

MOTION C5

STATUTORY ACCESS TO WORKPLACES FOR TRADE UNIONS

GREEN PARTY AUTUMN CONFERENCE 2016



From Amazon to Sports Direct to Deliveroo, exploitation of workers is on the rise. It's no coincidence that this is happening in non-unionised workplaces. We can only stop the abuses if unions are allowed into these workplaces, to enable these workers to organise and fight for their own pay and conditions. This motion calls for Trade Unions to be given a legal right to enter non-unionised workplaces and speak to workers.

What is going on?

As Natalie Bennett wrote last month following the Deliveroo strike, practices such as casualization of contracts, outsourcing and use of precarious arrangements such as zero-hours contracts are on the rise – what she called a “full-scale attack” on workers’ rights. **Bennett said that “neither the government nor the Trade Union movement has been able to adapt to [this attack]”.**

In some ways, she’s right – whilst Trade Unions have had some major recent successes with organising the most vulnerable workers in our society, they have indeed found it difficult to organise workers in some of these workplaces. There are certainly various problems here – for example, workers being in new precarious and casualised arrangements, or high turnover of staff – but **one of the biggest problems is that Trade Union representatives and officials have no access to some of the most exploited workers.** Good employers recognise and work together with Trade Unions, **but the very worst employers, such as Amazon or Sports Direct, simply ban union representatives from coming on site.**

Trade Union organisers have called for access to the worst workplaces to be able to speak to workers, but so far no UK political party has responded to this. With motion C5, the Green Party would become the only UK political party to adopt a policy of statutory access to workplaces.

Who is affected by these employment practices?

Workers from many different backgrounds find themselves employed in workplaces where exploitative employment practices are the norm. However, **young workers** are often disproportionately affected, as they are more likely to find work in new kinds of workplaces such as call centres or retail, where there is no history of unionisation. **Migrant workers** are also disproportionately likely to be found in workplaces where casualised or precarious employment practices are used.

Do we really need workers to unionise? Can't we just legislate?

Legislation on its own isn't enough – we need workers to become organised so that they can fight for their own improvements in Terms and Conditions. There are **two main reasons** for this.

Firstly, **legislation on its own makes no difference unless someone is there to enforce it.** Legislation can create new rights for workers, but when workers are not in any union they are often unaware of all their rights, or unable to take action to enforce their rights.

Secondly, **enabling workers to organise and make their own claims for improvements makes a more lasting difference.** One government can introduce legislation to improve employment rights, but the next can simply roll it back. By contrast, when workers are organised in a Trade Union, they can make their own pay and conditions claims and campaign for them in their own workplaces, and this level of organisation can't simply be undone by someone else.

Of course, the Green Party supports a high minimum wage and strong employment laws, but at the same time, we don't want to create a generation of low-paid workers who are simply dependent on the government for any improvements in their conditions. That's why the Green Party has such strong policies to promote Trade Unions, and why our elected politicians and activists have been so active in supporting workers in disputes across the country.

What statutory access do we already have in the UK?

Very little. Statutory access to workplaces is only given during a ballot for recognition, if mandated by the Central Arbitration Committee (a Government body). The rules around these CAC ballots are **extremely** restrictive and cumbersome, and Trade Unions can't make a CAC application unless they've **already** got a certain level of membership in the workplace. So this unfortunately doesn't help us with workplaces where the employer is shutting Trade Unions out.

How would statutory access for Trade Unions work?

We haven't included in this motion any details about how statutory access would work in practice. This is intentional – a Green government would be able to consult widely and come up with a fair system. We'd expect there to be provisions in place to ensure this right of access was used fairly and the burden on employers was not too great, although we would argue that there should not be any unnecessary restrictions placed on the exercise of this right.

Countries which already have a system of statutory access include Sweden, New Zealand and Australia, and we'd like something similar to be brought in in the UK. We particularly like the New Zealand system – set out in **New Zealand's Employment Rights Act 2000** sections 20-26. This Act ensures that unions must obtain consent from employers before entering a workplace, but employers are only permitted to withhold this consent for certain specific reasons. This law also permits the union to hold a certain number of meetings per year for workers on-site, and gives workers a right to attend this meeting during their working time, with provisions to ensure that this is used reasonably.

What would be the impact of statutory access?

Let's be clear – this policy would have **no impact on reputable employers** who are happy to work together with Trade Unions, recognise the Trade Union(s) that their workers have joined, and engage in negotiations over pay and conditions. Where a union is recognised by an employer, they will reach their own agreements around access to workplaces if needed.

The impact of this policy would fall on **exploitative employers** who wish to keep union representatives out so that they can continue exploiting their workers. As stated above, we would expect any legislation to include provisions to ensure this statutory right of access was used reasonably, and we have left plenty of room for this to be decided at a later date.

Full text of the motion

Insert new WR415:

A Green government shall legislate to provide independent Trade Unions with a statutory right of access to workplaces in order to speak to workers during their working hours, and to give workers reasonable time off from their normal duties to meet with Trade Unions when they access the workplace.

PLENARY DEBATE

The plenary debate on this motion may be on **SATURDAY** during the **10:30-12:30** session after Deputy Leader's speech, or on **SUNDAY** during the **10:30-1200** session.