



bottomline

QUARTERLY PUBLICATION FROM GREATER MANCHESTER PAY AND EMPLOYMENT RIGHTS ADVICE SERVICE

Spring 2007

Disability and employment

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Minimum Wage

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Greater Manchester Pay and Employment Rights Advice Service is a company limited by guarantee 2279105 and a registered charity 1113448. It is funded primarily through AGMA, the Association of Greater Manchester Authorities.

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Greater Manchester Pay and Employment Rights Advice Service is what was formerly known as Greater Manchester Low Pay Unit. The organisation has been providing employment rights advice and undertaking research into aspects of the labour market and low pay for the last 20 years.

Greater Manchester Pay and Employment Rights Advice Service exists to improve working conditions for the most vulnerable members of the workforce by providing employment rights advice, representing the interests of low-paid workers in debate on social and economic policies, and promoting greater public awareness of poverty and injustice.

We provide free, confidential **Employment Advice, Information and Support** to anyone in Greater Manchester who is experiencing problems at work or who wants to know what their rights are. **To contact an Employment Rights Adviser ring 0161 839 3888.**

We also produce a number of **leaflets and factsheets** dealing with a wide range of employment issues. If you would like further information ring the office number 0161 839 3882 or visit our website **www.gmemploymentrights.org.uk**

'**Jobwatch**' is a unique survey of job vacancies in Greater Manchester jobcentres which we produce each year. The survey details rates of pay and makes comparisons of labour market trends since 1989. It is an invaluable resource for agencies and individuals with an interest in

economic development and the changing patterns of employment in Greater Manchester. If you would like to receive a copy of Jobwatch 2006 ring the office or email **info@gmemploymentrights.org.uk** Jobwatch 2007 will be out at the end of the year.

BottomLine is sent out quarterly. If you want to order more copies please contact the office.

For further information about the **research** we are currently involved with or to receive reports of previous pieces of research please contact the research worker on the office number.

If you want to organise training in your workplace or to others we can provide training on a wide range of employment issues. Contact the office for further details.



Welcome

to the Spring 2007 edition of **Bottomline**

In this quarters edition we have a summary of our research findings regarding the Employment Act 2002 (Dispute Resolution) Regulations 2004. This research highlights the need for Government to ensure that workers have access to information and advice about their rights at work. Ensuring advice is available is one step in the right direction, but we also believe that the Government should establish a new enforcement mechanism in the form of a Labour or Employment Inspectorate which would have the responsibility of ensuring that employers comply with all statutory individual employment rights. If you would like a free copy

of the full report entitled 'Dispute Resolution' please contact us on 0161 839 3882.

We also look at data from our annual survey of Jobcentre vacancies and focus on advertisements for apprenticeships in Greater Manchester Jobcentres. Most apprenticeships advertised are paying below the national minimum wage and we ask whether these workers are being exploited.

Our final article in this quarters edition looks at the employment rates of disabled people. Recent research shows that there is no clear dividing

line between disabled people who can and cannot work and we recommend that further research be carried out before the criteria for the personal capability assessment are agreed in the rehaul of Incapacity Benefit.

We hope you enjoy this quarters edition.

Katie Brotherston
Research Worker

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Disability and employment



There are about 3.6 million disabled people between the ages of 19 and 59 in Britain. Less than a third of these people are employed compared with three-quarters of non-disabled people in the same age group. These starting figures highlight the fact that unemployment and the consequent loss of income for disabled people is an issue that urgently needs to be addressed. In this article we report on the findings of a Department for Work and Pensions (DWP) research report (No 298) entitled 'The employment rates of disabled people'. A key point is that although government policy is addressing disability discrimination in the labour market, policy initiatives focus on disabled people as an identifiable group in which some can work and others can't. However, the research on which report No 298 is based shows that employment rates vary between different types of disability and that there is no clear dividing line between disabled people who are impaired and cannot work

and those who can work.

Education and training

Report 298 highlights a strong interaction between demographics, economics and disability; namely, the research found that severely disabled people with higher education and living in high-employment areas are not that much less likely to be in employment than mildly disabled people, or non-disabled people. "The reasoning behind the concept of incapacity is thrown into reverse: far from being incapable of work and insensitive to economic forces, severely disabled people are capable of work if they have the right educational background and labour market opportunities." Rather than having negligible effect on employment prospects economic and demographic factors can seriously influence the probability of a disabled person being employed. These findings emphasise the need for disabled people to be offered the maximum possible training and educational opportunities.

Definition, and range of disability

The Disability Discrimination Act 1995 is the main piece of legislation which makes it unlawful to discriminate against a disabled person in terms of employment, promotion opportunities, by dismissing them or by subjecting them to any other detriment. In addition there are various statutes and regulations covering disability including The Disability Discrimination Act 2005. For the purposes of the Act for someone to be defined as disabled there must be a mental or physical condition which has substantial and long-term

adverse affect on the employee's ability to carry out normal day-to-day activities. Long-term means that the condition must last, or be likely to last, for more than 12 months. Given the relatively broad definition set out by the legislation, it is not surprising that the term 'disabled' covers a wide range of conditions (Table 1).

The DWP research report No298 found that by far the most serious condition from the point of view of employment was mental health problems. This finding is supported by the data in Table 1 from the Shaw Trust which shows that only 11% of people with a mental health problem, phobia, panics or other nervous disorder were in employment whereas 67% of people with diabetes were in employment. These statistics highlight a second key finding of Report 298: when comparing the employment disadvantage associated with disability, in other words disabled people's actual experience and what they might have been expected to experience if disability had not been a source of disadvantage, there was an average reduction of around 40% in the rate of employment. However, this figure disguises a considerable range of impact and in fact, employment rates vary so widely between different types of disability that there was no clear dividing line between disabled people who are impaired and cannot work and those who have little difficulty finding employment. Further, it contradicts the stereotype that the main variation in terms of employment is between disabled people and the non-disabled. These are clearly important findings in relation to government policy on

increasing the employment rate among disabled people.

Incapacity Benefit

The Government aims to take one million people off Incapacity Benefit (IB) and into employment. Part of their strategy includes a rehaul of Incapacity Benefit and the focus of the rehaul is to encourage a work centred approach. Planned reforms will not apply to existing claimants and will not be fully introduced until 2008. However, the first steps to reform have already been taken in the form of Pathways to Work which has introduced mandatory personal advisers for existing IB claimants who have been on the benefit for up to three years as well as a £20 a week job preparation payment.

To replace Incapacity Benefit three new benefits are to be introduced Rehabilitation Support Allowance and Disability and Sickness Allowance and a Holding Benefit. Prior to being assessed through the personal capability assessment (PCA), claimants will receive a 'holding benefit' paid at the jobseekers allowance (JSA) rate of £59.15 a week. It is envisioned that the PCA should take place within twelve weeks, after which time, those with 'more manageable conditions' will receive Rehabilitation Support Allowance, others with 'the most severe health conditions or impairments' will receive Disability and Sickness Allowance. Those who are considered able to return to work with the right support and who are claiming the Rehabilitation Support Allowance will have to participate in work-focused interviews and activity to 'prepare for a return to work' such as vocational training and basic skills courses. Although the basic rate of the Rehabilitation Support Allowance is at the JSA level, if claimants satisfy the new conditions it will be topped up to a level slightly higher than the present long term IB rate of £81.35 a week. The work-focused interviews and return to work activity will also be offered to the claimants receiving Disability and Sickness Allowance but on a non-compulsory basis and

they will receive approximately £80 a week.

The criteria the PCA is going to use and how it is going to be decided which claimants receive Rehabilitation Support Allowance and which receive Disability and Sickness Allowance are still to be addressed. The research presented here raises the question of how these criteria are going to be set when available data shows no polarity between those able to work and those unable. Further research into disability and employment which focuses on reasons behind the substantial variation in employment rates of disabled people rather than disabled people as a group is needed on which to base decisions about the criteria which will be used in the PCA. A further issue is whether claimants leaving sickness benefits to start work will be able to sustain their employment. Links back into the benefit system need to be set up to ensure that claimants feel secure in taking up the support available and making that transition into the labour market and it has been proposed that there be a two year 'linking period' for claimants who have been in receipt of the higher rate of IB during which they would automatically requalify without having to reapply.



Table 1: Proportion of disabled people in employment according to type of impairment

Main impairment	% of all disabled	% in employment
Diabetes	6	67
Difficulty in hearing	1	62
Skin conditions, allergies	2	65
Chest/breathing problems	11	64
Heart, blood pressure/circulation problems	12	57
Difficulty in seeing	2	50
Stomach, liver, kidney or digestive problems	5	56
Other health problems or disabilities	8	54
Arms or Hands	6	53
Back or neck	16	46
Legs or feet	11	48
Epilepsy	2	52
Speech impediment	Less than 1	30
Progressive illness not included elsewhere	5	43
Learning difficulties	3	25
Depression, bad nerves or anxiety	7	24
Mental illness, phobias, panics or other nervous disorders	3	11

Source: Shaw Trust - data from labour force survey Spring 2005

Apprenticeships and the National Minimum Wage

In our Summer 2006 edition of Bottomline, we presented our survey on apprenticeships in Rochdale. Having expanded our analysis to include data from our 2006 survey of jobcentre vacancies in Greater Manchester, we report here results for the entire metro area. Our findings indicate that apprentices continue to be paid at levels significantly below the National Minimum Wage raising concerns about exploitation of this group of vulnerable young workers.

Apprenticeships

Apprentices are employees who have specific time during their working week allocated to training, which can be given in-house or externally. The age range for apprenticeships is 16-24 although 16-21 year olds are a priority for the Learning and Skills Council.

Apprenticeships and the National Minimum Wage the current exemptions:

All apprenticeships under the age of 19 are exempt from the minimum wage

Since Oct 2006 apprenticeships aged 19 and over are exempt from the minimum wage for the first year of their training. Previous to this there had been an upper age limit of 26 for the twelve months' exemption.

Jobwatch 2006: Apprenticeships

Jobwatch is GMPERAS' annual survey of Jobcentre vacancies. Data for vacancies available in April were collected at all Jobcentres across the Greater Manchester area. In 2006, this yielded a total of 32 apprenticeships advertised and it is on these data that we have based this article. A breakdown of the vacancies by employment sector is given in Table 1. Interestingly, whilst the traditional apprenticeships in skilled trade and engineering are well-represented, almost one third of the positions are in the non-traditional office work sector. This may reflect an exploitation of the lower rates of pay available to employers through the apprenticeship system.

In April 2006, a total of 10,753 jobs were advertised in Greater Manchester's jobcentres, of these rates of pay could be calculated on an hourly basis for 7,789 positions and on a weekly basis for 8,166. We used these data to review how rates of pay for apprenticeships compare with hourly and weekly rates of pay in different occupations (Table 2) and the 2005, 2006 and 2007 minimum wage rates (Table 3). Our data show that the average hourly pay for all apprenticeships advertised in Greater Manchester jobcentres, apart from those in the engineering profession, were paying below the October 2005 minimum wage rate for 16-17 year olds of £3.00. Engineering apprentices are paid over £2.00 an hour more than apprentices in the clothing industry or in office work which are more likely to be taken by female workers whilst engineering tends to be dominated by males. The average hourly pay across Greater Manchester of apprenticeships advertised in jobcentres was £2.92, eight pence below the October 2005 minimum wage rate and £0.48 below the minimum wage youth rate of £3.40 introduced six months after the data was collected in October 2006. Our analysis clearly shows that abolishing the apprenticeship's exemption to the minimum wage would not out-price the lower paying sectors of the labour market and would decrease the pay gap between male and female apprentices. Further, the availability of better paying apprenticeships would also encourage young people to take up positions which offer ongoing training and opportunities for their futures.

Table 1: Frequency according to occupation of apprenticeships surveyed during Jobwatch 2006

	Number	Percent
Miscellaneous	3	9.4
Catering	2	6.3
Hairdressing	2	6.3
Office work	10	31.3
Clothing	1	3.1
Skilled Trade	11	34.4
Motor Trade	1	3.1
Engineering	2	6.3
Total	32	100.0

Table 2: Average hourly and weekly pay of all jobs and apprenticeship vacancies by occupation. (Greater Manchester, April 2006)

Type of job	Hourly rate of pay	Weekly rate of pay	Hourly rate of pay (£) apprentices	Weekly rate of pay (£) apprentices
Professional	£12.07	£423.36	-	-
Managerial	£9.23	£351.23	-	-
Leisure	£6.87	£175.58	-	-
Engineering	£10.30	£410.15	£4.75	£189.83
Catering	£5.97	£191.23	£2.76	£85.00
Motor Trade	£7.77	£314.66	-	-
Skilledtrades	£8.61	£346.44	£2.56	£100.06
Sales	£7.10	£249.08	-	-
Clothing	£7.36	£280.16	£2.50	£100.00
Driving	£7.01	£271.07	-	-
Office work	£7.19	£258.84	£2.46	£90.00
Care work	£6.36	£177.28	-	-
Hairdressing	£5.75	£198.38	-	-
Factory	£5.88	£219.40	-	-
Shopwork	£5.52	£151.45	-	-
Security	£6.03	£238.36	-	-
Cleaning	£5.50	£87.70	-	-
Greater Manchester	£7.40	£260.95	£2.92	£110.17



At present, the National Minimum Wage framework has three bands: 16-17 year old (youth rate) 18-21 old (development rate) and 22+ (adult rate). Table 3 records the number of jobs in Greater Manchester in these pay bands.

23 jobs paid below the 16-17 year old rate for October 2005. Apart from these 23 jobs only 104 or 1.3% of all jobs advertised paid below the October 2005 adult rate of £5.05. Only two vacancies were paid at the Oct 2005 development rate. Some use was made of the October 2005 adult rate of £5.05 with 547 jobs or 7% paying this amount exactly. However, the vast majority of jobs (84.9%) were paying above the adult rate which was introduced in October 2006, six months after the data was collected. One year later we are in a position to compare the data with the adult rate, which has been recommended for introduction in October 2007 and we have found that 78.7% of jobs paid above this rate of £5.52.

In August 2005 the LSC recommended that waged apprentices should not be paid less than £82.00 a week by their employer and the Government has

since required training providers to ensure that employed apprentices in England receive a wage of at least £80.00. We found no apprenticeships in Greater Manchester, which were advertised in jobcentres, offering less than this figure. However, the lowest paid apprenticeships surveyed here are still appallingly poorly paid, with hourly rates as low as £2.12 per hour (Table 4). By comparison the average hourly rate of pay for all jobs in Greater Manchester was £7.40 and even the lowest paid occupation (cleaning) had an hourly rate of £5.55. Table 4 also highlights that all positions surveyed were fulltime, but that there was a large variation in the number of hours worked.

Conclusion

The Low Pay Commission's 2006 National Minimum Wage report recommended that the upper age limit of the 19 – 26 year age band in which apprentices would be exempted from the national minimum wage regulations for the first year of their apprenticeship be removed. The Government accepted this recommendation and with effect from 1 October 2006, the one year exemption applies to

Table 3: Pay bands according to the National Minimum Wage rates of Oct 2005, Oct 2006 and Oct 2007

	Payband	Greater Manchester		
		No	%	Cumulative %
16-17 year old rate Oct 2005	£0.00-2.99	23	0.3	0.3
	£3.00	0	0.0	0.3
	£3.01-£3.29	4	0.1	0.4
16-17 year old rate Oct 2006	£3.30	0	0.0	0.4
	£3.31-3.39	1	0.0	0.4
	£3.40	2	0.0	0.4
16-17 year old rate Oct 2007	£3.41-£4.24	9	0.1	0.5
	£4.25	2	0.0	0.5
	£4.26-£4.44	6	0.1	0.6
Development rate Oct 2005	£4.45	0	0.0	0.6
	£4.46-£4.59	11	0.1	0.7
	£4.60	0	0.0	0.7
Development rate Oct 2006	£4.61-£5.04	69	0.9	1.6
	£5.05	547	7.0	8.6
	£5.06-£5.34	483	6.2	14.8
Development rate Oct 2007	£5.35	25	0.3	15.1
	£5.36-£5.51	485	6.2	21.3
	£5.52	1	0.0	21.3
Adult rate Oct 2005	>£5.52	6121	78.7	100.0
	Total	7789	100.0	-

Table 4: Hourly and weekly rates of pay and weekly hours of work for apprenticeships according to advertised age band (Greater Manchester April 2006)

Age-bands for Apprenticeships	Hourly rate of pay	Weekly rate of pay	Hours of work per week	Number
16 - 18	£2.26	£95.00	42.25	2
16 - 19	£2.12	£85.00	40.00	1
16 - 21	£3.33	£120.21	36.13	4
16 - 24	£2.33	£85.00	37.6	4
17 -23	£6.01	£240.38	40.00	1
18 - 21	£3.16	£95.00	32.5	2
18 - 22	£2.25	£90.00	40.00	1
18 - 24	£2.27	£92.50	40.75	2

all apprentices aged 19 and over with no upper age limit. This change was made due to new age discrimination legislation. The effect is, however, that all apprentices over the age of 19 have to complete one year of their apprenticeship before being entitled to the national minimum wage. We believe that if all apprentices were paid the national minimum wage and apprenticeships were made more accessible, they could become a tool for influencing young people's early career choices. Applying the National Minimum Wage regulations to all apprenticeships would also

decrease the gender pay gap and work against gender segregation in the labour market. Paying the national minimum wage would, in other words, help ensure that discrepancies between the pay of traditionally male and female employment does not begin with training.

At present there are few apprentices over the age of 24, which means that removing the upper age limit of 26 will not decrease the income of many apprentices. However, new apprenticeships for adults over 24 are being introduced which will be

targeted at two groups of people; firstly, people who have been long term unemployed with the aim of giving those people the option of re-skilling and secondly women, by working against occupational gender segregation and encouraging women to train in traditionally male occupations such as engineering. These two groups of people are more likely to have families and caring responsibilities and it is important that when they choose to do an apprenticeship their choice is a realistic one and that they are not forced to drop out for financial reasons.

The Low Pay Commission has further recommended to Government that it should undertake a wider review of all apprenticeship exemptions and assess the position of apprenticeships regarding the minimum wage in 2008.

We fully support such a review and believe that the high drop-out rate for apprentices is caused by the very low pay rates. Further, we remain concerned that apprentices are vulnerable to exploitation.

We recommend

The removal of the minimum wage exemptions as applied to apprenticeships so that all apprentices are paid at least the National Minimum Wage.

All those over 18 be made eligible for the adult minimum wage rate and the development rate be abolished.

Postscript: 2007 Data

This year's, data collected in April 2007, has seen a sharp decline in the number of apprenticeships advertised in Jobcentres in Greater Manchester. This is not to say that the number of apprenticeships in Greater Manchester has decreased, but that they are not being advertised in Jobcentres but rather through agencies such as Connexions. We welcome this development as it will help ensure that young people receive the information and advice needed and that apprenticeship vacancies will be properly regulated.

Resolving disputes in the work place

This article is a summary of our data from the full report of our findings entitled 'Dispute Resolution'. If you would like a copy of the full report please contact us on 0161 839 3882 to order a free copy.

The enactment of the Employment Act 2002 (Dispute Resolution) Regulations 2004 gives workers more rights and sets out the procedures which should be followed in the workplace in order for grievances to be pursued. However, nationally the number of employment tribunal applications has not decreased since 2004. In 2005/06 there were 115,039 registered applications to an Employment Tribunal. This represents an increase of 34% from 2004/05 when 86,181 applications were registered. These statistics raise serious concerns about the effectiveness of this legislation.

In 2006 Greater Manchester Pay and Employment Rights Advice Service (GMPERAS) began a research project aiming to explore employees' experiences of pursuing a grievance against their employer. Specifically, we were interested in determining whether the Employment Act 2002 (Dispute Resolution) Regulations 2004 was successful in facilitating the resolution of grievances in the workplace. We gathered data via questionnaire from workers who had contacted GMPERAS' advice line regarding grievance issues between October 2004 and March 2006.

Questionnaire

GMPERAS has run a regular free and confidential advice line on employment rights since 1985. This provides daily contact with the least

protected and most vulnerable workers. These are workers who are most in need of basic rights and who have had most to gain from the Employment Act 2002 (Dispute Resolution) Regulations 2004. The central concern of this research was to assess the experiences of this particular group of workers of the statutory grievance procedure, as well as considering whether they had been able to pursue and reach a resolution to their grievances.

Between October 2004 and March 2006, 486 workers called the advice line with a grievance query and left contact details. These callers were contacted in May 2006 and asked to complete a short questionnaire about their experience of pursuing a grievance against their employer. In total, 103 completed questionnaires were returned.

Key findings

Information and compliance

Our data indicate that there is often little or no information provided to employees regarding their rights under the Dispute Resolution legislation. Indeed, only 15% of those workers who did make a formal grievance said that their employer informed them of a grievance procedure. This is despite employers being bound by law since the Employment Act 2002 (Dispute Resolution) Regulations 2004 came into force, to provide details of the grievance procedures to the

employee in a written statement within two months of their start date with their employer. This clear lack of awareness of or perhaps indifference to, their statutory obligations by employers seems consistent with 46% of respondents believing their employers had not complied with the legislation.

Impact on employees

59% of workers who did not make a formal grievance against their employer said that they experienced harassment or had difficulties in following the procedures for making a grievance. Our data indicate that there is insufficient support and mediation available to workers for them to enforce their rights.

As might be expected, nearly three-quarters of workers said that they experienced negative feelings such as shock, anger or annoyance. 30% of workers said that the experience of making a grievance affected their health detrimentally. In the cases which were about bullying or discrimination 46% and 57% respectively said that their health was affected detrimentally.

Workers wrote:

I suffered depression through stress. I felt very unvalued and as if nobody at work cared. It also prevented me from getting a promotion.

Female, Administrator, aged 25-34, part-time

I had much stress pursuing my grievance and had to be given a sick note by my Doctor due to the pressure which also led to counselling as all my confidence and self-esteem were knocked. To this day I still have belongings at the

workplace which I can not collect.
Female, Nursery Nurse, aged 25-34, full-time

Outcomes and procedures

Of the cases surveyed 43% were resolved in favour of the employee and 17% were resolved against the employee. The majority of other cases were either ongoing or not pursued.

23% of cases where a formal grievance was made went to Employment Tribunal. Approximately a third of these cases were resolved in favour of the employee and about a half were ongoing. Cases were more likely to go to Employment Tribunal when the modified procedure was followed i.e. after employment had been terminated. Although many grievances that followed the modified procedure were regarding redundancy, a significant number concerned wages owed. This may be because employers attempt to withhold monies from ex-employees.

Respondent Recommendations

When questioned regarding ways in which the grievance procedures could be improved, a wide variety of suggestions were made. These are summarised in Table 1. However, two key areas emerge as important. Firstly, 32% of workers said that more information about employment rights needs to be provided in the workplace.

Workers wrote:

I think all staff should be given all information regarding what rights they have at work and from when they apply (e.g. first day, 3 months) the employer should give the information out so they know that people know their rights and will use them against them if needed.

Female, Cleaner, aged 18-24, part-time.

Leaflets should be available within the workplace at reception, admin and in staff rooms. Training day at work where your organisation and others like yourself come in and give the updates on our rights. Advertising on Bill Boards

nationwide.

Female, Play Worker, aged 45-54

Secondly, 65% of respondents said that an independent body is needed to either regulate employers and/or represent employees. This compares with 15% who said that grievances should be resolved in the workplace.

Workers wrote:

Independent arbitration and adjudication if possible not through high courts which may discourage or put off some people.

Male, Solicitor, aged 35-44, full-time

Employment rights people should visit employers directly and follow progress. They should make routine visits to employers to make sure they comply with the rules.

Male, Caterer, aged 35-44, full-time

We need a third party that will make contact with the employer then return to the employee. It is hard to ring personnel on your own as they try to put you down. Having a skilled middle person would be beneficial to all. Most low paid fear solicitors.

Female, occupation not stated, 35-44, part-time

It should be part of the employers grievance procedure to amicably involve an independent third party to mediate.

Female, Ward Secretary, aged 35-44, full-time

The importance/benefits of being in a union should be promoted. I wasn't in a union and it was too late to join when I had my issues.

Female, recruitment consultant, aged 25-34, full-time

A statutory right to employer/employee mediation by an independent body.

Male, Manager, aged 35-44, full-time

Conclusions and Recommendations

Two years after the implementation

of the new regulations on dispute resolution the Government appointed Michael Gibbons as an independent reviewer which resulted in the Gibbons Review. In March 2007 the dti produced a consultation document in response to the Gibbons Review, 'Success at Work', which sets out three main options.

Option 1 Do nothing

Option 2 Repeal the statutory dispute resolution procedures and streamline employment tribunals

Option 3 As option 2 above, but also introducing a package of measures to promote effective dispute resolution including

- Offering a new advice service
- Providing a new entry point for employment tribunal applications
- Providing a new approach to straightforward claims
- Making dispute resolution services available earlier in appropriate cases
- Removing fixed periods for Acas conciliation

Evidence from GMPERAS' advice line paints a complex picture. It is simply not the case that disputes at work are being resolved efficiently in the workplace. Rather, it seems that employers are often unwilling to comply with the Employment Act 2002 (Dispute Resolution) Regulations 2004. Our research reveals that there is a widespread lack of awareness of the responsibilities of employers towards their employees, and that many employees are not informed of even the minimum requirements of the statutory grievance procedure by their employer. Also, many employees are hindered from pursuing a grievance due to the resulting difficulties at work. In some cases workers are harassed in the workplace when they are attempting to enforce their rights at work.

The workers who responded to this survey expressed the need for more help with enforcing their rights. Many workers suggested this could be provided both through trade unions and also through the

establishment of an independent body to which they could turn with employment problems. The existence of such a body would not only be of benefit to workers but also to employers who want to understand and provide basic standards at work. In addition it would reduce the increasing burden on tribunals. To ensure that workers can fully enjoy their new rights requires the introduction of new enforcement mechanisms.

Recommendations

We recommend option 3 as set out in 'Success at Work' March 2007 which would result in the statutory dispute resolution procedures being repealed and, a package of measures to promote effective dispute resolution introduced instead.

We would like to emphasise the importance of one of the recommended measures, namely that the Government should establish an advice service. Individuals are only able to exercise their rights if they are aware that their employer is in breach of the law. They need to know where to get information and advice if they experience a problem to do with their rights at work.

We would further recommend that:-

- The Government should undertake a publicity campaign to improve awareness of existing statutory rights.
- The Government should ensure that any publicity about new rights specifically targets temporary, agency, casual and young workers to emphasise their inclusion in employment rights.
- To ensure that all workers know of their basic rights the Government should provide written, clear and accessible information about statutory rights to every worker. This could take the form of a worker's handbook which could be distributed through employers. This could be done through the Inland Revenue as part of the yearly information provided to all employers.
- To improve workers' access to

information about their rights, the Government should make increased use of public places to disseminate information about rights at work such as bill boards, libraries and public transport for example.

- The Government should require employers by law to display and have available to workers information about basic employment rights. This legal requirement to display information could be similar to minimum wage posters in the U.S.

Further, we believe that the Government should not only ensure that workers have access to information but also enable the enforcement of employment rights. We think that offering a new advice service is one step in the right direction, but that ultimately the problem can only be solved by the Government establishing new enforcement mechanisms in the form of a Labour or Employment Inspectorate. This Inspectorate would have the responsibility of ensuring that employers complied with all statutory individual employment rights. The Inspectorate should have the right to enter and inspect any workplace whilst maintaining the anonymity of workers and impose penalties in the case of non-compliance. We believe that such measures would have a significant impact on the number of claims lodged at Employment Tribunal.



Table 1: How workers think their employment rights should be enforced

	Frequency of suggestions	% of workers
Independent representation of employee	27	40
In workplace	10	15
Information	22	32
Satisfied	2	3
Independent regulation of employer	17	25
Employment Tribunal no	1	1
Employment Tribunal yes	4	6
Range	3	4
Timescales	4	6
Financial penalties	2	3

Publications

Dispute Resolution (May 2007)

Jobwatch 2006: A Survey of Jobcentres in Greater Manchester (January 2007)

The Youth Labour Market: The Impact of the Minimum Wage (April 2003)

The National Minimum Wage: Evidence to the Low Pay Commission (March 2003)

A Difficult Delivery: Maternity Rights at Work (April 2002)

Easier Said Than Done: Enforcing Rights at Work (October 2000)

Other Publications

We also produce:

FREE research summaries;

A comprehensive range of free leaflets and factsheets on employment rights for workers
(for a full list of our leaflets and factsheets, ask for our “We Can Help” leaflet);

Pay factsheets which illustrate “going rates” for a wide range of jobs (these are updated each year).