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Annual Subscription £93.50 (£78.75 for LRD affiliates)

Volume 80, Issue 18, 3 May 2018

## Council staff win over incremental pay rises

The Court of Appeal has ruled that Nottingham City Council was wrong to deny several hundred of its employees the right to incremental pay increases with effect from April 2011.

The local authority workers, backed by the public service union UNISON, successfully challenged the council's 2011 decision to stop them receiving pay rises as they moved up salary scales linked to their jobs.

The long-running case saw the council staff initially take their case to an employment tribunal in Nottingham.

UNISON claimed the council was guilty of the unlawful deduction of wages because staff had a contractual right to incremental wage progression, and therefore the pay freeze was a breach of contract.

The case was heard in 2015, but the workers' claims were dismissed. UNISON, working with Thompsons Solicitors, appealed the decision at an Employment Appeal Tribunal, which found in their favour. However, the council then appealed against that judgment and so the case ended up at the Court of Appeal.

UNISON general secretary Dave Prentis said: "The judges have found unanimously in favour of the council employees. Nottingham City Council was completely in the wrong to try to prevent its staff from getting the pay rises they were due.

"In any organisation, where salary scales are linked to jobs, employees' contracts of employment state that each year, as they gain more experience and move up a point, their wages should increase."

[www.unison.org.uk/news/2018/04/court-appeal-pay-victory-nottingham-city-council-employees/](http://www.unison.org.uk/news/2018/04/court-appeal-pay-victory-nottingham-city-council-employees/)

## 'Presenteeism' at record high

"Presenteeism", or people coming into work when they are ill, has more than tripled since 2010, according to the latest CIPD/Simplyhealth Health and Well-being at Work survey.

The vast majority (86%) of over 1,000 respondents to the 2018 survey said they had observed "presenteeism" in their organisation over the last 12 months, compared with almost three-quarters (72%) in 2016 and just over a quarter (26%) in 2010.

The survey also found that "leaveism", such as people using annual leave to work, is also a growing problem. More than two-thirds of respondents

**LABOUR RESEARCH DEPARTMENT**

Published weekly by LRD Publications Ltd, 78 Blackfriars Road, London SE1 8HF. 020 7928 3649 [www.lrd.org.uk](http://www.lrd.org.uk)

(69%) reported that “leaveism” has occurred in their organisation over the last year.

Despite the disturbing figures, only a minority of organisations are taking steps to challenge these unhealthy workplace practices. Just a quarter of respondents (25%) that have experienced “presenteeism” say their organisation has taken steps to discourage it over the last year, a figure that has almost halved since 2016.

Similarly, only 27% of those who have experienced “leaveism” say their organisation is taking action to tackle it.

Increased “presenteeism” is associated with increases in reported common mental health conditions as well as stress-related absence, which are among the top causes of long-term sickness absence, according to the survey.

However, only one in 10 of those who are taking action said “presenteeism” and “leaveism” are viewed as a priority by the board, and less than six in 10 (58%) say their organisation is currently meeting the basic legal requirements for reducing stress in the workplace.

Rachel Suff, senior employment relations adviser at the CIPD, the professional body for HR and people development, said: “In order to encourage a healthy workplace, organisations need to look beyond sickness absence rates alone and develop a solid, evidence-based understanding of the underlying causes of work-related stress and unhealthy behaviour like ‘presenteeism’.

“Without this evidence base, efforts to support employees and improve their health and well-being will be short-lived.”

[www.cipd.co.uk/Images/health-and-well-being-at-work\\_tcm18-40863.pdf](http://www.cipd.co.uk/Images/health-and-well-being-at-work_tcm18-40863.pdf)

## GMB members take on delivery firm Hermes

Delivery group Hermes is facing legal action over its couriers' employment status and entitlement to employment rights, such as holiday pay and the National Minimum Wage.

The legal action started on Monday 30 April 2018, and has been brought by the GMB general union on behalf of eight couriers, currently labelled as “lifestyle couriers” and treated as self-employed.

The union's case will argue that couriers at Hermes should be classified as workers rather than independent, self-employed contractors. The couriers would then be entitled to employment rights that self-employed contractors do not have access to. This includes receiving holiday pay and the National Minimum Wage.

Tim Roache, general secretary of the GMB, said: “GMB's courier members do a tough job, working long hours with unrealistic targets. They make a fortune for [organisations] like Hermes, the least they should be able to expect in return is the minimum wage and their hard fought rights at work.

“[Organisations] like Hermes and Uber hide behind terms like ‘flexibility’ to wriggle out of treating the people who make them their money with the respect they deserve.

“Guaranteed hours, holiday pay, sick pay, pension contributions are not privileges [organisations] can dish out when they fancy. They are the legal right of all UK workers, and that's what we're asking the courts to rule on.”

[www.employeebenefits.co.uk/issues/may-2018/hermes-couriers-employment-status/](http://www.employeebenefits.co.uk/issues/may-2018/hermes-couriers-employment-status/)

## Demand for inquiry into toxic cabin air

The Unite general union has called for a public inquiry into toxic cabin air on board aircraft after a senior coroner recorded a verdict of “death by misadventure” arising from the death of a member of British Airways' cabin crew.

The senior coroner in the inquest into the death of Matthew Bass, a member of Unite and British Airways' cabin crew, has taken the significant step of agreeing to write to the chief coroner asking him to warn all coroners in England and Wales of the need for additional tests to take place where the cause of death is suspected to relate to toxic cabin air on board aircraft.

The unprecedented letter of concern recognises that exposure to toxic cabin air does lead to a clinical impact on the body.

Unite said the move by the senior coroner of Berkshire should act as a catalyst for a public inquiry into toxic cabin air. The union is currently taking over 100 legal cases on behalf of cabin crew who have been involved in fume events and suffered ill health from toxic cabin air.

Unite assistant general secretary for legal services Howard Beckett said: "All coroners will now be made aware of toxic cabin air and should commit to additional testing so we can get a greater understanding of its effects on cabin crew.

"The senior coroner's letter of concern should act as a catalyst for a public inquiry into an issue the airline industry has consistently tried to brush under the carpet.

"Toxic cabin air is real and is damaging lives. The airline industry needs to face up to its responsibilities and deal with it."

[www.unitetheunion.org/news/coroners-toxic-cabin-air-warning-should-be-catalyst-for-public-inquiry-says-unite/](http://www.unitetheunion.org/news/coroners-toxic-cabin-air-warning-should-be-catalyst-for-public-inquiry-says-unite/)

## Rise in number of insecure workers

The number of contracts that do not guarantee a minimum number of hours rose in the year between November 2016 and 2017, according to the Office for National Statistics (ONS).

The results from the November 2017 survey of businesses indicated that there were 1.8 million contracts that did not guarantee a minimum number of hours, where work had actually been carried out under those contracts. This represented 6% of all employment contracts. The equivalent figures for November 2016 were 1.7 million and 6%.

Therefore, while the number of contracts that did not guarantee a minimum number of hours has increased on the year, their share of total contracts used is unchanged.

The ONS do advise caution over the figures as the survey was changed from a voluntary survey to a compulsory survey between these two periods.

This data is complemented by estimates from the Labour Force Survey (LFS), a survey of households, presenting the number of people who report that they are on a "zero-hours contract" in their main job.

The latest estimate from the LFS shows that 901,000 people reported that they were on a "zero-hours contract" in the period October to December 2017, representing 2.8% of people in employment. This is 0.5% lower than the reported figure from the same period in 2016 (905,000 or 2.8% of people in employment).

This fall in the number of people reporting to the LFS that they were on a "zero-hours contract" breaks the upward trend that has been seen since 2011. The upward trend that seen between 2011 and 2016 was likely to have been affected by greater awareness and recognition of the term "zero-hours contract".

The ONS said people on "zero-hours contracts" are more likely to be young, part-time, women or in full-time education when compared with other people in employment.

On average, someone on a "zero-hours contract" usually works 25.2 hours a week. Just over one-quarter of people (25.3%) on a "zero-hours contract" want more hours, with most wanting them in their current job, as opposed to a different job that offers more hours. In comparison, 7.3% of other people in employment wanted more hours.

TUC general secretary Frances O'Grady said: "Most people are not on zero-hour contracts by choice. They want the same rights, security and guaranteed hours as other employees.

"More than half of zero-hour contract workers have had jobs cancelled with less than a day's notice. Zero-hour contracts are a licence to treat people like disposable labour and the government should ban them."

The TUC is holding a march and rally on London on Saturday 12 May demanding a new deal for working people.

[www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworking-hours/articles/contractsthatdonotguaranteeaminimumnumberofhours/april2018](http://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworking-hours/articles/contractsthatdonotguaranteeaminimumnumberofhours/april2018)  
[www.tuc.org.uk/news/government-must-ban-zero-hour-contracts-says-tuc](http://www.tuc.org.uk/news/government-must-ban-zero-hour-contracts-says-tuc)

## Slower growth in the UK economy

Economic growth is at its slowest for over five years, latest official figures show.

The UK economy, as measured by gross domestic product, grew by 0.1% in the first quarter of 2018 compared with the previous quarter.

The Office for National Statistics (ONS) said that growth was at its slowest since the final quarter of 2012.

Production was estimated to have grown by 0.7% in first quarter, up from 0.4% in final quarter of 2017.

However, within that sector, manufacturing growth slowed to 0.2%. This fall in growth was spread across a number of manufacturing industries.

The services industries were the largest contributor to GDP growth, increasing by 0.3% in first quarter and by 1.2% on a year ago, although the longer-term trend continues to show a weakening in services growth.

Rob Kent-Smith of the ONS said: "Our initial estimate shows the UK economy growing at its slowest pace in more than five years, with weaker manufacturing growth, subdued consumer-facing industries and construction output falling significantly.

"While the snow had some impact on the economy, particularly in construction and some areas of retail, its overall effect was limited with the bad weather actually boosting energy supply and online sales."

The economy grew by 1.2% in the first quarter of the year on a year ago, while manufacturing output was 2.5% higher.

The TUC said the GDP data show a continuing pattern of low growth that has been largely caused by government cuts and underinvestment.

TUC general secretary Frances O'Grady said: "One week of snow doesn't explain a decade of weak growth, dismal productivity and falling wages. It's the avalanche of cuts that has done the long-term damage.

"We need to modernise Britain's infrastructure. The government should set up a National Investment Bank to upgrade roads and rail, and to bring high-speed broadband and clean energy to every part of Britain."

[www.ons.gov.uk/economy/grossdomesticproductgdp/bulletins/grossdomesticproductpreliminaryestimate/januarytomarch2018](http://www.ons.gov.uk/economy/grossdomesticproductgdp/bulletins/grossdomesticproductpreliminaryestimate/januarytomarch2018)  
[www.tuc.org.uk/news/economy-still-suffering-avalanche-cuts-says-tuc](http://www.tuc.org.uk/news/economy-still-suffering-avalanche-cuts-says-tuc)

## Living Wage reinstated at Bath University

A university that stopped paying the voluntary real Living Wage 18 months ago has now committed to reinstate it and said it will apply for seek accreditation as a Living Wage employer with the Living Wage Foundation.

The University of Bath began paying the real Living Wage in 2015, but stopped when the rate was increased to £8.45 an hour in November 2016.

The rate is set independently by the Living Wage Foundation every year, reflecting the cost of living.

The university will now start paying the 2017-18 rate of £8.75 an hour from 1 May, in a boost for the lowest paid staff in accommodation, hospitality and estates.

UNISON head of higher education Donna Rowe-Meriman said: "The scandal of low pay in the sector is something that vice chancellors across the UK can rectify by becoming living wage accredited employers. That alone will provide a pay rise for more than 10,000 people employed at UK universities."

The three unions at Bath – UNISON, Unite and UCU – had all been campaigning for the Living Wage to be reinstated. In November last year, UNISON used local pay negotiations to ask the university to seek accreditation with the Living Wage Foundation.

The University Court voted overwhelmingly in support of the Living Wage in January this year, but the senior managers in the vice-chancellor's group refused to increase pay unless the lowest paid staff agreed to sacrifice their weekend working supplement.

University bosses scrapped this condition after UNISON moved to ballot affected members.

However, negotiation and consultation is still going on at Bath over enhanced rates for weekend working – so staff who work weekends will not necessarily see their pay increase.

Nevertheless, the union, which represents some 300 staff at the university, warned that while this is an urgently needed first step towards addressing low pay, more must be done to tackle the well publicised inequality at the university.

UNISON branch secretary Christopher Roche said: "We look forward to collectively addressing the remaining problems at the university, including maintaining appropriate enhancements for staff required to work weekends, the lack of pay progression for staff on lower grades, their under representation in university governance and the widespread use of zero-hours contracts."

[www.unison.org.uk/news/article/2018/04/bath-living-wage/](http://www.unison.org.uk/news/article/2018/04/bath-living-wage/)