



**DRIVER SHORTAGE: CALL FOR EVIDENCE**

**USDAW'S RESPONSE TO GOVERNMENT**

**JULY 2021**

## **GOVERNMENT CALL FOR EVIDENCE**

### **DRIVER SHORTAGE**

#### **Introduction**

Usdaw is the UK's fifth largest Trade Union with over 380,000 members. Our members work solely in the private sector with the majority employed in retail and the retail supply chain. We also have significant membership in road transport, warehousing, food manufacturing, pharmaceuticals, call centres and home shopping. Usdaw has national agreements with four of the UK's biggest food retailers, Tesco, Sainsbury's, Morrisons and the Co-op, and we are also the recognised trade union for Asda stores in Northern Ireland.

We are the UK's second largest road transport union with over 20,000 driver members. Usdaw members deliver to all of the UK's major supermarket chains. In addition to organising across the food retail distribution sector, Usdaw also has driver members working in non-food retail operations, pharmaceutical distribution and the milk, dairy and food distribution sectors. Usdaw speaks with knowledge and experience of the issues facing driver members and the root causes behind the current driver shortage.

There has been continued discussion of a driver shortage, something which was heightened following the introduction of the Driver Certificate of Professional Competence in 2009, and increased further following the end of the grandfather provisions in 2014. However, there has been a complete lack of action to resolve the issue. Terms and conditions across the sector have, in the main part, continued to be eroded meaning that current drivers are no longer committed to the industry and new drivers are not being enticed to get a licence.

Usdaw welcomes the Government's current focus on addressing the driver shortage however it is concerned that the recent letter to the industry does not mention the significant issues with terms and conditions for drivers. The Union fully believes that without addressing these issues, the nation will not be able to attract and retain the right calibre of workers for this important role.

Usdaw notes that the Government is looking to meet industry representatives during the coming weeks. As the UK's second largest transport union, representing driver members across a range of key worker industries, Usdaw is keen to be involved in these discussions.

#### **Terms and Conditions**

Usdaw is clear that the driver shortage has been caused as a result of long-term structural issues affecting the sector. For too long, we have seen an erosion of terms and conditions across the transport sector. The sector, like many others has been impacted by the significant increase in employers utilising fire-and-rehire provisions in an attempt to slash workers' terms and conditions. These tactics have driven people away from the industry.

In addition to slashing terms and conditions for long-serving employees, we have also seen companies repeatedly draw up new contracts, on lesser terms and conditions, for new starters. This is something which clearly makes it less attractive for new drivers to join the industry.

In recent months, we have seen some employers attempt to increase contractual terms to those individuals on newer contracts in an effort to drive up retention, however Usdaw believes that this is too little too late. One key reason behind the driver shortage is that terms and conditions have fallen to such a level that individuals have not been enticed into the industry.

Where companies have been cutting terms and conditions, or offering lesser terms for new drivers, this has been achieved as a result of low trade union collective bargaining coverage across the broader industry. One clear way to improve terms and conditions across the sector would be to increase the coverage of trade union collective bargaining. As has previously been outlined by the Government's former Director of Labour Market Enforcement, the decline of trade union collective bargaining coverage has clearly correlated with workers getting a declining share of national income.

Usdaw believes that the Government has a key role to play in promoting trade union recognition across all industries. To do this, we are calling on the Government to restore Acas's duty to promote trade union recognition in workplaces. Equally, we believe there are a number of changes the Government needs to make to employment legislation. The current procedure for statutory recognition of trade unions is ineffective. The 10% membership threshold for a union to commence the statutory recognition process - along with the lack of provision for a union to explain the benefits of union membership to workers - has resulted in a situation where terms and conditions have continually been eroded and new entrants have been dissuaded from entering the workforce. Usdaw believes that the rules around statutory trade union recognition need to be amended so that a union can trigger a ballot as soon as membership of the bargaining unit hits 2% or 500 members, whichever is lower. The 2% threshold would match recent changes to the Information and Consultation Regulations.

Furthermore, Usdaw, along with the broader TUC, is calling on trade unions to have a right to explain to workers, during working time, the benefits of trade union membership.

### **Shift Patterns**

Over recent decades, there has been an increasing focus on flexibility within the transport operation. Settled shift patterns have been replaced with flexible patterns where employees are required to work any five days of the week and can have their start and finish times altered at any point, frequently including up to the time they are due to commence their shift.

This issue is part of the wider debate on one-sided flexibility. The Government started to look at this area in 2016 yet, nearly five years later, and despite two formal consultations as well as an inquiry by the Low Pay Commission, has not taken any clear action. As has been outlined in previous consultation responses, one-sided flexibility places significant restrictions on the ability of many people to enter the workforce. Those with parent and/or carers responsibilities cannot balance their personal requirements with the flexibility requirements of operators.

Usdaw believes that as part of the considerations on addressing the driver shortage, the Government needs to set up a taskforce looking at the issue of flexibility within the industry.

### **Facilities for Drivers**

For many years, drivers have experienced a lack of welfare facilities both at the roadside and when making deliveries. Whilst the recent Kent parking ban has exacerbated these issues, the problems faced by drivers have been prevalent for many years. Usdaw believes that clear direction needs to be given to all locations accepting deliveries from drivers about requirement to provide welfare facilities. Equally, the Government, including through HSE, must develop clear best practice guidance.

## **Drivers' Hours**

Usdaw is concerned over the Government's continued reliance on relaxing drivers' hours' requirements as a response to issues in the supply chain. As noted in the Government's letter to the industry, key workers across the sector have already played an essential role in keeping food, medicine and other vital goods moving around the country throughout the pandemic. As a clear result of the role they undertake, these workers have not been able to work from home during the pandemic and instead have had to attend not just their own workplace, but other locations as part of making deliveries. This has placed these workers at increased risk of contracting the virus. Equally, the age profile of professional drivers means that a disproportionate amount of drivers are likely to be at increased risk of serious illness from the virus. As such, these workers were knowingly putting themselves in a position where they were more likely to catch a virus which, in turn, was more likely to make them seriously ill. This worry has taken a physical and emotional toll over the past 18 months.

In addition to the impact of fears of the virus, drivers have already been working excessive hours during the pandemic to respond to panic buying and increased sales across food retail. The workforce is drained as a result. Usdaw is calling on the Government not to further extend the relaxation in drivers' hours without first looking at all possible alternative avenues including reviewing retail operational hours, assessing the possibility of amending the occupational shortage list and providing incentives, and easing the pathway, for former drivers to re-enter the industry.

## **Training**

Usdaw welcomes the Government's commitments to review proposals for financial support to boost the supply of drivers. The Union already works with a number of logistics operators on 'Warehouse to Wheels' schemes. Such schemes, negotiated with a trade union, ensure that drivers get the correct rate for the job, provide employee loyalty and allow individuals to progress in their career without the fears of changing employer or industry.

Usdaw believes that any plans to boost the supply of drivers must be centred around delivering workplace based learning for individuals who already work in the industry. This is likely to deliver the quickest route to fully qualified professionals which also helping to boost in-work progression. Furthermore, it must be clear that prospective drivers are paid the rate for the job from day one. All too often, the Union has seen 'Warehouse to Wheels' schemes fail as the company attempt to recoup costs from the individual, rather than acknowledging that the business is making an investment, both in their organisation and the individual.

## **Brexit**

It is clear that Brexit has had a significant impact on the number of drivers operating in the UK, with an estimated 25,000 EU truckers having left the country following the UK leaving the EU. Whilst, in the longer term, Usdaw supports the Government's desire to develop people resident in the UK, this clearly cannot happen overnight and will not resolve the immediate crisis facing the industry. Usdaw supports calls from the Road Haulage Association for the Government to deliver short-term flexibility in the immigration system.

This should include consulting with the industry on how immigration requirements can be amended to respond to the current issues.