

United Kingdom: Developments in working life 2016

Developments in working life in Europe: EurWORK annual review 2016

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Political context affecting working life aspects

No information.

The government(s) in office during 2016

Government 1	
In office since / to	A Conservative Government was elected in May 2015; this replaced the Conservative/Liberal-Democrat Coalition Government elected in May 2010.
Name of the head of government (prime minister / chancellor /)	Theresa May
Name all the parties that are forming this government	The Conservative Party only
List the changes in the composition of the government in 2016	N/A
Additional comments	The Prime Minister, David Cameron, <u>resigned in June</u> <u>2016</u> , following the outcome of the referendum on EU membership. <u>Theresa May</u> won the ensuing leadership campaign and became Prime Minister two days later, on the 13 th of July.

Elections and referenda

Election 1	
When did the elections take place?	The outcome of the Referendum over the UK's continued membership of the European Union was announced on the 24 th of June, 2016.
What kind of election it was? (parliamentary / presidential / referendum / local /)	A national referendum
Outcomes of the election (mention also % of the votes achieved by the major participants in the election)	In a <u>turnout of 70%,</u> 52% of the UK population <u>voted to</u> <u>leave</u> . The country was divided in its voting pattern – England and Wales had voted to leave, whilst Scotland and Northern Ireland backing remaining in the Union.
Additional comments	

Forthcoming significant elections or political events in 2017

The Prime Minister has <u>signalled her intention to trigger Article 50</u> - through notifying the European Council that the UK intends to leave the EU - at the end of March 2017. Notification will trigger the opening of withdrawal negotiations between the UK and the EU. The negotiation period is two years from formal notification, but it can be extended if all Member States agree.

Reactions from the social partners on new government's working life policies

There has been no new government, but <u>the TUC has repeatedly raised the issue</u> of whether the employment rights conferred by membership of the EU will be retained when the UK leaves the Union. The Prime Minister has pledged to enshrine these rights in domestic law post-Brexit, but the TUC seeks concrete guarantees. Concerns were amplified when the Government appeared to be moving from this position, in responses to parliamentary questions submitted by the Shadow Brexit minister. Herein, the Government promised to replicate employment protections <u>only 'wherever practical</u>.'

Developments in social dialogue and collective bargaining 2016

Major developments in national/peak-level social dialogue 2016

Changes affecting the social dialogue actors and institutions in 2016

Representativeness

Owing to the voluntarist tradition in the UK, policy concertation has been uncommon and there are currently few formal mechanisms or forums for tripartite concertation in the country. In the 1970s, formalised dialogue between the government, employers and trade unions grew in importance. However, the successive Thatcher governments, first elected in 1979, sought to eradicate any forms of corporatism. Since then, tripartism or corporatism has not been reintroduced on a comprehensive or formal basis.

Moreover, the social partners report reduced tripartite engagement since the election of the Coalition Conservative and Liberal Democrat government in 2010. This was confirmed in recent interviews with representatives from both the TUC and CBI, conducted under the auspices of the Eurofound review into social partner involvement in the European Semester. The representatives of both the CBI and TUC reported that consultation had reduced in 2015, in the run-up to the general election and that this continued thereafter, with the referendum campaigning.

Both bodies continue to be consulted by the public authorities on the direction of public policy in the country on an ad hoc basis, but such consultations are usually bilateral. The social partners in effect receive de facto recognition of their position by the government through their involvement in various consultations with government departments.

There is de facto tripartite representation in a series of agencies (e.g. the Low Pay Commission and the Sector Skills Councils), and though the peak-level social partners are consulted about the nomination of employer and worker representatives on the boards of such bodies, they no longer have an automatic monopoly of the available seats.

Major developments affecting the main actors

Not applicable

Legislative or institutional changes to the main social dialogue institutions

Not applicable

Changes in the social dialogue processes

As above - the social partners report reduced tripartite engagement since the election of the Coalition Conservative/ Liberal Democrat government in 2010. This was confirmed in recent interviews with representatives from both the TUC and CBI, conducted under the auspices of the Eurofound review into social partner involvement in the European Semester. The representatives of both the CBI and TUC reported that consultation in general had reduced in 2015, in the run-up to the general election and that this continued thereafter, with the referendum campaigning.

Description of issue	Main result
Please see below. In light of the Brexit decision, the CBI and TUC issued a joint statement as to the need for Government to do everything possible to minimise the economic fall-out of leaving the EU and to secure jobs and investment.	Joint statement issued; debate ongoing
No	
No	
	Please see below. In light of the Brexit decision, the CBI and TUC issued a joint statement as to the need for Government to do everything possible to minimise the economic fall-out of leaving the EU and to secure jobs and investment. No No No No No No No No No

Main social dialogue topics and outcomes in 2016

Examples of selected significant social dialogue debates

Please note – as above, the UK does not have formal institutions for social dialogue, aside from involvement of the main social partners in a limited number of tripartite agencies. Given the highly unusual circumstances of the Brexit referendum, the major employer and trade union confederations presented an unusually united front. Immediately prior to the referendum, the TUC had issued a joint statement with the EEF, the manufacturing employers' association. The two organisations had publicly united in order to set out the potential loss in manufacturing trade and concomitant effects on businesses, jobs and employees, should the UK leave the EU. Moreover, following the referendum result, the CBI and TUC issued a joint statement calling on the Government to do everything possible to minimise the economic fall-out of leaving the EU, to secure jobs and investment and to reassure workers worried about the potential implications for employment and social protections. The two organisations also stated that the involvement of a wide range of stakeholders would be essential in order to stabilise the economy in the coming months. They spoke of the need for a national effort from large and small businesses, trade unions, central government and those of the devolved nations. These joint initiatives are uncharacteristic and serve to emphasise the gravity of the situation confronting the UK, in light of the referendum result.

Sectoral and company level social dialogue 2016

No changes. In the UK, the dominant level for the setting of pay and working time is the company or plant level in the private sector. Sector-level agreements are only concluded in areas of the public sector – and in a small section of the private sector.

There are no national inter-sectoral agreements in the UK, nor is there any tradition of this, aside from a very brief period in the 1970s.

Main developments - other than wages and working time - from important collective agreements or bargaining rounds

The vast majority of collective bargaining is conducted at workplace level so given the great variation resulting from such localised negotiations, it is difficult to identify trends or major developments. However, one matter for concern in 2016 was the detrimental impact of the introduction of the National Living Wage (NLW) upon the terms and conditions of some workers. The NLW came into force on the 1st of April. The majority of <u>employers surveyed</u> before the NLW came into force reported that they would adapt to the change through efforts to increase efficiency or raise productivity. Other proposed responses included taking lower profits, absorbing costs or raising prices. However, there were some reports that employers might respond through reducing workforce costs, by reducing numbers of employees, hours worked, cutting overtime or bonuses, squeezing differentials and pay structures or hiring more workers aged under 25.

On the basis of reports from unions across a range of workplaces, <u>the LRD cited evidence that</u> <u>a number of these tactics had been used</u>. Regarding cuts to numbers of employees, the GMB has highlighted that the cleaning and catering contractor, Medway Norse, was not granted increased funding by Medway Council in order to meet the increases to pay entailed by the NLW. It is now consulting on redundancies.

There have also been reports of enforced contractual changes, with employers threatening dismissal if changes are not accepted. DIY retailer B&Q asked members of staff to sign new contracts by the end of March. These involved a reduction in the value of allowances for the London Weighting and other high cost area allowances, the removal of additional premia for Sunday and bank holiday working, in addition to cutting staff's summer and winter bonus, worth 6% of annual salary. Staff have reported losing around £50 a week as a result of the changes and there are also reports of the dismissal of those that refused to sign. Similarly, **Icelandic Seachill**, which owns The Saucy Fish Co brand, imposed changes in overtime

premia on threat of dismissal, according to the Unite union. Initially it promised £7.35 per hour but is now paying £7.20. The union calculates that it saves £1.62 an hour by cutting the Monday – Saturday premium from time and a half to time and a quarter, and £3.37 an hour through a premium of time and a half on Sunday. This was a significant loss for workers required to work every other weekend on overtime. Other companies which have cut overtime premia include **Pennine Foods** in Sheffield, where the BFAWU union is balloting for industrial action over such cuts for around 300 staff. Loss of time and a half on Saturday and double time on Sunday mean that some staff – particularly those on the Friday to Tuesday and the Thursday to Monday shifts - stand to lose £1,500-£2,500 a year. Scottish Bakers has retained, but simplified its unsocial hours premia, adopting a lower 15% rate for night shifts (10pm to 6am). **Well Pharmacy** has also cut overtime and weekend working premia, in addition to making reductions in annual leave and sick pay entitlement (albeit with agreed compensation arrangements).

Other companies have responded by compressing or eliminating wage differentials. B&Q, for example, has replaced five customer adviser levels with just one. Moto Hospitality also reduced the number of pay bands in its pay scales.

Examples of innovative collective agreements (at any level) made during 2016 Not applicable

Policies and actions to address pay-inequalities

The recent public debate on pay gaps at the workplace

Individual Characteristics

The gender pay gap is an ongoing subject of public debate, which intensified with the introduction of the Gender Pay Gap Reporting regulations in 2016. The TUC regularly campaigns around the issue and lobbies for improvements (see below). The <u>Fawcett Society</u> is a civil society organisation which also leads campaigns on this agenda.

A number of disability charities campaign on the disability pay gap. For example, the Papworth Trust <u>reported in 2015</u> that disabled men experience a pay gap of 11% compared with non-disabled men, while the gap between disabled women and non-disabled women is double this at 22%.

Different Contractual Status

Concerns as to the worsening terms and conditions of a large proportion of the growing number of self-employed people in the UK has led to discussion about the emergence of a 'self-employed precariat.' The level of self-employment in the UK currently stands at 4.6 million people, which constitutes approximately 15% of the workforce. The numbers of self-employed have risen significantly since the 2008 recession and further increases are forecast for the years ahead. However, a number of data sources (e.g. ONS, 2014; Hatfield, 2015; D'Arcy and Gardiner, 2015) indicate a significant fall in pay for the self-employed, particularly since the recession. The typical self-employed person now earns 40% less than the typical employed person. Data presented by (Hatfield, 2015) and Conaty et al, 2016) points to a insecurity and vulnerability of self-employed people on both a short and long term horizon, with some self-employed people also experiencing difficulties getting mortgages, tenancies and accessing personal credit and loans, specifically due to their self-employed status.

Occupational Hierarchy – The Pay Gap between Executives and Employees

There is growing debate around the widening gap between executive pay and that of ordinary workers. This was highlighted in the publication of findings from a <u>survey on executive pay</u> by the <u>CIPD in December 2015</u>. The report examines employee attitudes towards CEO pay. The CIPD suggests that a 'fundamental rethink' on executive pay is required and that the large increases in executive pay means that businesses have now reached 'crisis point'. The key findings of the survey were that:

- 71% of employees believe chief executive pay is either 'too high' or 'far too high'
- 59% of employees believe that the high level of executive pay results in a demotivational effect on them at work
- 55% of employees believe that high executive pay is bad for firms' reputations

Moreover, the <u>High Pay Centre published a report on executive pay in August 2015</u>. The report found that bosses were earning 183 times more than the average full-time worker. Across a range of comparisons between workers' and bosses' wages there are indications that the pay scale is becoming more stretched and inequality is increasing. <u>The TUC responded to the figures</u>, calling them a 'disgrace', and arguing for greater employee involvement in pay setting decisions.

The High Pay Centre also ran the 'Fat Cat Tuesday' campaign on the 6^{th} of January 2015. By this date, the pay for Britain's top executives overtakes the pay of the average worker for the entire year.

Positions regarding the posted workers directive

Positions of trade unions

Responses from UK trade unions to the recent 'EU-level issue on equal pay for posted workers' are limited, although there is far more detailed information available on their responses to the Posted Workers' Enforcement Directive of 2014 (see for instance, https://www.tuc.org.uk/pwedmarch2014; http://www.gmb.org.uk/about/gmb-in-europe/european-policy-issues/posting-of-workers).

In response to the proposals in March 2016, <u>the TUC's General Secretary</u>, Frances O'Grady, pointed to the 'appalling exploitation of many workers brought into the UK on short-term projects.' She welcomed the Commission's proposal, but said that 'far bolder measures are needed.' She stated that the TUC would be working with unions across Europe and Members of the European Parliament to strengthen these proposals and make them fairer and more effective.

The GMB union <u>posted a similar response on the 9th of March</u>, stating that it had been optimistic in light of President Juncker's announcement in 2015 that he would end social dumping and guarantee 'equal pay for equal work in the same place.' However, their European Officer said that, whilst the GMB was pleased to see that the European Commission is accepting that current provisions are 'not fit for purpose', the current proposals fall short of expectations. She said that proposals contain unacceptable exclusions and that they were 'contradictory on a fundamental point'; claiming to guarantee equal pay for equal work whilst simultaneously, legitimising unfair wage competition in the preamble. The GMB was highly critical of the Government.

There was no specific statement from the Unite union on the recent proposals, although the union <u>published its response</u> to the Government consultation as to the Enforcement Directive in 2012.

Positions of employers organisations

There has been no specific response from the CBI on the targeted revision (although the <u>CBI</u> responded to the Government's original 2012 Consultation on the EU Proposal on the Posting of Workers Enforcement Directive).

The Engineering Employers Federation also responded to this and <u>produced a document</u> outlining the points it raised during the consultation. Specifically, in October 2016, the <u>EEF</u> <u>expressed concerns</u> as to the Commission's recent proposals to revise the Posting of Workers Directive. The EEF, joined by a representative from CEEMET, met with Members of the European Parliament's Employment Committee so as to discuss concerns, stating that the proposed changes are not in fact aimed at protecting posted workers and will actually work to restrict labour mobility.

Position of the government

There has been no government statement as to its position on the proposed reforms.

Pay gaps at the workplace

Evidence

On 11 March 2015, the <u>TUC published a report</u> which was prepared for the TUC Women's Conference 2015, 'The impact on women of recession and austerity'. The report's key findings were that:

- While progress has been made on some headline measures (e.g. employment and pay gaps have continued to narrow) some women are facing new hardships and barriers to equality;
- Women's employment which fell furthest during recession has yet to recover;
- The number of women stuck on zero hours contracts and other short hours contracts has increased;
- Pay for women has fallen in real terms, though not as much as for men;
- Women working full time earn around 9 per cent less per hour than men, but women working part-time earn around 38 per cent less;
- More women than ever before are in part-time work because they cannot find full time work ;
- More single mothers are now in work, but frequently they are stuck in low skilled and low paid jobs which offer little chance of progression.

On the 1st of February 2015, <u>the TUC published analysis showing that black workers with</u> <u>degrees earn 23.1% less on average than white workers with degrees</u>. The analysis of official statistics shows that a black worker with a degree will earn, on average, £14.33 an hour. However, a white graduate will typically earn £4.33 more, at £18.63 an hour.

The study reveals reveal that the pay gap between white and black workers is at its widest at degree level. Black workers with A-levels earn 14.3% less on average than their white counterparts, whilst black people who leave school with GCSEs typically get paid 11.4% less than their white peers.

The pay gap between all black, Asian and minority ethnic (BAME) workers with degrees and white graduates is 10.3% - the equivalent of £1.93 per hour. The pay gap with white workers for all groups, regardless of their educational attainment, is 5.6% for BAME workers and 12.8% for black workers.

The TUC has called on the government to recognise the scale of the problem and develop a race equality strategy as a matter of political priority, with clear targets and adequate resourcing. This should include measures to tackle the growth of casualised work, which disproportionately affects BAME workers; requirements on employers to analyse and publish pay data by ethnicity; and a requirement for public authorities to use procurement to spread good practice. In addition, the TUC stated that the government must encourage employers to focus on fostering opportunities for BAME leadership, as well as tackling discrimination in recruitment through measures such as anonymised CVs.

Equalities and Human Rights Commission

The Equalities and Human Rights Commission published its <u>'Is Britain Fairer?' report</u> in October 2016. This examines data for 2011 to 2013 in ten key domains, so as to evaluate progress from 2010 to 2012. The ten domains are Life; Health; Physical security; Legal security; Education; Standard of living; Productive and valued activities; Individual, family and social life; Identity, expression and self-respect and Participation, influence and voice. Each domain has its own set of indicators and data sources. <u>The Productive and Valued</u> <u>Activities domain covers data on employment</u>. This includes data from the ONS's Annual Survey of Hours and Earnings (ASHE) the gender pay gap in median hourly earnings, with figures further analysed in terms of age category. These data show a slight fall in the gender pay gap, from 21.1% in 2011 to 20.4% in 2013.

Labour Force Survey Data on the gender pay gap (median hourly earnings) from between 2011 to 2013 is also provided. This places the gender pay gap at a lower level (19.3% in 2011) and as having undergone a larger fall (18.4% in 2013). The data also show that the gender pay gap is largest for employees aged between 35 and 44.

The LFS also provides data on the pay gap between non-disabled and disabled workers as well as the differences in average median hourly pay between white workers and those from other ethnicities. The disability pay gap is reported to have fallen very slightly between 2011 and 2013, from 9.1% to 9%.

Regarding ethnicity, the data present a varied picture and no pay gap percentages are reported. However, the data show that workers of Pakistani and Bangladeshi ethnicity earned an average £2.70 an hour less than workers of white ethnicity in 2011. This had fallen by $\pounds 0.40$ in 2013, but this was due to a fall in average hourly earnings of white workers rather than any increase on the part of Pakistani/Bangladeshi workers.

ASHE/ONS Data on the Gender Pay Gap 2015

The latest ASHE estimates (2016) provide a gender pay gap of 19.2% for all employees in 2015. However, the ONS states that for full-time employees, the gap has narrowed to 9.4%, the lowest level since 1997. The ONS states that part-time workers – both men and women – earn less, on average, per hour than their full-time counterparts and as a much higher proportion of women work part-time – 41%, compared with only 11% of men – this accounts for the large gender pay gap that exists across all employees.

Policies to address pay inequalities at the workplace

Gender Pay Inequality

The Equality Act [Gender Pay Gap Information] Regulations 2016 came into force on the 1st of October 2016. <u>The regulations set out measures</u> requiring large private and voluntary sector employers (those with 250 or more employees) to publish information on the difference in pay between female and male staff. <u>Employers will have to publish, each year</u>:

- their overall mean and median gender pay gaps, based on the hourly pay rate for each employee. Pay includes basic pay, shift premiums, bonuses and other pay (including allowances) but not overtime pay and some other elements;
- the difference between the mean bonus payments paid to men and women, plus the proportion of male and female employees that received a bonus;
- the number of men and women in each quartile of their pay distribution

Employers have the option to provide a narrative with their calculations. This should generally explain the reasons for the results and give details about actions that are being taken to reduce or eliminate the gender pay gap.

- The narrative can say why the results show challenges.
- The narrative can say why the results show successes.
- The narrative can also be used to show **plans for long-term results**.

The results must be published on the employer's website and a government website. They must be confirmed in a written statement by an appropriate person, such as a chief executive. The first reports on the pay gap identified at 30 April 2017 will need to be published before 30 April 2018. Thereafter, companies need to report annually.

Questions as to efficacy have been raised as the Government has chosen not to include enforcement measures or sanctions in the regulations, apparently relying on 'competition and peer pressure' and potential reputational embarrassment to ensure compliance. Moreover, large group organisations may find they are not subject to the regulations as there is currently no obligation to aggregate employees in individual subsidiary or service companies: the reporting requirement only relates to individual employers.

Social partner's involvement in addressing pay inequalities at the workplace

Both the TUC and CBI contributed to the consultations over the Gender Pay Gap Reporting Regulations. To date, there have been no bilateral initiatives aimed at creating awareness.

The CBI has been opposed to any mandatory requirements as regards the gender pay gap, such as compulsory reporting. In 2014, the CBI set out its preferred approach in a publication entitled *Building on Progress*. It called for government to set a national target to reduce the gender pay gap. This would be set by a committee, chaired by a business figure, with companies being encouraged to meet targets on a voluntary basis.

The TUC has been keen to encourage its member trade unions to include gender issues in collective bargaining. The TUC tracks progress of its affiliates in terms of their equality actions in its <u>biennial equality audit</u>. It reports that unions have achieved most success in negotiating around women's pay and employment in the last three years, in particular gaining employer agreement to carry out equal pay audits and take steps to improve the pay of the lowest paid, who are predominantly women in many workplaces. Equal pay remains a bargaining priority for most unions. The equality audit also revealed that trade unions have frequently been able to negotiate an extension to the statutory rights to flexible working. Just under half of unions identified that they had negotiated flexible working policies with employers that went beyond the statutory minimum. The TUC biennial equality audit offers many examples of innovative practice to improve gender equality at work.

The TUC regularly publishes research findings from its own commissioned studies and those of other organisations into a wide range of workplace inequalities.

Promoting the reconciliation of working families and caregivers

Recent policies

The principal piece of legislation in this area was the <u>Shared Parental Leave Regulations</u>, which were introduced under the Children and Families Act and came into force on the 1st of December 2014. The law applies to parents whose babies were due on or after 5 April 2015, or who had children placed for adoption on or after that date.

The legislation is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

In order to qualify, the mother or adopter must be entitled to some form of maternity or adoption entitlement, have given notice to curtail it and must share the main responsibility for caring for the child with the named partner. For a parent to be eligible to take Shared Parental Leave, they must be an employee and they must pass the continuity of employment test. This means that the person must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and is still employed in the first week that Shared Parental Leave is to be taken. In turn, the other parent in the family must meet the employment and earnings test i.e. the person must have worked for at least 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold of £30 week in 13 of the 66 weeks.

Where both parents satisfy these tests, they will both be able to share the leave. However, a family can still use Shared Parental Leave even when only one parent actually meets the

eligibility criteria. For example, a self-employed parent will not be entitled to take Shared Parental Leave but they could still pass the employment and earnings test, thereby allowing the other parent in the family to qualify.

The mother or adopter decides whether to keep taking their maternity or adoption entitlement or to use Shared Parental Leave. If they choose to use Shared Parental Leave, they can end their entitlement or give advance notice to curtail it. This advance notice means their partner could begin to take Shared Parental Leave while the mother or adopter is still on maternity or adoption leave.

Shared Parental Leave may be taken at any time within the period which begins on the date the child is born/date of the placement and ends 52 weeks after that date. An employee is entitled to submit three separate notices to book leave. Leave must be taken in complete weeks and may be taken either in a continuous period (which an employer cannot refuse) or in a discontinuous period (which the employer can refuse). If a request for discontinuous leave is refused, then the total amount of leave requested in the notice will automatically become a continuous block unless it is withdrawn.

Grandparental Leave:

Currently, the entitlement to SPL may only be divided between the relevant child's parents (whether by birth or adoption). However, in the March 2016 Budget, the government announced that it would be launching a consultation on extending shared parental leave and pay to working grandparents. The consultation will also cover options for streamlining the shared parental leave and pay system, including simplifying the eligibility and notification requirements. The government proposed to bring legislation into force by 2018. However, consultation on this extension was originally expected in May 2016, but was delayed until after the EU referendum and has yet to be commenced.

Rights to request special working time arrangements, place of work etc.

No new legislation in 2015/16

The role of collective agreements

The Labour Research Department annually compiles details of collective agreements, as reported by trade union officials. These details are kept in the LRD's Payline database. A number of agreements negotiated in 2015/16 provided for enhanced SPL and paid leave improvements:

The level of payment for birth and adoption SPL was enhanced to the same level as maternity pay under the agreement at both Yodel and **Skills Development Scotland**.

With regard to other paid leave for working parents, Santander Bank improved maternity, adoption and SPL to full pay for the first 16 weeks. Shared Parental Leave was also extended to grandparents provided that both the parent and grandparent are employees of Santander.

The **Police Staff (Scotland)** pay settlement set common entitlement in maternity and adoption pay for all staff with at least one year's service (six weeks at 90% of salary, 20 weeks at 50% of salary plus Statutory Maternity/Adoption Pay of 13 weeks statutory pay and 13 weeks unpaid leave) benefitting staff in certain "legacy" or agency areas.

A number of employers made specific changes to paternity leave: **Belfast City Airport** increased PL to full pay for first week of leave); aerospace group **Doncasters Bramah** agreed to one week of paternity leave at full basic pay; **First Essex Buses** agreed to paternity leave to be paid at the level of two weeks' rostered earnings); at **Nissan**, paid paternity leave increased from three days to five days; and at **Paint Process Management (PPM)**, paternity pay is now £300 a week for two weeks.

The Payline database contains details of approximately 300 agreements. A relatively small number of companies (listed above) are identified as having included such elements in their negotiations last year. This is perhaps indicative that such clauses are not particularly widespread.

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