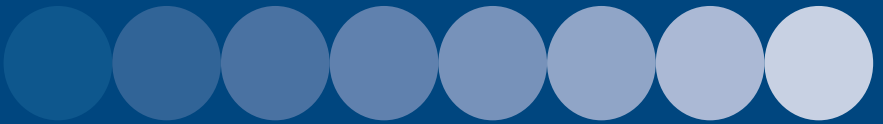
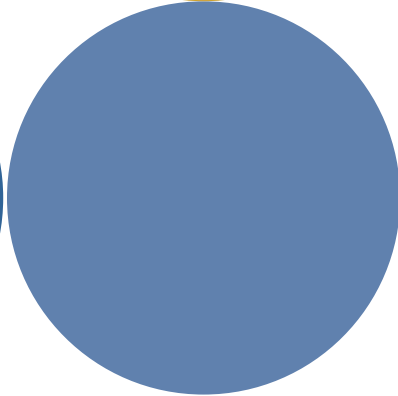
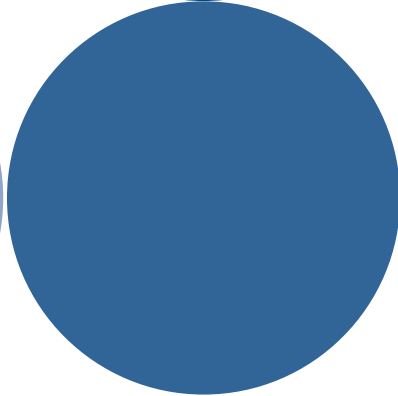
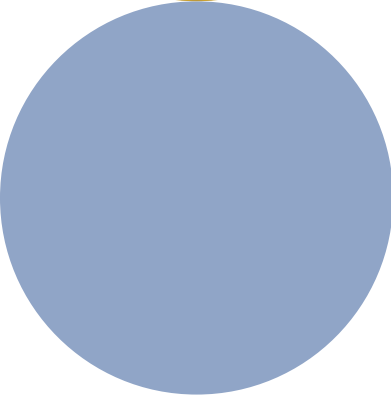
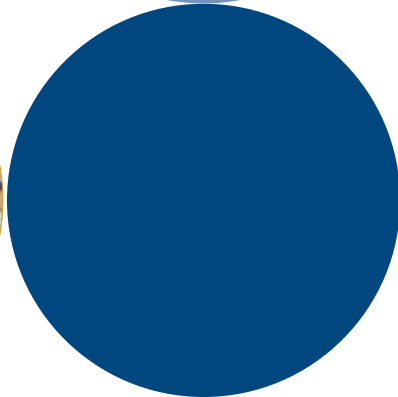
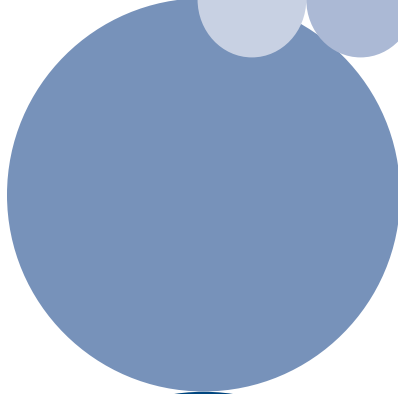




Usdaw

*Union of Shop, Distributive
and Allied Workers*



The National Living Wage

Executive Council Statement
to the 2017 ADM



Low pay is one of the biggest issues facing the Union, and the country, today.

Usdaw has been calling for action on in-work poverty for many years, and was one of the early advocates of the National Minimum Wage, which was introduced by the Labour Government in 1999.

The Government's National Living Wage of £7.20 (now increased to £7.50) was introduced in April 2016, and it did provide a large increase in basic rates for some of the lowest paid workers. It is estimated that 1.3 million workers have seen a pay rise as a result.

However, when the National Living Wage was announced, the then Chancellor of the Exchequer, George Osborne, also announced severe cuts to tax credits. Although these were eventually rolled back following mass criticism, the Conservative Government has continued to cut and freeze in-work benefits, making life more difficult for low paid workers.

The Government's use of the term National Living Wage is completely misleading. We are concerned that this will undermine the important work that has been done in promoting the **real** Living Wage (currently £9.75 in London and £8.45 elsewhere in the UK).

The National Living Wage only covers workers aged 25 and over, which means that almost a third of the retail workforce is excluded from it.

Some of the press coverage on the National Living Wage has predicted that it will result in job losses and cuts to hours. This Executive Council Statement explains the reality of its impact so far, through the first-hand experiences of our members as reported in our recent survey.

Within this statement, we set out Usdaw's aims for improving minimum pay rates and for protecting young workers.

As well as lobbying for better minimum rates, we will also be making every effort to push employers for movement towards a real Living Wage for our members, in every sector.

Our reps have a vital part to play in achieving this, as we redouble our efforts to build a bigger, stronger Union, so that we can give our members a stronger voice than ever in their workplace. We cannot achieve this without your valued continuing support.

A handwritten signature in blue ink that reads "John Hannett". The signature is fluid and cursive, with a large initial 'J'.

John Hannett
General Secretary

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The Government’s ‘National Living Wage’

The Government’s ‘National Living Wage’ came into force in April 2016, at £7.20 per hour. It has added an additional tier to the National Minimum Wage, and must be paid by law. It was increased by 4.17%, to £7.50, in April 2017. However, it applies only to those aged 25 or over.

The Government’s ‘National Living Wage’

Aged 25 or over	£7.50 per hour
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National Minimum Wage for Young Workers

The National Minimum Wage rates for those under the age of 25, and for apprentices, are considerably lower than the NLW.

National Minimum Wage for Young Workers

Adult Rate 21-24 years old	£7.05 per hour
18-20 years old	£5.60 per hour
Under 17 years old	£4.05 per hour

Apprentice Rates

The minimum apprentice rate applies to apprentices under the age of 19, or aged 19 or over and in the first year of their apprenticeship.

All other apprentices are entitled to the relevant rate for their age.

Apprentice Rate

Apprentices under the age of 19, or aged 19 or over and in the first year of their apprenticeship	£3.50 per hour
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The Real Living Wage

Unlike the Government’s National Living Wage, the real Living Wage is based on what workers and their families need to live.

The real Living Wage is not a legal requirement; it is paid by employers voluntarily. To be accredited by the Living Wage Foundation, an employer must pay all directly employed staff at least the real Living Wage, and have a plan in place for all contracted staff.

It applies to all staff over the age of 18. There is also a separate rate for London, which recognises the higher costs of living in the capital.

The Real Living Wage

London	£9.75 per hour
Rest of UK	£8.45 per hour

Calculating the Minimum Wage Rates

The Government’s National Living Wage is calculated in exactly the same way as the National Minimum Wage rates. Average hourly pay must be at least the relevant rate for each ‘pay reference period’ (the period each pay packet covers).

Working out the average hourly pay received is simple:

Total Gross Pay for the ‘pay reference period’*

Divided by

**Total Hours Worked in the ‘pay reference period’
(for salaried workers, the average hours per pay reference period)**

**Certain types of payment are excluded (see next page)*

What Elements of Pay are Included in the Calculation?

Some elements of pay do not count for minimum wage purposes. Wrongly including an element of pay that does not count – eg an extra premium for overtime – can make it appear that the minimum wage is being paid when in fact it is not.

Practices such as docking pay for lateness and expecting staff to start work early or stay later than the hours that they are paid for could also mean that the hourly rate falls below the legal minimum.

The minimum wage rates are calculated before tax and National Insurance deductions.

Can be included:

- Basic pay
- Piece rates
- Sales commissions
- Performance related pay
- Bonus

Cannot be included:

- Overtime and shift premium
- Allowances (eg London Weighting)
- Pension, retirement or redundancy payments
- Expenses payments
- Loans or advances of wages
- Benefits in kind (eg meals, car allowance)
- Tips (whether paid in cash or through payroll)
- Pay given up in a salary sacrifice scheme
- Employers' pension payments

What Will Happen to the National Living Wage in Future Years?

The Government has set a target for the rate to reach 60% of average earnings by 2020, with increases scheduled to take place in April of each year. What this means in cash terms will depend largely on how the UK's economy performs between now and then.

For example, initial estimates in July 2015 suggested the rate would reach £9.35 per hour by 2020. However, with worse than expected earnings growth since then, it is now predicted that the 60% target will equate to around **£8.61** per hour by **2020**.

The Low Pay Commission (LPC) has been given responsibility for recommending the annual increases to the rate. Their approach aims to balance reaching the 60% target with ensuring increases are affordable and take account of the economic climate.

The LPC has produced estimates of what increases may look like up to 2020, assuming a 'straight line' to the 60% target. However, given the uncertainty we are facing with the prospect of Brexit and risks to the wider global economy, it is very likely that these rates will change.

Year	2018	2019	2020
Predicted Rate	£7.85	£8.23	£8.61

The target is subject to sustained economic growth, which means that if there is a recession, it could be abandoned completely.

The announcement in July 2015 of the Government's new National Living Wage came as a surprise.

Unions welcomed the news that an estimated six million people could see their pay rise by 2020. However, they pointed out that £7.20 per hour was not an actual living wage, and that it was unfair that the increase would only apply to workers aged 25 or over.

Many businesses predicted that the rise in wage costs would incur huge costs, have a negative impact on growth and lead to job losses.

Jobs at Risk?

- **John Cridland, the Director General of the CBI** said the National Living Wage would speed up the replacement of workers by machines if business found it too expensive.
- **The British Retail Consortium** predicted the introduction of the National Living Wage could cost retailers between £1 billion and £3 billion per year, and hasten the closure of more than a quarter of Britain's shops.
- **Andy Street, from John Lewis** said they would have to restructure their staff benefits in order to pay for the National Living Wage.
- **Lord Wolfson, the CEO of Next** said the National Living Wage would cost the company £27 million per year by the end of the decade and risks creating a potentially harmful inflationary loop.
- **The Office for Budget Responsibility** estimated that the National Living Wage may lead to 60,000 fewer jobs by 2020. However, they pointed out that these estimates are far from certain, and in fact the impact could range between 20,000 and 120,000 jobs.

However, the TUC said that:

“Past claims that the National Minimum Wage will have a negative impact have consistently turned out to be overstated. Perhaps unsurprisingly, employers who assert that they cannot increase pay often really mean that they do not really want to have to do so.”

The Evidence so Far

In November 2016, the Low Pay Commission (the independent body that sets the minimum wage rates) said it had found ‘no clear evidence’ of changes in employment or hours since the higher minimum wage was introduced in April.

It said employment had continued to rise even in sectors most obviously affected, such as cleaning, hotels, horticulture and retail.

The Low Pay Commission warned that ‘in some cases’ employers may have reduced other staff payments or perks to fund the higher basic wage, but said it had found ‘no significant change’ in levels of overtime and premium payments.

What about Brexit?

After the UK's decision to leave the EU, 16 trade bodies wrote to Greg Clark, the Business Secretary, urging him to reconsider the National Living Wage. They wanted to see the target rate for 2020 dropped or reduced in light of the economic slowdown that is expected as a result of Brexit.

The TUC has responded by saying that:

“This would be exactly the wrong thing to do at a time when the political signals ought to read ‘business as usual’ in order to calm business nerves that were severely jangled by the outcome of the June referendum... working people must not pay the price for Brexit.”

Usdaw's View

We recognise that some employers are facing pressures, but it is often overlooked that decent pay and conditions can be a key factor in improving productivity. That is why we believe that employers should be paying a real Living Wage, based on the costs faced by workers.

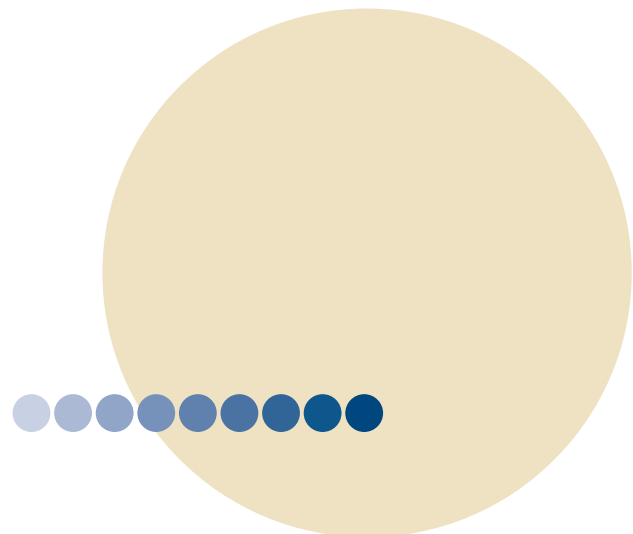
It is also important to remember that the National Living Wage was announced alongside a number of measures to cut costs for businesses:

- Big businesses have already benefitted from a reduction in Corporation Tax from 22% to 19%, and it is going to be reduced further, to 17% by 2020.
- Smaller businesses will also benefit from increased business rate relief and higher National Insurance allowances.

Usdaw supports increases to the minimum wage, but we do not believe that this on its own will address low pay:

- It is not a real Living Wage, as it does not take into account the cost of living.
- Many young workers are still missing out on the pay increase.
- Increasing basic rates does not necessarily mean an increase in take home pay, if other parts of the employment package are cut, or if workers cannot get enough hours to ensure a decent living standard.
- In-work benefits that many low paid workers rely on have been cut or frozen over the past six years. The Universal Credit system, which will eventually replace tax credits, has been cut significantly.

In November 2016, six months after the National Living Wage was introduced, Usdaw launched a survey of our members to assess the impact so far. We wanted to ensure that our campaigning strategy and policy reflects the views and experiences of our members. More than 4,300 members responded, and some key findings are outlined in the next chapter of this report.



The survey on the National Living Wage was sent by email to members, and we received 4,342 responses.

Pay and Conditions

Question 1 – Before the National Living Wage was introduced in April 2016, was your pay:

Answer	Number	Percentage
Less than £7.20 per hour	1,603	37
£7.20 per hour or more	2,698	62
Did not say	41	1

Question 2 – Following your more recent pay review was your take-home pay:

Answer	Number	Percentage
Higher	1,642	38
Lower	445	10
About the same	2,010	46
Did not say	245	6

Question 3 – Are you in receipt of any of the following benefits: (respondents could select more than one option)

Answer	Number	Percentage of total respondents in receipt
Tax Credits	757	17
Council Tax Support	206	5
Disability	139	3
Housing Benefit	277	6
Universal Credit	25	1
Carer's Allowance	32	1
Total in receipt of some form of Benefit	971	22

Hours of Work

Question 4 – How many hours do you usually work per week?

Answer	Number	Percentage
0–15	350	8
16–23	1,022	24
24–34	1,191	27
35 or more	1,769	41
Did not say	10	0

Question 5 – Please describe your working hours: (respondents could select more than one option)

Answer	Number	Percentage of total respondents
I work set hours which don't change	2,517	58
My pattern of hours changes each week	1,245	29
My number of hours changes each week	817	19
I have to give extra availability to get extra hours	790	18
I do not have set core of hours of work	358	8
Did not answer	84	2

Question 6 – Would you prefer to work more hours?

Answer	Number	Percentage
Yes	1,291	30
No	3,000	69
Did not say	51	1

Question 7 – Have the working hours available to you changed over the past six months?

Answer	Number	Percentage
Don't know/did not say	406	9
Fewer hours are available	688	16
More hours are available	565	13
No change	2,683	62

Question 8 – In your workplace, are younger workers paid less than older workers?

Answer	Number	Percentage
Yes	1,359	31
No	1,676	39
Did not say	1,307	30

Question 9 – Do you agree that all workers should be entitled to the National Living Wage from age 18?

Answer	Number	Percentage
Yes	3,762	87
No	320	7
Did not say	260	6

Looking Forward

Do you agree with the following statements?

Question 10 – The rate of the National Living Wage will directly affect me over the next four years:

Answer	Number	Percentage
Strongly agree	2,148	49
Agree	1,155	27
Disagree	252	6
Strongly disagree	124	3
Don't know/did not say	663	15

Question 11 – Improvements to the National Living Wage should be a key campaigning issue for Usdaw:

Answer	Number	Percentage
Strongly agree	3,182	73
Agree	945	22
Disagree	38	1
Strongly disagree	14	0
Don't know/did not say	163	4

Question 12 – The National Living Wage should take into account the cost of living for low paid workers:

Answer	Number	Percentage
Strongly agree	3,697	85
Agree	560	13
Disagree	12	0
Strongly disagree	7	0
Don't know/did not say	66	2

Coverage in Usdaw Sectors

Just over a third of members told us that they were earning less than £7.20 per hour before the National Living Wage was introduced.

There was considerable variation by sector:

- 41% in Food Manufacturing
- 39% in Retail
- 27% in Warehousing and Distribution
- 15% in Road Transport

Three-quarters of members said that they will be directly affected by the rate of the National Living Wage over the next four years.

While the direct impact of the National Living Wage has been mixed so far, it is clear that as the rate increases, so will the level of coverage across the sectors where we organise. That is why it is such a key campaigning issue for us.

Overall Employment Package

38% of members said that their take-home pay was higher after their most recent pay review, 46% said it was about the same, and 1 in 10 said it was lower.

Of those who reported that their take-home pay was lower, a third worked for non-unionised employers, and 58% worked for employers where Usdaw has negotiated temporary pay protection.

The National Living Wage has encouraged employers to focus more closely on basic rates of pay. However, it is important to bear in mind that the overall package may not have improved, and may even have been reduced, while base rates increase.

Losing out on take-home pay and other benefits is very distressing for those affected. However, the drive towards more 'streamlined' contracts is not entirely connected to the National Living Wage. For example, the consolidation of premium payments into the basic rate of pay is a trend that retailers have been following for several years, as they try to move towards a more flexible operating model.

Hours of Work

59% of members who responded to our survey said that they usually work under 35 hours per week, with around a third working less than 24 hours. It is worth noting that these figures relate to the hours our members actually work, rather than the hours they are contracted for, which may well be lower.

There were widespread predictions that the National Living Wage would cause cuts to hours. 16% of our members said they had fewer hours available than six months ago and 13% said there were more hours available.

However, 3 in 10 Usdaw members want to work more hours, and this figure rises to 4 in 10 of those who currently work under 24 hours per week.

Less than half of our members working in retail have set hours, and a fifth say that their number of hours changes each week.

Improvements in rates of pay will only benefit our members if they get enough hours to maintain a decent standard of living. Many workers are on flexible contracts, with low basic hours which are increased in line with the employer's needs. These unstable working patterns can cause difficulties in planning finances and family life.

When the Universal Credit replaces tax credits, short hours contracts will become a much bigger issue for many of our members. In order to avoid sanctions, most workers will need to be earning, or seeking to earn, the equivalent of 35 hours per week at the National Living Wage. This means a part-time worker whose employer will not give them more hours may need to look for a second job – a difficult task if they have to give maximum availability to their employer. Considering that 42% of our members told us they do not work set hours, this will be an issue for a significant number of Usdaw members.

Productivity

At the end of 2015, Usdaw members were invited to take part in a survey by the Smith Institute on Productivity at Work.

Three-quarters of the 3,500 members who responded said they were working harder than two years ago. But a third of those workers did not report any improvement in productivity.

The top four ways that members thought productivity could be improved were:

- Listening to employees
- Better management of staff
- Improving work-life balance
- Higher pay

It has been suggested that, in order to cope with increased labour costs, employers will need to improve their productivity levels.

We believe that decent terms and conditions, and a real voice at work, are vital if businesses want to become more productive. Too often, the debate around this issue focuses on cost-saving – eg replacing jobs with technology or cutting hours.

Employers should be looking at ways to engage their staff, and to use technology to support those staff in doing their job as effectively as possible. They also need to be aware of the impact that a drive for improvements could have on health and safety, and especially on workers' mental health.

Improving Living Standards?

The National Living Wage is 95p below the real UK Living Wage, and £2.25 below the London Living Wage.

An overwhelming majority (98%) of members responding to our National Living Wage survey believe that the National Living Wage should be set at a rate that takes into account the cost of living for low paid workers.

If the Government really wants to introduce a Living Wage, and if they want it to have a positive impact on living standards, then this must take some notice of the day-to-day living costs that workers are facing.

Beyond the statutory minimum rates, we need to keep building our collective bargaining strength through organising. We want to see a real Living Wage for all, but many workers still do not have any say on their terms and conditions. We need to reach out to unorganised workplaces and build stronger union density in those where we are recognised, so that we can make the best possible case for improvements to terms and conditions.



The introduction of the National Living Wage for workers aged 25 and over has had a significant and far reaching impact on the status of young workers, aged under 25.

For many young workers, being denied this pay increase reinforces the already desperate position that they are experiencing. With cuts to housing benefit hitting young people particularly hard, and the increasingly high cost of renting, many are struggling to keep a roof over their heads or live independently.

The spiralling cost of university and higher education means that many young adults have no alternative than to enter the world of work on a significantly lower wage than their older colleagues.

Young workers bore the brunt of the economic downturn, with typical wage falls of 13% for those aged 22-29 compared with falls of 5% for those in their 50s, and this gap looks set to grow.

Rising Inequality

For older workers, there is a clear path towards raising the National Living Wage to 60% of average earnings, whereas for younger workers there is no such target. There is a real risk that they will get further and further behind.

An 18 year old earning the National Minimum Wage of £7.05 per hour, and working 40 hours per week would be earning £936 per year less in gross pay than their 25 year old colleague on £7.50.

Usdaw believes that paying the National Living Wage to those only 25 and above is unjustified and discriminatory. Excluding young workers from the National Living Wage flies in the face of the 'equal pay for equal work' principle.

Young workers work just as hard as their older colleagues and have many of the same responsibilities outside of work, such as housing costs, transport costs and bringing up families.

Young Workers' Employment Prospects

The Government has tried to justify lower pay for younger workers by saying that higher rates would increase youth unemployment. However, the only other country in the EU that does not pay the full adult rate until 25 is Greece, a country suffering with more than 40% youth unemployment. In the UK, unemployment for workers under 25 is around 12%.

Usdaw is concerned at the level of youth unemployment in the UK, and we do want to see more young workers entering and progressing in the world of work. However, we do not believe that this will be achieved by using them as cheap labour.

Rather than promoting a tiered pay system based on age, the Government should be making a commitment to combat youth unemployment with positive initiatives, such as careers advice in schools and colleges, improvements to vocational training, and the promotion of good quality apprenticeship schemes.



Usdaw's Approach

Usdaw is proud of the success we have had in removing youth rates of pay from many of our negotiated agreements over recent years. Age-related pay bandings have been abolished in our biggest retail agreements, the 'Big 4' (The Co-operative, Morrisons, Sainsbury's and Tesco), as well as many other smaller agreements.

Our negotiating committees have worked hard to make the case that all employees should be paid equally for equal work, and those employers have accepted the case. However, there is still a long way to go before age-related pay is abolished across the economy.

The Government has set a poor example to employers by restricting access to the National Living Wage and implying that young workers are less valuable and less productive. As a result, there are still far too many organisations that choose not to pay their young workers a fair wage.

Our survey showed overwhelming support from our members for the idea that the National Living Wage should be paid at 18, and this will continue to be a key campaigning objective for Usdaw.



Usdaw wants to see better minimum wage rates, and our policy, as agreed at ADM and the TUC, is to campaign for a National Minimum Wage of £10 per hour. We have used a number of different avenues to lobby on behalf of low paid workers in recent years.

The Low Pay Commission

Usdaw gives both written and oral evidence each year to the Low Pay Commission on the level at which all of the statutory minimum wage rates should be set.

It is crucial that the LPC hears directly from workers affected by low pay, so, in 2015-2016, Usdaw organised delegations of members to attend their regional visits to Sunderland, Portadown, Swansea and Blackpool.

In the evidence we provided in 2016, we told the LPC that:

- Although the EU Referendum result has brought with it some uncertainty and legitimate concerns, current indications are that the economy is still growing, particularly in the service sector, average earnings are increasing steadily, and employment continues to rise.
- Retail is still a major contributor to the economy; sales are growing year-on-year and there is no indication of any imminent shock.
- However, there are risks to the living standards of low paid workers from the potential increases in costs resulting from Brexit, along with cuts to in-work benefits in real terms.
- Higher wages would also begin to address the inequalities and injustices that have caused such anger throughout the referendum debate.
- The National Living Wage should be increased at least in line with the planned route towards the 2020 target.
- There is no justification for paying a lower rate to workers aged under 25. We want to see the full Living Wage paid at 18.

- As an immediate step, the full Living Wage should be paid at 21, and the 16/17 year old and 18-21 year old rates should be increased by the same percentage as the National Living Wage, so they do not get left further behind.
- The Apprenticeship Rate is set too low, and should be increased to the same level as the Youth Rate, to reduce the risk of exploitation.
- There needs to be significant investment in raising awareness of, and enforcing, the National Minimum Wage.

Fair Pay for Young Workers

Usdaw has long supported the principle of equal pay for equal work, most recently passing ADM policy in 2016 which called for the National Living Wage to be paid to all workers from the age of 18.

Usdaw's National Young Workers' Committee has also run a campaign on the issue of the National Living Wage in November 2016, to coincide with the TUC Young Workers' Month. The campaign highlighted the unfairness of young workers aged under 25 not receiving the National Living Wage.

Working with the TUC

As a Union representing workers in low paid industries, Usdaw has been at the forefront of the TUC's campaign work on the National Living Wage.

At the 2016 TUC Congress, a meeting of all affiliated trade unions to set national policy, Usdaw moved a high profile motion on the National Living Wage, which was supported by the Bakers, Food and Allied Workers' Union, Unison, PCS, and the RMT.

We also put forward a motion to the 2016 Scottish TUC Congress on the National Living Wage, an amendment on Low Pay and Inequality at the 2015 Irish Congress on Low Pay, and a motion on Women and In-Work Poverty at the 2016 Wales TUC Congress.

Usdaw takes part in regular meetings of the TUC's joint National Minimum Wage Enforcement Group, alongside HMRC, Citizen's Advice and the Government's Business, Energy and Industrial Strategy Department.

Union Recognition

As well as improvements to the legal minimum rates, we want to be able to improve overall terms and conditions for all workers in the sectors where we organise.

To do this, we need to be recognised by the employers. Some employers refuse to engage with Usdaw, leaving their workers without any say on their pay and other benefits. Usdaw is actively campaigning for recognition with employers including Aldi, Lidl, and Marks & Spencer.

There is a legal framework for unions to seek recognition with employers so that we can negotiate for our members' pay. We have had success in getting recognition with some employers including Ladbroke's in Northern Ireland and Randall Parker Foods. However, the hurdles that we have to overcome in order to get recognition are too high, so we want to see the law made more reasonable, especially for multi-site larger businesses.



95% of our members agree that the National Living Wage should be a key campaigning aim for Usdaw.

Our survey showed that the majority of our members were already earning £7.20 per hour or more before the National Living Wage was introduced, so they may not have been affected directly. However, a large majority believe that they will be directly affected by the rate over the next four years. It is clear that the National Living Wage is a big issue for Usdaw members.

There have been some very difficult and complex pay reviews over recent years, and some tough decisions for our negotiating committees, and our members. Many of our members have seen some very significant increases on basic rates; but at the same time, some have faced pressure on premium payments and other benefits. The National Living Wage on its own will not address low pay in the UK.

Weak growth in average earnings makes it unlikely that the National Living Wage will reach £9 per hour by 2020, as people had been expecting. We are now looking at a figure of around £8.61 per hour, and with inflation set to rise, there is a real risk that the living standards of low paid workers will fall sharply.

With Brexit on the horizon, we are facing perhaps the most uncertain times in living memory, and many are calling for a cautious approach to minimum wage increases. However, if we are to sustain the economy through these difficult times, we need to increase spending power through decent pay increases.

None of the evidence so far points to any overall negative impact from the National Living Wage. Most of our members told us that they have not seen any reduction in available hours, and employment continues to increase. We need to make sure that scaremongering from employers and the media is put right with facts.

Our survey showed overwhelming support amongst members for linking the National Living Wage with the actual cost of living. This is something that we will be lobbying for in our approaches to the Low Pay Commission and the Government. Usdaw supports the TUC's policy of campaigning for a National Minimum Wage of £10 per hour. This is an ambitious goal, and the current uncertainty in the economy makes it even more of a challenge, but we will continue to put a strong case for making real progress with wages for the lowest paid workers.

The members surveyed showed very strong support for the idea that workers should receive the full Living Wage at 18. We want to see the injustice of lower pay for those under 25 corrected.

All of this is important, but bitter experience has shown that we cannot rely on a Conservative Government to act in the interests of the low paid.

We must grow our collective bargaining strength by recruiting more members in the workplaces where we organise, and expanding our presence into unorganised workplaces. This is essential if we are to make progress towards our aim of a real Living Wage for all workers.



Usdaw

*Union of Shop, Distributive
and Allied Workers*



Improving workers' lives – Winning for members

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