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PROGRAMME: “NICE WORK”

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INTERVIEWEES:

Charlene Green, “New Look” sales assistant

Jennifer Tom, “New Look” sales assistant

Iqbal Udin, “New Look” sales assistant

Carey Dodd, general manager, “New Look”

Tracey Proudlock, the Sure Trust

Russell Hamblin-Boone- the British Retail Consortium

Sarah Veale, head of Equality and Employment Rights at the TUC

Christoph Obladen, vice-president of Human Resources, Horayas.

Hans Ostermeyer, employee at Horayas and head of the Works Council

Mike Burton, director of Human Resources, Compas

Janet Dye, works in the coffee shop run by Compas at car maker Ford’s offices in Dagenham. She’s a branch secretary for the Transport and General Workers Union and sits on the Works Council.

Dawn Wrench works in the restaurant at the Moto Service station on the M6 near Knutsford in Cheshire. She sits on the Works Council.

Mike Burton, Human Resources director at Compas,

Alan Wood, chief executive of the electronics giant Siemens in the UK

Tape transcript typed by MAREE SHILLINGFORD

LAMB: Hello. Back in the spring you may remember hearing about the collapse of a company known as the Accident Group. 2,500 staff lost their jobs but the first many of them knew about it was when they got up to go to work, turned on their radios only to hear they no longer had jobs to go to. Others received text messages from the management telling them they were out of work and that they

could waive goodbye to their last month's pay as well. Now the government is planning to outlaw tactics like that with new legislation to force employers to consult their staff about major business decisions. We'll be taking a closer look at that later in the programme. First though, we're going to revisit a group of deaf workers who featured in the last series of "Nice Work". Back in the summer we followed their progress as they went along to a recruitment drive at the fashion chain "New Look". Four of them walked away with jobs that day and last week our reporter, Mike Johnson, visited the "New Look" store on London's Oxford Street to find out how two of them have been getting along with their first experience of working life.

JOHNSON: The party begins as the doors of a new Oxford Street fashion store opens for the first time, but behind all the hype this was no ordinary shop launch. Some here had more to celebrate more than most, the deaf staff who fought to prove themselves in the world of retailing.

GREEN: I can't believe it. I found this job, before it was so hard. It's brilliant.

JOHNSON: Charlene Green always dreamed of working in the fashion business. She's 24 and partially deaf. She communicates through lip reading and sign language.

JOHNSON: Here amid the thumping music of "New Look's" footwear department, Charlene advises customers on style and fit. She also fetches shoes from the stockroom. It's her first proper job since leaving college two years ago. During that time she's had dozens of rejections from employers who she believes thought she'd simply be too much trouble to take on. With the help of a sign language interpreter Charlene told me about the problems she'd faced.

GREEN: I went to the Job Centre but they wouldn't give me a job because they said you need an interpreter to go to an interview. But the job centre never provided me with an interpreter, never, so I gave up and the jobs that they would put me forward for were with organisations that had people with disabilities, that sort of thing. But I wanted to work in retail because I love fashion, I love anything to do with fashion, but they thought it would be difficult for me to communicate with hearing people.

JOHNSON: Do you think you are just as good a worker as people who can hear?

GREEN: Yes, yes I am, yes.

JOHNSON: Charlene got her big break after a disability charity called the Sure Trust put eleven deaf people forward for jobs in the "New Look" store. Their task at the interview was to assemble an outfit for Kylie Minogue to wear to the BAFTAs and explain their choice. Working through a sign interpreter, four passed with flying colours. After eight weeks in the job the key question now is just how much their disability has affected their performance. According to Charlene the answer is not at all.

GREEN: If a customer approaches me and they don't realise I'm deaf, obviously I look at them face on, make sure we've established eye contact, then I lip read. They are more than happy to go through that process. They're very patient, very good. They treat me for who I am, not because of my disability. They come up to me and ask me if I can help them or what size they need. I'll bring it in, the customer goes away satisfied.

JOHNSON: Excuse me, do you know that the person who just served you is deaf?

CUSTOMER: No I didn't notice.

JOHNSON: You didn't notice.

CUSTOMER: No. I thought she had some sort of speech impediment but she was fine, understood me well, spoke to me well. I didn't even notice and I feel a bit ignorant now but no didn't even notice, excellent service.

JOHNSON: Some adjustments have had to be made to accommodate "New Look's" deaf staff. They carry notepads to communicate by writing if necessary. Charlene also finds it difficult to use the two-way radios with which other staff contact the stockroom. Instead she gets someone to call on her behalf. Despite this, Charlene's presence doesn't seem to bother her colleagues.

TOM: My name's Jennifer Tom. I work in footwear alongside Charlene.

JOHNSON: And what's it like working with a deaf person?

TOM: There's not really any difference to be honest. We treat her the same, she is like the rest of us.

JOHNSON: What about the communication side because you obviously can't talk to her when she's facing away from you. How easy has that been to cope with?

TOM: I haven't had any difficulty so far because normally if I speak to her it's face-to-face, tap her on the shoulder if she doesn't hear me. But I haven't had any problems. I wouldn't know she was deaf unless someone pointed it out, to be honest. She fits in just like the rest of us.

JOHNSON: We've come down to the stockroom of "New Look" on Oxford Street now. There are clothes just as far as the eye can see, rail upon rail of new clothes, some sale things waiting to go up into the store, I think the engine room really.

MARIA: Maria receiving. When is the sale being cleared off the shop floor?

LADY: In the process now.

JOHNSON: Life in the stockroom is hectic and it's a particular challenge if you're profoundly deaf like 22 year old Ickbal Oodin. Again with the help of an interpreter, I asked Ickbal how easy it had been to integrate with hearing workers.

UDIN: At first we were very apprehensive about how we would integrate, but now there's no cause for concern. We find that more and more staff are actually approaching us to ask us where certain things are in the stockroom, we're much more visual. We remember where things are much quicker than maybe another member of staff would. Shop floor staff will come and specifically ask us where things are because we've got such a good memory.

JOHNSON: So the new workers think they're getting along just fine. What really matters though is what the boss thinks. It was entirely down to the stores general manager, Carey Dodd, that they were even considered for an interview. This was no corporate policy from on high as far as "New Look" was concerned, it was very much a local decision. Two months on and Carey Dodd has no regrets.

DODD: I couldn't sing their praises more. Been a manager now for a few years, fifteen years, and they are absolutely excellent. Their time-keeping's spot on, their attendance is spot on, they use their initiative and they just get on and do the job and they have fun doing it.

JOHNSON: Do you think they're as good workers as people who can hear?

DODD: Definitely and in some respects even better.

JOHNSON: Explain that, tell me why, better, how?

DODD: Because I think that for them to have the opportunity of a job they have more enthusiasm to do well and to prove that they can be as good as anybody work in the shop even though they can't hear and therefore probably give 110% all the time to make sure that you're aware that they're always doing a good job.

JOHNSON: So they have that bit of extra motivation.

DODD: Yea. I think that they want to be accepted and I think it's really important for them to feel that they're doing the job and they're earning their money and they can go home, feel satisfied they've given a good days work. They don't want to be thought of as the deaf people working in the branch, they want to be thought of as being part of the team and that's exactly how we treat them.

JOHNSON: Now you have some personal experience of disabled people. Can you tell us about that?

DODD: I have a niece who's profoundly deaf, dumb, handicapped and almost blind and the character and enthusiasm I see from her with all those conditions I think is remarkable.

JOHNSON: It took one individual manager's very personal experience to achieve the breakthrough for Charlene and Ickbal. They've proven so successful

that Carey Dodd has now taken on another deaf worker at the shop. So what does the future hold?

DODD: I've been thinking very often about whether I employ more deaf people within the store but I have to be realistic. It's very important I think that you give them time and you put a bit of effort into their training and their development and I would hate to be in a predicament where I have too many deaf people that I can't do that and then they feel that they're losing out on the job. I wouldn't want to hire ten, twenty deaf people because I know that I wouldn't be able to give the time and effort and understanding to all of them.

JOHNSON: What would you say to other employers who hadn't even begun to think about taking on deaf or generally disabled staff, given your experience?

DODD: They're missing out on a fantastic opportunity. Like myself, really, I hadn't really given it much thought and I certainly will be giving it a lot more thought in every job that I do in the future. We need to do more to get these people back into work.

LAMB: So a great success story there but unfortunately for the 1 million disabled workers who can't find jobs, it's also a very rare one. Despite the introduction of anti-discrimination legislation, reluctance to employ staff with disabilities remains very wide-spread and very entrenched. Disabled people are five times more likely to be out of work than other job seekers. Deaf signers, like Ickbal and Charlene in Mike's report, even more so. But why is that still the case? Well with me to discuss that I have Tracey Proudlock from the Sure Trust and Russell Hanlanboon from the British Retail Consortium which represents the retail industry. Tracey, tell me about the big fears that stop employers from taking on disabled people?

PROUDLOCK: A lot of employers think about access. They assume that all disabled people are going to be wheelchair users, it's not the case. Then they're worried about health and safety. The costs of employing a disabled person, will there be more costs on top of? And they worry about say people coping with the pressures of demanding jobs or the flexibility to have the same pace as staff without disabilities.

LAMB: The cost is not really an issue is it, because access with access-to-work scheme can help with that.

PROUDLOCK: Well we shouldn't assume that because you have a disability there's going to be extra costs attached to you. Most disabled people, they need an employer to understand that they will work differently but effectively and if there are extra or specialist equipment that you need, they will be paid for through access to work.

LAMB: And people with disabilities of all kinds often run into problems getting work but particular groups do suffer more than others, don't they?

PROUDLOCK: I think in the past employers through their lack of knowledge or experience do have an anxiety or worry and I think they do...

LAMB: Particularly perhaps about people with sight or hearing problems?

PROUDLOCK: I think health and safety can be a problem for employers and in the past health and safety has been a big barrier for them. But today there are very few health and safety questions that cannot be addressed if you're working in partnership with the Sure Trust. So health and safety in the past was a problem around visual impairment and deaf issues.

LAMB: So they worried about getting people out in fire situations, that sort of thing?

PROUDLOCK: Yes but as we've seen through "New Look" there are ways round that.

LAMB: Now Russell, the retail industry of course is very focused on image, it's what it's all about and equally focused on the image presented by their staff. Is this part of the reason why disabled people find it so tough to get a job in your industry?

HAMBLIN-BOONE: I was rather surprised at the interest in this story. The retail sectors one of the biggest, most innovative employers and the "New Look" case is just one of many examples of positive action for disabled people. It's not the case of image at all, it's a case of the skills you have and how you can employ those in your work.

LAMB: Tracey, what's your experience been at trying to get people into work in retail?

PROUDLOCK: I think we're working with 3,000 employers up and down the country in Sure Trust with Marks and Spencers, Tesco, Henneys and many of them make adjustments to the recruitment processes to accommodate the needs that people have and that doesn't always work out and we have had examples where there has been a feeling that disabled candidates have not always been very welcome.

LAMB: Oh really?

PROUDLOCK: Well yes, we've sent people to stores to collect application forms and the employer then has decided that an application form is suddenly not

available. But when Sure Trust approached an employer the application forms are made available because there's policies and procedures. Now the point is policies and procedures don't actually open doors for people and it's people like Carey who make a difference. The fact that a policy or a procedure exists in a company doesn't mean automatically that disabled people are welcome.

LAMB: This is the thing isn't it Russell, because everyone has a policy, you know, all the retailers have written down what they intend to do about this but what seems to be the case in practices, is the ones who are actually taking on disabled staff it's driven through by an individual as it was in the "New Look" case.

HAMBLIN-BOONE: Well I think that depends on the circumstances. I think we're going through a process here, it's a process of constantly understanding, continually understanding more about disability and the needs of disabled staff. If you take a number of retailers, Dixon's, TK Max, Next, Selfridges, all working towards the employee two ticks award you produce a positive action towards disability. I can cite just in a short canvass of our members, I can cite a range of examples where we've got people with cerebral palsy, people with impaired mobility, people with hearing impairments, sight impairments, all of whom are employed in retail in various different ways employing their skills.

LAMB: Okay, just briefly Tracey, would you say we are making progress with this? Is it better now than it was five years ago?

PROUDLOCK: I think the DDA has certainly put disabled people's issues in the work agenda.

LAMB: This is the anti-discrimination legislation?

PROUDLOCK: That's right the Disability Discrimination Act has certainly put our issues into the work agenda because we're not talking about a welfare issue,

about understanding. What we're talking about here is the rights for disabled people in work, and so long as we keep talking about issues and understanding, I think some of the rights things can actually get overlooked.

LAMB: Okay, Tracey, Russell thank you both very much indeed. You're listening to Radio 4. This is "Nice Work" and I'm Philippa Lamb. Now more on that story about new legislation to stop employers keeping their staff in the dark about important business decisions. In a bid to create what it's labelling a "no surprises culture at work" the government is planning to pass new legislation to force employers to consult their staff about crucial issues such as mergers, acquisitions and redundancies. Now Sarah Veale is head of equality and employment rights at the TUC and as such she's been negotiating on behalf of the TUC with the government over how this new legislation will work. Sarah, the government's making a lot of noise about this. How exactly is this new law going to help workers?

VEALE: It's fairly straightforward. For companies that employ more than fifty people, the employer will be obliged to consult with the workforce about important matters which are going to affect the person's jobs or their future job prospects. But most employers, good employers, already do this and for them there's probably very little need to do anything other than what they're already doing. If they're not doing anything at all and if more than 10% of the workforce want them to do something, then they will have to put some sort of system into place, but it must be supported by that percentage of the workforce.

LAMB: Okay, well as you might expect employers groups have been very vocal in their opposition to the new legislation. They argue that it's just more unnecessary red tape for them to wade through. But there is a precedent for it in Germany where staff consultation has been part of the business culture for fifty years. So how does the system work there and does it make for better relations between bosses and staff? Caroline Bayley has been to Frankfurt to find out.

BAYLEY: Horayas is a traditional German company, over 150 years old and still family owned. It's a key player in the precious metals industry, but like all German companies with five employees or more the workers here have the right to set up something known as a works council. At this site near Frankfurt 19 employees represent nearly 3,000 workers. They hold their own meetings every fortnight and they meet with the senior management every three months. Christoph Obladen is vice-president of Human Resources at Horayas.

OBLADEN: We inform, we discuss, we put the necessary decisions on the desk and later on from both sides from the management side but also from the workers council side, we address the decisions to our employees.

BAYLEY: The unions are still strong in Germany and wages at Horayas are negotiated at a national level. The Works Council deals with decisions made within the company, but does the Board take any notice of what they say?

OBLADEN: Overtime, for example, we needed agreement for overtime hours. If the employer says okay, we need, for example, work on Sunday or Saturday we must ask the Workers Council to do this. But on the other hand, the Workers Council is not able to stop the shut down of a factory, that's our decision from the management side. We must talk later on about the social consequences of such a laid on, but the decision to shut up a company or site or so on, that's a managerial decision unlimited from the Workers Council side.

BAYLEY: Even so British bosses see German Works Councils as a formidable force. Now with the new law on consulting employees due in just over a year's time, they're having to work out how they'll provide a similar forum for their staff. Hans Ostermeyer, an employee at Horayas, is head of the Works Council. He says making the system work is all about trust.

INTERPRETER: Both sides must trust each other, that's very important. If one of them goes behind the others back or doesn't properly inform the other, then there's trouble and the Works Council insists on its rights. I see myself as a bit of a mediator. I'm there to help to analyse why there is a problem and to overcome the problem. It's also a question of trust as to whether the workers regularly use and visit the Works Council and give it information. That's very important and we have that sort of climate here at Horayas.

LAMB: Hans Ostermeyer of Horayas ending that report by Caroline Bayley. So that's how Works Councils operate in Germany and many British employers are expected to set up staff forums along similar lines when the new legislation starts to come into force here in 2005. The contract catering company, Compas, has already done that. Their new system has been up and running for five months now and Caroline Bayley went along to their head office in Uxbridge to find out how its going.

BAYLEY: Catering is what Compas does. Workplace restaurants operated under contract as well as a range of businesses including Harry Ramsden's Fish and Chips, Upper Crust sandwich bars and it owns and runs the Moto Motorway service stations. It's a huge company employing 125,000 people in this country and it admits that communicating with all its staff, many of whom work within other companies who have contracts with Compas, is a major challenge. So it decided to get ahead of the game and set up its own UK Works Council. Mike Burton is director of Human Resources at Compas.

BURTON: Last year when it was clear that that's the direction we needed to move in the UK, it was logical for us to start discussions with our trade union groups. Yes we wanted to get ahead of legislation. I think there was a sense of well why wait and certainly that was the spirit that our trade union colleagues came to table with as well.

BAYLEY: The Works Council is made up of 15 employees from across the company and three board directors. In Compas' case the employees on the council are all union reps, but this isn't a requirement of the new law on consultation. Janet Dye works in the coffee shop run by Compas at car maker Ford's offices in Dagenham. She's a branch secretary for the Transport and General Workers Union and sits on the Works Council. At the first meeting in May, which lasted two days, she raised her colleagues concerns about time allocated to training.

DYE: That was our issue, the training mainly. The fact that we do it every month for the next ten months. But when you're doing the training it's an hour and a half, maybe two hours. So you've done like an eight-hour day and on top of that you've got to do an hour and a half, two hours training. You've got to work through your lunch hour so that you can fit it in and a lot of the girls decided you know they don't want to do that. You know, they're tired at the end of the day. Why can't we fit it in during working hours?

BAYLEY: And what was the response from the management of Compas when you raised this at the Works Council meeting?

DYE: This was an issue that worked out right across the company. The response wasn't oh, well perhaps it's something that we could sort out. "We will look into and see what we can do" was the basic response.

BAYLEY: Would you have had the opportunity to express your concerns direct to senior board directors before the Works Council was set up?

DYE: Oh no, no, probably never heard of them. We would have probably mentioned their name and we wouldn't have known nothing about them.

BAYLEY: So that is a major change that you are appealing direct to the senior people.

DYE: Yea definitely, yes. I can sort of like relate to the people that are at the top now, whereas before I didn't know who they were, you know, they're just a name on a piece of paper.

BAYLEY: At the moment Compas is only committed to one regular Works Council meeting a year. Janet doesn't feel that's enough. In another part of Compas, Dawn Wrench works in the restaurant at the Moto Service station on the M6 near Knutsford in Cheshire. She sits on the Works Council and believes it is already making a difference.

WRENCH: It's given me more knowledge of the company because up until being a Works Council member I had a lot of knowledge of me own company but I didn't have a lot of knowledge of Compas itself.

BAYLEY: Do you see any benefit to you and your colleagues?

WRENCH: Yes because we're kept up-to-date more now and we find information out quicker, whereas before we'd have to wait for somebody to tell us.

BAYLEY: The fear within the business community is that a Works Council or similar consultation structure gives too much power to a company's workers. Mike Burton, Human Resources director at Compas, acknowledges that employees do have more influence.

BURTON: I don't think it's an option for us not to listen. We have a formal way in which actions are recorded. I know if I go back to a meeting, our next meeting next year and things haven't been done, well it's just not an option for us. So I think yes, in terms of power a lot, in terms of persuading us to do things, a lot as well.

LAMB: Mike Burton of Compas there and Sarah Veale of the TUC is still with me and Kate Brearley has joined us. She heads the Employment Pensions and Benefits team at the solicitors, Stevenson Harwood in London. Kate, employers will have to inform and consult with their staff under this legislation. What exactly does consult mean in this context?

BREARLEY: It's not entirely clear and I think that a number of my clients' key concern as to what is expected of them, there are two different categories. In relation to information relating to the state of the company and things affecting job security...

LAMB: So how well the company's doing or not?

BREARLEY: Yes. Then the position is simply for an exchange of views and for opinions to be taken into account. Where there is real difficulty is in relation to job losses and that's what this is in part focusing on is it's with a view to reaching agreement and unfortunately at the moment there is no clarity as to how far that means an employer must go.

LAMB: Sarah, I'm wondering how effective this will be because listening to the report about Compas, they schedule one meeting of their Works Council a year. I mean how useful is that really going to be?

VEALE: Well that's exactly the issue that the trade union representative was quite rightly raising. I suspect that isn't enough. Perhaps a two day meeting was too long and perhaps the union will consider asking the company to break that up and meet more frequently. Certainly the regulations that the government is proposing would make it necessary to meet more often than that at bottom and employers or unions or work representatives can negotiate whatever suits their company best. You don't want to be too rigid about it but I would have thought

more frequently than once a year because of the speed with which things sometimes happen in companies.

LAMB: Now unsurprisingly many employers are worried about confidentiality. They don't want to have to discuss sensitive business decision with their staff. Here's Alan Wood, who's chief executive of the electronics giant Siemens in the UK.

WOOD: Once you bring in the legislation then the interpretation of that legislation starts to become a problem. For example, at what sort of stage does a thought that the board may be having about options for the future become something that they have to consult about, and I'm sure we're going to have all sorts of court cases trying to legislate on just that sort of thing. So it will be lots more work for the lawyers, a lot of time wasted for industry and it's those sorts of things that I'm afraid of.

LAMB: Kate, will employers have to tell staff about sensitive business matters like mergers really before they're ready to make these things public?

BREARLEY: The regulations do provide that there is a super class of information that will not have to be disclosed in advance.

LAMB: What sort of things would that be?

BREARLEY: Well it's not entirely clear from the regulations at the moment. Some aspects of mergers may not have to be where it's particularly sensitive. But there is a sort of lower class where you can pass the information down but make it subject to a confidentiality obligation, so the representatives can't pass it down the employee chain.

LAMB: Sarah, how much power will staff have to actually block management decisions or are we just talking about talking shop here?

VEALE: It's not just about talking shop. I think it's very important that employers approach this with an open mind and are prepared to be persuaded. But of course if push comes to shove in employment relations, the employer will ultimately get their own way because that's how the system works. But it's very important they do it in full consultation with the workforce. Often workers can suggest a much better way of doing things, a much easier way.

LAMB: I'm thinking about yesterday we heard on the news that Cadbury Schweppes were announcing 5,500 more job cuts, they're shutting 27 factories. If this was a year or two down the line and there was a Works Council in place there, would they be able to do anything about that?

VEALE: They would have to have been told a long time before the company started making public announcements and that's the important point, before it's too late to do anything about it, not after a public announcement has been made and it's too late.

LAMB: Do you think there is a danger that employers will use this confidentiality clause that Kate was talking about as an excuse basically not to tell their staff anything that really is important?

VEALE: I think they'll very wrongly use it as an excuse to do that. I think that what employers need to remember is that union reps and other workplace reps are specifically trained and trusted by the workforce to deal with confidential information not to disclose it to the employees, they're always very responsible about this, but use it to negotiate a better deal.

LAMB: Sarah Veale of the TUC, Kate BREARLEY of Stevenson Harwood, thank you both very much indeed for that. That's about it for this week. If you'd like to know more about anything you've heard on the programme call the Radio 4 Action Line, here's the number. It's 0800 044 044. You can hear all or indeed part of the programme again by visiting the Radio 4 website and looking up "Nice Work" on the alphabetical listen again menu. Here's the address, www.bbc.co.uk/radio4. Next week we'll be investigating why so many people are falling victim to asthma as a direct consequence of their work. We'll also be looking into the reasons behind the rapidly declining numbers of paper boys and girls whose numbers are shrinking so fast they're in danger of disappearing altogether. Join me again at the same time next week.