



Department  
for Business  
Innovation & Skills

Equality Analysis

Trade Union Bill

SEPTEMBER 2015

# Contents

<b>Contents</b> .....	<b>2</b>
<b>Introduction</b> .....	<b>4</b>
<b>Scope of this Equality Analysis</b> .....	<b>4</b>
<b>Description of the Policy</b> .....	<b>5</b>
Outline of Measures .....	5
Ballot thresholds.....	5
Ballot mandate reforms .....	5
Tackling the intimidation of non-striking workers .....	6
Political fund reforms.....	6
Changes to the role of the Certification Officer .....	6
Facility Time .....	7
Policy Rationale .....	8
Ballot thresholds and mandate reforms .....	8
<b>Preventing the intimidation of non-striking workers</b> .....	<b>9</b>
Political fund reforms.....	9
Changes to the role of the Certification Officer .....	9
Facility time .....	10
<b>Assessment</b> .....	<b>11</b>
<b>The evidence base</b> .....	<b>12</b>
How are protected groups affected by these measures?.....	12
Analysis by protected characteristics.....	12
Age .....	13
Gender .....	16

Disability.....	20
Ethnicity .....	21
Religion and belief.....	21
Other protected characteristics.....	22
Annex A – Tabulated data.....	23
All Trade Union Members.....	23
Trade Union Members in important sectors.....	24
Trade Union Membership by sector (public/private).....	29

# Introduction

The Trade Union Bill, introduced to parliament on 15 July 2015, provides for a number of reforms to the laws surrounding trade union activity and industrial action. These include the introduction of minimum thresholds to be met in order that a ballot on industrial action be valid, time limits on the validity of a ballot mandate, reforms to the procedure for trade union members contributing to political funds, changes to the role of the Certification Officer and measures to prevent the intimidation of non-striking workers. These proposals affect trade union members and so we have presented our analysis of this impact across different protected characteristics in this Equality Duty document.

Any queries about this Equality Duty should be addressed to:  
Labour Market Directorate,  
Department for Business, Innovation and Skills,  
1 Victoria Street,  
London, SW1H 0ET  
Tel: 0207 215 0123  
Fax: 0207 215 6414  
Email: [labourmarket.consultations@bis.gsi.gov.uk](mailto:labourmarket.consultations@bis.gsi.gov.uk)

This assessment covers all of the nine protected groups which include: age, race, gender, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership. Our analysis suggests that there will be no significant equality or discriminatory impacts on these groups.

## Scope of this Equality Analysis

On 5 April 2011 the new public sector Equality Duty came into force. The Equality Duty replaces the three previous duties on race, disability and gender, bringing them together into a single duty, and extends it to cover age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment (as a whole these are called protected characteristics or protected groups). Based on a proportional analysis we will outline the impacts, both positive and negative, on these protected groups.

Equality Analysis documents are an important framework for demonstrating due regard, through considering evidence and analysis, to help identify the likely positive and negative impacts that policy proposals may have on certain protected groups, and to estimate whether such impacts disproportionately affect these groups. This Equality Analysis takes a summary view of the equality impacts of proposed legislative measures regarding the certification of trade union membership registers.

# Description of the Policy

## Outline of Measures

The Government is determined to protect the public from disruptive and undemocratic strike action. People have the right to expect that services on which they and their families rely are not going to be disrupted at short notice by strikes that have the support of only a small proportion of union members.

The Trade Union Bill (“the Bill”) was announced in the Queen’s Speech and introduced into the House of Commons on 15 July 2015. The Government will take forward the manifesto commitments to reform the law governing Trade Unions and industrial action.

### Ballot thresholds

The Bill proposes to introduce a new requirement that in all ballots for industrial action, at least 50% of the trade union members entitled to vote must do so in order for the ballot to be valid.

It is also proposed that in ballots for industrial action in important public services (fire, health, education, transport, nuclear waste management and decommissioning and the Border Force), at least 40% of those members eligible to vote must be in favour in order for the ballot to provide a mandate for industrial action.

The Government consulted on the occupations in each of the 6 sectors which would be covered by such an approval threshold. We are now analysing the responses to this and will publish a response in due course.

### Ballot mandate reforms

The Bill replaces the current requirement for some industrial action to take place with 4 to 8 weeks of the ballot for the mandate to remain valid with the introduction of a 4 month time limit on the validity of strike-ballot mandates. This would mean that a successful ballot would provide a mandate for industrial action in the four month period beginning from the date of the ballot. After this period any strike action will be deemed unlawful and treated as such, unless another successful strike mandate is voted in by members. It also removes the current requirement for industrial action in the first eight weeks of the ballot to validate the mandate.

The Bill also requires unions to include more detailed information on ballot papers. This includes stating on each ballot paper in detail the issues in dispute that have led to the ballot, and the specific industrial action that is proposed, together with an indication of the expected time period during which these actions will take place.

The proposed legislation will also increase the notice period for industrial action that unions must provide once a ballot mandate has been obtained from the current 7 days, to 14 days.

## Tackling the intimidation of non-striking workers

The Bill includes a provision inserting key aspects of Section F of the current Code on picketing into legislation, including the appointment by the union of a picketing supervisor who must be readily contactable by the union and police, and able to attend at short notice. The union must provide the supervisor with a letter of authorisation, and the supervisor must be easily identifiable. The supervisor must also be familiar with the Code on Picketing. Failure to comply with these new requirements means that employers will be able to apply to the courts for an injunction and seek damages from unions. The courts may grant an injunction to prevent the picket or impose conditions before allowing the picket to continue. This measure has been consulted on, and we will publish a Government Response in due course.

## Political fund reforms

Provisions in the Bill will require that trade union members will need to actively opt-in to their union's political fund by way of a written notice to the union.

For unions with existing political funds, the new provisions will apply to existing contributors within 3 months of commencement.

The Bill also proposes more detailed reporting of political fund expenditure. Where a trade union or employer association spends more than £2,000 from its political fund in a year, it will need to set out in its annual return to the Certification Officer the recipient of monies, the amount paid and the nature of the expenditure for six categories of spending, which are currently set out in the existing legislation and include contributions or the provision of services or property to political parties. They also include costs involved in the candidature or selection of political candidates and the maintenance of their office, and the publication of any media with the main purpose of persuading people to vote or not to vote for a political party or candidate.

## Changes to the role of the Certification Officer

Provisions included in the Bill will widen the Certification Officer's powers to investigate suspected breaches of a range of statutory requirements in relation to particular areas of Certification Area responsibility. The Certification Officer will have powers to appoint an inspector, require documents and an explanation of these. They will also have powers to investigate on their own volition or in response to information and concerns raised by third parties. The particular areas covered are:

- political fund rules,
- political fund ballots,
- expenditure of money on political objects (activities),
- union mergers,
- union internal leadership elections,
- ensuring that trade union membership registers are up to date so far as is reasonably practicable,

- appointing or failing to remove from a union office a person who has been convicted of certain financial offences.

The Bill provides for the Certification Officer to be able to impose, for the first time, financial penalties. Where the Certification Officer is able to issue enforcement orders, the Bill provisions will enable the imposition of financial penalties or conditional financial penalties. The latter will require that a particular action be taken within a certain timescale, otherwise a financial penalty will be imposed. The maximum variable financial penalty will be £20,000 and the minimum £200. The Bill provisions provide the Secretary of State with the power to make affirmative regulations covering:

- discounts for early payment,
- further penalties for late payment and interest on penalties,
- provisions for collecting outstanding financial penalties, and
- subject to Ministerial views, a separate fine regime for small and large unions

The Bill provides the Certification Officer with new enforcement powers, including the power to apply financial penalties, in areas where new requirements on trade unions are being imposed by the Trade Union Bill. These include:

- increased reporting requirements in relation to political fund expenditure,
- new reporting requirements on industrial action ballot mandates. Unions will be required to provide details over the past year of all industrial action ballots undertaken and their outcome, including whether they meet the new thresholds.

The Bill provides for the Secretary of State to be given a power to make affirmative regulations to provide for trade unions and employer associations to pay for the full recovery of the costs of running the Certification Office. The Certification Officer will be required to report annually to Parliament on income received from the levy and on his expenditure. Following consultation a more detailed assessment of the levy can be conducted. This Equality Analysis focuses on the aggregate impact whereas post consultation an assessment of how the levy will affect an individual union or employer associated can be made.

Appeals against financial penalties and against enforcement orders where we are increasing the Certification Officer's remit will be to the Employment Appeals Tribunal, as now in relation to the Certification Officer's current enforcement orders.

## Facility Time

The Bill includes provisions to tighten the rules around taxpayer-funded paid facility time for union representatives.

The Bill will enable Ministers to make regulations requiring public sector employers to publish similar information to that required of government departments by the Cabinet Office's Facility Time Framework for the Civil Service. The information that

could be required to be published includes the number of trade union representatives by type, how many of them spend a specified percentage of their time on trade union duties and activities, and information about the relevant employers' spending on facility time.

The Bill also enables Ministers, at a future date, having considered the information published as above, to make regulations setting a cap on the paid time off taken by the employers' trade union representatives for facility time to a percentage of the employers' paybill, or alternatively as a percentage of the representative's working time. An impact assessment would accompany any such regulations.

## Policy Rationale

### Ballot thresholds and mandate reforms

Trade Unions can play an important role in the work place. They have a legitimate need to represent their members' interests, and sometimes that involves balloting for industrial action. However, there is also a responsibility to ensure that industrial action is only used as a measure of last resort and where there is a clear and ongoing support for doing so.

Disruptive industrial action should not take place on the basis of low ballot turnouts. Such action does not always represent the views of all the union members eligible to vote. The Government therefore is introducing a new minimum requirement that at least 50% of union members entitled to vote must turn out for a ballot, and a simple majority (i.e. at least 50% and one vote) must be in favour in order for action to go ahead. This ensures that strikes can only take place on the basis of clear support from union members.

Industrial action in important public services can have far reaching effects on significant numbers of ordinary people who have no association with the dispute. This reflects the important public service these workers provide, and the numbers of people who rely on them.

In economics these effects are called 'negative externalities'. Taking an example of a teaching strike, parents may have to take the day off work to look after their children who cannot attend school. If the parent is in employment this may result in loss of output for their employer, uninvolved in the dispute. Externalities, in these circumstances, are the effects on the third parties in the economy outside the industrial dispute.

A similar rationale exists for the proposed improvement in the current legislation on ballot mandates. Under current legislation, it is possible for certain unions to take strike action on the basis of a successful ballot that was conducted years before the strike. The rationale for imposing a **4 month time limit to the validity of a ballot mandate** is to ensure that industrial action can only take place on the basis of a contemporary mandate, resulting in better allocative efficiency. Concurrently, we will remove the current requirement for some form of industrial action to take place within 4 to 8 weeks of a ballot result so that the ballot may remain valid.

The rationale for extending from 7 to 14 days the period of notice that a trade union must provide to an employer after it has secured a ballot mandate for industrial action is to ensure that the employer has more time to make contingency



arrangements should strike action go ahead. This may enable resources in the economy to be used more efficiently.

Also, unions do not currently have to specify the details of the trade dispute on the ballot paper. This makes it easier to use the ballot mandate for industrial action relating to different specific issues within the remit of one broad cause. Currently, information can be as vague as “pay”, “terms and conditions” or “redundancies”. Over a period of a year or two, there may be some turnover of union membership in the organisation that voted for industrial action, so the mandate if used two years later may not reflect the views of the current union members. These updates to legislation seek to clarify the rules around this, in order to create a clearer, more transparent and fairer system for all parties.

### **Preventing the intimidation of non-striking workers**

Strike action is the lawful stoppage of work by workers (contingent on certain conditions being met), and is intended to temporarily disrupt firm output. The intended disruptions are caused by workers ceasing work for a pre-determined amount of time. These days, strike action is often accompanied by picketing or other forms of protest.

Workers have the choice to participate in strikes and pickets, or to continue working. In the cases cited above (the Carr Review and media), it is alleged that workers who choose not to strike are at times harassed or intimidated by striking workers. These workers need to be protected from intimidation if they choose not to participate in industrial action. The Government has consulted on this part of the Bill, and will be issuing a response in due course.

### **Political fund reforms**

Currently, members of trade unions based in Great Britain with political funds automatically contribute to the political fund unless they notify their union that they do not wish to. This contribution can be taken as a proportion of their union subscription. This may mean that some members are contributing to a political fund that they do not actively support, due to a potential lack of awareness among members about their contribution to the fund (there is no statutory requirement for unions or employer associations to communicate with existing members about contributing to the political fund apart from in the three months following the political resolution ballot). Unions with political funds are required to provide their political fund expenditure in their annual returns to the Certification Officer. There is inconsistency in the levels of detail of the information provided in union returns. Some unions provide little detail of their political fund expenditure and simply categorise all political fund expenditure as connected to ‘administration expenses in connection with political objects’. The lack of information may make it difficult for members to decide whether they support the political fund, and whether they wish to contribute.

### **Changes to the role of the Certification Officer**

The main market failure arguments which underpin the existence of a regulator are externalities which occur because of union behaviour and imperfect information between employers and trade unions. The actions of unions can have wider impacts beyond their membership and their actions may not always be transparent to the wider public. The Certification Officer is responsible for ensuring that trade unions abide by trade union laws set out in regulation. The regulator must have available

penalties and sanctions to deter breaches. The sanctions should provide a suitable deterrent and also punishment for breaking trade union laws. At present there is scope to broaden the powers and sanctions available to the Certification Officer.

The Trade Union Bill is reforming trade union law. Therefore, we will need a regulator that has the right tools to deter and take action against breaches with this updated framework, and in a proportionate manner. It is only fair that trade union members, employers and the public can rely on robust regulation of trade unions.

The Bill provides for a levy to be charged on trade unions and employer associations for the recovery of the costs of running the regulator. The Government does not believe that taxpayers should continue to fund the regulation of these organisations. There are other examples of a levy being charged to recover their costs. The Pensions Regulator operates a general levy which is based on the total number of members in the scheme at the end of the scheme year before last. The levy is in place to cover the cost of running the Pensions Regulator, the Pensions Ombudsman and the Pensions Advisory Service. The Prudential Regulation Authority is responsible for the prudential regulation and supervision of around 1,700 banks, building societies, credit unions, insurers and major investment firms and makes use of regulatory fees and levies. Another example is the levy that is imposed on supermarkets by the Grocery Code Adjudicator, which is the new independent adjudicator that oversees the relationship between supermarkets and their suppliers.

## Facility time

The whole public sector needs to ensure it delivers value for money, it is unacceptable that taxpayers' money should be spent without proper monitoring and control. This measure in the Bill is to ensure taxpayers' money is only spent on appropriate and accountable trade union work that represents value for money.

Before the 2012 reforms to facility time in the Civil Service, there was no effective monitoring or control of facility time, and the cost to the taxpayer was around £36 million annually. Following our reforms, the cost has reduced to just over £9.6 million a year, a saving for the taxpayer over the last two years of over £45 million. The percentage of the Civil Service paybill spent on facility time also fell, from 0.26% in 2012 to just 0.07% now. Facility time in the wider public sector is reported to be around 0.14%, twice that of the Civil Service.

Other public sector employers need to ensure that their spending on facility time is transparent and efficient and provides value for money for the taxpayer. The Bill provides that ministers can require that public sector employers publish similar facility time information to that which government departments are currently required to publish by the Cabinet Office's Facility Time Framework for the Civil Service. The Bill also enables Ministers, at a future date, to set a cap on the time and money spent on facility time if they consider it appropriate to do so.

The Government recognises that effective trade unions are an important part of a stable industrial relations landscape. However, it is important that there is transparency in how much facility time is costing the taxpayer and if the Government finds that paid facility time is very high, that it may choose to impose some controls on it.

# Assessment

We assess that there will be **no adverse equality impacts on any protected group** as a result of the Trade Union Bill. The Bill measures are expected to deliver benefits to both the economy (and therefore all members of society who benefit from economic growth) and individuals who rely on important public services. Since users of public services span the entire population, we determine that the benefits of the Bill measures will be distributed in accordance with the population without any equality impacts or different impacts on protected groups. Where certain protected groups use particular important services more frequently than average, they will disproportionately benefit from a reduction in strike action in this service.

The Bill will not impose costs directly on individuals. There will be some modest costs on trade unions however these will not be of a scope likely to have serious financial or material impact on the relationship between trade unions and their members. The Bill will create procedural change in the operations of trade unions in respect of industrial action ballots and regulations, political funds, facility time and union administration. Where certain protected groups may experience these procedural changes more frequently than others, they may also be beneficiaries of other aspects of the Bill as discussed above. We assess that these procedural changes are not adverse to any union member, and so there are no adverse equality impacts.

Since these procedural changes nonetheless affect union members rather than the whole population, we undertake an assessment of union membership below in the sectors being affected by the measures in the Bill in order to ensure all possible equality impacts have been considered. This includes some specific analysis of union membership in sectors affected by the reporting requirements on facility time (a breakdown looking at the public sector) and the 40% approval threshold (analysis of membership in transport, health, fire and education). Our findings are summarised below:

- Trade union members are slightly more likely to be aged 35 or above than the general population of employees;
- 55% of trade union members are women, compared to around 50% of all employees;
- Women are more likely to work in the public sector, whilst men are more likely to work in the private sector. Union membership does not affect this materially;
- Men are more likely to work in the transport sector, whilst women are more likely to work in education or health. Union membership mostly does not affect this, with men slightly more likely to be union members in transport;

- The breakdown of people with disabilities is broadly comparable between union members and the general population of employees, and across all sectors. Union members are very slightly more likely to be disabled;
- The composition of ethnic groups is also broadly comparable across all groups, with trade union members slightly more likely to be in the White ethnic group.

## The evidence base

### How are protected groups affected by these measures?

The benefits of these measures are stated above in the outline section. People have the right to expect that services on which they and their families rely are not going to be disrupted at short notice by strikes that have the support of only a small proportion of union members. This applies equally to all in society, including those falling within protected groups. These measures seek to guarantee this right and ensure that trade union activity is properly regulated. It is likely that certain protected groups use important public services more frequently. Where these protected groups are reflected in the union membership, they will also share in these benefits and thus we expect the net effect on most protected groups to be beneficial.

This regulation will affect all trade union members, some of which fall within protected groups. This will apply across all sectors. The 40% ballot approval threshold will affect only certain important sectors and so we provide separate and more focussed analysis for these.

This document explores in more detail how protected groups are affected, and concludes that **there are no significant equality impacts arising from these measures.**

### Analysis by protected characteristics

Although the effects of the proposals may impact on different protected groups in different ways, our assessment suggests that there will be **no direct adverse equality impacts** on these groups from the implementation of the Bill measures. These measures are expected to be beneficial overall, since they are intended to ensure that there are strong democratic mandates from members for the actions of their trade union and to provide a regulatory framework for trade unions.

However, as part of the consultations on certain parts of the Bill, we have invited any comments and evidence that may develop or further inform our assessment.

Details of our analysis of each protected group are provided below, with a section considering which groups are affected across all sectors by every Bill measure

except the 40% ballot approval threshold. There will be an additional section looking at which groups are affected by the 40% threshold within the important sectors.

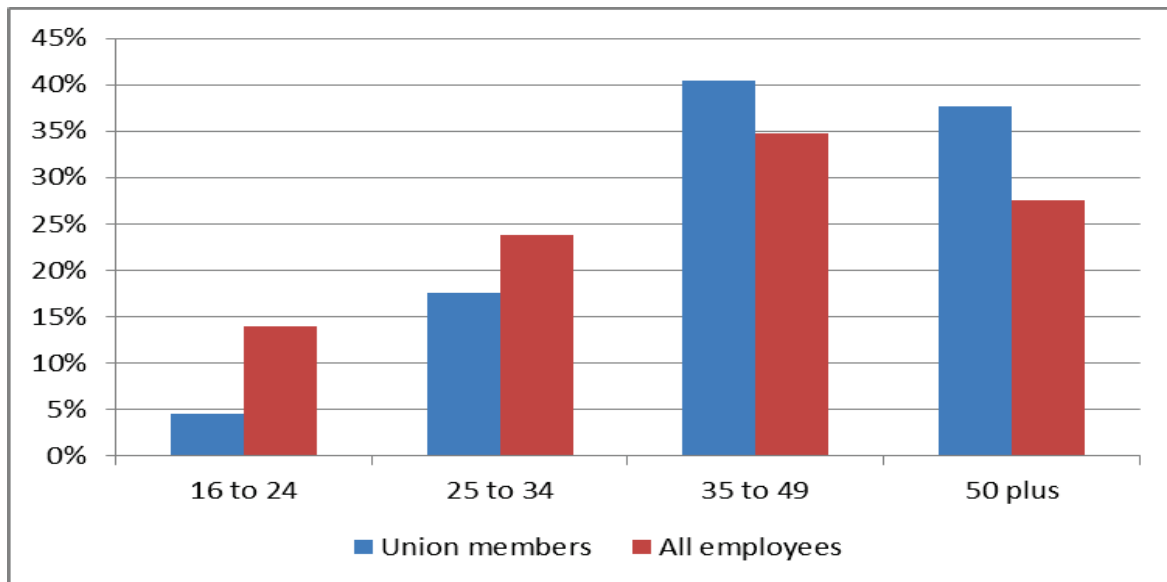
## Age

### All sectors

As stated above, we expect these measures to be beneficial overall to the public as a whole. Since they regulate trade union activity, we present the composition of trade union members compared to the wider population of employees below.

The proportion of older employees in trade unions has broadly increased historically. About 38 per cent of trade union member employees were aged over 50 in 2012, compared with 22 per cent in 1995. This may be linked to the rising employment rate among people in this age group in recent years.

Chart 1: Breakdown of trade union members in different age groups compared with the proportions of all employees in different age groups, 2014



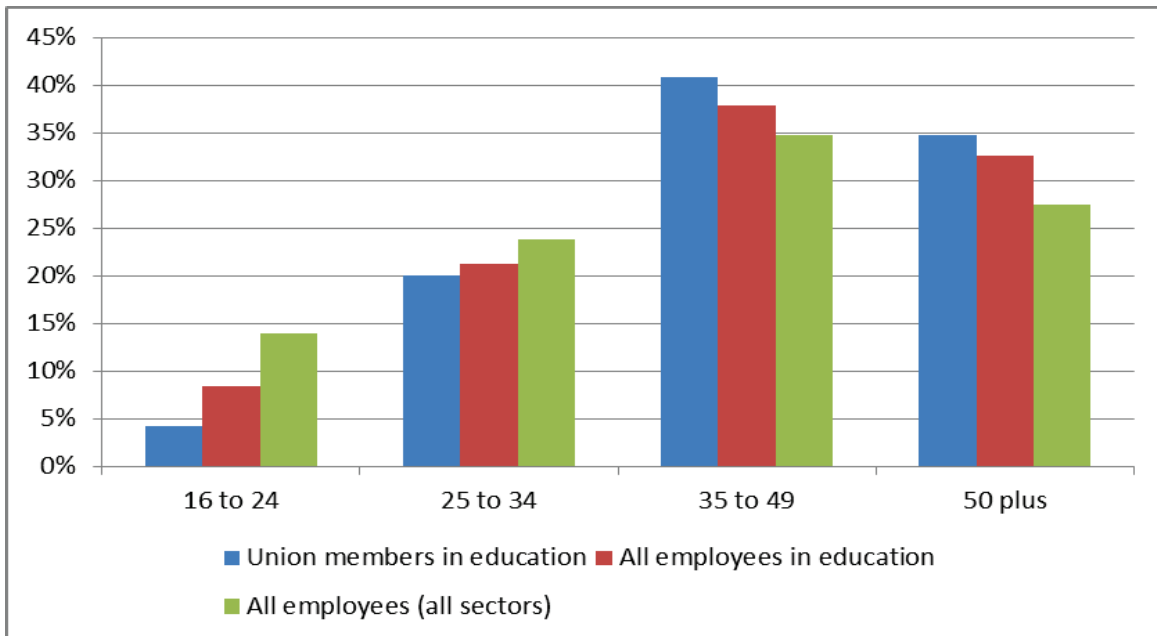
### Important sectors

The same trends observed for the economy as a whole are mirrored in the important sectors and so we would expect a similar impact from the measures in the important sectors to the impact overall. Where differences do occur, this is mostly driven by demographic differences in the sectors rather than differences in the likelihood of different age groups to be trade union members. Overall, union members are more likely to be in older age groups in all of the important sectors being considered.

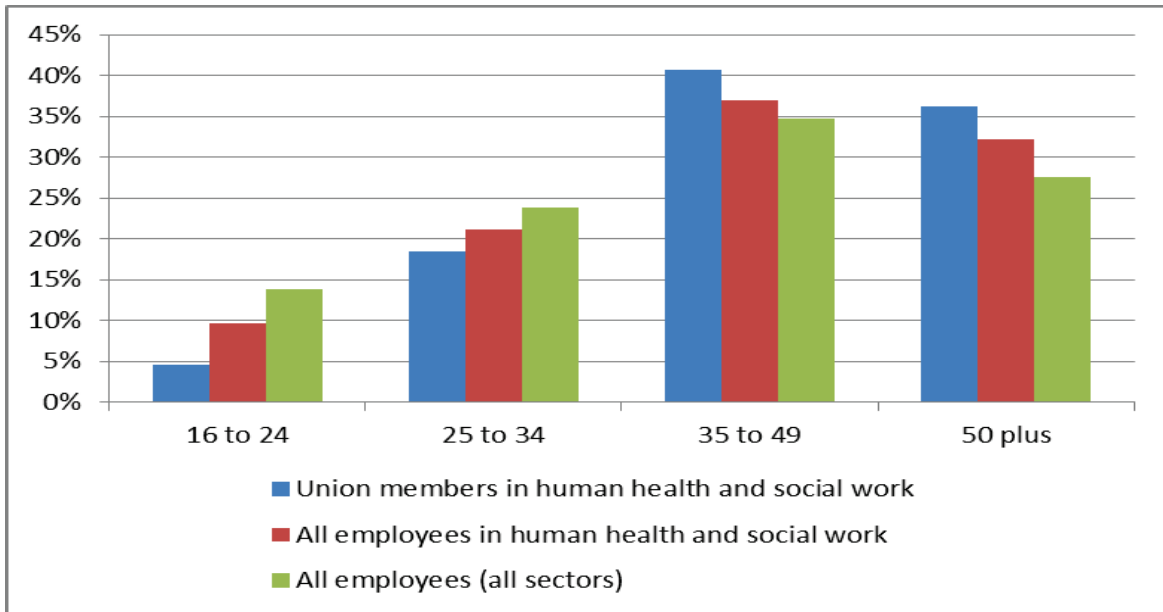
**Chart 2: Breakdown of trade union members in different age groups compared with the proportions of all employees in different age groups – transport and storage, 2014**



**Chart 3: Breakdown of trade union members in different age groups compared with the proportions of all employees in different age groups – education, 2014**



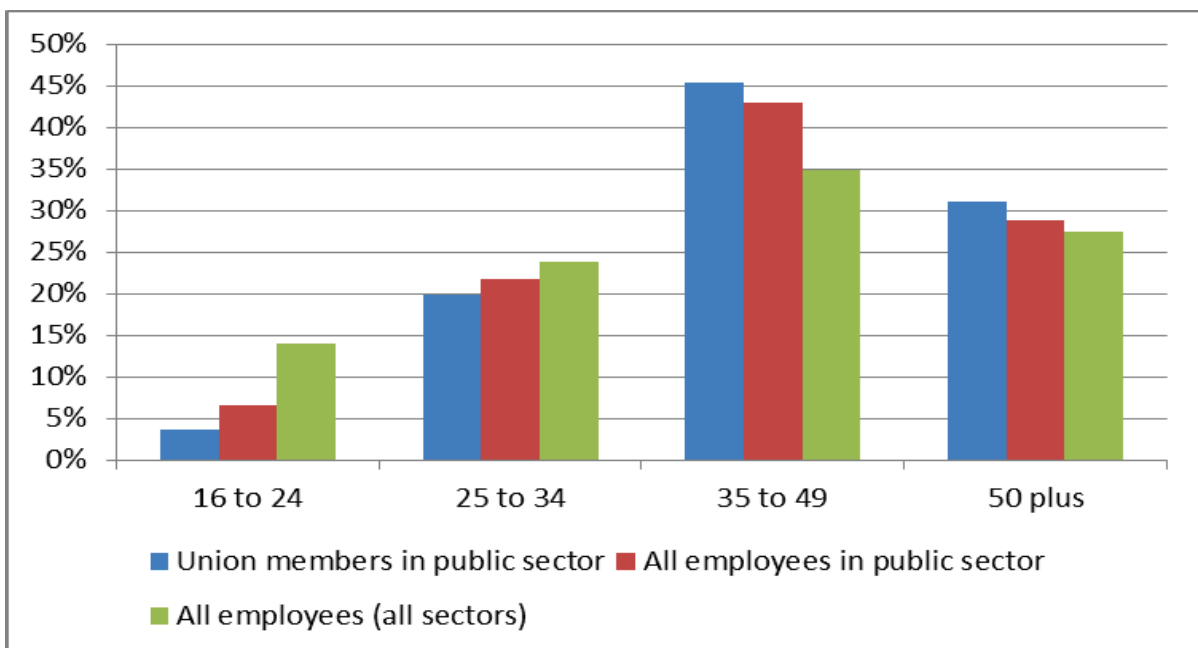
**Chart 4: Breakdown of trade union members in different age groups compared with the proportions of all employees in different age groups – human health and social work, 2014**



**Public and private sectors**

Public sector employment is more strongly concentrated amongst older people, whilst in the private sector the age distribution is somewhat more even. The age distribution of union members in the public sector is broadly the same as that of the whole population of public sector employees. In the private sector, the breakdown of union members reveals a greater concentration of older people than that amongst all employees.

**Chart 5: Breakdown of trade union members in different age groups compared with the proportions of all employees in different age groups – public sector, 2014**



**Chart 6: Breakdown of trade union members in different age groups compared with the proportions of all employees in different age groups – private sector, 2014**

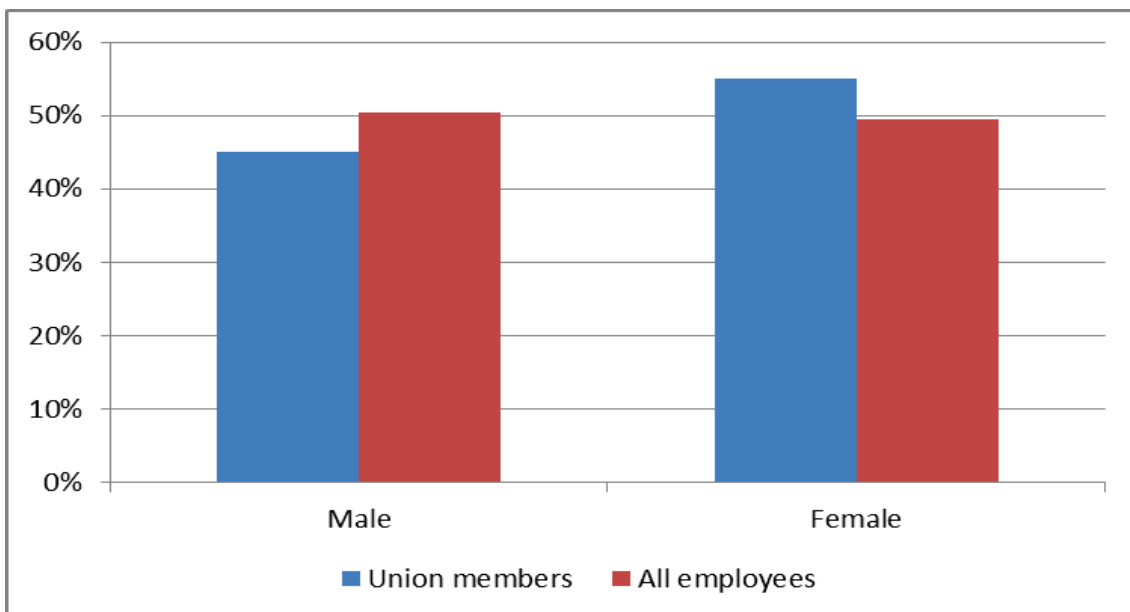


## Gender

### All sectors

Trade union members are slightly more likely to be female than male, with 55% of trade union members being female. By contrast, amongst all employees both genders constitute approximately 50%. We expect that the benefits of these measures will be evenly dispersed between men and women.

**Chart 7: Breakdown of trade union members by gender compared with the proportions of all employees by gender, 2014**





### Important sectors

The gender makeup of the different important sectors we consider in this document has by far the greatest influence as to the gender of trade union members who would be covered by the 40% approval threshold. Since this measure will affect procedural change for union members, the group affected in each sector has a broadly comparable gender balance to that of all employees in the sector. In education and health particularly, the gender makeup of union members was extremely close to the makeup of all employees in the sector, with men slightly more likely to be union members in the transport sector.

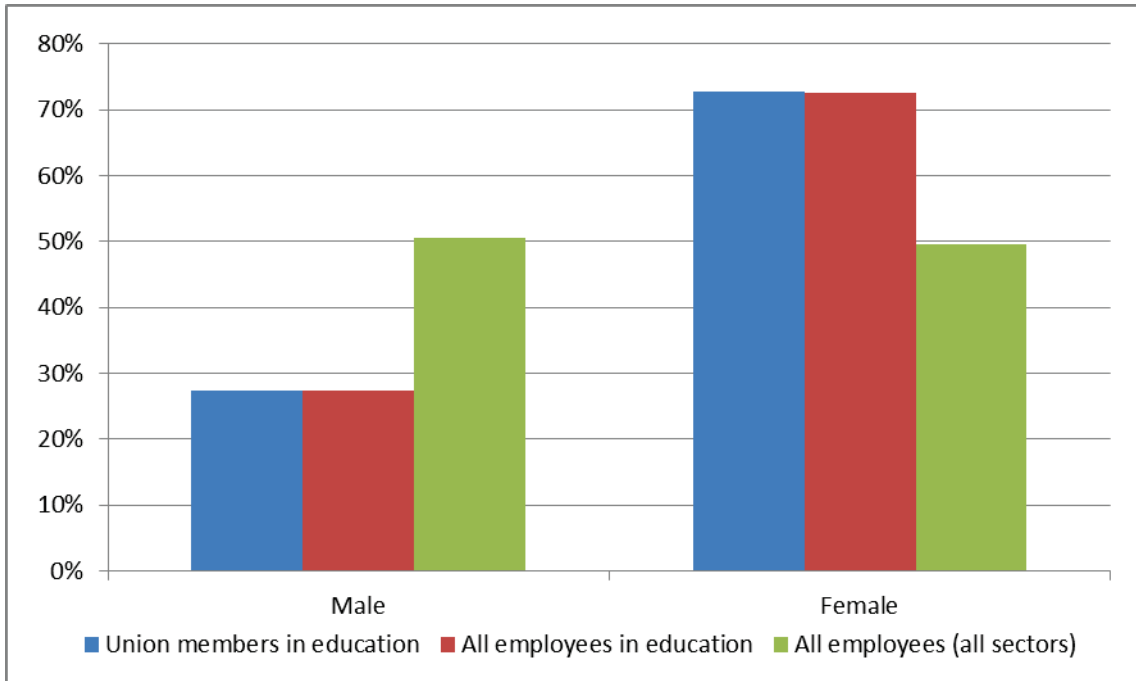
Men are far more prevalent in the transport and storage sector, whereas employees in the education and human health and social work sectors are more likely to be women. This would suggest that both genders are affected in the important sectors in different ways because of their varying levels of prevalence as employees in different sectors, but that no gender is disproportionately affected because of an increased likelihood of being a trade union member. As stated earlier, 55% of trade union members are female whilst 45% are male. Since the changes being brought into effect by the Bill measures are not adverse to any group of individuals, there are therefore no adverse effects on men or women.

The charts below show the gender breakdown for each of the 3 important sectors we analyse in this section.

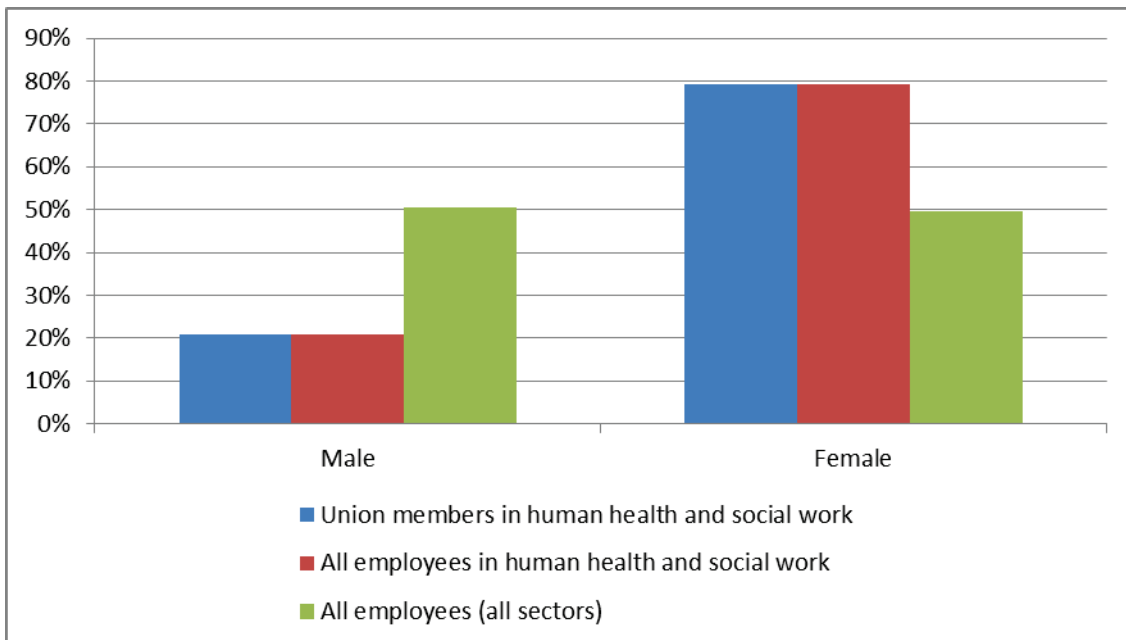
Chart 8: Breakdown of trade union members by gender compared with the proportions of all employees by gender – transport and storage, 2014



**Chart 9: Breakdown of trade union members by gender compared with the proportions of all employees by gender – education, 2014**



**Chart 10: Breakdown of trade union members by gender compared with the proportions of all employees by gender – human health and social work, 2014**



**Public and private sectors**

Women are somewhat more likely to work in the public sector, whilst men are more likely to work in the private sector. Union membership follows the same gender breakdown in the public sector as for general employees, whilst men are slightly more likely to be union members in the private sector.

Chart 11: Breakdown of trade union members by gender compared with the proportions of all employees by gender – public sector, 2014

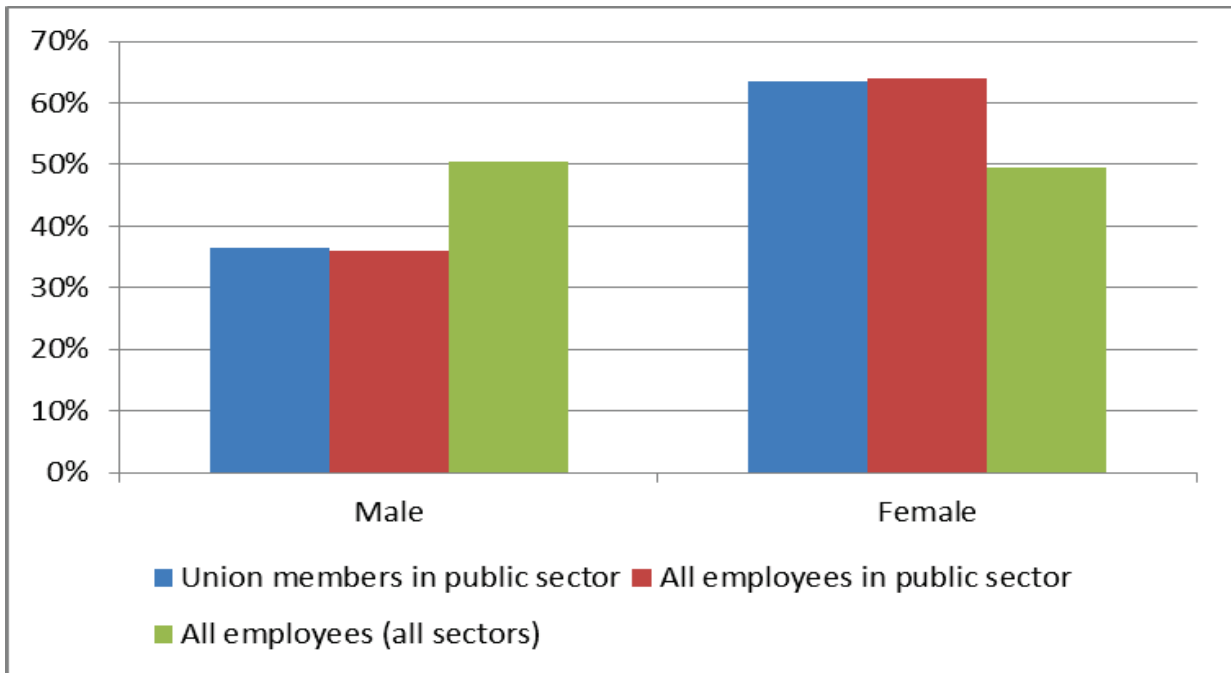


Chart 12: Breakdown of trade union members by gender compared with the proportions of all employees by gender – private sector, 2014



## Disability

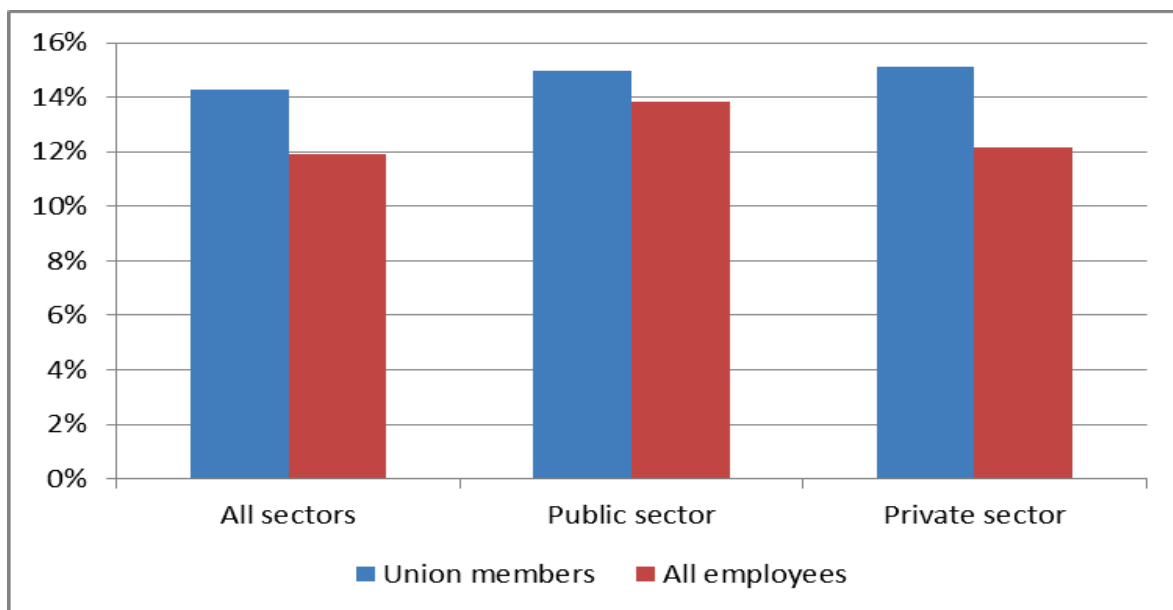
Around 14% of trade union members are disabled compared to around 12% of all employees. Proportions remain mostly in the same range in each of the important sectors considered in this part of the document.

There was a slightly larger proportion of disabled employees in the transport and storage sector than in the overall population of employees, with 16% of union members and around 14% of all employees in the sector being classed as disabled.

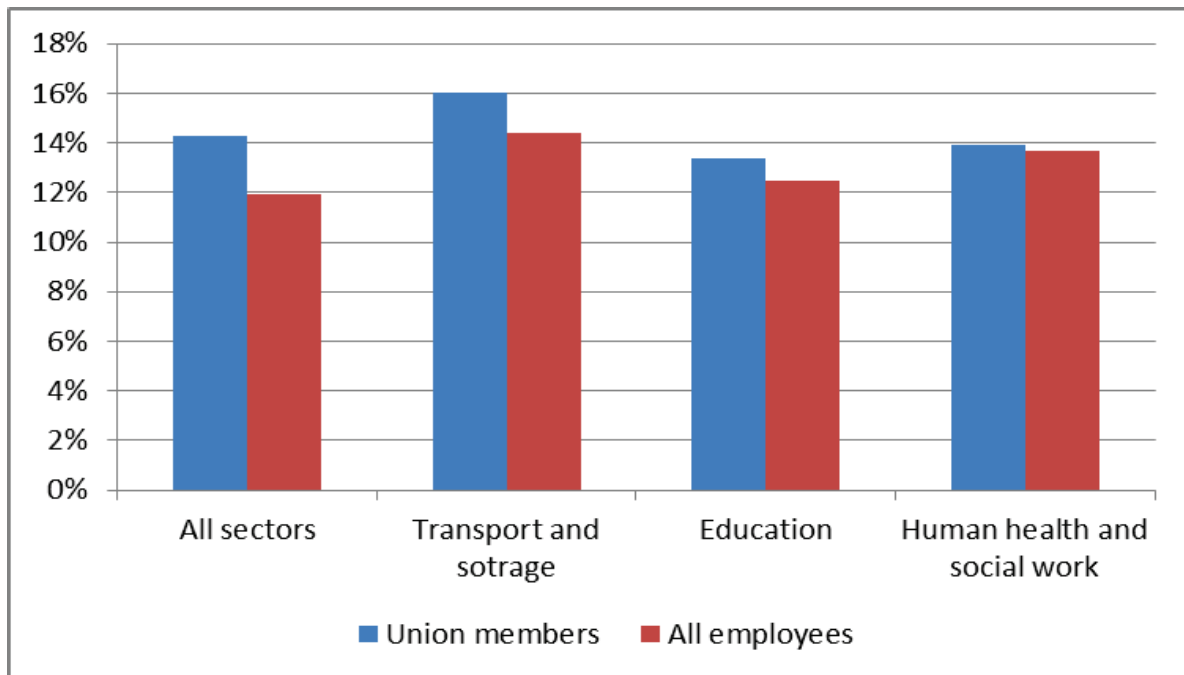
In education, 13% of union members were classed as disabled compared to 12% of all employees. In human health and social work, around 14% of employees were disabled irrespective of union membership.

The charts below shows the proportion of employees classed as disabled both for the entire population of employees and union members, with data provided separately for public and private sectors and the important sectors.

Chart 13: Proportion of trade union members classed as disabled compared with the proportion amongst all employees – public and private sectors, 2014



**Chart 14: Proportion of trade union members classed as disabled compared with the proportion amongst all employees – all sectors and important sectors, 2014**



## Ethnicity

The breakdown of trade union members by ethnic group is broadly comparable to that of the overall population of employees, as can be seen in the annexed tables. Overall, trade union members are slightly more likely to be in the White ethnic group when comparing to all employees. This is true in both the public and private sectors.

The sample size sometimes becomes too small to produce robust estimates when using the Labour Force Survey to estimate the breakdown of ethnic groups in the 4 named sectors. Where data is available, it appears that there are no significant equality impacts based on ethnic group on trade union members.

## Religion and belief

In Great Britain, the breakdown of religion and belief amongst trade union members is broadly comparable to the general population of employees, with trade union members marginally more likely to be Christian and slightly less likely to have no religion or be Hindu or Muslim. This applies in both the public and private sector. Details are provided in Table 1 below.

The sample size becomes too small when we attempt to consider the 4 named sectors.

The Office for National Statistics asks a slightly different question in the Labour Force Survey pertaining to religion and belief in Northern Ireland. When using this question to analyse union membership, sample sizes become too small to produce robust estimates. Where data is available it appears that there are no significant

equality impacts based on religion or belief on trade union members, in both Great Britain and Northern Ireland.

<i>Table 1: Religion and belief amongst union members compared with all employees – public and private sectors, Great Britain, 2014.</i>	<i>All union members</i>	<i>Union members – public sector</i>	<i>Union members – private sector</i>	<i>All employees</i>
<b>No religion</b>	33.4	33.7	33.0	36.8
<b>Christian</b>	60.8	60.7	61.0	55.9
<b>Buddhist</b>	0.3	* <sup>1</sup>	*	0.4
<b>Hindu</b>	1.1	1.1	1.3	1.6
<b>Jewish</b>	0.4	0.4	*	0.4
<b>Muslim</b>	1.8	1.8	1.9	2.8
<b>Sikh</b>	0.5	0.4	.7	0.5
<b>Any other religion</b>	1.7	1.8	1.5	1.6

### Other protected characteristics

The Labour Force Survey is the main source of data used in this document, since it is the only comprehensive survey providing data sufficient to undertake equality analysis of the Trade Union Bill. BIS does not have access to reliable data enabling us to break down trade union membership by sexual orientation, gender reassignment, pregnancy and maternity.

Our impact assessment of the Bill suggests that there will be significant benefits from these measures across society, including protected groups. This will be published separately in due course. We anticipate direct benefits to the economy in addition to indirect benefits due to a reduction in the knock-on impacts of strike action.

Our assessment of the equality impacts of this policy therefore suggests that there would be **no direct, adverse equality impact** on the other protected groups. These are sexual orientation, gender reassignment, pregnancy and maternity. Where we have consulted on certain measures in the Bill, we welcomed comments that would enable us to refine this assessment and will respond to them as part of a wider response in due course.

<sup>1</sup> \* indicates that the sample size is insufficiently large to produce an estimate.

## Annex A – Tabulated data

### All Trade Union Members

The table below outlines key statistics on the characteristics of trade union members, taken from table 3.1 of the Trade Union Membership Statistics 2014, published by BIS.

<i>Table 2: Characteristics of union members and non-members, 2014</i>	<i>Union Members</i>	<i>Non-Members</i>	<i>All Employees</i>
<i>Gender</i>			
<b>Male</b>	45.0	52.2	50.5
<b>Female</b>	55.0	47.8	49.5
<i>Age</i>			
<b>16 to 24</b>	4.5	15.9	13.9
<b>25 to 34</b>	17.5	24.5	23.8
<b>35 to 49</b>	40.4	33.4	34.8
<b>50 plus</b>	37.6	26.3	27.5
<i>Ethnicity</i>			
<b>White</b>	91.5	89.6	89.3
<b>Mixed</b>	0.8	1.0	1.0
<b>Asian or Asian British</b>	3.7	5.4	5.4
<b>Black or Black British</b>	2.8	2.2	2.6
<b>Chinese or other ethnic group</b>	1.2	1.8	1.7
<i>Nationality</i>			
<b>UK, British</b>	95.4	89.2	90.5
<b>Other</b>	4.6	10.8	9.5
<i>Country of Birth</i>			
<b>UK</b>	89.6	83.9	84.8
<b>Other</b>	10.4	16.1	15.2
<i>Disability</i>			
<b>Disabled</b>	14.3	11.4	11.9
<b>Not disabled</b>	85.7	88.6	88.1
<i>Sector</i>			
<b>Private</b>	41.6	83.6	73.9
<b>Public</b>	58.4	16.4	26.1

## Trade Union Members in important sectors

### Transport

Following the methodology used in the Impact Assessment of the 40% approval threshold, we look at union members in the Transport and Storage sector since this is the closest major Standard Industry Code for the transport industry. The Trade Union Membership Statistics 2014 estimate that there were 454,000 trade union members in this sector. 37.4% of all employees in this sector were trade union members, compared with 25.0% of all employees across all sectors.



<b>Table 3: Characteristics of union members and all employees in the Transport and Storage sector, 2014</b>	<b>Trade union members in sector</b>	<b>All employees in sector</b>	<b>All union members</b>
<i>Gender</i>			
<b>Male</b>	78.8	74.4	45.0
<b>Female</b>	21.2	25.6	55.0
<i>Age</i>			
<b>16 to 24</b>	3.2	8.5	4.5
<b>25 to 34</b>	12.2	20.6	17.5
<b>35 to 49</b>	41.4	37.1	40.4
<b>50 plus</b>	43.2	33.7	37.6
<i>Ethnicity</i>			
<b>White</b>	90.1	88.5	91.5
<b>Mixed</b>	* <sup>2</sup>	.9	0.8
<b>Asian or Asian British</b>	5.5	6.2	3.7
<b>Black or Black British</b>	2.8	3.0	2.8
<b>Chinese or other ethnic group</b>	*	1.3	1.2
<i>Nationality</i>			
<b>UK, British</b>	93.8	89.3	95.4
<b>Other</b>	6.2	10.7	4.6
<i>Country of Birth</i>			
<b>UK</b>	86.7	83.2	89.6
<b>Other</b>	13.3	16.8	10.4
<i>Disability</i>			
<b>Disabled</b>	16.0	14.4	14.3
<b>Not disabled</b>	84.0	85.6	85.7
<i>Sector</i>			
<b>Private</b>	89.1	91.3	41.6
<b>Public</b>	10.9	8.7	58.4

<sup>2</sup> \* indicates that the sample size is insufficiently large to produce an estimate.

## Education

The Trade Union Membership Statistics 2014 estimate that there were 1,541,000 trade union members in this sector. 50.3% of all employees in this sector were trade union members, compared with 25.0% of all employees across all sectors.

<i>Table 4: Characteristics of union members and all employees in the Transport and Storage sector compared with characteristics of all union members, 2014</i>	<i>Trade union members in sector</i>	<i>All employees in sector</i>	<i>All union members</i>
<i>Gender</i>			
<b>Male</b>	27.3	27.4	45.0
<b>Female</b>	72.7	72.6	55.0
<i>Age</i>			
<b>16 to 24</b>	4.3	8.4	4.5
<b>25 to 34</b>	20.1	21.2	17.5
<b>35 to 49</b>	40.9	37.9	40.4
<b>50 plus</b>	34.8	32.6	37.6
<i>Ethnicity</i>			
<b>White</b>	93.9	92.0	91.5
<b>Mixed</b>	0.9	.9	0.8
<b>Asian or Asian British</b>	2.8	3.8	3.7
<b>Black or Black British</b>	1.7	2.0	2.8
<b>Chinese or other ethnic group</b>	*	1.3	1.2
<i>Nationality</i>			
<b>UK, British</b>	96.4	93.6	95.4
<b>Other</b>	3.6	6.4	4.6
<i>Country of Birth</i>			
<b>UK</b>	91.8	88.5	89.6
<b>Other</b>	8.2	11.5	10.4
<i>Disability</i>			
<b>Disabled</b>	13.3	12.5	14.3
<b>Not disabled</b>	86.7	87.5	85.7
<i>Sector</i>			
<b>Private</b>	9.8	28.8	41.6
<b>Public</b>	90.2	71.2	58.4

## Healthcare

Following the methodology used in the Impact Assessment of the 40% approval threshold, we look at union members in the Human Health and Social Work Activities sector since this is the closest major Standard Industry Code for the health sector. The Trade Union Membership Statistics 2014 estimate that there were 1,508,000 trade union members in this sector. 39.9% of all employees in this sector were trade union members, compared with 25.0% of all employees across all sectors.

<i>Table 5: Characteristics of union members and all employees in the Human Health and Social Work Activities sector compared with characteristics of all union members, 2014</i>	<i>Trade union members in sector</i>	<i>All employees in sector</i>	<i>All union members</i>
<i>Gender</i>			
<b>Male</b>	20.7	20.7	45.0
<b>Female</b>	79.3	79.3	55.0
<i>Age</i>			
<b>16 to 24</b>	4.5	9.7	4.5
<b>25 to 34</b>	18.5	21.1	17.5
<b>35 to 49</b>	40.7	37.0	40.4
<b>50 plus</b>	36.2	32.2	37.6
<i>Ethnicity</i>			
<b>White</b>	86.8	85.5	91.5
<b>Mixed</b>	1.0	.9	0.8
<b>Asian or Asian British</b>	5.2	6.5	3.7
<b>Black or Black British</b>	5.2	5.2	2.8
<b>Chinese or other ethnic group</b>	1.7	1.9	1.2
<i>Nationality</i>			
<b>UK, British</b>	94.0	91.4	95.4
<b>Other</b>	6.0	8.6	4.6
<i>Country of Birth</i>			
<b>UK</b>	84.6	83.2	89.6
<b>Other</b>	15.4	16.8	10.4
<i>Disability</i>			
<b>Disabled</b>	13.9	13.7	14.3
<b>Not disabled</b>	86.1	86.3	85.7
<i>Sector</i>			
<b>Private</b>	19.1	45.5	41.6
<b>Public</b>	80.9	54.5	58.4

**Fire services**

We exempt the fire service from direct impacts in the Impact Assessment accompanying the consultation on the 40% approval threshold, since it appears that every strike in the fire service in the past 5 years would have met the 40% threshold. For the purposes of the Impact Assessment we assume no reduction in working days lost in fire services. Since we do not anticipate these direct impacts, our assessment is that there will be no separate impact on protected groups in the fire service and therefore we do not analyse statistics on the characteristics of fire service union members.

**Nuclear waste management and decommissioning**

We do not have specific information about the characteristics of trade union membership in the nuclear waste management and decommissioning industry. Employment data from the Nuclear Decommissioning Authority (NDA) suggests that a higher proportion of NDA workers are male than among employees as a whole. The age distribution of NDA staff is broadly similar to that for those in employment overall. Information for the other protected characteristics is not available for the NDA estate workforce as a whole.

**The Border Force**

We do not have specific information about the characteristics of trade union members in the Border Force. Employment data from the Border Force suggests that a higher proportion of Border Force workers are male (58%) than among employees as a whole (50.5%). Border Force staff are also less likely to be aged 34 or under than those in employment overall (at 20% and 35% respectively). Border Force staff are more likely to be of an ethnic minority (21%) than employees overall (11%) and are less likely to have a disability (8% compared to 12% for employees overall).

## Trade Union Membership by sector (public/private)

### Public sector

The Trade Union Membership Statistics 2014 estimate that there were 3,764,000 public sector trade union members. 54.3% of all employees in this sector were trade union members, compared with 25.0% of all employees across all sectors.

<i>Table 6: Characteristics of union members and all employees in the public sector compared with characteristics of all union members, 2014</i>	<i>Trade union members in sector</i>	<i>All employees in sector</i>	<i>All union members</i>
<i>Gender</i>			
<b>Male</b>	32.8	33.9	45.0
<b>Female</b>	67.2	66.1	55.0
<i>Age</i>			
<b>16 to 24</b>	3.7	6.4	4.5
<b>25 to 34</b>	18.0	21.0	17.5
<b>35 to 49</b>	42.3	39.6	40.4
<b>50 plus</b>	35.9	32.9	37.6
<i>Ethnicity</i>			
<b>White</b>	91.6	89.8	91.5
<b>Mixed</b>	0.9	1.0	0.8
<b>Asian or Asian British</b>	3.6	4.6	3.7
<b>Black or Black British</b>	2.8	3.1	2.8
<b>Chinese or other ethnic group</b>	1.1	1.4	1.2
<i>Nationality</i>			
<b>UK, British</b>	96.1	94.1	95.4
<b>Other</b>	3.9	5.9	4.6
<i>Country of Birth</i>			
<b>UK</b>	90.0	87.6	89.6
<b>Other</b>	10.0	12.4	10.4
<i>Disability</i>			
<b>Disabled</b>	13.4	12.4	14.3
<b>Not disabled</b>	86.6	87.6	85.7

## Private sector

The Trade Union Membership Statistics 2014 estimate that there were 3,764,000 private sector trade union members. 54.3% of all employees in this sector were trade union members, compared with 25.0% of all employees across all sectors.

<i>Table 7: Characteristics of union members and all employees in the private sector compared with characteristics of all union members, 2014</i>	<i>Trade union members in sector</i>	<i>All employees in sector</i>	<i>All union members</i>
<i>Gender</i>			
<b>Male</b>	62.0	56.4	45.0
<b>Female</b>	38.0	43.6	55.0
<i>Age</i>			
<b>16 to 24</b>	5.5	16.3	4.5
<b>25 to 34</b>	16.8	24.7	17.5
<b>35 to 49</b>	37.9	33.2	40.4
<b>50 plus</b>	39.8	25.7	37.6
<i>Ethnicity</i>			
<b>White</b>	91.3	89.2	91.5
<b>Mixed</b>	0.7	1.0	0.8
<b>Asian or Asian British</b>	4.0	5.7	3.7
<b>Black or Black British</b>	2.8	2.4	2.8
<b>Chinese or other ethnic group</b>	1.2	1.8	1.2
<i>Nationality</i>			
<b>UK, British</b>	94.5	89.2	95.4
<b>Other</b>	5.5	10.8	4.6
<i>Country of Birth</i>			
<b>UK</b>	89.0	83.8	89.6
<b>Other</b>	11.0	16.2	10.4
<i>Disability</i>			
<b>Disabled</b>	15.5	11.7	14.3
<b>Not disabled</b>	84.5	88.3	85.7

© Crown copyright 2015

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. Visit [www.nationalarchives.gov.uk/doc/open-government-licence](http://www.nationalarchives.gov.uk/doc/open-government-licence), write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

This publication available from [www.gov.uk/bis](http://www.gov.uk/bis)

Any enquiries regarding this publication should be sent to:

Department for Business, Innovation and Skills  
1 Victoria Street  
London SW1H 0ET  
Tel: 020 7215 5000

If you require this publication in an alternative format, email [enquiries@bis.gsi.gov.uk](mailto:enquiries@bis.gsi.gov.uk), or call 020 7215 5000.

**BIS/15/534**