

UNISON LABOUR LINK NATIONALFORUM – JULY 3 & 4 2009
MANCHESTER

Decisions



Equalities Bill

Forum notes the detailed discussions that have taken place with key Government ministers since last year's Labour Conference, when UNISON Labour Link promoted this as a contemporary issue. We have welcomed further capitalisation to allow some local authorities to tackle equal pay issues, and Government's clear statements that these should not benefit no-win no-fee lawyers.

Forum also notes the long debate within Government before the Equality Bill finally emerged and is disappointed that some still see measures to boost equality as a threat to economic prosperity. There is a tendency in the complex legal climate surrounding equal pay to forget that this issue affects many low paid women.

Forum reiterates the principles which we believe a modern equalities settlement should be built upon:

- The right for unions to bring representative actions – legal cases for identified groups of workers rather than individuals;
- The right to cite hypothetical comparators – as allowed by EU law so women do not have to name an actual comparator;
- Mandatory pay audits for all
- Clarification of pay protection arrangements;
- Consideration of indirect discrimination in collective agreements;
- Tribunals to be able to make recommendations in equal pay cases;
- Procurement to be a lever for delivering equality;
- Public sector duties: Harmonisation across all strands; strong general and specific duties – not “light touch”; specific reference to equal pay and the role of trade unions spelt out in the duties.

Forum calls on the Government to ensure that these principles are included in future equalities legislation, to ensure that Labour's equality goals are implemented effectively.

Forum welcomes the now published bill. Although some measures do not go far enough – in particular the proposals on equal pay - we welcome the extension of the Equality Duty to cover age, pregnancy and maternity, religion and belief, and sexual orientation, and fully cover gender reassignment, and the new duty on socio economic equality. However, we believe that the general duty should cover all public bodies and the requirements of the specific duty should not be weakened. We therefore call on the Government to ensure these duties are robust and detailed in their application.

Forum further welcomes the expanded protections on disability equality but is disappointed that the definition of a disabled person has not been broadened to afford protection from discrimination to those who fall short of meeting the current criteria. Forum also welcomes the broadening of the definition of gender reassignment. We welcome the extension of protections from discrimination by association and perception. However, Forum calls on the Government to lift the proposed exception for harassment against transgender students in schools and extend harassment protections in goods and services to cover sexual orientation.

Forum also notes the continued difference in treatment of civil partners and married partners in relation to accrued survivor pension benefits and calls on the Government to ensure full equality for all LGBT people in benefit and pension rights.

Financial System

This Forum notes the unprecedented difficulties of the ongoing international financial situation & welcomes a number of the initiatives taken by the Government to ensure ongoing confidence in both the banking system and the viability of individual banks. However, the Forum notes with concern that a number of financial institutions are not passing on the benefits of these packages to businesses and other customers and that many senior executives are still leaving and / or retiring with massive financial packages and that many senior staff are still in receipt of huge and unacceptable bonus payments.

This Forum believes that further measures need to be taken to ensure that the benefits of public investment are not squandered in this way and that adequate finance is made available for public services, including capital projects and business to minimise the risk of further job losses and erosions in living standards as a result of the recession. Such measures may need to include full public ownership of further banks as necessary.

In view of the scale of the devastation which has been wreaked by the Banks and the Financial Institutions on the global economy, this forum calls upon the UK Government to urgently plan and present the case for the introduction and promotion of social ownership within the financial sector, with particular emphasis on a Post Office Bank.

Forum recognises that, because its main victims have been ordinary people, the financial crisis has shown up the value of mutual ownership of financial bodies such as credit unions and building societies like Britannia, as opposed to loan sharks and institutions which speculate wildly.

Forum calls on the National Labour Link to seek to persuade the Government to:

- a) publicise and promote the nature and use of mutually owned financial bodies;
- b) introduce a separation between financial institutions which deal with “everyday” functions such as low-key borrowing and savings, and those which handle more risky transactions and speculations;
- c) introduce a firmer duty on local authorities to promote and assist the establishment of credit unions, and
- d) legislate for loan agreements to be clearer and fairer, and strengthen legislation on advertising financial services.

Public Services the key to recovery

Forum notes that in 2009 it is expected that the numbers of people claiming Job Seekers Allowance could rise to 2 million, and the total number unemployed above 3 million. Job losses are not confined to manufacturing, retail and financial services – redundancies and recruitment freezes are also hitting our public services. Public service job losses will further deepen the recession by taking demand out of the economy. Research has shown that every pound spent on local public services generates an additional 64 pence of spending with local businesses, helping regeneration. Experts have warned that job cuts are a “false economy” for employers – every redundancy generates an extra £16,000 in average additional costs, as well as hitting the morale, motivation and productivity of remaining staff. Public service job losses also hit government finances – public service employees pay tax on their earnings, while redundancies add to the numbers needing unemployment benefits.

Forum believes that we need public service workers to help us get through this recession. Councils report a rise in demand for debt counselling, housing advice, employment guidance, community finance and business support. Public service workers are also needed to lay the foundations for recovery and a better future: a skilled and healthy workforce, strong and prosperous communities, working infrastructure and a clean environment.

Forum calls on the Government to review public service job losses that would further depress local economies and threaten communities. Councils, health trusts and other commissioners must ensure that private contractors are not cutting jobs and pay. We note that Government has maintained public spending levels and local Councils and other public bodies have a responsibility to ensure that those funds are fully utilised in investment in affordable housing, schools and health and social care services, criminal justice agencies such as the National Probation Service, as well as environmental projects such as flood protection measures, to meet real social need, create jobs and boost demand. This cannot be dependent upon private finance and private developers. Councils and other public bodies must be empowered and urged to invest directly.

Public Sector Pensions

Forum notes with pride the campaign across UNISON in recent years to protect and defend the Local Government Pension Scheme (LGPS). Forum further notes the vital work done by Labour Link both regionally and nationally to convince the government to drop the worst aspects of the proposed changes to the scheme.

Forum notes the Tory attacks on, and intentions towards, the Local Government Pension Scheme and Public Sector Pensions. The Shadow Local Government Secretary (Eric Pickles MP) has said that the LGPS is neither sustainable nor fair, Peter Viggers MP, Tory member of the Treasury Select Committee, has said that final salary schemes should go, and Tory Leader, David Cameron, has said that he wants to switch public sector pensions to defined contribution schemes and away from final salary schemes. These assertions fly in the face of the reality of those public funded schemes which are a model of good practice and should be recognised as a formula for future pension provisions.

This Forum notes the battles that this union and its members have fought to defend the LGPS and public sector pensions and resolves to continue to oppose these Tory proposals, and any other attacks, politically as well as industrially including by using our affiliated political links to their full potential.

Forum calls on the national committee:

- 1) To highlight the threat to the LGPS posed by the Tories (and the Liberal Democrats);
- 2) To make this a prominent part of Labour Link's work between now and the general election;
- 3) To publicise as widely as possible amongst the membership the differences between Labour and the other main parties on this issue and campaign for a vote for Labour to protect the LGPS;
- 4) To warn members in the NHS Pension scheme that their pension scheme will also be threatened by any future Tory government.

A Fair Pension for Private Contractor Staff

This Forum recognises the efforts undertaken by UNISON, in respect of the co-ordinated campaign to achieve full Agenda for Change Terms and Conditions for staff employed by private and voluntary sector contractors operating within the NHS, and the Union's commitment to campaigning for a comparable agreement for staff transferred from the NHS to voluntary sector providers whose numbers are likely to grow as a result of the "transforming community services" initiative.

Forum notes that UNISON's record on campaigning on pension rights for its members, notably the recent campaign to defend the pension rights of staff employed in Local Government, is second to none.

Forum notes further, however, that private and voluntary sector contractors operating within the NHS are under no legal obligation whatsoever to provide a pension scheme for their staff to which they themselves make an employer's contribution. After 25 years of privatisation in the NHS, Forum believes that this situation is completely unacceptable and is highly disadvantageous to our members on two key grounds, these being:

- That members employed by private and voluntary sector contractors have as much moral entitlement to a fair pension scheme as staff who are directly employed by the NHS, noting that the NHS Superannuation Scheme compares, at least, favourably with just about any other occupational pension scheme in operation in the UK.
- The fact that private and voluntary sector Contractors are not required to provide an occupational pension scheme to which they themselves contribute (TUPE transfers from in-house to private contractors excepted) means that they hold a considerable and unfair advantage over in-house teams when bidding to retain service contracts.

This Forum therefore supports the national campaign to win the right to a fair pension scheme for staff employed by private and voluntary sector Contractors, based on the benefits of the NHS Superannuation Scheme, using every available method of leverage to achieve these ends including working with MPs who are members of UNISON, the Labour Link structure and the General Political Fund as appropriate.

Two Tier Workforce

This Forum notes the reissuing of the Local Government Two Tier Code, which provides vital protection for workers on outsourced contracts.

UNISON believes that in-house service provision gives the best quality services, and the best treatment of the workforce. However we are seeing accelerating privatisation across many public services under the guide of “strategic commissioning” and workforce protection is vital so UNISON branches and public authorities must ensure that the Two-Tier Code is widely known by contract workers and branches and rigorously enforced.

However it is also a missed opportunity for the code to have been improved. The code should be mandatory because employers are increasingly finding ways to avoid it. It is not properly monitored, it is very difficult to enforce, and whilst the “Two Tier Code” covers local government workers in England and police authorities in England and Wales and sister codes cover other sectors, there is no protection for public sector workers in Northern Ireland.

In addition, the code provides no protection for workers where services are changed but no TUPE transfer occurs. This is the case in the way social care has been outsourced where, in one recent example, personal assistants are employed directly by service users. Nor is it designed to address modern contracting practices or new “shared services” arrangements.

This Forum calls on the Labour Government to fulfil its pledges to eradicate the Two Tier workforce, and modernise the Two Tier Code taking account of the recommendations UNISON made in its response to the government consultation. This will help ensure quality working conditions and quality public services.

Apprenticeships in the Public Sector

UNISON welcomes the Government's pledge in the forthcoming Children's, Skills and Learning Bill to guarantee an apprenticeship place for all suitability qualified young people by 2013. This follows the Government's announcement of an additional 35,000 apprenticeship places with an involvement of £140 million and their ambition for one in five young people to be in apprenticeships by the end of the decade.

UNISON considers that the public sector has a vital role in providing these places, building on good practice such as that at the North Yorkshire County Council.

Public authorities should consider clauses in any contracts or strategic partnerships that they enter into, that guarantee the contractors or partners will provide apprenticeship places. Furthermore, UNISON recommends that the current apprentice exemption from the National Minimum Wage Act be removed and all apprentices be entitled to the full maximum wage for the hours they work.

Forum urges the National Labour Link Committee to pursue these objectives with the Government and the Labour Party National Policy Forum.

General Election – The Conservative Threat

Forum notes that the General Election will take place within the next year, and that many commentators believe that for the first time in a generation, there is a realistic prospect of the Conservatives returning to power. This Forum believes that Labour can win the next election, but the party will need to demonstrate clearly to the voting public that Labour is on their side. In particular, Labour needs to regain the support of public service workers, many of whom have become disenchanted by the Government's continued drive to introduce competition and extend the role of the private sector.

Forum recognises the many positive Labour achievements since 1997, particularly in lifting investment in public services and boosting employment levels. Much of this would be put at risk if the Conservatives were to be returned. Tory leader David Cameron has dropped his former promise to maintain Labour's public spending levels to 2010/2011 – which will inevitably mean deep cuts in key public services.

Leading Conservatives and Liberal Democrats have also said that they will dismantle the arrangements for public sector pensions negotiated by unions like UNISON with the Labour Government.

Forum believes that this poses a major threat to many trade union members. We believe that every trade union member should be made aware of the threat to their job and their pension posed by any incoming Conservative or Conservative/Liberal Democrat coalition Government.

UNISON Labour Link should therefore work with the wider union to ensure that all UNISON members understand the dangers to their future well-being and the very clear difference that maintaining a Labour Government in office will make to their working lives, the quality of services they provide and their retirement plans.

Outsourcing of Council Services

This Forum calls on the National Committee to support UNISON's campaign against the outsourcing of all services by Essex County Council.

This is the first time that any local authority has considered the privatisation of all its services and if carried through would be the most serious attack on public services yet mounted anywhere.

Forum believes the Tory Party is using Essex as a pilot for any incoming Tory government.

Forum calls on the National Committee to publicise events in Essex to make these clear to UNISON members, and the general public, in the run up to the next general election.

Housing

This Forum recognises and welcomes the announcement by Prime Minister Gordon Brown that restrictions on council house building by local authorities are to be relaxed. Forum notes with concern the ongoing shortages of affordable housing and believes that Council Housing should be a central component of addressing this situation. The Forum believes that capital investment in Council Housing should also be an essential part of the government's plans to ensure that the economy does not slip further into recession. During the 1980's, 150,000 council houses were built yearly. In comparison during 2008 only 375 council houses were built. Forum believes that investment in decent quality Council Housing has a significant impact on health, education, community safety, social cohesion, and the environment and benefits the wider economy. This investment needs to be seen in the wider context in that it will reduce other public sector expenditure, for instance eliminating damp; and installing central heating will reduce expenditure related to ill-health; addressing overcrowding may reduce expenditure related to mental ill-health.

Housing conditions in many local authorities are in substandard conditions; Overcrowding, damp and inadequate heating being common problems. Private landlords can charge high rents for properties, which councils are forced to pay in order to shelter those on housing benefits. It is time that these issues were properly addressed. Investment in Council Housing will boost employment as well as meeting an urgent and growing need. It is also an opportunity to meet the challenges of providing affordable rented housing that conforms with modern quality, space standards, climate change, sustainability and energy efficiency.

At the deputy leader hustings all candidates said that they would make housing a top priority if they were elected. It is time to hold the elected Harriet Harman as well as Gordon Brown to this commitment. Forum therefore resolves to lobby the Government to greatly increase the amount going to the Housing Revenue Account for use by Housing Associations and Local authorities to provide new or convert existing properties for low-cost renting. Investment now for council built, council run housing from ALL councils as a statutory requirement of their duties. The Forum agrees to take this issue further with both the Government, Labour MPs and Councils; and through UNISON's Labour Link and the wider trade union and co-operative movements. This forum calls upon:

- UNISON's National Policy Forum representatives to take this policy position forward
- Lobbying of the UNISON group of MP's to adopt this policy
- Continued campaigning on Housing from UNISON Labour Link

The Recession and Disabled People

This Forum applauds the work undertaken during the last 12 months by Labour Link to highlight the plight of disabled workers during the recession. Disabled workers face greater hardship than non disabled people with fewer chances of securing alternative work. Any action this government takes to fight its way out of the recession must include substantial provision in the Equality Bill to eradicate disability discrimination.

Increased unemployment for disabled people brings greater social divide, exacerbates discrimination and can lead to long term hardship. Disabled people who are unemployed become even more reliant on support to ensure they remain active members of their communities. Public service jobs provide a life line for disabled people as they have historically been viewed as offering best employment practice. Public services are also absolutely essential to disabled people's lives by offering free debt advice, support with housing, council and other benefits, free information through libraries, accessible transport, social and community based services.

Factors that particularly impact on disabled people's lives during recession include:

- Unaffordable accessible transport and domestic fuel

- Limited access to shops and reduced consumer choice in special offers and value goods

- Cuts in social care provision

- Ongoing threats to the Department of DWP's 'Access to Work Scheme' and employer funding for workplace reasonable adjustments.

This Forum calls upon the Labour Link to continue its work to protect disabled people from further poverty caused by the recession and discrimination by including a disability perspective in all representations made to government.

Increasing LGBT Participation in Public Life

Forum notes that despite some achievements, the participation of LGBT people in public and political life remains low, as highlighted by Stonewall's report "Serves you Right" which identified no openly LGBT members of the UK or devolved Cabinets, no trans MP's or members of devolved assemblies and only one lesbian in the House of Commons.

Forum welcomes the establishment of the Speakers Conference which is to consider, and make recommendations for rectifying, the disparity between the representation of women, ethnic minorities and disabled people in the House of Commons and the UK population at large. It may also agree other associated matters.

Forum further welcomes UNISON's response which stated that participation of LGBT people should also have been part of the remit of the conference.

Forum understands that more work is needed to address the under representation of LGBT people in public life and calls on the National Labour Link Committee to:

1. Work with the National LGBT Committee to identify ways of increasing participation of UNISON's LGBT members within Labour Link and in local parties, including producing targeted publicity
2. Continue to feed into any relevant consultations and initiatives seeking to expand the diversity of elected representatives
3. Encourage support for initiatives such as LGBT Labour's 'Dorothy's List,' designed to give support to LGBT candidates and to women and trans candidates in particular
4. Encourage regional Labour Link committees to work with their regional LGBT Committee to organise Labour Link events targeted at LGBT members.

Young and Active

This Forum welcomes the decision of the Labour Party to adopt a policy of supporting the reduction of the voting age to 16.

This Forum rejects the view that young people are apathetic as regards politics, but recognises that their energies and interests are poorly represented in current methods of political participation. Election turnout amongst younger voters is increasingly worrying, damaging young people's political influence and aiding the likes of the BNP. Young people are also under-represented in local councils, devolved administrations, Westminster and Europe.

This Forum believes that involving young people more effectively can only be achieved by a sincere and well-resourced programme of consultation, activity, and provision of real access to political power.

This Forum also believes that this process can only begin by recognising that young people in the UK need an effective voice which can:

- (a) express their concerns and priorities;
- (b) influence the political agenda;
- (c) help shape the political process to be inclusive of young people.

This Forum further believes that such a voice cannot be achieved simply through reduction of the voting age, but needs a much more thorough consultation and engagement with young people about what they want.

This Forum calls upon the Labour Party to

- (i) include the reduction of the voting age to 16 in the Party's election manifesto;
- (ii) call on Government to support and resource a programme of open regional summits of young people, organisations of young people, local Councillors, M.P.s, and MEPs - ensuring the widest possible representation of young people including those experiencing discrimination on grounds other than age, and those 'outside of the system' - the purpose of such summits being to help identify how best young people can be encouraged to participate in the political process.

Discrimination against Women

This Forum commends the ongoing commitment of the Government to the United Nations' Convention on the Elimination of All Forms of Discrimination against Women, commonly referred to as CEDAW.

However, this Forum records its concern at the number of areas, as reported in the July 2008 CEDAW report on Great Britain in which discrimination still seriously impacts on girls and women in this country.

This Forum requests the National Labour Link Committee to take all opportunities to

- ensure that the recommendations of the latest CEDAW report are widely known across both UNISON branches and Constituency Labour Parties.
- Encourage those with the opportunity to tackle the CEDAW recommendations to do so without delay.

This Forum requests that a report be made in 2010 as to the success of the above actions.

Labour Government and the Black Community

Trade unions like UNISON have had an historic link with the Labour Party.

Despite this link a large percentage of Black workers continue to earn less than white colleagues for doing the same job, and other Black workers still find themselves in the lowest workforce pay brackets. This Government's policies, including the announcement by Chancellor Alistair Darling that public sector pay increases should be limited to 2% is offensive and lacks due regard to Black peoples' needs, especially when pay deals given to the elite and disproportionately white Members of Parliament since the Government came to power have not shown the same restraint the Chancellor calls for from the public sector.

At the same time this Government's policies have created conflict in Black communities with changes in stop and search policing; introduced stealth taxes to sustain illegal occupations in Iraq and Afghanistan; deprived the education system of funding, under-resourced strategies to tackle gun and knife crime; introduced anti-terror laws that impinge civil liberties, where Black people are detained without evidence or fair trial while bodies like the Metropolitan Police are left unaccountable for the death of Jean Charles de Menezes after mistaking him for a terror suspect.

Simultaneously, this Government's immigration laws have fuelled media stereotyping of immigrants and enabled the BNP to attack Black people and immigrants.

We commend UNISON on campaigning against the BNP and its continued work on defending Black communities, but Forum calls on Labour Link to work with the NBMC to:

1. Demand the Government race equality impact assesses its policies;
2. Actively tackle Black pay inequality;
3. Continue working with human rights group, Liberty, and similar organisations;
4. Support funding proposals, and communicate information about activities against stop and search and anti terror laws to regions for their active involvement;
5. Continue campaigning against the BNP.

NHS Patient Transport Services (PTS) – Use of Bus Lanes

This Forum notes the current situation whereby the establishment and use of bus lanes is covered by Traffic Regulation Orders (TRO's) which are administered by the local highway authority.

Whilst emergency ambulances are exempt from bus lane restrictions patient transport vehicles are not. Notwithstanding this, some local transport authorities have chosen to exempt non-emergency ambulances enabling a smoother/quicker journey for patients and improved performance in terms of patients arriving at hospital "on time" for appointments. This has a consequential knock on effect in terms of performance for other parts of the NHS.

Forum notes the work already underway within UNISON to extend the use of bus lanes for non emergency ambulance vehicles and seeks Labour Link support to campaign at all levels to regularise this situation and thereby secure improvements for both the users of the ambulance service and our ambulance members. Such campaigning work should actively involve lobbying at national/DoH level, briefing of our UNISON Labour Link MP's, the wider Parliamentary Labour Party and local Labour Politicians. The campaign could also usefully act as a catalyst for building Labour Link organisation in UNISON Ambulance branches.

Trident

Conference applauds the long standing policy of UNISON to oppose nuclear weapons, the Trident missile system in particular and more recently, proposals for renewal of Trident. UNISON's Labour Link is proud of its own leading contribution in developing this policy.

The arguments against Trident renewal are becoming stronger as we face increasing economic crisis; developing international interdependence; and even growing military opinion opposing the use of nuclear weapons.

In 2007, UNISON's National Delegate Conference motion against Trident replacement stated that "the impact on public service jobs... could be catastrophic as the £75 billion required to replace and service Trident is ... competing with health, education and social services for funding."

Conference believes that the deterioration of economic circumstances since then means Trident renewal would be an even greater waste of resources which should be used to sustain and protect vital public services and our economic future.

Conference notes the views of senior military figures including former head of the armed forces Field Marshal Lord Bramall, who has called Trident "irrelevant" and its supposed effectiveness as a deterrent a "fallacy".

We note with concern that the next stage of the Trident renewal process "Initial Gate" in September has been timed during a Parliamentary recess, which may mean no scrutiny or debate.

Conference calls on UNISON's Labour Link to campaign amongst members and supporters, including MPs, MSPs and MEPs to:

- secure full Parliamentary scrutiny and debate during the "Initial Gate" process;
- support campaigning activity against Trident renewal along with other unions, CND and Scottish CND, the Campaign Against the Arms Trade and bona-fide peace organisations;
- continue to "oppose the replacement of Trident and call for the decommissioning of the existing Trident weapons system".

We also believe that it is vital that a significant proportion of the savings from the cancellation of Trident should also be used as follows:-

1. Make sure our Armed Forces are properly equipped to face the challenges of the 21st century.

Decisions taken at UNISON Labour Link Forum 2009

2. To ensure that service men and women are well housed, as significant amounts of housing on military bases are badly maintained and in poor condition.
3. To create an infrastructure to support environmental and humanitarian disaster relief that can be deployed to give vital assistance in the event of floods, earthquakes and other environmental and humanitarian catastrophes that will inevitably occur in the coming years.
4. To enable service men and women to properly integrate back into civilian society, tackling issues such as homelessness, mental health problems, substance abuse and family breakdown amongst former service personnel.