

# factsheet

## QUICK FACTS

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## I. TRADE UNION RECOGNITION

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The Employment Relations Act 1999 enables trade unions to compel some employers to recognise them for the purposes of collective bargaining. The recognition of a union now arises in one of three ways:

1. **Voluntary:** An employer may voluntarily recognise a union to conduct collective bargaining.
2. **Compulsory:** An employer may be compelled under the provisions of the Employment Relations Act 1999 to recognise a union for collective bargaining on pay, hours and holidays. This process is described in detail.
3. **Semi Voluntary:** The Employment Relations Act 1999 allows for a hybrid form of voluntary recognition. This occurs if, following an application by a union for recognition under the Act, an employer concedes recognition prior to the union's application being determined by the Central Arbitration Committee. In this case an 'agreement for recognition' will arise which the employer cannot abandon at will.

In order to apply for compulsory recognition certain requirements must be satisfied. They are:

1. The union must be independent of the employer.
2. The employer must employ at least 21 workers
3. There must not already be a collective agreement under which a union is recognised to conduct collective bargaining for the same group of workers
4. The Central Arbitration Committee must be satisfied that at least 10% of the workers in the bargaining unit are members of the union and that the majority of the workers in that unit would be likely to favour recognition
5. There must be no competing applications for recognition by another union or other unions unless they can show that they would cooperate on behalf of the workers
6. No application must have been made for recognition within the previous three years in respect of the same group of workers.

There are detailed rules governing the compulsory recognition process which is conducted under the control of the Central Arbitration Committee (CAC). Applications for compulsory recognition are made by reference to 'bargaining units' which must be agreed or determined by the CAC.

For more detailed information about trade union recognition visit:

[http://www.unison.org.uk/bargaining/doc\\_view.asp?did=382&pid=204](http://www.unison.org.uk/bargaining/doc_view.asp?did=382&pid=204)

## 2. THE NATIONAL MINIMUM WAGE

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The government has announced an increase in the national minimum wage from 1st October 2007. The new rates will be:-

National Minimum Wage type	2006/07 rate	2007/08 rate
Adult rate (22 years-old and older)	£5.35	£5.52
Development Rate (Under 22 years-old)	£4.45	£4.60
Young workers aged 16 and 17	£3.30	£3.40

A detailed factsheet on the National Minimum Wage can be found here: -  
<http://www.unison.org.uk/acrobat/B242.pdf>

## 3. THE LONDON LIVING WAGE

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In April 2007 it was announced that the London Living Wage level was to be set at £7.20 for 2007/08.

The London Living Wage is the amount someone in London needs to be paid in order to ensure they can both maintain a decent standard of living and avoid falling into poverty. There is no statutory requirement to pay the living wage, although a number of private and public organisations, such as the Greater London Authority, have committed themselves to paying all their staff above the London Living Wage level. The Living Wage is calculated by the Mayor of London's Living Wage Unit.

The Unit was established in 2004 and published its first report in April 2005, setting out the case for a London Living Wage of £6.70 per hour. Its second report, in May 2006 set a London Living Wage of £7.05 per hour. The fact that poverty wages in London are significantly above the National Minimum Wage is primarily due to much higher housing costs in London.

For further information about the London Living Wage Campaign visit the London Citizens website here: <http://www.londoncitizens.org.uk/>

## 4. EXPECTED CHANGES TO EMPLOYMENT RELATED LAW 2007/08

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### 30 April 2007

Equality Act (Sexual Orientation) Regulations 2007 come into force. The Regulations make it unlawful to discriminate on the grounds of sexual orientation in the provision of goods, facilities and services, education, disposal and management of premises and exercise of public functions.

### 30 April 2007

Religion or Belief (Questions and Replies) Order 2007 comes into force. The Order prescribes the forms by which a person who has brought, or is considering bringing, proceedings for discrimination on the grounds of religion or belief may question the respondent or potential respondent.

### 1 July 2007

Smoke-free (Exemptions and Vehicles) Regulations 2007 come into force. The Regulations, which apply only to England, provide exemptions from the smoke-free requirements of the Health Act 2006 and provide for most public and work vehicles to be smoke-free.

**1 July 2007**

Ban on smoking in the workplace comes into force. A ban on smoking in enclosed public places, including most workplaces, comes into force. The ban is set out as part of the Health Act.

**1 August 2007**

Weekly working time limits for doctors in training reduced to 56 hours from 58, as a result of The Working Time (Amendment) Regulations 2003

**1 October 2007**

The statutory minimum entitlement to paid holiday increases from 20 days to 24 days.

**October 2007**

A single equality body, called the Commission for Equality and Human Rights, is introduced. The body will merge the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission, and take responsibility for the new laws outlawing workplace discrimination on grounds of age, religion or belief and sexual orientation. It will also be responsible for promoting human rights.

**During 2007**

New laws on corporate manslaughter are to be introduced. This will create a new offence of corporate manslaughter, which would allow organisations to be prosecuted for management failures that lead to the deaths of employees and others. The new offence would apply when an individual has been killed because the senior management of an organisation has grossly failed to take reasonable care for the safety of employees or others. It would be an offence committed by organisations rather than individuals and would therefore carry a penalty of an unlimited fine rather than a custodial sentence.

**During 2007**

Centralised vetting system for people working with children and vulnerable adults comes into force. The Safeguarding Vulnerable Groups Bill will introduce a centralised vetting system for people banned from working with children and vulnerable adults. Employers will be able to make checks online, with information updated straight away when any individual is added to the list. There will be fines of up to £5,000 for employers that knowingly employ individuals on the list or fail to make the relevant checks.

**6 April 2008**

Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006 are extended. The Regulations, which introduce a statutory requirement upon employers to consult with prospective and active members of pension schemes and their representatives before making major or significant changes to future pension arrangements, are extended to cover undertakings with 50 or more employees.

**1 October 2008**

Minimum statutory holiday entitlement increases to 28 days. The statutory entitlement to paid holiday increases from 24 days to 28 days.

## 5. TURNOVER TRENDS 2006

### 1. Aggregated rate of labour turnover (%)

2006	2005	2004	2003 survey
18.3	15.7	16.1	16.1

Source: CIPD, Recruitment, Retention and Turnover Report 2006

### 2. Labour turnover rates, by reason for leaving

Labour turnover rates, by reason for leaving (%)	%
Redundancies	0.7 (322)
Dismissed	1.1 (334)
Fixed-/short-term contracts	0.7 (295)
Retired	0.5 (311)
Voluntary	10.5 (352)

Source: CIPD, Recruitment, Retention and Turnover Report 2006

### 3. Labour turnover rates, by industrial sector (%)

Sector	All Leavers	Voluntary Leavers
Hotels, catering and leisure	42.5 (11)	36.2 (8)
Electricity, gas and water	36.5 (3)	23.4 (3)
Retail and wholesale	33.5 (25)	22.1 (21)
Media and publishing	30.5 (9)	17.9 (8)
Transport and storage	23.7 (19)	13.3 (17)
Other private services	23.0 (29)	17.5 (27)
Care services	23.0 (14)	16.3 (13)
Private sector services	22.9 (163)	14.9 (147)
Construction	22.6 (11)	10.6 (11)
Charity services	20.7 (15)	12.1 (14)
Food, drink and tobacco	20.3 (12)	11.5 (11)
Textiles	19.9 (2)	0.6 (1)
Other manufacturing and production	19.3 (23)	11.0 (22)
Voluntary, community and not-for-profit	18.9 (44)	11.8 (43)
Professional services	18.9 (25)	16.3 (25)
Central government	18.2 (4)	11.2 (4)
Housing association	18.2 (15)	9.5 (15)
General manufacturing	17.5 (15)	7.7 (14)

Finance, insurance and real estate	16.1 (26)	10.3 (24)
Other public services	16.0 (13)	8.5 (12)
Communications	15.8 (5)	5.6 (5)
IT services	15.5 (17)	14.2 (15)
Manufacturing and production	15.5 (103)	8.2 (98)
Education	14.4 (22)	11.2 (21)
Other voluntary	14.0 (8)	10.4 (9)
Public services	13.3 (66)	8.1 (63)
Paper and printing	13.3 (3)	3.7 (2)
Local government	12.6 (18)	7.0 (17)
Health	12.1 (11)	7.4 (11)
Agriculture and forestry	11.4 (1)	4.3 (1)
Chemicals, pharmaceuticals and oil	11.8 (15)	3.5 (14)
Engineering, electronics and metals	11.4 (27)	6.3 (27)

Source: CIPD, Recruitment, Retention and Turnover Report 2006  
 Figures in brackets show number of organisations responding to survey.

## 6. PAY INCREASES IN THE PUBLIC SECTOR 2006

Pay increases for Major Public Sector Groups in 2006	% rise	Date	Nos.
<b>Central government</b>			
Armed Forces Review Body	3	April	202,350
Department for Work and Pensions	3	July	129,000
HM Revenue & Customs	5.35	June	105,000
Home Office	3.5	July	17,000
Ministry of Defence (industrials)	3.5	August	12,000
Prison Service Pay Review Body (E&W)	1.6	April	33,356
Senior Salaries Review Body	1	April	850
<b>Education</b>			
Further Education Colleges	2	August	56,000
School Teachers Review Body (E&W)	2.5	September	500,000
Scottish JNC for Teaching Staff in School Education	2	April	51,650
Universities	3	August	200,000
<b>Health</b>			
Doctors and Dentists Review Body (DDRB) – consultants	1	April	35,700
DDRB – doctors and dentists in training	2.2	April	49,500
DDRB - general dental practitioners	3	April	23,200
DDRB – GPs	2.2	April	41,300
DDRB – staff doctors and non-consultants	2.4	April	17,200
NHS non-Review Body staff	2.5	April	300,000
Nursing and Other Health Professions Review Body	2.5	April	840,000
<b>Local government</b>			
Local Authorities – craft workers (E&W)	2.95	April	40,000
Local Government Services NJC (E&W) final	2.95	April	1,300,000
Buckinghamshire County Council	3	April	9,670
Kent County Council	2.83	April	15,000
Scottish Joint Council for LG Employees	2.5	April	228,805
Police Staff Council (E&W)	3	September	50,000
Fire Service	2.7	July	53,000
Police	3	September	140,000
<b>Other groups</b>			
BBC	2.8	August	23,000
Royal Mail	2.9	April	155,000

7. INFLATION AND AVERAGE EARNINGS

Date	INFLATION			AVERAGE EARNINGS (GB)				
	RETAIL PRICE INDEX (Jan 1987=100)	HEADLINE RATE (RPI - % increase on year ago)	CONSUMER PRICE INDEX (CPI)	AVERAGE EARNINGS INDEX (Jan 2000=100)	HEADLINE RATE WITHOUT BONUS (3 month average)	RATE WITH BONUS (3 month average)	HEADLINE RATE WITHOUT BONUS (3 month average)	RATE WITH BONUS (3 month average)
Feb-07	203.1	4.6	2.8					
Jan-07	201.6	4.2	2.7	129.4	3.6	4.2		
Dec-06	202.7	4.4	3	129.1	3.7	4		
Nov-06	202.1	3.9	2.7	128.7	3.8	4.1		
Oct-06	200.4	3.7	2.4	128.5	3.7	4.1		
Sep-06	200.1	3.6	2.4	128.1	3.5	3.9		
Aug-06	199.2	3.4	2.5	127.5	3.6	4.2		
Jul-06	198.5	3.3	2.4	126.9	3.7	4.4		
Jun-06	198.5	3.3	2.5	126.9	3.9	4.3		
May-06	197.7	3	2.2	126.5	3.8	4.1		
Apr-06	196.5	2.6	2	126.1	3.7	4.3		
Mar-06	195	2.4	1.8	125.6	3.9	4.1		

Source: ONS . For figures updates on a monthly basis please see Bargaining Update at: <http://www.unison.org.uk/bargaining/bargainingupdate.asp>. Average Earnings Index is seasonally adjusted and excludes bonuses.

8. UNEMPLOYMENT: CLAIMANT COUNT

Year	Month	Unemployment level ('000s)	Rate %
2006	Feb	925	2.9
	Mar	937.8	3
	Apr	945.1	3
	May	950.7	3
	Jun	955	3
	Jul	954	3
	Aug	951.8	3
	Sep	960.1	3
	Oct	956.5	3
	Nov	948.6	3
	Dec	939.3	3
	2007	Jan	926
Feb		922.2	2.9

Source: Office of National Statistics

## 9. ACCIDENTS AT WORK

Year	Employees		Self-employed		Overall workers	
	Number	Rate	Number	Rate	Number	Rate
1999/00	162	0.7	58	1.7	220	0.8
2000/01	213	0.9	79	2.4	292	1.0
2001/02	206	0.8	45	1.3	251	0.9
2002/03	183	0.7	44	1.3	227	0.8
2003/04	168	0.7	68	1.8	236	0.8
2004/05	172	0.7	51	1.3	223	0.8
2005/06	160	0.6	52	1.4	212	0.7

Source: Health and Safety Executive

Rate = per 100 000 employees

Year	Employees		Self-employed		Overall workers	
	Number	Rate	Number	Rate	Number	Rate
<b>Major Injury</b>						
2003/04	30 689	120.4	1283	33.9	31 972	109.3
2004/05	30 451	117.9	1251	33.0	31 702	107.1
2005/06p	28 605	110.1	1251	32.9	29 856	100.3
<b>Over-3-day injury</b>						
2003/04	131 017	514.2	1114	29.5	132 131	451.5
2004/05	121 779	471.7	1143	30.2	122 922	415.2
2005/06p	117 471	452.2	1174	30.8	118 645	398.4

Source: Health and Safety Executive

Rate = per 100 000 employees

### Note on accident at work statistics:

These statistics do not include:

- those who die in road traffic accidents whilst driving at work (this amounts to approximately 1000 deaths per year)
- deaths caused by occupational ill-health.

The definition of a “Major Injury” is “serious injuries to workers, including fractures, amputations and other injuries leading to resuscitation or 24-hour admittance to hospital.”

The definition of “Over 3-day injury” is: “Other (non-major) injuries to workers that lead to absence from work, or inability to do their usual job, for over three days.”

For more detailed guidance on how to organise around Health and Safety issues, please visit here:

<http://www.unison.org.uk/safety/guides.asp>

## 10. MATERNITY/PATERNITY RIGHTS

The table below covers the main areas of maternity rights as they will stand after the changes introduced on 1<sup>st</sup> April 2007.

	<b>Rights from 1st April 2007</b>
<b>Ordinary Maternity Leave</b>	Women are entitled to 26 weeks Ordinary Maternity Leave. This can start any time after the 11th week before the EWC, right up to the week in which the baby is due.
<b>Statutory Maternity Pay (SMP)</b>	Women are entitled to 39 weeks Statutory Maternity Pay: The rate is 90% of a woman's average weekly earnings for the first six weeks, followed by the lesser of a flat rate of - currently £108.85 a week - or 90% of her average weekly earnings for the remaining 33 weeks. The flat rate is subject to review every April.
<b>Additional maternity leave (AML)</b>	Women are entitled to 26 weeks Additional Maternity Leave (AML) from the end of the Ordinary Maternity Leave period. The combined maximum leave entitlement is 52 weeks. No qualifying period of service for AML will apply.
<b>Notice of maternity leave</b>	Notice of maternity leave must first be given by the 15th week before the EWC but may be changed on 28 days' notice.  There is a duty on employer to reply to employee's notice and to inform them of the date her maternity leave will end.
<b>Notice of early return from maternity leave</b>	Employees will be required to give 8 weeks notice before early return from maternity leave.
<b>Paternity leave (fathers and partners) - birth and adoption</b>	Paternity leave will remain at 2 weeks leave. To qualify the partner must have 26 weeks' service at the 15th week before EWC or date the adoptive parent is matched with child for adoption. Statutory paternity pay of £108.85 (from 2/04/06) or 90% average weekly earnings, whichever is the lower. To qualify the partner's average earnings must be above the prescribed threshold of £84.00 a week (for 06/07), before tax.  Note: The Government has stated its intention to increase paternity leave to 26 weeks to be taken in the second half of the maternity leave period to be introduced by end of this Parliament.
<b>Adoption leave (Ordinary and Additional)</b>	Ordinary Adoptive Leave (OAL) and Additional Adoptive Leave (AAL) total is 52 weeks.
<b>Statutory Adoption Pay</b>	Statutory adoption pay will be extended to 39 weeks. The rate is 90% of an adoptive parents average weekly earnings for the first six weeks, followed by the lesser of a flat rate of - currently £108.85 a week - or 90% of her average weekly earnings for the remaining 33 weeks. The flat rate is subject to review every April.

<p><b>Antenatal appointments</b></p>	<p>All pregnant employees are entitled to take a reasonable amount of paid time off work on medical advice to attend antenatal appointments. An employee can be asked to produce a medical certificate or appointment card, except in the case of her first request for time off. Managers cannot ask employees to work additional hours to make up for any time spent at antenatal appointments.</p>
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For more detailed information on Maternity Rights visit here:-

<http://www.unison.org.uk/acrobat/MaternityRightsMarch2007.pdf>

## 11. UNISON BARGAINING SUPPORT GROUP: HELP FOR UNISON NEGOTIATORS

Do these questions sound familiar?

*“I’ve just been elected women’s officer for my branch and we’re getting ready to negotiate a new childcare agreement. How do I put together a proposal that members will support? Where can I find examples of good agreements?”*

*“The housing association I work for is trying to impose ‘market-based pay’. We want to oppose it, but how do we make our case?”*

*“I’ve been asked to draft a local pay claim. Where do I start?”*

*“Can you explain the new equalities duties? How do we make sure we incorporate them into our agreements?”*

*“My employer is considering contracting out the service I work for. How do I find out about the companies that are bidding? What protections will we have under TUPE when we transfer?”*

These are the kinds of issues that UNISON negotiators face every day. As an activist trying to do the best for your members, you don’t need to struggle to get support for you negotiations. UNISON’s Bargaining Support Group (BSG) provides all the information you need to bargain effectively.

### What can we give you?

The Bargaining Support Group provides advice and guidance on a wide range of negotiating issues, including pay, conditions, companies and contracts in the workplaces where we organise.

BSG collects the key statistics negotiators need to back up pay and conditions bargaining. We offer all sorts of bargaining information tailored to meet the needs of local and national pay claims.

We can provide model claims and agreements, advice on best practice and up-to-date information and statistics. BSG provides factsheets and bargaining guides on key bargaining topics.

In addition, our Bargaining Information System (BIS) has extensive information on the employers UNISON deals with in all sectors, their contracts and agreements. We can provide profiles of private firms and voluntary organisations of interest to regions and branches.

**Everything in one place**

There is no need to search multiple websites or trawl through a dozen publications to find the information you need. All Bargaining Support material can be found on the **Bargaining Zone** on the UNISON website ([www.unison.org.uk/bargaining](http://www.unison.org.uk/bargaining)) Try the [pay zone](#), [conditions zone](#) and [equalities zone](#) for specific bargaining resources. If you're dealing with contractors or non-profit-making organisations then look at the [private, community & voluntary zone](#). A range of model claims and agreements can be found in [bargaining tools](#). If you need further help, you can email your question or comments direct from the site.

Join the Bargaining Support mailing list to get [Bargaining Update](#), [Companies Update](#), [TUPE Update](#) and [Key Statistics](#). These monthly email updates give you up-to-date bargaining news and statistics, and the latest on private companies and contracts.

If you would like to use any of the services provided by the BSG or want further information please contact us at 1 Mabledon Place, London WC1H 9AJ. Tel 020 7551 1274, Fax 020 7551 1766 or by e-mail to [bsg@unison.co.uk](mailto:bsg@unison.co.uk).