to the most sector specific unions.

The publication is now on sale from the Institute of Employment Rights and is ideal for trade union officials, lawyers and those in the political realm searching for a convincing alternative to the Coalition's damaging economic and ideological strategies.

Reconstruction after the Crisis:
A Manifesto for Collective Bargaining



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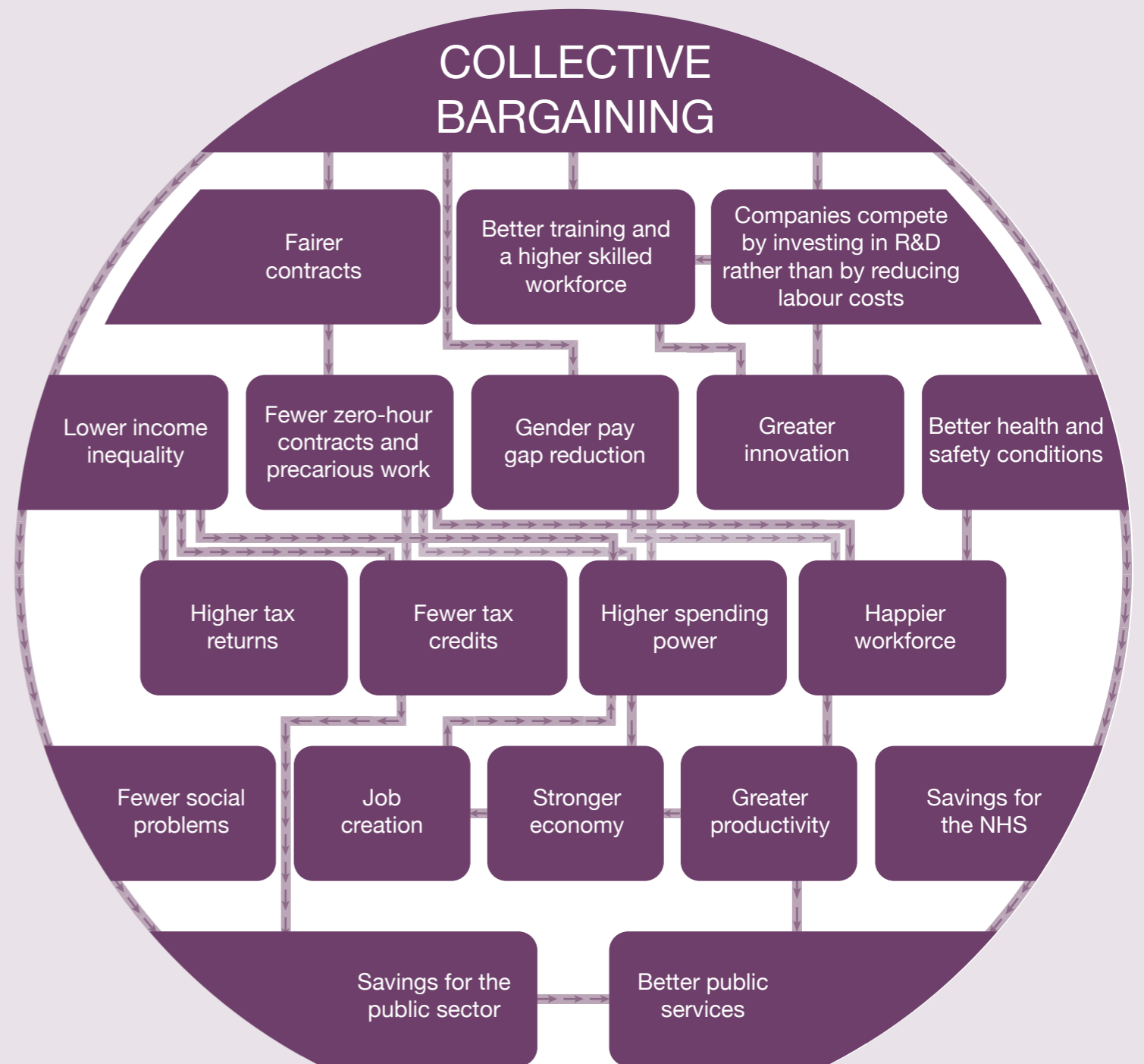
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Manifesto for collective bargaining

1.

A Ministry of Labour should be established to give working people a voice in government to counteract the voice of powerful corporate interests. One of the duties of the new department will be to promote collective bargaining.

2.

Legislation should be introduced to delegate from the proposed Ministry of Labour to ACAS (or a similar body) the duty to encourage the establishment of sectoral collective bargaining.

3.

The legislation should include measures designed to oblige all employers to participate in these arrangements, including a provision that participation is a pre-condition of the award of all public contracts.

4.

The legislation relating to sectoral bargaining should make provision for the determination of pay and other working conditions, provide procedures for the resolution of disputes, and deal with skills, training and productivity.

5.

The legislation relating to sectoral bargaining should provide for the legalisation of sectoral agreements, so that the appropriate terms of the agreements in question become inderogable terms and conditions of all workers in the sector.

6.

The legislation relating to sectoral bargaining should include a power vested in the CAC to resolve disputes about sectoral boundaries, and to determine which collective agreement is applicable to which employer in case of disputes.

7.

The statutory scheme providing for sectoral bargaining should be implemented gradually and flexibly, the agencies responsible for its development being empowered to respond to the specific needs of each sector; in industries without the apparent infrastructure to support collective bargaining, wages councils should be instituted.

8.

There should be an overhaul of the statutory recognition procedure so that trade unions are entitled to be recognised by an employer on demonstrating 10% membership and evidence of majority support verified by the CAC.

9.

When that threshold for recognition on behalf of a defined bargaining unit is not met there should be a statutory right of every trade union to recognition by an employer to bargain on behalf of its members.

10.

The existing statutory right to be accompanied should be overhauled so that every worker has the right to be represented by his or her trade union on all matters relating to his or her employment.

The next Labour government must learn the lessons of the past

When I started work in 1978, I entered what we now call a labour market, in which 82% or more British workers had their working conditions set by a collective agreement. In a working life of 35 years (and counting) that figure of 82% has fallen to less than 28%, and continues to fall.

This decline in collective bargaining coverage represents a crisis for British trade unionism and needs urgently to be addressed, if trade unionism is to survive as a credible force. Not only does it tell us that our voice is not being heard, but also that our impact is being diminished. We are reaching fewer and fewer people.

But it also represents a disaster for British workers, who in the meantime have seen a growing gap between rich and poor, a reduction in the share of national wealth allocated to wages, and the emergence of new forms of exploitative working practices – with employers taking advantage of their power as collective bargaining arrangements have declined.

In our new report, *Reconstruction after the Crisis – A Manifesto for Collective Bargaining* – John Hendy QC and I make the case for restoring collective bargaining arrangements. In our view it is essential to do so for a number of reasons, not the least of these being economic efficiency, social justice, and legal obligation.

In the report, we draw on the experience of successful European countries to demonstrate why collective bargaining structures must be rebuilt. We also draw on the experience of history to show how British governments in the past have taken the initiative to establish collective bargaining institutions, accepting their responsibility to do so in the national interest.

The lessons of the past are very relevant to the crises of today. As recognised in the 1930s, there will be no long-term solution to current economic gloom without raising wages and equalising incomes. Only by doing so will we stimulate demand, increase spending, and create real and fully productive jobs that do not need to be subsidised by the State.

As the experience of the past also reveals, the best way to raise wages is not by encouraging local authorities and others to talk about a 'living wage', but by blanket collective bargaining structures and coverage, in which trade unions negotiate a decent wage and other working conditions, which are binding on all employers.

Every worker should have the right to be covered by a collective agreement. The next Labour government must take steps to make this happen.



Keith Ewing

Workers and their families are facing the double whammy of falling wages and a race to the bottom as terms and conditions are slashed across the economy.

Len McCluskey, Unite General Secretary

It is a fundamental role of a union: applying the strength of the collective to the struggle for fair and decent living and working conditions of each worker, leading to higher pay and better conditions.

Christine Blower, NUT General Secretary

The really important improvements to women's pay have been won through effective collective bargaining, achieving systemic change to pay systems.

Sarah Veale, TUC Head of Equality

Wage-enabled consumption accounts for around two-thirds of economic demand.

Stewart Lansley, Economist

Even though safety and health is addressed in the national law of almost all countries, collective bargaining often provides the mechanism through which the law is implemented in the workplace.

International Labour Organization

Recent research shows that in UK workplaces with union representatives and union recognition, employees are 15% more likely to receive training than in non-union workplaces.

Howard Reed, Economist at Landman Economics

If collective bargaining was in place at more workplaces, employers would not have free rein to bring in zero-hours contracts and other exploitative terms.

Karen Jennings, Unison Assistant General Secretary

Even number crunching research shows that more equal societies are those with strong trade unions and labour movements: they make life better for all of us. If we want to build a better society this is where we must start.

Richard Wilkinson, Professor Emeritus for Social Epidemiology at Nottingham University and author of *The Spirit Level*

Collective bargaining is a right under international law and is also a human right.

John Hendy, Chair of IER

What the sceptics will say

Myth 1

"The UK economy is complex and sectoral divisions are no longer clear cut"

The Coalition government has recently proved this barrier is easily overcome by identifying an initial 12 strategic sectors, each covered by an Advisory Council consisting of industry leaders and government officials. These Councils will be discussing how best to improve their particular sector. This is just one step away from collective bargaining in which workers representatives would also attend to represent the voice of the workers.

Myth 2

"Employers simply won't go for it"

Perhaps so. We believe there will be resistance among employers, but that resistance comes from a mindset in which businesses compete for short-term gains rather than following long-term strategies for growth. By making public sector contracts, tax breaks, State subsidies, licences, or even limited liability, conditional on the employer's adherence to collective agreements, there would be more pressure on corporations to comply.

Myth 3

"Blacklisting companies from public sector contracts if they do not comply with collective agreements is against EU law"

Prominent members of the Coalition have publicly called for changes to EU law in order to weaken any remaining European based employment rights, including withdrawing from the Social Chapter. If there are restrictions within EU law which prevent a State from showing a preference to employers who accept collective bargaining, then these obstacles should be challenged and removed.