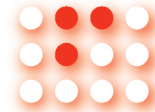
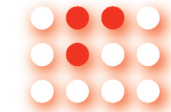


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Tribunal fees rear their ugly head again

The Conservative lord chancellor David Lidington has told MPs that his department intends to bring back employment tribunal fees.

In July, the Supreme Court decided that employment tribunal fees were unlawful and should be abolished.

However, speaking in front of the justice select committee, Lidington pointed out that the judgment did not rule out charging fees entirely. "We still intend to charge fees," he said. "I think it is necessary as a contribution to costs. It is also necessary and sensible as a deterrent to frivolous or vexatious litigation and that was something the court itself acknowledged."

He added: "The key lesson that I took from the judgment was that fees are... a reasonable way in which to secure a contribution towards the running costs of the courts and tribunals service but that, in setting the level of fees, the government needs to have very careful regard to questions of access and affordability."

Lidington said he accepted that the government had got the balance wrong on how much it should be charging.

But Bob Neill, chair of the justice committee, pushed back on the suggestion that the sharp decline in claims being brought – cited as much as 70% during the course of the case itself – had been caused purely by those with meritless claims pulling out, saying that the Supreme Court judges had also made this point in their ruling.

Lidington was less clear on what the future held for those who had wanted to bring a claim, but had been put off by the cost. "It is almost impossible, I think, to come to an objective assessment of whether somebody was deterred because of a fee level rather than perhaps deterred because they were persuaded that their case was not likely to succeed," he said.

www2.cipd.co.uk/pm/peoplemanagement/b/weblog/archive/2017/10/26/lord-chancellor-confirms-he-wants-to-bring-back-tribunal-fees.aspx

Safety reps @ 40

The TUC has produced a new leaflet and web page to celebrate 40 years of union health and safety reps and committees.

The 1977 *Safety Representatives and Safety Committees Regulations* gave trade union safety reps the legal right to improve health and safety in the workplace.

There are currently around 100,000 safety reps in the UK's workplaces, who help reduce injuries

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and ill-health at work, encourage better reporting of incidents, and save the economy many millions of pounds every year.

The leaflet highlights the key benefits that trade unions bring to health and safety which include the fact that employers who have union health and safety committees have half the injury rate of employers who manage safety without unions. And fatalities are lower in unionised workplaces.

In 2016, a study of government statistics calculated that the union contribution to the prevention of workplace injuries and work-related ill-health amounted to savings of between £219 million and £725 million a year.

TUC general secretary Frances O'Grady said: "Health and safety is under attack by politicians who see good regulation as 'red tape', and bosses who want to cut corners and risk lives. Big falls in inspections and cuts to enforcement are making working life more dangerous for us all.

"But good employers are already working with unions and know the benefits safety reps can bring to their workplaces. Not just by keeping their staff safe and well, but also by saving the economy hundreds of millions of pounds every year."

The role of trade unions is welcomed by Martin Temple, chair of the Health and Safety Executive (HSE). He said: "Trade unions have an integral part to play in ensuring health and safety in the workplace. HSE has a strong history of working with TUC, it's a relationship built into the health and safety system."

The TUC's campaign will also focus on the future, making the case for union involvement in health and safety over the coming 40 years.

www.tuc.org.uk/news/tuc-celebrates-40-years-union-health-and-safety-rep

Annual survey of hours and earnings 2017

Full-time average weekly earnings increased nominally, but lost ground in real terms, while the glacial pace of closing the gender pay gap continued this year, official figures show.

The Annual survey of hours and earnings (ASHE) reveals that in April 2017, median gross weekly earnings for full-time employees were £550, a 2.2% increase on the year before. The 2.2% growth seen

this year is the joint highest growth in earnings since the economic downturn in 2008, matching the growth seen in 2013 and 2016, the Office for National Statistics said.

However, as inflation under the Retail Prices Index rose by 3.5% in the year to April 2017, weekly earnings were 1.3 percentage point lower in real terms than 2016. Even on the government's preferred measure of CPIH, earnings lost ground to inflation, cutting workers' living standards.

Women's full-time weekly earnings outstripped males with a 2.7% rise against a 2.4% for men.

However, the increase for male part-timers at 3.3% was greater than that for women at 2.9%.

Median gross weekly earnings — April 2017 ¹			
	Full-time	Part-time	All
Men	£591.50	£172.20	£540.80
Women	£493.60	£186.50	£358.40
All	£550.40	£182.20	£448.60
% increase 2016-17			
Men	2.4%	3.3%	2.0%
Women	2.7%	2.9%	2.7%
All	2.2%	2.9%	2.3%

¹ Employees on adult rate, pay unaffected by absence

Gender pay gap The gender pay gap, based on median hourly earnings excluding overtime, has narrowed for full-time employees to 9.1% from 9.4% in 2016. This is the lowest figure since the survey began in 1997, but the gap has changed little in recent years.

TUC general secretary Frances O'Grady said: "The full-time gender pay gap has inched a bit smaller. But there is still a chasm between men and women's earnings.

"At this rate it'll take decades for women to get paid the same as men.

"The government needs to crank up the pressure on employers. Companies shouldn't just be made to publish their gender pay gaps. They should be forced to explain how they'll close them."

Sam Smethers, chief executive of the gender equality and women's right group the Fawcett Society, said the "shocking lack of progress means without significant action women starting work today and in decades to come will spend their entire working

lives earning less than men. It's a loss they can't afford and it's a missed opportunity for our economy. Improving our performance on gender equality in the workplace could increase GDP by £150 billion".

For part-time employees, there is a different pattern, whereby women are paid more per hour, on average than men. However, as with the full-time gender pay gap, this part-time gender pay gap moved closer to zero, from minus 6.1% in April 2016 to minus 5.1% in April 2017, as earnings for part-time men increased by more than for women.

Taking part-timers and full-timers together, there was a marginal increase in the gender pay gap for all employees, from 18.2% in 2016 to 18.4% in 2017.

The gender pay gap for full-time employees in the private sector decreased from 16.7% in 2016 to 15.9% in 2017, the lowest since the series began in 1997, continuing the long-term downward trend.

However, the gender pay gap in the public sector increased from 11.1% to 13.1% – the highest gender pay gap seen in the sector since 1999.

Distribution of earnings The monetary gap between the top 10% of men and women and the bottom 10% in April 2017 was at least £772.70 a week – based on the distribution of gross median weekly earnings for full-time employees on adult rates.

For full-time adults, the top 10% had weekly earnings of at least £1,092.40 – 98% higher than the £550.40 median, while for the bottom 10% on less than £319.70 it was 58% of the median.

Distribution of full-time gross weekly earnings ¹	
Men	
10% earned less than	£339.40
50% earned less than	£596.50
10% earned more than	£1,191.60
Women	
10% earned less than	£300.00
50% earned less than	£493.60
10% earned more than	£926.20
Men and women	
10% earned less than	£319.70
50% earned less than	£550.40
10% earned more than	£1,092.40

¹ Employees on adult rate, pay unaffected by absence

The weekly earnings figure of at least £1,191.60 for the top 10% of men was 100% higher than their

median figure of £596.50, while for the bottom 10% on £339.40 or less it was 57% of the median.

The top 10% of women had earnings of over £926.20 or 88% higher than the median figure of £493.60, while for the bottom 10% on £300.00 or less it was 61% of the median.

Occupations The latest full-time average weekly earnings by occupation show that sales occupations and other manual jobs or elementary occupations increased by 4.3% and 3.8% respectively, helped by the above-inflation increase of the statutory National Living Wage.

Fact Service will use this table to revise the figures by percentage rise in average weekly earnings released every month by the Office for National Statistics to give a rough estimate of what occupations are earning every month.

Full-time average weekly earnings by occupation		
	£ a week	% increase
All employees	£550.40	2.2%
All male	£591.50	2.4%
All female	£493.60	2.7%
Managers	£824.10	2.9%
Professionals	£733.10	1.0%
Associate professionals ¹	£605.60	2.4%
Admin & secretarial	£431.60	2.0%
Skilled/craft	£509.80	2.6%
Services ²	£361.40	2.5%
Sales	£370.40	4.3%
Operatives	£472.50	1.1%
Other manual jobs ³	£369.60	3.8%

¹ Includes technicians, police, firefighters, nurses, media/PR workers, train drivers, legal and finance workers and sales reps.
² Personal service occupations such as care workers, travel assistants, hairdressers and caretakers.
³ "Elementary" occupations including farm workers, labourers, dockers, postal workers, porters, waiters and cleaners.

www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworking-hours/bulletins/annualsurveyofhoursandearnings/2017provisionaland2016revisedresults

www.ons.gov.uk/releases/annualsurveyofhoursandearningsintheukprovisional-2017andrevised2016

Mental health – thriving at work

Mental health problems are forcing thousands of people out of work, a government-commissioned report finds.

The *Thriving at work* report says that about 300,000 people with a long-term mental health problem lose their jobs each year.

Poor mental health costs employers between £33 billion and £42 billion a year, with an annual cost to the UK economy of between £74 billion and £99 billion, the review finds.

The review quantifies how investing in supporting mental health at work is good for business and productivity. The most important recommendation is that all employers, regardless of size or industry, should adopt six “mental health core standards” that lay basic foundations for an approach to workplace mental health.

These mental health core standards, drawn from best practice, are as follows:

- produce, implement and communicate a mental health at work plan;
- develop mental health awareness among employees;
- encourage open conversations about mental health and the support available when employees are struggling;
- provide employees with good working conditions and ensure they have a healthy work-life balance and opportunities for development;
- promote effective people management through line managers and supervisors; and
- routinely monitor employee mental health and wellbeing.

It also details how large employers and the public sector can develop these standards further through a set of “mental health enhanced standards”.

The review also makes over 40 recommendations for action from government and other bodies.

In the public sector, all public sector workforces should implement the mental health core and enhanced standards.

In addition, it recommends that public sector regulatory bodies who are regularly in contact with public sector employees include the employer’s approach to employee mental health in their assessments.

It recommends that NHS England continues to develop its current offer on mental health in the Healthy Workforce Programme and other on-going initiatives, and look to ensure that every NHS Trust arms NHS employees with basic tools for prevention and self-care.

Recommendations for government action include:

- the formation of a mental health online information portal, co-produced by the voluntary, public and private sector, to promote best practice and enable employers of all sizes to implement the mental health core and enhanced standards;
- possible legislative change to enhance protections for employees with mental health conditions, particularly fluctuating mental health conditions and clarify the role of employers in providing reasonable adjustments;
- what more it can do to require employer compliance with existing equalities and employment laws; and
- a new flexible model for Statutory Sick Pay (SSP) to better support those with a mental health condition, where willing and able, to return to work on a voluntary phased return and receive wages and SSP on a pro-rata basis.

The authors of the report – Paul Farmer chief executive of the mental health charity MIND, and the mental health campaigner and a former HBOS chair, Dennis Stevenson – said they were shocked to find the number of people forced to stop work as a result of mental health problems was 50% higher than for those with physical health conditions.

www.gov.uk/government/uploads/system/uploads/attachment_data/file/654514/thriving-at-work-stevenson-farmer-review.pdf

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