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Trade Union Learning Representatives in Britain: Policy Innovation in VET¹

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The 2002 British Employment Act (Section 43) conferred statutory rights on a new breed of trade union representatives: trade union learning representatives (ULRs)². After almost two decades of government hostility and antipathy this represents a significant gain for the British trade union movement. Also, given the centrality of training and learning to ongoing debates around the ‘new bargaining agenda’, such rights could be seen as an endorsement by the state to the pursuit of trade union strategies based more around consensual, ‘positive sum’, ‘occupational interests’ than the supposed adversarial approaches of the past (Stuart, 1996). To date, some 7,500 trade unionists have been trained as ULRs, with estimates projecting a network of over 22,000 by 2010 (York Consulting, 2003:3; TUC, 2003) bringing a quarter a million people into learning. Not surprisingly, the expectations of ULRs amongst policy makers are high. ULRs, it is claimed, offer the potential of increased learning opportunities for individual workers, new members for trade unions and improved performance for employers.

Yet, to the extent that employees and employers may have different needs and interests in relation to learning and training, much will depend on the employment relations context in which ULRs operate, the nature of their engagement with employers and the trade union support structures into which they are inserted. Against this backdrop, this paper presents an overview of the ULR initiative. It begins by considering why the ULR initiative evolved and the key aspirations behind it. We then outline the nature of ULR activity and the extent to which they are engaging with employers around the broader learning agenda. Finally, in concluding, we pose some questions about the future sustainability and success of the initiative.

¹ This paper draws from work conducted jointly with Emma Wallis and Ian Greenwood at Leeds University Business School (see Wallis et al Forthcoming). The empirical material in the paper draws from a survey conducted by colleagues at Leeds as well as formally published evaluations of the ULR initiative.

² The rights came into force from April 2003.

The Rise of Union Learning Representatives

Whilst the trade union movement has a longstanding interest in the training and development of its members, training and learning issues have attained a more strategic position in recent times. In the UK this can be seen from the debate around training committees in the late 1980s, through various individual trade union initiatives to the central position attributed to training in the early 1990s under the TUC's New Bargaining Agenda. Interest in training and learning issues has intensified since then. The central premise for this focus on training is that it represents a less adversarial issue for engagement with employers. Based on a premise that training can deliver 'mutual gains' for all stakeholders concerned (employers, employees and their representatives), it is argued that training and learning matters can provide a platform for productivist compacts between trade unions and employers. Whilst these assumptions have been challenged (Stuart, 1996), interest in the training/learning agenda has remained at the forefront of the so called modernisation of industrial relations.

With the election of the Labour government in 1997, there has been an increased level of support from the state for lifelong learning and numerous initiatives have been forthcoming in this area. Amongst many, the government established: the National Advisory Group for Continuing Education and Lifelong Learning (NAGCELL), to advise on widening participation in learning (Fryer, 1997); the Skills Task Force (STF), which had a remit to develop a national agenda for skills (DfEE, 2000); and, most recently, the Skills Alliance³. Unlike their Conservative predecessors, the Labour government has been open to the role of trade unions in skill formation and has sought to involve them within the policy arena. Indeed, it has gone so far as to state that it regards learning as 'a natural issue for partnership in the workplace between employers, employees and their trade union,' which 'signals a new and modern role for unions' (DfEE, 1998: 35). These sentiments have been supported by a variety of mechanisms designed to enhance the *capacity* of unions to operationalise the government's lifelong learning objectives. Thus, the Union Learning Fund was established in 1998 with the explicit objective of supporting union-led workplace learning initiatives.

More recently, and of significance for this paper, statutory rights for ULRs were granted under the terms of the 2002 Employment Act. Originally conceived as learning mentors providing information, advice and guidance about learning, and support to colleagues within the workplace who wished to access learning opportunities, their role has, in some cases, embraced a broader range of functions, including accessing funds to support learning activities, developing workplace learning resources, and negotiating with employers (Cowens et al, 2000). For the government, ULRs are seen as a mechanism to raise employee demand for learning and 'support and complement' employer 'workforce development strategies' (DfEE 2001:2; Rainbird, 2004). This position must be situated within broader debates around the British skills problem. A wide consensus exists that the British economy has an insufficient profile of skills at the intermediate level and that profound problems also exist at the basic skills level. These deficiencies are perceived, not least by the British government, to have a fundamental

³ The Skills Alliance represents 'a new social partnership between Government, the CBI (Confederation of Business and Industry), the Trade Union Congress (TUC) and the Small Business Council...it will pursue a shared agenda in raising productivity for the common good' (DfES, 2003: 28).

detrimental impact on the economy's competitive position. Hence, ULRs are situated within a broader concern over raising individual demand for learning, particularly amongst those with basic skills problems.

The statutory rights thus confer ULRs with the (reasonable) time, and access to facilities, needed to perform their duties (see the ACAS (2002) code of practice for specific details). The statutory backing for ULRs represents a significant development for British trade unions. As Calveley et al (2003: 22) note, it 'is the first time since the Health and Safety at Work Act in 1974 that unions have been acknowledged as having a positive...role to play in the workplace'. Yet the broader regulatory and policing frameworks governing health and safety are absent with regard to ULRs (Munro and Rainbird, 2004), and it is notable that the statutory provisions granted to ULRs do not extend to consultation and bargaining rights with regard to learning.

Despite the benign pronouncements of policy makers that all parties will stand to benefit from the ULR initiative, critics contend that the reality may be somewhat different. For as Munro and Rainbird (2004:3) note, 'the workplace is a problematic site of learning.....[R]ather than representing a neutral intervention, training must be viewed in the broader context of the employment relationship'. Within this context, the needs and interests of employees and employer may diverge and be thrown into tension – employers will primarily wish to invest in business-specific provision, whilst employees may be more interested in enhancing their broader employability. To the extent that significant emphasis (particularly by the government) has been placed on how the ULR role can support employers' training and development strategies, this could pose a significant challenge for ULRs. Indeed, Forrester (2001) has cautioned that despite the ULR initiative representing a significant advancement of trade union priorities, this may be undermined by employers able to harness the activities of ULRs in furtherance of business needs. A key issue for consideration, then, is how ULRs will be able to *resolve* the different needs of employers and employees, and promote opportunities that are of prime benefit to employees. With these considerations in mind, the paper briefly considers the nature of ULR activity and the extent to which ULRs are promoting the interests and needs of employees rather than employers; and also explores the developing relationship between ULRs and employers.

Trade Union Learning Representatives in Practice

Under the provisions of the Employment Relations Act, ULRs have a statutory right for paid time off to conduct their duties and to engage in their own training. Trade union members have a right to unpaid time off to access their ULR. The activities identified by the Act as constituting legitimate activities for ULRs include: analysing learning or training needs; providing information and advice about learning or training matters; arranging learning or training; promoting the value of learning or training; and consulting with employers about such activities in relation to union members (TUC, 2004).

Given these provisions, it is useful to consider what ULRs actually do:

- ULRs typically spend between one and five hours per week on their duties, although a third of trained ULRs tend to spend no time at all on their duties.

- Recent TUC statistics show that ULRs help colleagues with little experience to access learning (just over half of cases); generally encourage colleagues to continue learning (seven out of ten cases); help colleagues' basic skills (a third of cases); and attempt to improve union-management dialogue around learning (around a quarter of cases)
- In aggregate terms, ULRs direct around eight people each to some form of learning opportunities and in around 80 percent of cases this leads to a formal enrolment on a course.

This tells us little, however, about the mechanisms used by ULRs to engage co-workers. It is useful, therefore, to consider just how ULRs promote learning, and inform their colleagues about their role.

- The most frequent means of promoting learning to colleagues is through **talking** with them (nine out of ten cases), the use of **posters/notices** (seven out of ten cases) or general **trade union publicity material** (around five out of ten cases). Less frequent means of promoting learning include **e-mail** (around 1 in ten cases) and **employer support channels** (two out of ten cases).
- The mechanisms used to inform colleagues about the ULR role are broadly similar, with **face-to-face communications** (85 percent of cases) and **posters and notices** (five out of ten cases) the most common. **Employer support channels** are used in just over one in ten instances.
- In terms of the type of learning opportunities promoted or discussed, trade union priorities over learning tend to prevail over employer interests. Thus, the acquisition of transferable skills (nine out of ten cases) tends to prevail over the acquisition of more immediate work-related skills and qualifications (around 65 percent of cases).
- According to recent TUC figures, over half of all ULRs have conducted a learning needs assessment at their place of work. Most of these assessments identified basic skills needs, in terms of IT (around eight out of ten) and literacy or numeracy (two thirds of cases).

Of the 7,500 ULRs trained to date, recent TUC figures show that: men outnumber women by two to one; there are more ULRs in the public compared to the private sector (52 to 47 percent); and three out of ten ULRs have no prior experience of performing a trade union role. In two thirds of cases ULRs follow TUC recognised training courses, typically constituting a five day programme that looks at front-line advice and guidance, the identification of learning needs and how to work with employers. Demand for further training amongst ULRs tends to be high.

Engagement with Employers

Both the government and trade union movement view engagement with employers as a key aspect of ULR activity. For the government, ULRs can contribute to employer workforce development strategy, whilst unions are looking to establish formal agreements with employers around learning in order to ensure consistency and quality with regard to learning opportunities. However, the statutory provisions for ULRs stipulate no formal obligations on employers to either consult or negotiate with ULRs.

Given this, it is useful to explore the levels of support that ULRs are receiving from employers and the extent to which they have been able to establish a dialogue around learning with employers.

In terms of general employer support:

- ULRs report that management are supportive of their duties in around 45 percent of cases. Whilst employer hostility appears to be limited to around ten percent of cases, around 45 percent are indifferent to the role of ULRs.
- ULRs receive paid time off from employers in around three-quarters of cases. TUC (2004) data suggests that this is more likely to forthcoming for their own ULR training than to perform their actual duties.
- ULRs are provided with office space and resources in around a third of cases.
- TUC (2004) data suggest that paid time off for colleagues for learning is provided in around a third of cases and unpaid time off for learning in around a fifth.

Despite their lack of statutory bargaining rights, there is evidence that ULRs are establishing a dialogue with employers around the learning agenda.

- TUC (2004) data indicated that around half of all ULRs claim to have a union-management learning agreement at their place of work. In two-thirds of cases this is reported to be a formal agreement. Such agreements are ‘stand alone’ agreements in around a third of all cases.
- Other research suggests that ULRs have attempted to ‘negotiate’ with employers in around a third of cases. Much of this has led to positive outcomes.
- ULRs have been able to reach formal and informal agreements with employers in relation to their role and learning activities at the workplace, such as time off for learning. There is also evidence that ULRs have been responsible for establishing and running learning centres, have been involved in the establishment of learning and training committees and training policy and have contributed to bids for project funding. For example, ULRs report that:

“[We are] currently developing a training policy. A steering group made up of management, the ULRs, the TUC, BECTU and the Chief Exec are developing a training policy within the IR framework” (ULR, BECTU).

“A Steering Committee has been set up which has members from XXXX College, GMB Union, XXXX Council Corporate Human Resources, and the chair of the Steering Committee is the Labour Cabinet member for Performance and Personnel..... Training Agreement is currently undergoing negotiation” (ULR, GMB).

- In some cases, ULRs have been successful in negotiating time-off for their co-workers to engage in learning activities. Yet, such agreements are often bound by managerial prerogative, with time off being conceded on a selective rather than universal basis, or for job specific training activities. Thus, as ULRs reported:

“Some employees have started a course at a local college and time off has been agreed for them, but this has not been accepted for everybody” (ULR, BECTU).

“Only vocational learning is to be allowed during working hours if the learners are to be paid as they study” (ULR, BFAWU).

- There are also examples of outright employer hostility to engaging with ULRs, or of employers attempting to ‘incorporate’ them within management functions. For example, on becoming a UNIFI ULR at a financial services call centre, one respondent explained that local management had attempted to persuade her that she was now part of the management training team.
- Given the above, it is not surprising that many ULRs claim that they require further support from employers. Indeed, the TUC (2004) data indicate that the major barriers to the furtherance of the ULR role are all employer-related, in terms of time off, facilities and a lack of support from employers.

Discussion

The ULR initiative represents a unique policy initiative in the area of VET. For some commentators the endowing of ULRs with statutory rights represents a ‘post voluntarist’ turn in the British VET system. It is a significant intervention designed to raise the level of demand for learning amongst the British workforce. Evidence suggests that a significant network of enthusiastic ULRs are now active in British workplaces and they are having an impact, in terms of encouraging individuals to take up learning and developing formal union-management relations around learning. The initiative is in its formative years and further time and research is needed to assess how it beds down. Yet, some questions remain around the long terms success of the initiative:

- Employer support – there remain no obligations on employers to consult or negotiate with ULRs. Despite the legislation, not all ULRs report that their employer allows them paid time off to perform their duties. Where employees are encouraged to take up learning opportunities, there is no support at all.
- Non-union sectors – ULRs, by definition, are only active in those workplaces that recognise trade unions. At present, there is no equivalent initiative for the majority of workplaces that do not recognise trade unions.
- Funding – at present the initiative is funded by the state, leaving a question mark over the long-term sustainability of the ULR network.
- Trade union support – Only a quarter of ULRs are new activists and questions still remain around how ULRs are being inserted in the traditional structures and activities of trade unions.

References

ACAS (2002) *Code on Union Learning Representatives: Statutory Recognition*. Advisory, Conciliation and Arbitration Service.

Calvey, M., Healy, G., Shelley, S., Stirling, J. and Wray, D. (2003) 'Union learning representatives – a force for renewal or 'partnership'?', University of Hertfordshire Business School Working Paper, No.10.

Cowens, G., Clements, M., and Cutter, J. (2000) *Union Learning Representatives Survey*, TUC/Adapt/Ufi Learning Services Evaluation Report (1). Leeds: York Consulting.

Department for Education and Employment (1998) *The Learning Age: a Renaissance for a New Britain*, Cm3790. London: HMSO

Department for Education and Employment (2000) *Skills for all: Proposals for a National Skills Agenda*. Final Report of the National Skills Task Force, Nottingham: DfEE.

Department for Education and Employment, (2001). Consultation on the Impact of Statutory recognition for Union Learning Representatives. www.dfee.gov.uk/ulf

Department for Education and Skills (2003) *21st Century Skill: Realising our Potential; Individuals, Employers, Nation*. Cm 5810. Norwich: The Stationary Office

Forrester, K. (2001) 'Modernised Learning: an emerging lifelong agenda by British trade unions', *Journal of Workplace Learning*, 13(7/8): 318-325.

Fryer, R. H. (1997) *Learning for the Twenty First Century*, First Report of the National Advisory Group for Continuing Education and Lifelong Learning. London: NAGCELL.

Munro, A. and Rainbird, H. (2004) 'The workplace learning agenda – new opportunities for trade unions?', in Healy, G., Heery, E., Taylor, P. and Brown, W. (ed). *The Future of Worker Representation*. Basingstoke: Palgrave-MacMillan.

Rainbird, H. (2004) 'Assessing Partnership Approaches to Lifelong Learning: 'A New and Modern Role for the Trade Unions?' in M. Stuart and M. Martinez Lucio (eds) *Partnership and Modernisation in Employment Relations*. London: Routledge.

Stuart, M. (1996) 'The industrial relations of training: a reconsideration of training arrangements', *Industrial Relations Journal*, 27(3): 253-265.

TUC (2003) 'Unions have the solution to close UK skills gap', www.tuc.org/skills/tuc-6213-f0.cfm. 5th February (accessed 21/04/04)

TUC (2004) *The Quiet Revolution: The Rise of the Union Learning Representative*. London: Trades Union Congress

Wallis, E., Stuart, M. and Greenwood, I. (Forthcoming) 'Learners of the workplace unite! An examination of the trade union learning representative initiative', *Work, Employment and Society*

York Consulting (2003) *TUC Learning Services Union Learning Rep Survey 2003*. Leeds: York Consulting.