



Skills at work

A GUIDE FOR NEGOTIATORS



Contents

Why should skills be on the negotiating agenda?	3
The union agenda on skills	7
Making the case	10
Moving skills onto the wider union agenda	15
Further reading	20

Who is this guide for?

This guide is for union learning representatives (ULRs), workplace representatives and union officers.

Its focus is on enhancing union intervention in vocational or work-related training provision, while recognising that the union learning agenda encompasses a wide range of learning-related issues. It aims to help ULRs and workplace reps work together to negotiate with employers around the development of employee skills.

Union industrial officers may also find this guide useful, and reps might wish to use it as the basis for discussion with industrial officers on developing a bargaining agenda with their employer.

How to use this guide

The guide begins by examining why unions should include skills on the bargaining agenda, with some discussion of the current context of workplace skills development. It goes on to consider what the union agenda around skills might usefully include; how ULRs can gain the support of workplace reps and union members for skills as a collective bargaining issue; and some key arguments in support of a meaningful dialogue around skills provision that can be used with employers.

We have included brief examples of individual unions' experience and strategies to illustrate the practical application of the guidance.

There are summary points at the start of each section, which are explained more fully later in that section.

Why should skills be on the negotiating agenda?

Some unions have a tradition of dialogue with employers on work-related skills, but this is not universal. This section explains why workplace skills properly belong to the collective bargaining agenda.

SUMMARY POINTS

- It's in everyone's interest to improve skills levels.
- Training is an industrial issue and belongs on the bargaining agenda.
- The apprenticeship levy changes the context of workforce development and raises many issues that unions need to address.

Workforce skills: a joint agenda?

Since the origins of the UK trade union movement, unions have recognised the value of education as a way of improving working lives. Better skills means workers can take on work of higher value, which in turn leads to improved career opportunities and job security, and increases the bargaining power to secure a fairer reward for work.

Improved skills also generate higher productivity. This allows commercial employers to be more competitive in the global economy, while public sector and non-profit organisations faced with budgetary constraints can make more effective use of limited resources.

So, employers and unions have a common interest in addressing workforce skills, and should be able to work together to plan for current and future skills requirements.

However, recent decades have seen investment in vocational training decline, which has left the UK economy with skills shortages and lagging behind in productivity.¹ Yet there is an acute need for skills investment as the

economy faces the impact of new technologies, demographic changes and the economic uncertainties of Brexit.

Unions cannot afford to ignore the significance of these issues for the labour market.

Management prerogatives

Some employers consider training to be an operational matter, which is outside the trade union remit. There is no legal requirement for unions to be consulted on training issues. The Workplace Employment Relations Study 2011 showed that skills are a negotiating issue in well under a quarter of employers.

However, unions can and should challenge this stance, just as we would other claimed management prerogatives. Any issue with the potential to impact on pay, job security and career progression is fundamentally core trade union business, so workforce training and development is legitimately part of the collective bargaining agenda.

¹ [gov.uk/government/news/education-secretary-outlines-plans-to-get-more-people-into-skilled-jobs](https://www.gov.uk/government/news/education-secretary-outlines-plans-to-get-more-people-into-skilled-jobs)



There is nothing to prevent union negotiators from asserting the need to include training issues in voluntary recognition agreements. How far the scope of collective bargaining can be extended in this way will depend on a number of factors, including management attitudes, the strength of the case unions make, and the extent to which union members feel training should be collectively bargained. We will return to these points in later sections.

Apprenticeship levy

In April 2017 the government introduced a levy on employers to fund apprenticeships. In summary, employers with an annual payroll of more than £3m pay 0.5 per cent of that payroll into an account, which they can then use only to fund training on approved apprenticeship programmes for either new starters or existing

employees. Public sector employers have been given ambitious targets around the proportion of employees who should be working on an apprenticeship. The levy is therefore likely to make apprenticeships a more dominant training issue for large employers.

In principle, this is a welcome initiative. The TUC has argued for some time for greater employer investment in training and employers will be forced either to use their account for apprenticeship training or lose their payments.

However, in practice there are concerns about apprenticeship schemes, including the quality of learning support and delivery; equality of access to apprenticeships; whether apprentices are being allocated sufficient paid time to learn; and that young apprentices, for whom there is a lower minimum wage, may be exploited to



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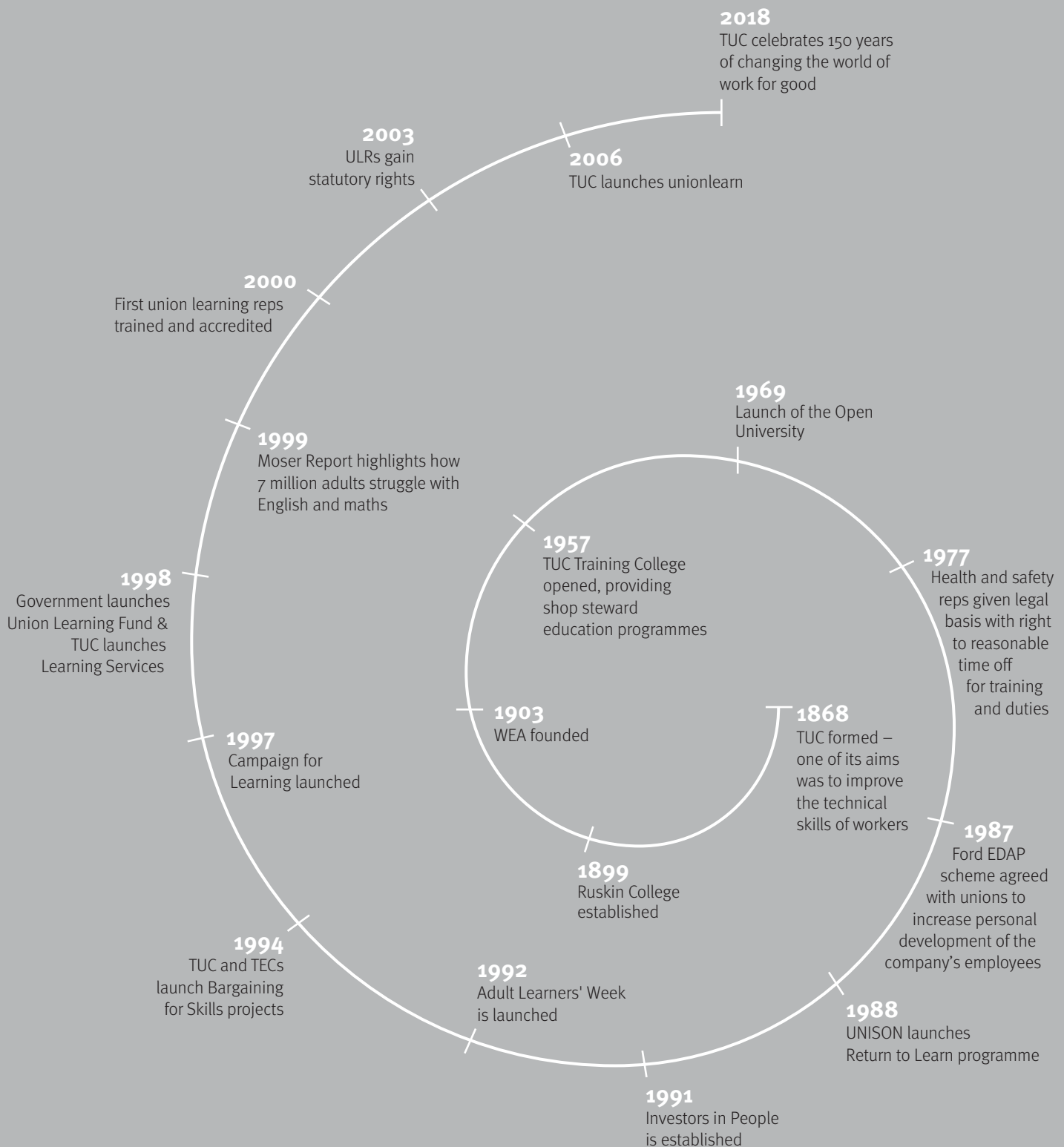


Photo: Yuri Arcurs, PeopleImages.com



replace other workers and undercut collectively bargained pay rates.

Additionally, the levy will impact on employers' finances, which they may try to offset with savings in other areas that unions bargain on.



These are all issues that should concern union reps. It's vital that unions press for proper dialogue with employers on apprenticeships so that members' interests are safeguarded.

The current underspend in apprenticeship levy accounts also suggests many employers are still failing to plan for skills development.

The union agenda on skills

To successfully negotiate, unions need to set clear bargaining goals. The details of the collective bargaining agenda on skills will vary according to circumstances, but this section offers some general guidance.

SUMMARY POINTS

- Training provision should be planned against current and future organisational needs.
- It should also provide skills that have value in the labour market.
- There should be equality of access to training.
- Training should be appropriate and of high quality.
- Learning agreements can help formalise principles, practice and infrastructure for skills.

A planned approach to training

You might expect employers to take a strategic approach to skills development, but historical underinvestment in skills tends to indicate otherwise. The current underspend in apprenticeship levy accounts² also suggests many employers are still failing to plan for skills development. UNISON and the Fire Brigades Union (FBU) report extensive cuts to public sector training budgets.

These developments should raise concerns over future productivity and security of employment.

Unions will want employers to justify training plans, how these are financed, how they relate to present and future organisational needs, and how outcomes will be monitored and evaluated.

Employability and transferable skills

Linked to strategic training plans is the idea that training provision should address employability and provide transferable skills, which may mean external accreditation. Training should provide for workers' current job requirements in addition to delivering for their aspirations and career progression.

Training provision should also provide English, maths and digital skills. Clearly, this requires sensitive handling, but ULRs have an excellent track record in encouraging and supporting workers to address their skills gaps in these areas.

Equality of access

Significant differences in training participation persist between different groups. Older workers, part-timers, disabled workers and carers may experience problems accessing training provision. Employers have a tendency to channel training budgets towards management grades,³ a pattern that appears to be replicated in apprenticeship levy spending, which results



In response to redundancies in the industry, finance sector union Aegis has focused on negotiating for transferable skills provision. This aims to help members secure future employment either within or outside the sector, and recognises that members commonly have undocumented skills or significant gaps in their skillset.

² <https://feweek.co.uk/2018/11/10/employers-use-just-14-of-their-levy-in-first-18-months/>

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774085/Adult_skills_report_2019.pdf



in proportionately fewer women and Black and minority ethnic workers accessing training.

Unions will want to demand that training opportunities are available to all grades of worker without discrimination. This may also require training for line management in identifying skills development needs and fair allocation of training opportunities. Reps should introduce arrangements to monitor training participation and clear plans on how to tackle issues.

Quality

Clearly any training provision should be of good quality and learners should be adequately supported to achieve the required standards. This also implies that methods of delivery are appropriate for the skills learners are aiming for. Additionally, sufficient information, advice and guidance will help workers decide if training provision is suitable for their needs. Again, this can be a role for ULRs.

Time

Unions should ensure that job-related training takes place in work time. It might be useful to set a benchmark figure on numbers of days for non-apprenticeship training (apprenticeship funding rules already specify minimum off-the-job training time).

Apprenticeships

Given that the levy is making apprenticeships a more dominant feature of employers' training provision, unions should satisfy themselves that they form part of strategic plans, and that employers are not just rushing to spend levy funds so that they are not lost to the organisation.

It will be important for unions to ensure that new-starter apprentices are not exploited, used to replace other jobs or to undercut negotiated wage rates, and that their health, safety and welfare are safeguarded. Apprenticeships offered to existing workers should also meet a range of quality criteria and support progression in the workplace.

There are a number of further considerations for unions in relation to apprenticeships, which are beyond the scope of this guide. However, unionlearn has produced a comprehensive apprenticeship toolkit for unions, which can be downloaded at unionlearn.org.uk/publications/apprenticeships-toolkit-updated-june-2018

The role of learning agreements

Though a learning agreement doesn't necessarily represent a bargaining goal in itself, it can be a useful tool to capture the points discussed above. Additionally, it can:

- formally recognise the value of a joint employer/union agenda on training
- establish arrangements for ongoing bargaining over skills issues
- embed the role of ULRs in training provision
- promote a more strategic, planned approach to addressing current and future skills needs.

Significantly, recent independent evaluations have highlighted a close correlation between learning agreements and positive employer/union working relationships on training, greater union involvement in decisions on training, and higher levels of employer investment in training. It noted that around 40 per cent of learning agreements include reference to employers' training plans.

For unions, learning agreements can be invaluable for consistency and sustainability, as they establish common understandings and remain in place even if individual managers move on. They are also associated with increased demand for learning from workers. Recognising this, Unite is well on the way

to achieving its target of 1 million workers covered by learning agreements with over 400 employers.

You can download unionlearn's ***Delivering better learning agreements*** guide at unionlearn.org.uk/publications/delivering-better-learning-agreements-guide-union-reps-and-officers



Making the case

This section provides some arguments that reps can use to persuade employers of the importance of investing in skills, and why it's important to work with unions.

SUMMARY POINTS

- Investing in skills generates significant business benefits.
- Some employers retain outdated assumptions around training.
- Union reps have rights to company information for collective bargaining purposes.
- Working with unions helps employers optimise business benefits.

Why employers should invest in training

We might expect few employers would need convincing of the need to invest in skills, yet the 2017 Employer Skills Survey reveals that over a third offer no training opportunities to employees.⁴ Given the close correlation of skills levels to economic growth, productivity improvement, competitiveness, and innovation, it's not surprising that government has sought to tackle low levels of training investment.⁵



⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746493/ESS_2017_UK_Report_Controlled_vo6.00.pdf

⁵ gov.uk/government/uploads/system/uploads/attachment_data/file/727776/Foresight-future-of-skills-lifelong-learning_V8.pdf

How training improves business performance

Investing in skills can positively influence business outcomes in a number of ways, including:

- improved job performance, including reduced incidence of mistakes and wastage
- less need for supervision
- improved morale, which can enhance cooperation and reduce absenteeism
- greater flexibility in the work employees can undertake and increased capacity of workers to adapt to change.

Reps will be best placed to determine which of these issues are most likely to interest local management in their own workplace.

Challenges to getting management on board

Staff retention myths

Some employers complain that if they invest in their workers' skills, they might then leave for higher-paid work elsewhere. The opposite is actually the case, though there will, of course, always be staff turnover.⁶ Unless rates of pay are vastly out of line with market rates, employees are more likely to stay with an employer that provides training opportunities, and more likely to leave one that does not. When the huge costs of recruiting replacement workers and the costs and time involved in bringing them to full operational competence⁷ are considered, investing in employees' skills becomes essential rather than a matter of choice.

Short-term thinking

The pace of change in today's economy can move management to a reactive stance – in other words, their thinking becomes dominated by responding to short-term events rather than adopting strategies for the long-term. Anecdotally, some employers are displaying this



approach in the way that they are hastily using up apprenticeship levy funding to avoid losing it, rather than linking apprenticeships to longer-term business needs.

Linked to this short-termism is management denial that problems exist. It is common in some organisations for individual managers to be in a particular post for a relatively short time before moving on. This can encourage 'covering-up' – essentially a manager acting on the symptoms (rather than the cause) of problems in the knowledge that their full scale will become apparent only after they have left.

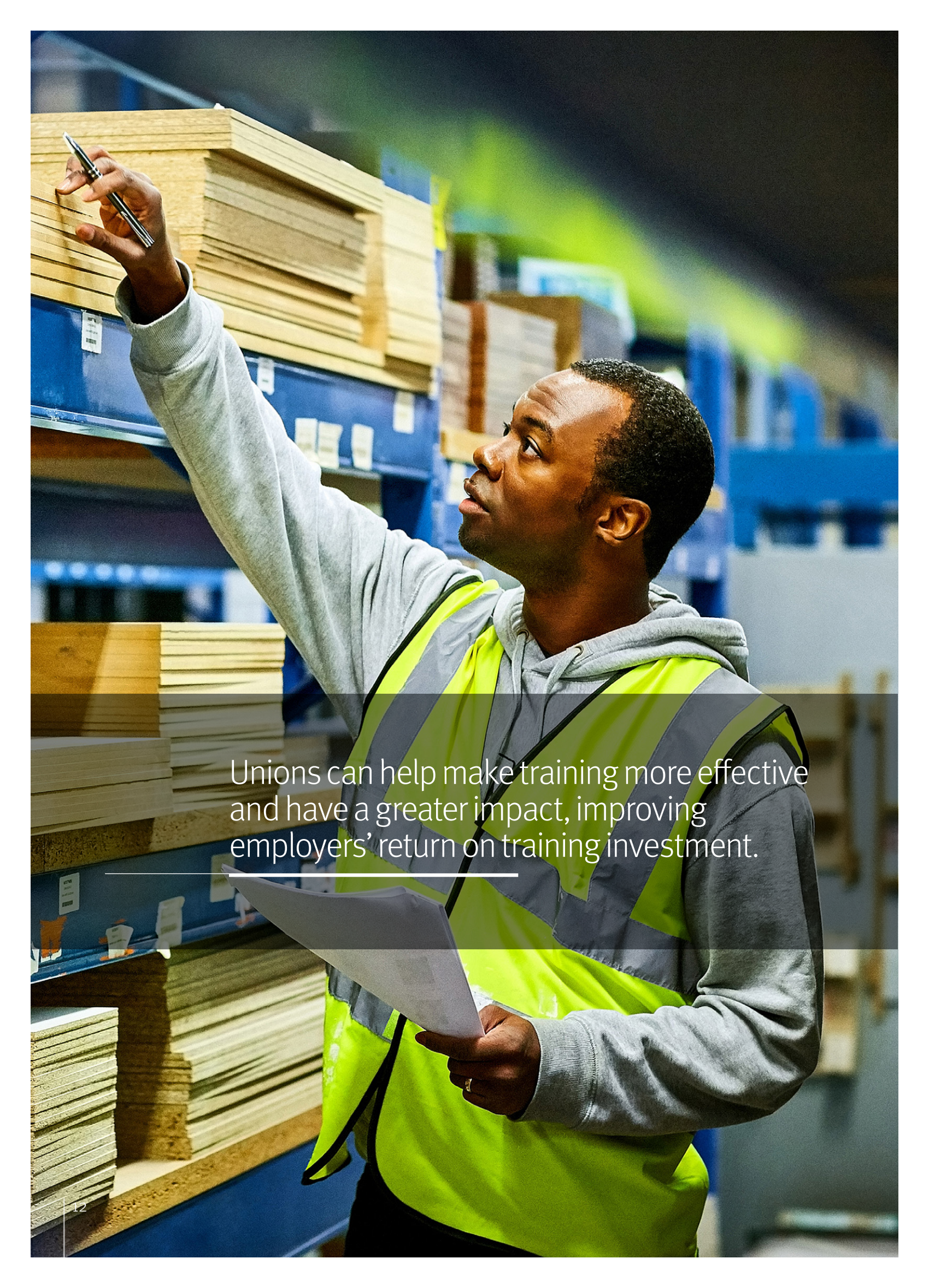
Breaking management out of short-term mindsets can be a major challenge. One approach to this is to pose some searching questions to management. Here are a few you could consider:

Asking the right questions

- What are the levels of staff turnover?
- How much does it cost to replace a leaver and bring the new worker up to competence? How have management calculated this?

⁶ unionlearn.org.uk/blog/why-dont-employers-still-train-their-staff

⁷ hrreview.co.uk/hr-news/recruitment/it-costs-over-30k-to-replace-a-staff-member/50677

A man in a warehouse setting, wearing a grey hoodie and a bright yellow safety vest. He is holding a pen in his right hand, pointing it towards a shelf of stacked wood. In his left hand, he holds a white clipboard. He is looking up at the shelf with a focused expression. The background shows more shelves and stacks of wood, with a blue light source visible in the distance.

Unions can help make training more effective and have a greater impact, improving employers' return on training investment.

- What analysis have management done on the reasons workers leave their employment?
- Has the employer measured the impact of past training activity? Did they measure its impact on performance, morale, absenteeism etc?
- How are wastage and errors measured?
- What skills will the organisation need in five years' time and how was this ascertained? What are the gaps between current skills and future skills, and how do management propose bridging these gaps?

If your employer has a published a 'mission statement' or similar, you might also consider asking management what practical steps they will take to deliver on it – in particular, how they will get employees on board.

Remember that you can legitimately ask for this information, because employers have duties to disclose information to recognised trade unions for collective bargaining purposes.⁸

Why employers should work with unions on skills issues

Both the Organisation for Economic Co-operation and Development (OECD) and International Labour Organization (ILO) identify social dialogue – i.e. collective bargaining – as crucial in delivering effective skills systems.⁹

In other words, unions can help make training more effective and have a greater impact, improving employers' return on training investment.

As we have noted, however, not every employer agrees that workforce skills are part of the trade union remit. Employers' training managers, in particular, sometimes feel threatened by unions encroaching on what they view as their responsibility.

Supporting management training initiatives

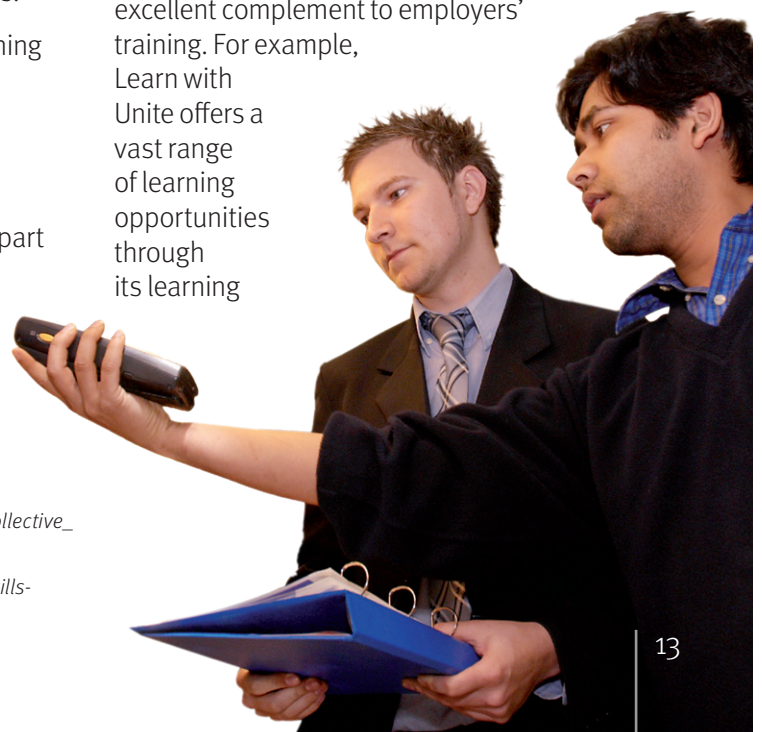
The first step for reps, then, is to convince management that training is a joint concern. It may be useful to acknowledge the work of training departments rather than overtly criticising any perceived shortcomings, and discuss ways that the union can work with management initiatives.

ULRs can encourage participation in learning by:

- helping workers understand the benefits of taking up training opportunities
- helping to overcome fears
- raising awareness of available training.

ULRs can also help articulate problems with training and identify training needs that workers may be reluctant to raise directly with management. However, ULRs won't encourage workers to take up training opportunities unless they believe them to be valid and worthwhile, and this is likely to happen only where there is a genuine dialogue with employers around training.

Many unions are also developing their own learning offer – including branch learning funds, learning brokerage portals and direct learning provision. These initiatives can form an excellent complement to employers' training. For example, Learn with Unite offers a vast range of learning opportunities through its learning



⁸ http://m.acas.org.uk/media/pdf/c/b/11287_CoP2_Collective_Bargaining_v1_o_Accessible.pdf

⁹ unionlearn.org.uk/blog/new-year-new-skills-need-skills-revolution

partnerships with education providers. The offer ranges from introductory skills development courses to fully funded level 2 courses and subsequently higher-level study.

Achieving organisational change

The Chartered Institute of Personnel and Development (CIPD) highlights the positive impact of unions in helping drive organisational change.¹⁰ Primarily, this is because reps are able to:

- dispel workers' mistrust of management initiatives by explaining the reasoning behind them
- articulate concerns and issues on change processes relating to organisational change.

Experience also suggests that the process of working jointly around the skills agenda can build positive industrial relations more generally, improving the morale of the workforce and the quality of service provided to customers.

Working with unions can also help employers achieve and retain quality marks such as Investors in People (IIP).

¹⁰ cipd.co.uk/news-views/nutshell/issue-84/trade-unions

Training can get sidelined, becoming an issue again only when redundancies highlight lack of transferable skills.



Moving skills onto the wider union agenda

Learning and skills is a bargaining issue, but changes cannot happen without buy-in from negotiators. This section discusses why skills are sometimes not regarded as mainstream union business, and suggests ways these barriers can be overcome.

SUMMARY POINTS

- Skills competes with multiple other issues for negotiators' time and attention.
- ULRs need to be embedded into union structures.
- ULRs and workplace reps must push the skills agenda using all available avenues.

A hierarchy of agenda items

When negotiating pay or terms and conditions, negotiators (whether full-time officers or workplace reps) typically respond to demands of union members in the bargaining unit. That relationship becomes less straightforward in relation to skills, because the issues:

- are frequently complex or require specialist knowledge
- sometimes use jargon
- often concern long-term effects rather than immediately obvious benefits.

This means the union skills agenda can be more about strategic leadership than driven by demand. Union negotiators are generally stretched enough dealing with members' mandated demands, so negotiating around skills can be perceived as lower priority, or non-core union business.

It would be unrealistic to expect skills to displace pay, terms and conditions or job security in the hierarchy of collective bargaining issues. And, as unions are frequently forced into a defensive stance over major issues like jobs and contract terms, training can get sidelined, becoming an issue again only when redundancies highlight lack of transferable skills.



ULRs and organising

Another potential problem is that ULRs are not always fully integrated into union structures. In some workplaces they are seen as specialists who offer a member service, rather than union activists in their own right. Some ULRs report that they are excluded from reps' committees, negotiating meetings and discussions on industrial issues. Alongside this is often a tendency to consider any learning or skills-related topic as something that can be left to ULRs to deal with, rather than being a matter of concern to all reps in the workplace.

Mainstreaming skills within the union

So, how can skills become a mainstream trade union issue? Here are some suggestions:



ULR involvement in wider union issues

Getting ULRs embedded into union structures is a fundamental. If ULRs aren't in this position, check the union rule book – most will reflect the fact that ULRs are workplace representatives with the same rights as other types of rep. This means ULRs can open and maintain discussions with branch secretaries, convenors or whoever leads the union team at the workplace, and press for involvement in wider activities.

Attending branch or reps' committee meetings helps other reps recognise ULRs as integral to the union team. It allows ULRs to suggest ways in which their activities can contribute to recruiting and organising members around industrial issues, and to ask for help in progressing the skills agenda with the employer.

And, of course, union members do not always see the distinction between different union

roles. As one union's senior learning officer expressed it: "ULRs are an opportunity for us to have more activists, not just the same number of activists doing more work."

If your union employs learning organisers, you could invite one to your reps' committee or branch meeting, to help explain how the learning agenda can contribute to organisational gains – especially when ULRs and other reps work together.

Quantify and highlight organisational gains

Research shows the valuable role that ULRs play in building union organisation,¹¹ but these gains are not always quantified or captured.

ULRs and workplace reps could consider how membership gains can be captured, and ensure that they are publicised to branches and nationally within their union.

Raise member demand

As we've noted, negotiators primarily respond to members' demands so, if demand for skills can be stimulated, it will be a driver for collective bargaining.

One way to generate demand is through 'seeding' activity. Essentially, this is about providing opportunities to members that, once engaged with, encourage a hunger for more learning. Many unions, including Unite, UNISON and Usdaw, have developed online learning portals offering a range of relevant learning opportunities to members either directly or via third-party learning providers. The take-up of these offers has grown exponentially



In response to an internal review of the value of Union Learning Fund projects, GMB began capturing data around membership recruitment resulting from its learning activities, via coded application forms. This demonstrated that 11,500 new members had joined specifically because of the union's learning activities.

¹¹ Saundry et al (2017). "Union Learning Representatives in the UK: Activity, Impact And Organization". *Work, Employment and Society*, vol 31(2), pp 265–283.



After a lengthy campaign, ASLEF has negotiated provision of a level 3 apprenticeship, and access for existing drivers. This campaign was driven by demand from long-serving drivers, who saw that new entrants to the industry were receiving better training opportunities leading to transferrable skills. The scheme is still at an early stage with only a small number of train-operating companies engaged at present, but 60 drivers are enrolled on their level 3 apprenticeship at the time of writing.

and, although these portals can be accessed independently of employers, unions have used them in bargaining by:

- demonstrating demand
- using the portal offer as a bargaining lever to persuade employers to allow paid time off, facilities to learn, etc.

Another way to increase demand is to raise members' understanding of the consequences of not addressing their skills. This is most likely to be effective when linked to other industrial issues, and is likely to require a long-term campaign.

Link skills to other industrial issues

Many of the workplace issues that reps regularly deal with may potentially raise skills

considerations. Examples include appraisal and performance-related pay, redundancy and performance management disciplinary cases. Lack of access to appropriate training could also be a significant factor in health and safety concerns, including workplace injuries, stress and mental health.

ULRs and reps could usefully work together to develop an agenda around training opportunities as a solution to some of these issues, perhaps by reaching collective agreements with employers around training as a first step – as a preventative measure, or an alternative to disciplinary action or redundancy.

ULRs will also be familiar with the links between skills and the union equality agenda.





UNISON has been able to link skills into major industrial issues, such as Agenda for Change in the NHS. Much of the regulated training is moving to online training, which is not always appropriate, and statistics indicate that the 40 per cent of workers in the lower grades are receiving only 5 per cent of training spend. This highlights a very clear equal opportunities issue, which UNISON's regional organisers have picked up as an industrial issue. Similarly, recognising the chronic shortage of qualified nurses, the union has developed an agenda around progression opportunities for healthcare assistants into nursing.

Usdaw's policy is now to include clauses relating to learning and skills in every new recognition agreement. In this way, the door is open for workplace reps to start a dialogue with the employer at the appropriate time.

Apprenticeships

As noted previously, the apprenticeship levy has clear industrial implications and today's new-starter apprentices are the union members of tomorrow. However, many decisions around apprenticeship levy spend are being made by employers centrally, not at individual workplace level, without much input from local management or consultation with unions. Reps

might therefore want to formulate questions and demands that can be escalated through union structures to be raised at national level.

Explain and educate

Like most specialised topics, the skills agenda can be difficult for the uninitiated to grasp. This means that reps may have to spend time painstakingly explaining issues to those who have not been directly involved up until now.





If your union employs learning organisers or the like, they will be happy to work with you to bring other reps up to speed.

If your union employs learning organisers or the like, they will be happy to work with you to bring other reps up to speed. You could also ask your full-time officer to meet with the learning team.

There are also lots of great guides published by individual unions and by unionlearn that explain the issues. Remember that full-time officers and senior reps are often busy people, though, so may not have time to read lengthy documents, regardless of how useful you feel they are. It might be better for you to use such documents as a basis for discussion and perhaps highlighting some key points. This approach has the added advantage of demonstrating that ULRs are actively engaged in the union's business.

Press for policy change

Ultimately, unions work on democratic principles. Union executives are elected by and accountable to the membership. All members, including reps, have the ability to influence the way their union works through committee structures that drive the work of full-time officers and to make union policy by raising motions to policy conferences. Reps should consider making use of these structures to press for action on the skills agenda. Your union rule book is a good starting point, but it is also worth contacting representatives at all levels throughout your union. Senior reps at your workplace or your local union office should be able to help you with this.



Unite is currently producing detailed guidance for its executive councillors, to inform their debates on learning and skills.

Usdaw is introducing a guide to apprenticeships, which aims to digest the union's detailed research into more compact guidance with suggested bargaining points for negotiators.

Further reading

Unionlearn guide to better learning agreements
unionlearn.org.uk/publications/delivering-better-learning-agreements-guide-union-reps-and-officers

Unionlearn apprenticeship toolkit
unionlearn.org.uk/publications/apprenticeships-toolkit-updated-june-2018

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