



Unite response to the DBIS consultation on the future of the right to request time to train policy

This response is submitted by Unite. Unite is the UK's largest trade union with 1.5 million members employed across the private and public sectors. Unite members work in a range of industries including manufacturing, financial services, print, media, construction, transport and local government, education, health and not for profit sectors.

Executive Summary

- Unite is disappointed that the government has decided to undertake a review of this legislation so soon after its implementation and without allowing sufficient time to assess the effectiveness of the legislation
- Unite also regrets that the government has chosen the holiday period and provided only a shortened consultation period
- Unite is totally opposed to the proposition that this right to request training be repealed
- Unite favours the extension of the right to all organisations in line with the previous planned proposal to take effect from April 2011
- Unite does not accept that any of the modifications suggested in Question 5 of the consultation would improve the current process.

1. Introduction (Question 1)

1.1. As an organisation which has long campaigned around the issue of workplace training, Unite welcomed the introduction of this legislation as a huge step forward in encouraging a learning culture in the workplace. We are disappointed that it after such a short period and limited experience of the scheme to larger organisation it is considered appropriate to review this right.

1.2. Skills and the training agenda are a core trade union activity and through working together with employers and government, Unite believes that a fundamental change in the learning environment in the workplace is starting to take place.

1.3. This view is supported by the Minister of Further Education, Skills and Life long learning, John Hayes, in his introduction to Learning to Connect: Building the Café Culture Movement, where he said:

“By promoting a learning culture in the workplace, businesses of all sizes make learning a part of everyday life. They reap the benefits of that investment in the shape of a more productive, engaged workforce, reduced operational costs and an enhanced corporate reputation in their communities.”

1.4. However, Unite remains convinced, that further improvement towards achieving the sustainable and high skilled workplaces required to compete in a modern global economy would be progressed more speedily, if skills and training formed part of the collective agreements, with trade unions able to negotiate on behalf of employees on personal and professional development. Unite intends to continue to lobby government on this issue and sees the right to request training as an integral part of developing training and learning in the workplace.

1.5. This statutory right based as it is on the right to request flexible working, provides employees and their representatives with the confidence to approach employers to discuss future skills and training needs.

1.6. The experience gained from the right to request flexible working highlighted the need for cooperation and a change in attitudes and behaviours on the part of employers towards different approaches to working. This right to request training will require greater support from employers if it is to prove effective, which in the long run should create not only a more skilled workforce but also a more productive workforce.

2. Extent of the right to request training (Questions 2 and 3)

2.1. Unite sees no reason why the legislation should be restricted to one size of employer organisation. If there is an acceptance that the right to request training is a sensible support to workers seeking to enhance their skills, (and Unite believes it is), then there is no reason not to extend the provision to all workers.

2.2. Unite’s membership stretches across all sizes of company and organisation and our experience has not yet shown that this right has created a difficult burden for organisations with more than 250 employees. After only 6 months in operation it is impossible to carry out any meaningful assessment of the introduction of the right and, as the consultation document itself points out, evidence¹ shows that a third of employers do not train their staff and almost 10 million employees go with out training each year.

2.3. Unite has many members employed in SMEs and from our experience in a wide range of industries particularly small companies, one of the key issues has been a lack of training. In such companies trainees, apprentices and employees are basically resigned to operating certain pieces of equipment or undertaking specific roles. The introduction of this right has provided the leverage and confidence to employees to ask for training and has opened new doors for workers to get the skills they need to further their careers.

¹ National Employer Skills Survey 2009

- 2.4. Unite shares the views expressed by John Castledine, director of learning solutions at the Institute of Leadership and Management (ILM), earlier this year who said: "We welcome this guidance published today and hope this new right will open up many more opportunities for employees to access vital leadership and management training, and as a result improve business efficiency across the UK." He added that the government could go a step further, however. He said: "We now want to see a campaign in place that not only compels employers to ensure that training and development provision is fit-for-purpose, but also raises awareness among employees of their legal right to training and the many benefits of undertaking workplace development."
- 2.5. Unite believes that more needs to be done to bring to employees' attention this new right and to encourage dialogue in the workplace on training needs and learning.
- 2.6. Any delay in the extension of this right to smaller companies is a delay in the re-equipping of the UK workforce with the skills necessary to support growth in sustaining industries and services and to adapt the UK workforce to the needs of a modern economy.

3. Removal of the right altogether (Question 4)

- 3.1. Unite is totally opposed to the removal of this recently introduced right. At the time of the original consultation in 2008 of the 133 bodies responding to the key question of whether a right to request time to train could help skills development in their organisations, 67% of respondents in England, 87% in Scotland and 73% in Wales answered that it would.
- 3.2. 57% of employers in England felt that Time to Train would help skills development in their organisation. Even organisations such as CBI and the Federation of Small Businesses were supportive of the introduction of the right to request time off to train.
- 3.3. Any short term savings that might be gained from removing this right are overshadowed by the much greater loss to the economy that removing this right would create. The net benefits to the economy that come from improved access to training and up-skilling employees have been estimated at £225m in year one and £472m from year two onwards.
- 3.4. Good employers who already provide training and who are used to dealing with flexible working requests will find this system relatively simple to adopt and will be able to deal with any requests that come from their employees. Therefore removing these regulations would only benefit employers who are uninterested in providing their staff with training opportunities and would be to the detriment of wider economic growth.

4. Changes to process (Question 5)

- 4.1. Unite does not believe that the changes proposed could be made without creating further complexity. By exempting employees who can already access training is likely to cause confusion as to who can and who cannot exercise this right. It is obvious already that those who are able to access training will not need to use this provision.

- 4.2. Adding new reasons for refusal begs the question as to the definition of a “good training review system” and furthermore introduces a different evaluation for the employer to consider when responding to the request. Unite believes that the decision by the employer should be based clearly on the benefits derived to the business and employee.
- 4.3. The procedures in place are already known to employers and introducing a new and different set can only lead to greater confusion.
- 4.4. Overall Unite sees no benefit whatsoever in introducing any of the changes suggested.

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