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Business and Trade Committee

Oral evidence: Make Work Pay: Employment Rights Bill, HC 370

Tuesday 17 December 2024

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Members present: Liam Byrne (Chair); Antonia Bance; John Cooper; Sarah Edwards; Alison Griffiths; Charlie Maynard; Gregor Poynton; Mr Joshua Reynolds; Matt Western; Rosie Wrighting.

Questions 1-25

Witnesses

I: Nicola Smith, Director of Policy, Trades Union Congress; Amanda Gearing, Senior Organiser, GMB Union.



Examination of witnesses

Witnesses: Nicola Smith and Amanda Gearing.

Chair: Welcome to today's Business and Trade Select Committee session, as we commence our inquiry into the Employment Rights Bill and the state of industrial relations in the UK. Antonia Bance needs to declare some interests.

Antonia Bance: Thank you very much, Chair. I declare that, as is set out in the Register of Members' Financial Interests, I was employed by the Trades Union Congress for nine years until July 2024, and I am a member of the trade union Unite.

Q1 **Chair:** Thank you. That is on the record.

Thank you both so much for coming in. We are really grateful for your evidence. Nicola, once the Employment Rights Bill becomes legislation, how will the role of trade unions change in Britain?

Nicola Smith: It is important to start by setting out the really significant opportunities that the legislation brings for people at work across the country. This Committee will know, and people at work know, that action is very badly needed to tackle the endemic injustice and inequality that characterises part of our jobs market, with too many workers not knowing from week to week how much they are going to be paid, what hours they are going to be working, whether they are going to be paid if they are sick and whether they are going to be dismissed for no reason.

Wages have flatlined in parts of the country and are still below the level they were at in the 2008 financial crisis, income inequality is larger than in any other European country, and our labour market protections fall very far behind very many of our competitors across the OECD, so the big-picture context is that this is bad for people at work and bad for our wider economic health. The outdated idea that we have got simple trade-offs between rights at work and economic protection is simply disproven by the international economic evidence, which shows very strongly that high employment, decent treatment at work and strong growth go hand in hand.

The first thing I want to say, then, is that when the Bill comes into force, working people and businesses across the country are going to find themselves in a much stronger position.

Q2 **Chair:** Do you think the Government have a reasonably clear vision of the future of industrial relations? Is it the same as your vision? To what extent does the Bill fill in and deliver your vision at the TUC for what industrial relations should look like?

Nicola Smith: The Bill brings forward some vital new collective rights that will enable working people to benefit more from trade union representation. Trade unions will be better able to represent people at work and, in turn, the economy will be better able to benefit from the gains that we know collective bargaining brings.



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There will be new rights of access; improved routes to securing statutory recognition for the purposes of collective bargaining; improved opportunities to represent people at work, to address challenges at work before they become insurmountable problems for businesses; and a reduced risk of unfair employment practices. There will be new opportunities for unions to organise, to represent and to collectively bargain on behalf of workers, including across emerging sectors of the economy where there is not a tradition of trade union membership. This is an urgently needed opportunity for trade unions. It should enable them to continue to grow and to play their part in rebuilding the economy after 14 years of abject failure.

The answer, I suppose, is yes, this is an important opportunity for the trade union movement, but more importantly for the people at work they represent, and for our economy to move towards a higher road of economic performance, where better terms and conditions at work go hand in hand with the sort of growth that we need.

Q3 Chair: But it is not everything that you are seeking. If the Bill goes through, what fraction of the TUC's agenda do you think will be fulfilled when it comes to industrial relations specifically?

Nicola Smith: On industrial relations, it has been really positive to hear the Government recognise how central the trade union movement is to delivering improvement at work. The Government's engagement with trade unions has been positive and welcome, including across broader areas of economic policy such as the industrial policy.

In the Government's recent consultation on what a modern framework of industrial relations might look like, they recognise the important role of trade unions in delivering a meaningful voice for people at work. There are important principles set out in that document that we agree with: collaboration, proportionality, accountability and the importance of a modern industrial relations framework balancing the interests of workers, businesses and the wider public.

We think that those ambitions are achievable only via collective bargaining, and we would welcome explicit Government recognition of the centrality of collective bargaining to delivering that framework successfully. That is one area where you could say we would like to see a more explicit reference to the role that collective bargaining needs to play in a successful industrial relations framework.

Q4 Antonia Bance: We know that collective bargaining raises wages and cuts inequality. What barriers to the trade union movement growing do you think the Bill will help to bring down?

Nicola Smith: There are so many important new provisions that the Bill provides: opportunities for trade unions to access workplaces to make the case to people at work for the benefits that trade union membership will bring; improved opportunities to gain recognition where there is employer action to prevent it; and, when they have gained recognition, improved



opportunities to work through their negotiated agreements to achieve improved pay, terms and wider conditions for the workforce.

We think that through the Government's explicit recognition of the important role that trade unions play in our economy and the framework that will be introduced to strengthen both individual and collective protections, and through the opportunities that that will give trade unions to organise and to enable more workers to take the opportunity of joining a union to benefit from collective bargaining, there will be positive growth in trade union membership and more opportunities for workers, businesses and employers to reap the benefits.

Q5 **Antonia Bance:** Amanda, welcome and thank you for being here to represent the workers you organise. It is appreciated.

The GMB has described how Amazon exerted control over information and swamped its workers with anti-union material during the GMB union's recognition bid in the Coventry warehouse. What effect did this have on your ability to organise those workers?

Amanda Gearing: It had a massive effect on the ability to organise those workers and gain that recognition. In fact, we lost a recognition ballot by 28 votes. If you do not mind, I will refer to my notes, because I have some specific stuff to mention.

Chair: Please do.

Amanda Gearing: The warehouse was swamped with anti-union messaging as soon as the application went in. To give that some context, we put the application in on 4 March and we gained access in the middle of June, so there was quite a long period when Amazon managers were aware that we were going for recognition and were able to start a narrative inside the fulfilment centre against the trade union.

For example, they had screens all inside the warehouse. You could see them if you were going in through the bridge, going in through reception or eating your lunch. You could also see them when you were working. On those screens, they had messaging such as, "Why pay for something you already have?", "Union recognition may not be right for you if you want to keep putting your priorities first", "You decide what's best for you. Union recognition might not be right for you if you want to continue speaking for yourself", "Avoid unnecessary unknowns and uncertainty", "Have improvements that benefit everyone implemented quickly", "With all that you have with Amazon, union recognition may not be the best choice", "Why pay for something you have right now?", "At Amazon, we want to speak with you. A union wants to speak for you", and "Before you vote for a union, we encourage you to seek out the facts. The best relationships are the direct ones." It was obviously not the best relationship for those workers at the time, because they had taken 37 days of strike action around pay and conditions within Amazon.

The company also used a virtual noticeboard. Every worker has an app on their phone called the A to Z. Everything is on there. It also has a



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noticeboard where people can put questions and managers can ask questions. You have people of trust in the Coventry fulfilment centre: the general manager, the ops manager, the HR manager. These are all people who are supposed to be there to support workers during their journey.

These are some of the things they were putting on the board. This is the general manager, Gareth Davies: "GMB as a union wants to hear their members' views, but only if you pay. You say GMB have never promised £15 per hour. That is a change from what they told employees." We have never guaranteed that. The actual slogan is "Fight for £15".

He said: "Everyone should wonder actually what the union is promising. Recognition gives the right to ask for a pay increase. It does not give the right to force one. GMB is a business." That is not accurate.

When he was asked a yes or no question on whether the site would close if we gained recognition, this was his answer: "This is not a question that attracts a simple yes or no." I think it is a question that attracts a simple yes or no.

He said: "Amazon constantly reviews its network of sites around the UK." He went on to mention sites that it had closed recently. That did not really clear up the rumour that had been started.

He said: "If GMB are recognised, we cannot guarantee BHX4 associates that they will receive any pay increase award in October. Other colleagues in FCs will. This is because Amazon were required to ask GMB to agree to the pay increase Amazon wants to give you. If GMB says no, we can't give you that pay rise. Therefore, the key thing that would change for you with recognition that relates to pay is the ability for GMB to block a pay rise while they ask for more, which may never come. Our view is that you have more to lose than to gain with recognition." This is the general manager, who should be giving honest facts to workers so they can make an informed choice.

Then there was Vinnie Geaney, the senior HR manager: "Nobody is bragging. I'm explaining the reality of what recognition is. I'm sorry if you're not happy with the facts. I have also explained that if recognition happens, there will be no October pay review for BHX4. While other sites are included, the time it would take to form a recognition agreement would likely mean that pay negotiations would start in 2025." We were actually applying for recognition and the ballot would have been in July, so we would have been talking to Amazon faster than that.

Q6 **Antonia Bance:** Would you characterise this as an open and neutral space in which Amazon workers could make their decision as to whether they wished to be represented by their union, or not?

Amanda Gearing: Absolutely not. If anything pro-union went up on that board, it was taken down really quickly. In fact, some of our workers took to timing how long it stayed up. If it was against the union and in favour of voting no to union recognition, it would stay on the board for weeks. Amazon management had five sessions with every worker inside. There



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are 3,000 workers on site and they had a one-hour session five times with every worker even before we managed to gain access, and a further two sessions once we gained access. We had one session with workers.

- Q7 **Antonia Bance:** Is this usual, Amanda? Is this the way companies normally behave when a union says, "Do you know what? We have a large mass of workers who would like to be represented by a union and we'd like to open a conversation about recognition with you"? Is this normal?

Amanda Gearing: It is normal for other employers to open a conversation with us. Even going through the statutory process, which we had to do to try to force recognition, you would still find that there would be a dialogue with the employer. We had to do all our dialogue through their lawyers and our lawyers: they would not speak directly to us.

Normally, we would negotiate an access agreement within a few weeks. We started negotiating ours in May, and we did not get access until the middle of June. The access agreement is like nothing you have ever seen. We can provide that if you want. It even detailed that we could not go to the toilet unless we were escorted there and escorted back, and we could not leave the room that we were in to do our presentations.

- Q8 **Chair:** Can you characterise Amazon's response against the response of other employers that you have sought recognition agreements with? How does Amazon compare with other employers that you have sought recognition agreements with?

Amanda Gearing: It is completely different. Like I said, they would not speak to us directly. We always had to go through lawyers. Every detail was taken off: whether we should be using a projector or a television, how many screens we would be able to use, how we went to the toilet and came back. None of this usually happens when you negotiate an access agreement with another employer. You sit down with the employer and you talk about how that is going to work.

Chair: Nicola, do you want to come in briefly on this point?

Nicola Smith: To briefly reiterate what Amanda has set out, the vast majority of collective agreements are reached voluntarily. It is really important for this debate that that point is heard and recognised.

Most employers want to work with their workforces. They want to make sure that people's voices are heard, and they want to benefit from the gains that come when you can reach a collective agreement. That means that it is easier to handle change. It improves your industrial relations. It improves performance, health and safety, and productivity. We need to have this debate about the strengthening of the legislation in the context that most employers are happy to work with unions where they want to seek recognition and to benefit from the shared gains that come.

- Q9 **Mr Reynolds:** Amanda, you say that in Coventry you lost by just 28 votes. If you lost by just 28 votes, do you really think that Amazon's



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messaging had that big an impact? If the margins were so fine, did it make that big an impact, do you think?

Amanda Gearing: I absolutely think that it did, yes, because prior to that we had taken 37 days of strike action, where we had had thousands of workers who had been on the picket line protesting about their pay and conditions.

Q10 **Mr Reynolds:** You said earlier that there were 3,000 workers in Coventry. How many did you have on the picket line?

Amanda Gearing: We had 1,400 workers altogether, on different shifts.

Mr Reynolds: So about half?

Amanda Gearing: Yes.

Q11 **Mr Reynolds:** But if you had just less than half of the workers out on the picket line, that surely leads us to understand that about half of the workers said they wanted unionisation. How does that correlate with your idea that Amazon's messaging made that big an impact?

Amanda Gearing: It does not work like that. Not everybody will come and stand on the picket line. There is a lot of fear and division inside those fulfilment centres. They are designed in such a way that even the way they employ the staff is from different communities, so people are divided from that point of view.

Some people were new. On our first application, only 1,400 people were working at Amazon. After we applied—we had about 750 workers—they flooded the fulfilment centre with another 1,400 workers. Those workers were new workers on temporary contracts. A lot of them supported wanting a union on the inside, but would not have stood on that picket line, because they did not want to be visual.

But we know from the chats that we have had over WhatsApp—we have thousands of workers on our WhatsApp groups—that people wanted this. Initially they wanted this, but after the time it took us to get that access in there, the management were able to do a job where they said, "You can join a union, you can strike, but if you vote for this recognition, it is different, it is bad and you cannot get rid of it. It means that the union is going to take two years to negotiate your pay. The union are going to block flexitime. They are going to block overtime. Everything we do from now on will have to be done by the union, and this site will probably close if you get recognition." That was the messaging that was able to be put across. To be honest, you are right: we did do well to lose by only 28 votes. But at the beginning of that process, we should have won by at least another 500 votes.

Q12 **Alison Griffiths:** I just want to go back to a point that Nicola Smith made earlier about the benefits to employers. I just want to flip this the other way briefly. There has to be an incentive for employers, so how would you characterise the benefit to an employer—Amazon in particular, if you like—of union recognition?



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Amanda Gearing: Currently the health and safety inside those fulfilment centres is not up to standard in any way. We have people on the back of wagons who are working alone and are lifting boxes above their head—

Alison Griffiths: To bring you back to the question, though, what is in it for the employer?

Amanda Gearing: I am going to get to that; I just need to give you a picture. I have recently been dealing with a guy who has chemicals in his eyes and now has 20% sight. Everybody who works there has some sort of injury, because of nature of the work.

If we were to have recognition and be on the inside, we would be able to work with our elected reps to improve that health and safety. That would be a better workplace for people to come to. When people come to work without having to suffer injury, they are able to be more productive. Instead of working people to an extent that breaks their body, we can measure a safe way of working and bring that in. That will be beneficial in the long term to any workplace where health and safety is good, because people feel satisfied and are happy to come to work.

Our guys are proud to go and do a good job. They work 10-hour shifts. What they do not want to have to do is go in and work to an algorithm that does not give them a target, so they are working as fast as they can every minute of every day. I was once told that working in Amazon for an hour is like being at the gym for an hour. They have to keep that pace up for 10 hours.

The benefit to the employer is that we can help. We have that experience; we have professionals who know about health and safety. Our reps will be in plenty across the whole fulfilment centre, so if management are missing something that is not safe, our safety reps will be picking that up and making those changes so that it is a better workplace for workers and hence a better and more productive place.

Q13 **Charlie Maynard:** You mentioned 37 days of strike action. My interpretation is that people have to be pretty desperate to do that. You also mentioned health and safety. What else are the key triggers resulting in that activity?

Amanda Gearing: When we first started the industrial action, our workers were on £10 an hour. They had just worked through a pandemic when Amazon had declared them as essential workers, even though there is some question about that. When other workplaces were slowing down, bringing fewer people to work for social distancing and that kind of thing, Amazon was packing more people into the fulfilment centres to do all the orders that were coming in. They were coming to Amazon because nowhere else was open. The workers had been through all of that. There had been outbreaks, and we spent a lot of time with environmental health trying to bring something in to change that, because Amazon would not speak to us directly.



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Once they had got through that, and Amazon made billions of pounds through that process, the cost of living crisis hit. The workers felt that they would be able to rely on their employer to give them at least a couple of pounds' increase an hour so that they could live, because at that moment they were not living. They were going to food banks, borrowing money from pay cheque to pay cheque.

The main reason that they were striking for those 37 days was initially pay, but it was also that they wanted people to know what it was like to work in those fulfilment centres. They wanted their voices to be heard. It is the conditions on the inside and the AI that is used against them, which pitches worker against worker. People never know what their target is, so every day they are working as hard as they can and never hitting that target. It depends whether you are working with people who are younger and fitter or with somebody who has the same pace as you. That is an issue. Health and safety is an issue, and low pay is an issue.

Nicola Smith: On the general benefits of collective bargaining, there is a substantial national and international evidence base on the gains that employers and workers make when a collective bargaining arrangement is in place. That includes more training, more family-friendly measures, fewer long hours and better health and safety. Those things are good for the workforce and for the employer. Specifically for the employer, there is lower turnover, reduced incidence of poor health and safety in the workplace, higher productivity, higher innovation, more use of high-performance workplace practices, less staff anxiety around the management of change, and industrial transitions that are easier to handle.

The broader point is why you would not want to have a working arrangement in place so that you can hear directly from your workforce—the experts in what is happening day to day in your business—about what is going on, and work with them to identify problems early, address them and ensure that you can work together to agree a way of working that will work for them and therefore for you. It is not just us who say that, but the IMF and the OECD.

It is very clear that there are businesses around the world that recognise that when they work in partnership with their workforces and bargain collectively to make sure that workers' voices are heard, in what is inherently an unequal relationship between employees and employers, they bring gains both for their own business and for the wider economy.

Q14 **Rosie Wrighting:** This is a question to both of you. How significant are the changes to trade union access in levelling the playing field for organising?

Nicola Smith: One important piece of context to this legislation is that in the past, people have often learned about trade unions and the experiences of collective bargaining by just going to work. Clearly, across very large parts of the private sector now, that is just not the case. There are lower levels of union membership across the economy, in the private



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sector, than there were in the past. There have been really big changes to the structure of employment in this country, which everybody knows about—new forms of working without one centralised point, hybrid working, multi-site working—and that means that traditional ways of people finding out about unions and their opportunities to join do not work in the way they once did.

As Amanda has clearly set out with GMB's experience of Amazon, unions at the moment only gain some access rights to workplaces when they have been awarded them in a ballot for recognition. That means that where employers want to actively prevent union organisation, there can be lots of employer responses to union attempts to gain recognition that are actively seeking to prevent it. That can mean ordering the union away; there are examples of calling the police, intimidating reps with drones or ensuring that workers leave by another door. All sorts of action can be taken to prevent people from finding out about the benefits that unions will bring, and from deciding whether or not they want to join.

That can make it very difficult for unions to do the initial recruitment and organising that they need to do to give people a meaningful choice over whether they want to join a union, and in turn, over whether recognition is right for that workplace. We think that the changes in this area will make it easier for unions to access workplaces to talk to people about the benefits of membership. They will also reduce opportunities for employers to actively seek to prevent union organisation. There are rights like this in place in other parts of the world, including Australia, New Zealand and across Europe.

There are also some areas where we would like to see the provisions strengthened. In particular, we are aware that at the moment the Employment Rights Bill includes provisions for physical access to a workplace, but there is no explicit reference to digital access. We think that that should be explicitly included in the legislation. It is important that it is for the same purposes as the physical access—to meet, represent, recruit and organise workers. That would be entirely consistent with the existing approach that is in place once unions have access rights and have got over the initial recognition threshold. That is one particular change that could strengthen the legislation.

In the round, it is important that there are new opportunities for unions to gain access to talk to people, because we know that there are employers who are actively seeking to prevent that at the moment, in a way that is not sensible for individual businesses or for our economy overall.

Q15 Rosie Wrighting: To build on that point, are you satisfied that the new rights of access afforded to unions are enforceable on employers who may wilfully choose to fail to comply with the access orders?

Nicola Smith: The Government are actively consulting at the moment on the enforcement of the access powers provided for in the legislation. There are areas where we will both need to make sure that the system is working in a way that does not allow access rights to get bogged down by



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active employer attempts to prevent their meaningful use. There is probably some actual operational thought that needs to be given to how that works, not least including resourcing and an expanded role for the CAC.

We are also clear that the measures in the Bill will need to be enforced properly, as you imply. There are a range of measures that we would like to see, which we know are subject to active consultation at the moment, including a proper penalty regime and, importantly, a CAC order or declaration being relied on as though it were a court order. We do not want to see a regime where employers can simply price in the cost of avoiding these measures. We need to see sufficient weight given to the enforcement activities and sanctions in place to make sure that they cannot just be avoided.

Amanda Gearing: If you want to look at that, it might be good to ask Amazon how much money it spent to prevent us organising down at Coventry. Amazon would be the sort of company that would just factor in those fines. It would also be good to include something that looks at companies that benefit from the public purse. Amazon currently benefits from contracts with the Government that are, we believe, worth around £1 billion. If this is the case, surely there should be some sanctions on it in how it treats workers and allows access to unions.

Q16 **Chair:** Looking at the Bill, do you think it would meaningfully change the kind of access you sought when it came to Amazon?

Amanda Gearing: I believe it goes some way to doing that, definitely.

Chair: Not the whole way?

Amanda Gearing: It depends on how employers react to it, but it is definitely a good step towards it, and we welcome it. It is just about whether it is enforced in the right way. We have a lot of things in place, such as getting fined if you do not comply with GDPR, but it does not always work in the way it should.

Q17 **Chair:** This is a really important point. We are going to have to be able to adjust the legislation as it is implemented if it is to achieve the intention set out by the Government, by the sound of it.

Amanda Gearing: Yes.

Chair: Nicola, did you want to come back in on this?

Nicola Smith: On the penalties point in particular, to reiterate, what we have suggested in response to current Government consultation in this area is that the penalty fines will need to reflect both the size and the financial resources of employers. The GDPR example is a good one, because in that case the Information Commissioner can levy fines of the higher level: £17.5 million or 4% of annual worldwide turnover. So where you are going to have fines, make them proportionate, and where you are



going to have sanctions, make sure that they have the weight of a court order to ensure that they actually have impact and cannot be ignored.

- Q18 **Alison Griffiths:** I just want you to reflect on this: why do you think private employers and entrepreneurs who have built up their own businesses would want to have control over access to their businesses? What are the risks to employees of enforcement of access?

Nicola Smith: From my perspective, I cannot see that there are any risks. The opportunity is for a union to present information to the workforce about why they might want to consider joining a union and to communicate with the workforce—

Alison Griffiths: With respect, I am asking you to consider the view of the employer. Put yourself in their shoes.

Nicola Smith: Well, I work for an employer and have responsibility for management of people. In my position in that role, I can see no reason at all why anyone would have a problem with it. It is an opportunity to present to your workforce in the same way that you would want them to benefit from any other opportunity to take part in union organisation, which will bring benefits for them and you as an employer.

I can see no reason to prevent access. Individual members of your team and workforce can decide whether or not they want to join. If they do join and want to seek recognition with you, you then have the opportunity to work with them, hear more from your workforce and gain from all the benefits that we know collective bargaining will bring for your individual workforce and business performance more widely. I can see no reason why you would not want to enable that. I can only see positives that would come from the improved engagement and working practices that would follow.

- Q19 **Antonia Bance:** This is a question about penalties. I may have this wrong, but I seem to recall that P&O priced in the cost of losing the employment tribunals in the offers that they made to their workers, thereby making an absolute mockery of UK law. Colleagues are seeking to ensure that that sort of thing does not happen.

I wanted to come back to Amanda on the topic of access. Would you describe the access that GMB has to those workplaces as a level playing field with the employer? What sort of access did you have? Were any inducements offered to people to leave the union?

Amanda Gearing: The access that we got was one 45-minute session with each worker. As I said, Amazon had five sessions of an hour each with every single person on site. Ours was just one 45-minute meeting. It was voluntary, so it meant that if people did not know it was happening, they did not have to attend. If they missed a session that they were appointed to for any reason—off sick, for instance—it was really difficult for them to come. We do not believe that we had the same amount of access that the company had, so there was no level playing field.



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This was just during the 20 days of the ballot period. During those 20 days, you would have to have access, then the ballot. The company had already started from March, if you recall, and we did not actually get access until June. Up until that point, they had had meeting after meeting and full-on access.

One of the things they did was create a QR code, which, if scanned with your phone, would populate an email that would then go to midlands membership and cancel your membership. It would not just cancel it, but ask for it to be completely removed from the system. Our lawyers said that that was an inducement, and we are currently challenging that through the legal process, but there were all these practices right up until we got access.

During access, every time we had a meeting, Amazon said that they would need the same meeting, even though they had had five meetings previously. People would come in and stop our meetings at 45 minutes and send people back to the workplace. At one point they asked me to police people going back to the workplace, to which I said no. They would then come in and send people back.

We did not have access to the projector. I know that seems like a small thing, but we had a room full of people and they told us that we could use only a television that was this big and people could not see it. Everything that they could do to prevent us from having access to that workforce, they did.

Q20 Matt Western: Ms Smith, I see that you are at the TUC and responsible for insight into international trade unions. Is that right? That was in the description that I saw.

Nicola Smith: Not technically, no, but I am happy to answer some questions later. I think there is an updated job description that is now in the pack.

Matt Western: My apologies. I guess the simple question, when it comes to access, is whether you think the Employment Rights Bill is comparable with other countries such as France and Germany. Do you have a view on that?

Nicola Smith: In general, what we know from a piece of work that we commissioned from Professor Simon Deakin at Cambridge University earlier this year is that, in general, UK employment law is far behind many of our international competitors.

We know that arrangements to enable trade union access are in place across many other European countries and other countries in the OECD, but we also know that in general, on both collective and individual rights, we are very far behind many other countries that are running their economies successfully with higher levels of employment protection, better treatment at work and higher levels of sectoral and collective bargaining. There is no reason to presume that the UK cannot shift towards a similar, successful model.



Matt Western: For example, Amazon obviously has sites in other countries, but it would be interesting to know how their legislation compares and how they insist on that legislation in France or Germany for Amazon sites.

Q21 **Sarah Edwards:** It is very nice to see you again, Amanda. We have both spent time outside Amazon. The pathway to get to recognition is a very long one, isn't it? It takes years. On average, it takes two years or sometimes three years. You have been working on it that entire time, and so have your colleagues in the team, so you have obviously built up that relationship with your members. What would it have meant to them to achieve recognition? Can you put some colour into that?

Amanda Gearing: Yes. I am going to refer to my notes again, because they are here today, so I don't want to get this wrong. They helped me to put this together, because I asked them, "How would it have felt if you had that recognition?"

Chair: The clock is slightly against us, Amanda, so please be concise.

Amanda Gearing: Sorry. It really would have meant everything. The workplace is not a good place to work. I have been working with Amazon workers for 13 years, even though we have been in Coventry for the last two years. They are suffering injuries day in, day out. A disproportionate number of ambulances go to those sites rather than to any other warehouses, which means that people are not working in a safe environment. I have talked about health and safety; that is not a priority. AI is used against workers—there is an algorithm that pitches worker against worker. It means that they bring you in and they work you.

If anybody has worked at Amazon for longer than two years, they will have some kind of injury. Garfield, behind me, used to ride a bike to work. He was fairly fit, and now he can barely catch the bus—he has real pain in his knees. Paramanathan's wife now has a back injury for life. Mohammednur, who is also with us, had a back injury at work and will now find it difficult to be in work all of the time. I have talked about Adnan, who had chemicals go into his eyes. These processes continue. Since we lost the recognition, somebody's arm went into a conveyor belt.

The change that recognition would have brought would have meant that we could have elected reps, who could have looked after health and safety. They would have been able to inspect, put things in place and stop unsafe practices. It would have meant that workers had a seat at the table to talking about their pay and the conditions that affect them, such as flexible working for people with children and caring responsibilities. Most of the workers down in Coventry pick up 60 hours a week so they can afford to put food on the table. It is an 80% migrant workforce, so they have not only the responsibility of living in the UK, but family who depend on those wages.

Ceferina, who is with us, had a heart attack at work. She believes that it was brought on by the stress of keeping hold of her job. Since we lost the



recognition, they have taken away the reasonable adjustments that she had and put her somewhere she can no longer talk to workers.

Recognition means a lot to these guys. Also, not having recognition means that they are targets, because they came forward and spoke on behalf of other workers to enable us to get this recognition. They find themselves using food banks and payday loans. Having that seat at the table and being able to push for better pay and conditions—making the employer listen to them—would have meant everything to them. It would definitely have stamped out bad practices. I have talked about how they can elect their own people to represent and look after them, and the power to stop work if it is unsafe.

These workers matter to me, and I hope that they matter to you. I genuinely want to know whether this Bill will deliver a chance for them to make a change—a small amount of control over their own lives and a chance to be listened to and really heard. When they are working 60 hours a week, workers should not be surviving; they should be thriving. That is what it would have meant to them: the difference between surviving and having injuries on a daily basis, and actually being able to thrive and perhaps spend a bit more time with their families.

Q22 Gregor Poynton: This is a question to Nicola Smith. You have touched on this in some of your previous answers, but I think it is important to tease it out a little further. The Bill proposes several changes to the requirements for union recognition, so that the requirements are lower and more streamlined—essentially, making it easier to recognise. What do you think of those changes? Do you think they go far enough?

Nicola Smith: We think that they are important changes, both to the trigger that would enable the statutory recognition process to start and to the ballot process to enable recognition to be achieved. I want to say a few things about recognition in general. As the Bill recognises, the system is stacked too far against the employee at the moment. As I have said already, the working relationship is inherently one where there are inequalities of power, and at the moment it is too hard for workers to get the right to achieve union recognition in their workplaces.

It is also important to reiterate that where you achieve recognition, that does not in and of itself achieve any change for people at work. With a recognition agreement, unions cannot just act unilaterally and make changes. Those come through collective action, growing workplace membership and negotiating change with employers. The opportunity to be recognised is the start of the process of working constructively and well with an employer to improve working conditions, ensure that there is a fairer balance of power and ensure that the gains of people's labour are shared with them. It is the start of a process, and it rises or falls on the support of the union members in that individual business.

However, as you say, there are too many barriers to achieving recognition at the moment. We think the change to scrap the 10% membership requirement in a workplace before unions are able to even start the



process and replace it with a 2% requirement is welcome. We would welcome a 2% trigger; we think that that is consistent with the information in consultation legislation that is already in place and makes sense. We think it is important that unions will no longer have to show that a majority of workers are likely to support the process before it even starts, that the ballot will need to be a simple majority, and that the requirement for 40% of those eligible to vote in favour will be removed.

There are still some wider barriers in place, and we would welcome some further changes that we think will help to prevent the minority of hostile employers from using weaknesses in the existing processes to prevent collective bargaining, for example the three-year wait before a union can make a new application for recognition following a failed attempt. We also think that the scope that statutory recognition gives to bargain collectively over pay hours and holidays is very narrow, and that legislation could be broadened in scope to include a range of other areas that could be subject to collective bargaining, including pensions.

Q23 Sarah Edwards: There is a wider conversation to be had here about the level of unionisation across the workforce. In 1995, it was about 32%; that dropped to 22% in 2022. Should the reforms focus on the access, bargaining position or awareness of workers, or do we need a bigger conversation about the future of the UK's industrial relations?

Nicola Smith: I think we are starting to have that conversation. The Government have set out their principles for what modern industrial relations would look like and their ambition that more workplaces should work in a collaborative way and recognise the importance of worker voice. While union membership in the private sector has fallen in recent years, we have seen a small increase in recent years in the number of collective agreements across the economy. We have a real opportunity now with this legislation to start to provide unions with easier access to workplaces and to make the case to people at work for the benefits that union membership and recognition will bring.

The Bill provides a really important framework. There are areas where we would like to see it slightly strengthened, but it is an important framework for enabling more people to benefit from the gains of union membership and to start to turn around some of those trends. It is also an important opportunity to recognise the large number of people—I think it is something like 30% across the economy—already covered by a collective agreement, and all the benefits that constructive working between unions and employers can bring, even through small measures such as including a written statement of your right to join a union in your terms and conditions when you join a workplace. Unions are a part of the fabric of employment in the UK, just like any other part of your terms and conditions and ways of working, and joining a union is as much of a right of work as the right to a paid holiday or to time off when you are sick.

We are moving towards a national conversation where, like many other countries, we recognise that trade unions play an important role in balancing inequalities in power at work; in improving the opportunities for



workers to have their voice heard; and in helping to address the inevitable challenges of treatment at work, pay at work, and securing a decent share of the rewards of their labour for the people working hard every day to help bring those gains.

We are moving in the right direction. That is the direction that this legislation will move us in; and in the years ahead, as it becomes embedded and unions are able to take the opportunity of the new provisions it provides, I hope we will see that conversation continue and move back to a position where unions are recognised as the important active players in the jobs market that they should be and are across many other developed countries.

Q24 **Antonia Bance:** I just want to reflect on the conversation we have had. This inquiry is about the Employment Rights Bill and what it will and will not cover. I would appreciate your closing thoughts on that. For me, it feels as though we might need some sort of strengthened role for the CAC to ensure that there are better protections against intimidation. Is that in the Bill?

I had not realised, and was appalled to find out the morning after the ballot came so very close, that union members are now facing a three-year lock-out. Will the Bill get rid of that? If not, does it need to change? Those are what really came through as things that we need to fix in this Employment Rights Bill. Are those points covered, or does more work need to happen on them?

Amanda Gearing: More work needs to happen to protect reps during that process. At that point, because they are not recognised by the company, they are not covered by the same protection. We would like to see that. If reps are involved in a campaign for recognition, they should be protected through that process and afterwards. You are right that the three-year stop-out is ridiculous, and leaves our members vulnerable for the next three years.

We did a paper that we can share with you, because I know you are gathering evidence. We didn't want the campaign to be for nothing, because we came so close and had to endure such a lot of anti-trade union rhetoric, so we thought we would put in a paper. It gave 10 recommendations, and I am pleased to say that seven of them are currently in the Bill. One that did not make it in is reducing the three years. We have asked for a six-month stop-out, or something like that. We also asked for a reduction in the process of the CAC to days, rather than months, for a membership check, so they cannot flood a bargaining unit in the same way they did for us. They brought in 1,400 workers within the period that it took the CAC to do that membership check.

Q25 **Antonia Bance:** From talking to union members following the ballot, when it became clear quite how close GMB had come, my understanding is that the window for challenging the ballot result was basically closed to GMB, because the law said that it had to go in within 24 hours of the ballot closing. I think, from one of the background papers I read, that the



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ballot result was not made available to GMB until 48 hours after, so there was no opportunity to challenge any aspect of it. Is that correct, Amanda?

Amanda Gearing: That is absolutely true. You have to put in your appeal within 24 hours, and you don't get the results for 48 hours. If you appeal on the off-chance that you might lose, you might have to rerun the process. If you win, you have to go through all that again, with the same anti-trade union stuff that we had to endure the first time. We probably would have had a worse defeat the second time, so it doesn't make any sense.

Chair: Thank you so much. The clock is against us: we have a lot of questions to get through, and a lot of witnesses this afternoon. Amanda and Nicola, thank you so much for kicking off our inquiry today.