

Black

Spring 2011

NEWSLETTER FOR UNISON BLACK MEMBERS



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Putting equality back on the European agenda

As UNISON campaigns for a strong Equality Act in the UK and its activists negotiate for equality in the workplace, the union continues to argue within Europe for the need to push the equality agenda in the wake of the global economic crisis.



Gloria Mills

The 4th EU Equality Summit on Equality and Diversity in Employment was held on 15-16 November 2010, in Brussels. It was co-hosted by the Belgian Presidency of the EU Council and the European Commission.

Austerity measures are undermining years of progress in advancing the equality agenda.

Gloria Mills, UNISON's national secretary for equalities attended as a key speaker and recommended a series of good models based on public sector equality duties, equality schemes and an equality clause in public procurement.

Speaking at the Conference, Gloria Mills argued that "in the context of the current economic and financial crisis, austerity measures are undermining years of progress in advancing the equality agenda. In Europe we are experiencing the worst ever cuts in public spending and it is mainly women and vulnerable groups that will be hit the most. It is crucial that equality is brought back centre stage to the crisis exit strategies"

As a result of debates at the Conference, Belgium, which holds the EU presidency committed the EU to drive the equality agenda forward at a time of social and economic crisis. Deputy Prime Minister of Belgium, Ms Joelle Milquet said that more concrete actions were needed to ensure that the EU retained equality and social inclusion as core values.

Welcoming the contributions made by trade unions and employers at the summit, Ms Milquet encouraged EU social partners to negotiate a framework of actions on equality and diversity, aimed at creating an inclusive workplace based on equal treatment. Ms Milquet made 10 recommendations with a comprehensive approach to equality and anti-discrimination.

"A more diverse workforce helps provide a better, more innovative public service."

The proposals included a key role for the public sector to lead by example and develop action plans to monitor and tackle discrimination, qualitative,

"Equality plans or indeed equality duties as in place in the UK and Finland are a good model for public employers to lead by example..."

legally binding recruitment targets and did not exclude the possibility for quotas as necessary tools.

Welcoming the recommendations, Gloria Mills said, "Equality plans or indeed equality duties as in place in the UK and Finland are a good model for public employers to lead by example, promote good practice, bring about cultural change and become a truly representative workplace of the broader society. A more diverse workforce helps provide a better, more innovative public service."

Gloria Mills also called for a stronger role for equality in public procurement, saying "The public sector must make better use of its purchasing power through its contracts to private companies. We need much stronger EU regulations on a equality clause in public contracts".

Equality Act 2010

The Equality Act comes into force

UNISON continues to push for a stronger act.

After years of discussion and parliamentary debate, the Equality Act, passed in April 2010 has finally come into force. It replaces the previous anti-discrimination and equality laws with one harmonised act. UNISON welcomed this new law, but remains concerned that not only did it not go far enough, but that key provisions will not be enacted into law by the new government. In November 2010 the government confirmed that it would not be enacting the socio-economic duty.

What you need to know

On 1 October 2010 most of the new Equality Act came into action, simplifying current laws, bringing them all together under one new law and strengthening certain sections. Several parts of the act are not due to come into effect until April 2011 including the integrated public sector equality duty and combined (dual) discrimination protection.

Discrimination in goods and services because of age is banned from 2012. UNISON believes that the new law was only achieved because we had a Labour government.

UNISON was involved in campaigning for some elements to be made stronger, particularly on equal pay.

However, the new act does represent a significant step forward for equality. It extends rights and protections on age and gender reassignment and introduces an extended duty on public bodies to promote equality for

all equality groups. UNISON is continuing to lobby the new coalition government so that the new Equality Act remains at the forefront of their agenda.

Because not all the changes in the law started at the same time, it will be best to get advice about whether the relevant part has come in to force yet if you think that the new provisions apply to your situation.

The act protects the same groups that were previously protected by legislation, and these protected characteristics are: age (s.5), disability (s.6 and Schedule 1), gender reassignment (s.7), marriage and civil partnership (s.8), pregnancy (s.17) and maternity (s.18), race (s.9), religion and belief (s.10), sex (s.11) and sexual orientation (s.12).

As before, a person can be discriminated against directly, indirectly, by being victimised or harassed.

What is not in force yet?

Dual discrimination provisions (s.14) – this is where a person is discriminated against because of a combination of two protected characteristics eg because they are a Black woman.

Public Sector Equality Duty: This is due to be in force in April 2011 following a consultation, which closed on 10 November 2010. Until that time there are three statutory public sector equality duties that are currently in force and must be complied with: the race equality duty, the disability duty and the gender equality duty.

Positive action in recruitment and promotion (s.159): This allows for positive action where two people are equally qualified but one person has a protected characteristic. The employer must show that this is a proportionate means of achieving a legitimate aim.

If you need advice about any aspect of discrimination, please contact your local UNISON workplace rep.

For further information see:

www.equalities.gov.uk/equality_act_2010.aspx or
www.acas.org.uk/index.aspx?articleid=3017

UNISON's guide to the current Public Sector Equality Duties:

www.unison.org.uk/file/16965_Equality_Guidance.pdf

The Equality and Human Rights Commission's (EHRC) guide on Equality Impact Assessments:

www.equalityhumanrights.com/uploaded_files/eiaguidance.pdf

A Million Voices for public services

A campaign that matters to Black communities

UNISON has more than a million members delivering essential services to the public.



March for public services

26 March

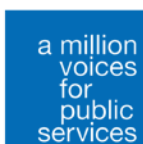
Join thousands of people on the TUC march in London to tell the government that savage spending cuts are unnecessary and unfair.

UNISON believes that there is an alternative:

- fair taxation
- investment in local communities, health and education
- a more equal and just society.

Join us

Go to action.unison.org.uk/march to get more info and sign up for updates.



Services that protect, enrich and change lives. These services matter to some of the most vulnerable people in society.

- Black workers and their communities will be disproportionately affected by budget cutbacks.
- Black unemployment, already high before the recession, has increased sharply to 14.7% and may rise yet further with public sector spending cuts.
- Black workers make up 8% of the public sector workforce.
- Over half of young Black people are unemployed.
- Services and community projects supporting Black people are already under threat and many are likely to disappear, at a time when they will be needed more than ever.

UNISON is speaking up for public services and for the 600,000 public service jobs now under threat.





We need as many people as possible to add their voice to our campaign and to organise in their workplace and in their community

- talk to your friends, family, co-workers and neighbours
- talk to your colleagues about joining UNISON and becoming active
- raise these issues with your employer, local media, and political candidates
- take the campaign to workplace or community meetings – or organise your own – we can help with materials and speakers
- contact your UNISON regional office for information on regional campaign activities
- visit our website for more information, more campaign ideas and to tell us what you've been doing

To find out more or add your voice to our Million Voices for Public Services campaign, go to unison.org.uk/million



Haiti one year on

A year ago Haiti was struck by a massive earthquake. Trade unionists from around the world, including UNISON's NEC, many regions and branches as well as individual members, responded to the call for financial assistance, making donations to the appeal set up by the International Trade Union Confederation (ITUC).

However, Haiti faces enormous challenges. The cholera epidemic, a tragic consequence of the series of disasters to have struck the country, had killed over 1,000 people in seven regions by the end of 2010. The trade unions have responded by launching an awareness campaign to stem the epidemic.

For several months, 10 Haitian trade union organisations from all provinces have been working together to help put their country back on its feet. They are determined to remain active, and have set up rapid response teams, the "workers against cholera brigades".

After training with the co-operation of the health ministry, 50 trade unionists from different sectors of activity will spread out across the country and with the help of their affiliates in the different regions will supply treatment kits and teach workers about the disease. The brigades will be in constant contact with the emergency unit set up by the Haitian trade unions to track the progress of the disease and to make recommendations to the government's co-ordinating committee. The ITUC has opened an office in Haiti so that it can be there side by side every day with the country's trade unions. "Everything possible must be done to rebuild the country, fight the epidemic and create decent jobs," urged the ITUC's general secretary, Sharan Burrow.

"We have seen nothing so far in terms of public policy on employment, education, health, or housing. It is appalling that only a fraction of the aid promised by the international community has been made available.

Despite the active presence of a representative of the trade union movement on the Interim Haiti Reconstruction Commission, employment issues are still low on the priorities for action. The ITUC urgently appeals to the United Nations, particularly the ILO, to implement the Decent Work Agenda, one of the pillars of development, as quickly as possible, through ambitious programmes designed in consultation with the social partners."

The general secretary of the Trade Union Confederation of the Americas (TUCA), Victor Baez, also recently announced that in January 2011, one year after the earthquake, the ITUC and TUCA will organise another international trade union conference on Haiti, to be held in Port-au-Prince. "It will be an opportunity to evaluate the April 2010 trade union road map. But above all it will give a stronger voice to the numerous appeals by the Haitian trade unions for the right to develop, live and work in dignity," he explained.

Honouring Mary Seacole

Mary Seacole's remarkable life and achievements led her to being voted the Greatest Black Briton in 2004, but she has mostly languished in historical obscurity since her death in May 1881 at the age of 76. Recognition of her life, work and legacy is now planned in the shape of a permanent memorial in the grounds of St Thomas' Hospital.

Born in Jamaica to a free Black woman and a Scottish soldier in 1805, Mary Seacole learned her skills in Jamaican traditional medicines from her mother who kept a boarding house for disabled European soldiers and sailors. Hearing of the poor medical provisions for wounded soldiers during the Crimean war, Mary Seacole travelled to London in 1854 and offered her skills and experiences to the war office and relevant authorities. She found herself turned down by everyone. Later, when the

A party of 38 nurses was picked by Florence Nightingale, which did not include Mary Seacole.

British government decided to permit women to travel to the Crimea, a party of 38 nurses was picked by Florence Nightingale, which did not include Mary Seacole.

Feeling the pain of rejection and racism keenly, Mary Seacole wrote whether it was possible "that American prejudices against colour had some roote here? Did these ladies shrink from accepting my aid because my blood flowed beneath a somewhat duskier skin than theirs?"

Undeterred, Mary Seacole borrowed the necessary money and made the 4,000 mile journey by herself.



She was 50 years old at the time. In the Crimea, she established the British Hotel near Balaclava to provide comfortable quarters for sick and convalescent officers. She distinguished herself treating battlefield wounded and nursing injured soldiers from all sides while under fire herself.

Sir John Hall, the inspector general of hospitals wrote that Mary Seacole "not only from the knowledge she had acquired in the West Indies, was enabled to administer appropriate

"Did these ladies shrink from accepting my aid because my blood flowed beneath a somewhat duskier skin than theirs?"

When Mary Seacole was forced to file for bankruptcy, she came to the court wearing four medals awarded to her for kindness to the soldiery.

remedies for their ailments, but what was of as much importance, she charitably furnished them with proper nourishment, which they had no means of obtaining except in hospital, and most of that class had an objection to go to hospital".

When the war ended in 1856, she found herself stranded and almost destitute, despite the words of Sir William Howard Russell, war correspondent for the Times, who said, "I trust that England will not forget one who nursed the sick, who sought out her wounded and aid and succour them, and who performed the last offices for some of her illustrious dead".

When Mary Seacole was forced to file for bankruptcy, she came to the court wearing four medals awarded to her for kindness to the soldiery. A benefit concert was organised for her by well wishers, soldiers and friends from the Crimean war. These included Lord Rokeby and

A stone disc symbolises the 'stonewalling which is at the heart of the racial intolerance experienced by Mary Seacole'.

Lord George Paget, who were both commanders in the Crimea.

The Mary Seacole memorial statue appeal ran a competition in 2008 to pick a design. The winning submission depicts Mary striding forward defiantly. The artist, Martin Jennings depicted her statue backed by a stone disc, which he explains, symbolises the 'stonewalling which is at the heart of the racial intolerance experienced by Mary Seacole'. The design shows that, confronting a stone wall, 'Mary turns her back and marches defiantly towards her destiny'.

The statue still needs funds to make it a reality. Branch funds should be prioritised for union organisation, recruitment or campaigning on UNISON's objectives and priorities.

However, UNISON activists are calling for collections to be organised to contribute to the appeal, particularly by health service and self-organised groups. Details on how to make donations can be found at: maryseacoleappeal.org.uk/appeal.htm

Malaria

Malaria is a disease of the blood transmitted by a bite from an infected mosquito carrying the malaria parasites in its saliva and it is most common in Africa, Asia and South and Central America.

Most deaths from malaria occur in Africa, with pregnant women and children most at risk. The disease is a major cause of death and anaemia for pregnant women as well as causing low birth weight in their babies. Close to one million people in Africa die of malaria every year of which a large majority are children under five years old.

The WHO (World Health Organization) estimates that half of the world's population is at risk from malaria. In 2008, an estimated 243 million cases of the disease led to an estimated 863,000 deaths. The disease afflicts approximately 2,000 UK travellers each year.

Symptoms of malaria include fever, headache, vomiting and other flu-like symptoms and appear about 9 to 14 days after the infectious mosquito bite. Malaria infection can lead to coma, severe life threatening anaemia and death if drugs are not available for treatment or if the parasites are resistant to them.

The disease also has a huge impact on the economy and costs African countries about £8 billion each year. This cost inhibits the human and economic capital necessary to bring the disease under control.

Moreover, malaria disproportionately affects the rural poor who can neither afford a bed net for prevention, nor access appropriate treatment when they fall sick.

Although so many lives are devastated by malaria, it is a treatable and preventable disease. Simply using a mosquito net protects people from mosquito bites while they are sleeping at night. Nets treated with insecticides are better as they offer protection to other people sleeping in the same room as the treated net even if they are not sleeping under it. Treating environments where mosquitoes breed with insecticides would also help to prevent the disease.

Organisations such as Malaria No More UK and Against Malaria are actively campaigning and fundraising to help put an end to malaria. For more information on how to get involved or support the charity's work, visit: malarianomore.org/ and againstmalaria.com



Poverty in old age

Pensioner poverty is a ticking time bomb for Black communities

Black people are three times as likely as white people to experience poverty in retirement according to new research.



A report published by the Runnymede Trust in October 2010 pointed to the way that the labour market discrimination experienced by Black workers followed them into retirement. Together with levels of pensions and savings, migration status and lack of access to the state second pension, it is clear that retirement and old age poverty is a race equality issue. Only 39% of Black people are saving into a private pension compared to 53% of white people and just 65% of Black people will receive the state second pension compared to 75% of the whole population.

Pensioner poverty

The population of the UK is ageing and the proportion of pensioners to the numbers of people in work is

set to increase rapidly over the next 40 years, which means that pensioner poverty will become an even more significant issue in the years ahead. Pensioner poverty has not been as high on the agenda for race equality as other issues such as low pay and employment discrimination because Black communities have tended to be younger. The 2001 Census showed that 17% of white British people were 65 and older compared to 7% of Indians, 4% of Pakistanis and 3% of Bangladeshis. Over the next few decades, these communities will contain larger proportions of older people, who will carry over into retirement the disadvantage and discrimination they have already experienced during their working lives. At the moment, there are two million pensioners living in poverty. In the future, it is not only likely that this number will increase, but that it will also contain a greater proportion of Black people.

Black people are more likely than white people to have no savings at

all, with 63% of Black African and Black Caribbean people and 60% of Black Asian people having no savings compared to 33% on average for the whole population. The coalition government has recently announced that they are scrapping two key policy initiatives by the previous government to increase the levels of savings and asset holdings – the Child Trust Fund and the Saving Gateway.

Labour market discrimination

Black people's poverty in retirement is directly related to the discrimination they experience throughout their working lives in the labour market. Low levels of pay and lack of access to the labour market are high-risk factors for old age poverty. Those not in employment and low-paid workers are less likely to have the disposable income to put towards private pensions. People who experience lengthy spells of unemployment





do not have access to employer pension schemes, including employer contributions.

It is well known that women are at greater risk of low income in retirement, due to the effect of caring responsibilities on their employment patterns. This has big implications for women from all Black communities, who are less likely to be employed and more likely to be 'inactive' than white women. Black African and Black Caribbean women's level of inactivity is 19% compared to 16% for the UK population as a whole, while Pakistani and Bangladeshi women experience significantly high levels – 25% and 23% respectively.

Black people are also far more likely than the rest of the population to experience ill-health, which in turn affects their ability to work and save. They might also need extra provisions for additional health-related costs in old age. A recent study by pension analysts Club Vita also shows that those who have more income in

retirement live longer, with those retiring on a salary of £35,000 a year typically living four years longer than those earning below £15,000 a year.

Self-employment

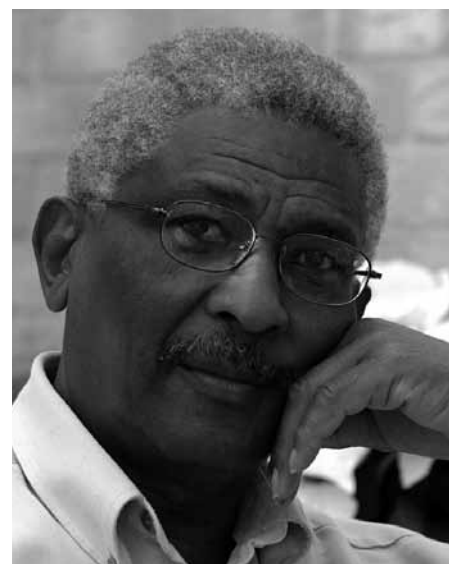
Some Black workers are likely to react to Labour market discrimination by turning to self-employment. Pakistani and Bangladeshi people have the highest rates of self-employment, with 26% and 16% respectively, though Indian, Black Caribbean and Black African people are less likely to be self-employed than white people. Self-employed people are at risk of low income and do not receive the benefits of a workplace pension scheme. While many self-employed people see their business as a pension asset, this can be a very risky strategy since self-employed Black people are over represented in industries with high rates of business failure. Evidence from the Runnymede Trust's research

shows that Black entrepreneurs tend to earn much less than their white counterparts.

UNISON's response

The stark findings of the Runnymede report demonstrates the importance of the work of UNISON activists to challenge the discrimination in the workplace and the labour market experienced by Black people. It also highlights the importance of UNISON's work to defend good pension schemes and to promote affordable, decent pensions for all members, as well as campaigning and lobbying the government on pension policies. All the latest news, briefings and resources relating to UNISON's work on protecting our pensions can be found at unison.org.uk/pensions

The Runnymede trust's report, 'Ready for Retirement? Pensions and Bangladeshi Self-employment' can be accessed at: www.runnymedetrust.org/publications/154/32.html





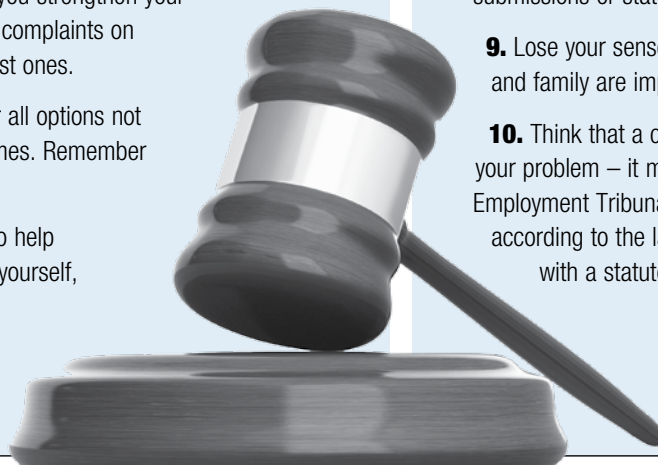
Discrimination cases – dos and don'ts

Do

- 1.** Approach your rep when a problem arises, particularly if you think there may have been discrimination – don't delay there are always very strict time limits for bringing internal complaints to your employer. Employment Tribunal time limits are stricter and you must bring a complaint within three months less one day of the act complained of.
- 2.** Organise your paperwork and your thoughts before you approach your rep. Remember s/he will need to know what (you are unhappy about), when (it happened), who (was involved in the decision).
- 3.** Be realistic – your rep may be able to get you a move or sort out your grading they can't change your manager's personality or a non-work related problem.
- 4.** Think about what outcome you want to achieve and be prepared to tell your rep. Experienced reps will often ask you what you want to achieve.
- 5.** Keep all relevant paperwork in good order (date order is even better). Keep it relevant! Less is often more.
- 6.** Tell your rep about issues that don't show you in a good light as well as those that do. It is much easier for reps to represent you if they know negatives as well as positives, they will not be taken by surprise and can put a positive spin on things. If you have a disciplinary record, or have lost your temper it will come up during the course of any grievance/ Employment Tribunal hearing.
- 7.** Help your rep fight your case. Talk to friends and colleagues and try and identify comparators (people who are not of your race or ethnic origins who have been treated differently than you in similar circumstances who are employed by your employer).
- 8.** Listen to the advice your rep gives you and consider it carefully. Sometimes you strengthen your case by narrowing your complaints on concentrating on the best ones.
- 9.** Be prepared to consider all options not just your desired outcomes. Remember solutions must work.
- 10.** Use your experiences to help others – become a rep yourself, get trained!

Don't

- 1.** Bottle up problems. Although in certain circumstances it is possible to persuade an Employment Tribunal to extend time limits, a Claimant's failure to raise problems at the time they arise is nearly always used by a Respondent to discredit the Claimant.
- 2.** Expect your rep (or solicitor) to agree with everything you say. A good rep needs to challenge you to test your evidence and credibility in order to represent you better.
- 3.** Expect your rep to be your best friend, confessor or counsellor. They are not trained for these roles. Find a friend or family member who can give you much needed emotional support.
- 4.** Deluge your rep with (irrelevant) information. Information overload can mean that your best points get lost.
- 5.** Have unrealistic expectations. Remember headline-grabbing cases grab headlines because they are so different from run of the mill cases. Large compensation payments are made when people have large losses particularly when they have lost a well-paid job.
- 6.** Forget to tell your rep something important: that you are moving, have changed your mind, have applied for/got a new job.
- 7.** Forget that yours is not the only case a rep is dealing with at any one time. If your rep seems to have forgotten something crucial about your case it may be because they have just been dealing with something equally important for another union member and that is preoccupying them. Make appointments or set times for meetings to prepare your case rather than talk daily.
- 8.** Feel that your rep has to do everything. You can help by writing things down or preparing drafts of grievances/submissions or statements.
- 9.** Lose your sense of perspective. Health, happiness and family are important too. Keep healthy.
- 10.** Think that a court or Employment Tribunal will solve your problem – it may make it worse. Remember an Employment Tribunal can only give you a resolution according to the law and compensation in accordance with a statutory formula.



Race discrimination claims protocol

A new protocol for how UNISON handles race cases was established in May 2010. This has been sent to regional secretaries and has been promoted to branches. Regional staff have also been briefed on the protocol. The protocol will be reviewed after 12 months.

1 Where a member or their representation believes that they have been the subject of race discrimination in their workplace, the Branch must ask the member to complete a CASE form as soon as possible to ensure that any Employment deadline is not missed.

2 All CASE forms setting out allegations of race discrimination must be forwarded by Branches to the region promptly and without delay.

3 The region must refer all race cases to Thompsons, using the CASE protocol, for a preliminary legal assessment to be made. A record of the request must be retained on CASE. Where Thompsons gives a negative assessment, the region, in conjunction with the branch, will **(a)** obtain further information and evidence from the member; **(b)** seek a further full assessment from Thompsons and **(c)** arrange a meeting with Thompsons in person or by telephone to assist Thompsons in making their assessment. The member may choose to be accompanied by someone from the branch.

4 At all stages of the process, regional staff should seek to identify potential organising and/or collective bargaining opportunities which would further our campaign against racism in the workplace.

5 In order to ensure that members complaining of race discrimination in the workplace are provided with the best representation and support and in order to advance our campaign against racism in the workplace, regions are reminded of the following –

- (a)** Regions should feed back summary information on cases to regional Black members committees.
- (b)** Regions should ensure that Thompsons are invited on an annual basis to discuss work being done on race discrimination cases with regional Black members committees. These meetings will include a full statistical breakdown comprising of the number of race cases accepted/rejected during the year, etc.
- (c)** All regional and area organisers should have attended a mandatory race awareness training course. If any regional or area organisers have not attended a course, they must do so at the earliest opportunity
- (d)** Regions should monitor particular problematic employers and report back to branches so that work can be delivered on exerting industrial pressure upon employers to deal with racism in the workplace.
- (e)** If at any stage during the process the regional organiser, having taken advice from Thompsons, decides not to proceed, and the member or branch are unhappy a request can be made to the regional secretary to review the case. The regional secretary will consult the head of legal services to consider the following –
 - (i) Test 1 – merits of the case
 - (ii) Test 2 – strategic importance =

- (f)** If the regional secretary decides not to pursue the case because the case has neither reasonable prospects of success nor strategic importance, a case conference will be convened, involving the relevant representative(s) of Black members, regional management team members including regional Secretary, a representative from Thompsons, legal services, the member and branch.
- (g)** If the decision is not to pursue the tribunal case, the branch, in partnership with the regional organiser, should continue to provide support to the member in the workplace in line with the union's representation guide.
- (h)** Following the case conference, if the decision is taken to request pursuing an Employment Tribunal case the regional secretary will seek authority via head of legal services from the chair of services to members to proceed. It is the requirement of rule K of UNISON's rules that the decision to run an Employment tribunal case is a matter at the absolute discretion of the NEC.

6 If UNISON decides not to pursue a case but the member wishes to go ahead and engages their own legal representative and succeeds at an Employment Tribunal, the union will exercise discretion, in consultation with the chair of services to members, in deciding whether to reimburse the costs incurred by the member. This discretion will only be applied in circumstances where it is proven this protocol has not been adhered to (in part or in full).

Black members' regional contacts

Eastern region

Paul Farley

P.Farley@unison.co.uk
Telephone: 01245 608 934
National committee reps:
Abdul Malik, Paulette Rennie

East Midlands region

Sarah Roelofs

S.Roelofs@unison.co.uk
Telephone: 0115 847 5457
National committee reps:
Gillian Byron, Anjona Roy, Ash Dhobi

Greater London region

Colin Inniss

I.Inniss@unison.co.uk
Telephone: 08453550845
National committee reps:
Clive Anthony, Georgette Johnson,
Margaret Greer

Northern region

Helen Finkill

H.Finkill@unison.co.uk
Telephone: 0191 245 0862
National committee reps:
Sushil Munakhya, Bertha Kanyangu

Northern Ireland region

Pamela Dooley

P.Dooley@unison.co.uk
Telephone: 02890 770813
National committee reps: vacant

North West region

Sarah Whitaker

S.Whitaker@unison.co.uk
Telephone: 0161 661 6748
National committee reps:
Angie Marriott, Bharti Ramji,
Benson Osawe

Scotland region

Eileen Dinning

E.Dinning@unison.co.uk
Telephone: 0141 332 0006
National committee reps:
Patricia Agu/Martha Magaisa
(job-share), Hamid Rasheed/
Goulnaz Fatima Ali (job-share)

South East region

Mumta Erkadoo

M.Erkadoo@unison.co.uk
Telephone: 0870 770 1112
National committee reps:
Pauline Braham/Judy Richards
(job-share), Armintha Walcott/
Jed Murray (job-share)

South West region

Mark Phelan

M.Phelan@unison.co.uk
Telephone: 0117 968 9464
National committee reps:
Roshni Singh, Kim Long

Wales/Cymru region

Lynne Hackett

L.Hackett@unison.co.uk
Telephone: 02920 729 414
National committee reps:
Kebbah Manneh, Pam Singh

West Midlands region

Pearline Parker-Loney

P.Parker-Loney@unison.co.uk
Telephone: 0121 685 3192
National committee reps:
Pat May, Doreen Brown, Jenny Forbes

Yorkshire & Humberside region

Sultan Mahmood

S.Mahmood@unison.co.uk
Telephone: 011 3218 2339
National committee reps: John
Campbell, Pam Sian, Betsy Saidani

National disabled members' committee

Ingrid Browne – Wallace, Peter Daley

National lesbian, gay, bisexual and transgender committee

Bev Miller, Asha Wolfe-Robinson

National women's committee

Elizabeth Cameron, Monica Powell

Black NEC members

Abiola Kusoro, April Ashley,
Mark Clifford

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0800 0 967 968

Lines open from 6am to midnight,
Monday-Friday and
9am to 4pm Saturday

You can visit our website at
www.unison.org.uk

The campaigning and organising newsletter for Black members in UNISON

Black Action supports Black self-organisation in a number of ways:

- keeping Black members in touch
- providing news and information
- exchanging views and ideas.

For **Black Action** to be a successful tool in Black self-organisation, we need to make sure we are reaching our intended readers. This means keeping an up-to-date distribution list.

We need your help to do this. If you are a UNISON member and want to add your name to the national mailing list to receive email copies of **Black Action** and other information, please complete the online form on our website: www.unison.org.uk/blackmembers/maillinglist.asp or email: blackmembers@unison.co.uk

If you need hard copies or multiple copies, please contact your Regional Black Members' contact above.