

The Update

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The latest news and announcements from Derbyshire UNISON

The Employment Rights Bill

Labour's flagship bill will introduce profound improvements to working life. And UNISON was a key player in its creation.



The Employment Rights Bill: the story so far

This spring the Employment Rights Bill (ERB) will be making its way through Parliament, towards enactment and what UNISON has hailed as one of the most significant improvements on workers' rights in decades.

The bill's scope includes everything from improved family-friendly rights and facility time, to better protection from unfair dismissal, curbs on fire and rehire and exploitative zero-hours contracts, and the introduction of basic day one rights.

It will also introduce new collective bargaining bodies for care workers and school support staff in England, and a widespread lifting of trade union restrictions.

There's still much to be done.

UNISON has recently submitted both oral and written evidence to the committee of MPs charged with working on the detail contained in the bill - and the union is keeping a vigilant eye on any amendments that may be attached when it returns to the Commons for its third reading in the coming months.

But the union's relationship to the ERB is not a reactive one that merely responds to the ideas from government.

As Mark Ferguson, the former

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head of UNISON's Labour Link and now Labour MP for Gateshead Central and Whickham, puts it: "UNISON was absolutely integral to the development of what has become the Employment Rights Bill, from the very start."

Mark can chart the union's influence from the formulation of the Labour green paper known as The New Deal for Working People, through the party's Make Work Pay document that informed its general election campaign, to the legislation now being scrutinised by MPs.

"I don't think it's an exaggeration to say that the bill wouldn't have happened without UNISON's input," he says.

Liz Twist, Labour MP for Blaydon and Consett, and with Ferguson the co-chair of the UNISON group of Labour MPs, agrees: "UNISON has played a leading role in Labour having the New Deal, and then ensuring that the party met its promise to introduce the Employment Rights Bill within 100 days of coming into government.

"I think UNISON's influence has been enormously important. We see that in the emphasis on re-establishing the School Support Staff Negotiating Body [SSSNB], for example, and looking at the first sector bargaining deal for social care work. Those are issues which are crucial to UNISON members, along with all those fundamental employment rights that are going to make such a difference."

Key workers open the door

So how exactly did the union exert this influence over such an all-encompassing piece of legislation? And when did that journey start?

Like Mark, Katrina Murray was elected as a new MP last June, in her case for Cumbernauld and Kirkintilloch - one of 37 new Labour MPs in Scotland. For her, the ERB "has been 10 years in the making", specifically from the general election in 2015 and the Tory government's preparation of what would become the Trade Union Act 2016, which dealt a crushing blow to trade union freedoms.

"The immediate commitment, back then, to repeal much of that legislation has been an ongoing part of the dialogue leading to the Employment Rights Bill," Katrina says.

Mark recalls that the dialogue on workers' rights, between the unions and Labour, escalated during the COVID-19 pandemic.

"The first meaty conversations that I had about this were in late 2020. We were still in and out of lockdown. The conversation was about 'clap for carers', clap for the NHS, it was about key workers. I think there was a realisation of two things. One, a lot of those key workers were in low-paid and insecure jobs, who didn't have the protections everybody deserves in their working life. And two, that not only were they being asked to go above and beyond during COVID, but they had been let down for a very long time.

"That was the gateway in, the ambition to deliver for these people. But also broadening out from that to clear problems in the economy. Whether it's sick pay, paternity leave, maternity rights, day one rights, whether it's how the minimum wage does not necessarily create a salary that you can live on, these were things that didn't just affect key workers but a huge swathe of people in society."

Sitting round the table

As head of Labour Link, Mark was one of the UNISON representatives involved in all of the working groups that developed the New Deal for Working People, from late 2020 through to September 2021, when it was presented to the Labour Party conference.

The ideas contained in that green paper were further developed and refined along a path that included Labour's national policy forum in July 2023 (with UNISON playing a full part as an affiliated union) and another party conference in September of that year, leading to the publication of Make Work Pay at the outset of the general election campaign in May 2024, and the party's manifesto commitment to deliver it.

With Labour Link's coordination, UNISON lay leaders and staff were involved at every stage of that process. Mark says that senior

members played an integral role, especially at the national policy forum. "We have people with clear, lived experience, and a huge amount of extremely specific knowledge. It's a huge asset to be able to go into a meeting with a member who can explain what it's like to be a care worker, what it's like to work two jobs, how things work in Wales versus how things work in England, and talking about the lived experience of Black workers.

"Fundamentally, for me, this is rooted in the actual lives and experiences of working people. I can see the fingerprints of UNISON members on individual lines in this document. And that's fantastic."

At the same time, the union's extremely experienced policy and legal officers were "grinding through the detail" that was taking shape. As examples, Mark cites UNISON social care experts going through the specific wording of a fair pay agreement in social care, and legal officers "rigorously testing things like the single enforcement body, or what day one rights could look like, practically, against the experience of case law and the sorts of cases that come through the workplace."

A very visible example of UNISON's influence came in the form of Angela Rayner, Labour's deputy leader and lifelong UNISON member, who spearheaded the New Deal. Says Mark: "Having someone leading this who has literally gone from being a care worker and UNISON rep, to an MP, to deputy prime minister, who understands the agenda so well, has been incredibly important."

But all the while, Labour Link was also opening a dialogue about the budding proposals with the wider UNISON membership. "Whether it was Angela coming to speak about the New Deal at national delegate conference or having events at Labour Link regional and national forums, or the self-organised group conferences, we were constantly trying to bring in the voices of members."

Testing the waters

Away from the meeting rooms and conferences, another key moment on the journey towards the ERB came before the general election: the Rutherglen and Hamilton

West by-election, in Scotland in October 2023, where Labour took the seat from the SNP with a swing of 20.4%.

Katrina recalls: "I don't think that, necessarily, the wider party realized how popular the New Deal was, until it became an absolute cornerstone of the by-election, at which point, literally, every Labour activist in Scotland was talking about it.

"The election showed that, yeah, this is really popular. It underlined completely everything that we'd been saying, for years, about workers' rights."

Mark, who also campaigned in Rutherglen, adds: "That was one of the first times that the New Deal went from being something that we talked about internally to something that we campaigned on externally.

"We were talking about some of the things that were going to be in the Employment Rights Bill, on leaflets and as part of the doorstep conversation. People wanted to hear about what a Labour government would do, and this was integral to that. It was a really big moment in the run-up to the election."

Liz, who was already a sitting Labour MP that summer, recalls that "the New Deal was one of those firm commitments that came ahead of the election", for which she credits "a willingness on the part of the [Labour] leadership, and a determination on the part of the trade union to make it happen."

Mark describes the ERB as the result of "a sort of back and forth between two groups of people who fundamentally agree, who sat around the table trying to solve the problem of how the workplace works, or more often doesn't work, for working people and trying to hammer through those problems together.

"As a package, I genuinely believe that this is an incredibly significant moment, in the history of trade unions, in the history of the Labour Party and the history of working people in this country. It is going to make a profound difference to people's lives."

Some of the key provisions contained in the bill include:

- **the right to sick pay from the first day you're ill**
- **family friendly rights, such as parental and bereavement leave from day one, and flexible working as default**
- **better protection from unfair dismissal**
- **scrapping exploitative zero-hours contracts**
- **new collective bargaining bodies for care workers and school support staff**
- **lifting restrictions on trade unions.**