

UNISON National Delegate Conference

Composites booklet

To be read in conjunction with Conference Documents

14 – 17 June 2022

Brighton Centre

Composite A

(Motions 16 and 17 plus 16.1)

Supporting Low Paid Women to be Active in Our Union – Lift as You Rise

Our Women members are our greatest asset.

Conference welcomes the election of Christina McAnea as the first woman General Secretary of a major trade union. Representing more than a million women working across the range of public services, UNISON with its commitment to lay democracy and proportionality and fair representation enshrined within our rule book are in a unique position to ensure that women's voices and experiences are heard at all levels of government as representatives, negotiators, and leaders.

The pandemic has clearly demonstrated the roles that women have had in the workplace. Whilst some were able to work from home, the jobs of others meant that these women had to go into workplaces, into schools, into people's homes and were reliant on UNISON to ensure that they were safe, protected and appropriately rewarded. It became very clear that the experiences of women workers in Scotland, Wales and Northern Ireland were very different to those of England as restrictions differed in the four countries.

Conference recognises that employers continue to under value the work of our low paid women members. No service can exist without the cleaners, caterers, clerical and care workers that are predominately women.

Additionally, the experiences of Black women, disabled women, LBGT+ women, young women and older women became more distinct as the impact of the pandemic illustrated the risks and dangers that women experience.

Conference believes that it remains vitally important that UNISON continues to reflect the diversity of its membership both within our internal structures and externally with our relationships with the TUC, Scottish TUC, Welsh TUC (WTUC) and Irish Congress of Trade Unions (ICTU), the Labour Party and our international trade union partners.

UNISON's structures try to ensure that low paid women are represented at all levels of the union. However we recognise that organising in the sectors that are predominately low paid and female is challenging, that there remain barriers to low paid women's involvement and that more work is needed to involve more low paid women in the union.

Many of our lowest paid women members are working for employers in contracted public services and are the hardest to reach and secure facility time for. Conference welcomes any proposals brought forward that can improve participation for this group of members."

Conference is deeply saddened by the actions of the National Executive Council to fundamentally change the lay representatives on the TUC General Council so there are no longer any Black women on the UNISON delegation or the voices of anyone who does not live or work in England.

Conference welcomes the development of the Membership Engagement Project and the exploratory work that has been done with women who meet the earnings limit for UNISON's reserved seats. These women are the backbone of our union and experience many barriers to get involved in our union. Some of these barriers are practical but others are very much cultural and there is a piece of work to be done to ensure that women are supported and empowered to challenge and change our union.

Conference believes that the views of and active involvement of low paid women in developing our bargaining and campaigning priorities is essential to ensure they are relevant and that they inspire these members to get active and to increase recruitment.

Conference therefore calls on the National Executive Council to work with the National Women's Committee, Regions, Private Contractors Forum, Service Groups and the other self-organised groups to:

- 1) Conduct a review of low paid women's involvement in the union;
- 2) Convene a seminar of all low paid women elected onto the National Executive Council and Service Group Executives to consider proposals for improving the involvement of low paid women and to review current bargaining priorities to ensure they are appropriate to this group of members;
- 3) Work towards developing a programme which will support and mentor women activists into leadership roles in branches and regions;
- 4) Work towards recognising that the different experiences of women in all 4 countries of the UK need to be reflected in all work plans at a UK level. However, sometimes there is the need for a specific piece of work which is only applicable in one country in which case it should be clearly highlighted which of the countries this applies to;
- 5) Develop a strategy for increased recruitment, organising and campaigning around issues relevant to low paid women (and) target work to increase the participation of women who meet the earnings criteria for the reserved seats in UNISON elections;
- 6) Consider setting up a commission to look at the barriers to low paid women's involvement with our union and to find ways to address these.

*16 Lanarkshire Health
16.1 Private Contractors' National Forum
17 Aberdeenshire*

Composite B

(Motions 36 and 37 plus 37.1, 37.2, 37.3)

Public Sector Pay, Finance, Taxation and the Cost of Living Crisis

Conference notes that we are in a worsening cost of living crisis with inflation at the highest rate for 30 years and a record increase in household energy bills. according to Office of National Statistics data, inflation using the government's preferred measure of the Consumer Prices Index (CPI) rose by 5.4 percent in the 12 months to December 2021. This is the highest rate since 1997. The more representative Retail Price Index registered an increase in inflation of 7.1 percent. It is anticipated that inflation could rise above 7 percent by Spring 2022.

Conference further notes that high rates of inflation are eroding the spending power of our member's pay. The rising inflation rate comes alongside a huge increase in energy costs with OFGEM announcing that the price cap determining the maximum energy companies can charge will rise by 54 percent in April. At the same time workers will be hit by a hike in NI contributions. This means that most households will be worse off in 2022 as the cost of living continues to rise.

Even these figures do not give a complete picture of the disproportionate impact of inflation on the low paid who have to spend a greater proportion of their income on essentials such as food and energy bills which are rising at rates faster even than indexed inflation. Meanwhile the Office of National Statistics figures estimates that inequality is so pronounced in the UK that the wealthiest 10 percent hold around half of all wealth.

Conference does not believe that the workforce in public services who have kept the country going during the pandemic should be facing a post pandemic cut in their living standards.

Conference notes the economic dislocation and difficulties caused by the pandemic.

Conference believes public sector wages represent an effective form of economic stimulus. Providing growth that has a tangible effect in local communities. The below inflation wage rises and pay freezes which have been the norm over the last decade have contributed to slow growth, worsening inequality and a recruitment and retention crisis in key sectors of public services.

Real pay has been declining for decades and we need to engage our members in giving them the confidence to campaign for above inflation pay increases. Whatever the finer detail of our pay claims, if we are to be effective in making our demands, we need to place ordinary UNISON members at the centre of our campaign.

Conference notes that pay failing to keep up with the cost of living effects pensions in later life and that today's pensioners are facing rising bills too with fixed incomes. Furthermore, the government has suspended the triple lock on the state pension.

Conference believes taxation policy must limit opportunities for evasion, avoidance and non-payment and prioritise effective action, including appropriately severe penalties, where wrongdoing is identified. To do this administration of the tax system

at all levels and including action to identify and penalise evasion, avoidance and wrong-doing, must be adequately resourced.

Conference calls on government at all levels, local, Scottish and UK to take seriously their responsibility to fund services and deliver a fair wage for those who provide them.

From the very start of this year's pay campaign, we need to inform members of the issues and enable activists to run a lively and effective campaign. We need to ensure that activists engage with members on pay and they accurately report back to Regional and National meetings on the strength of feeling of their membership.

Conference we need to acknowledge that more needs to be done to engage members in pay consultations to ensure that pressure can be brought on the employers to offer real pay increases and not below inflation ones. Activists need to "empower our own members," to get them to believe taking action will result in an improved pay offer.

Conference, we also need to acknowledge that when we are pursuing national pay claims, we are doing so in a hostile environment. There is little sense in submitting claims and waiting patiently for positive, or even reasonable responses.

We are in year two of what is effectively a government-imposed policy to further cut living standards for public sector workers. As the largest Public Sector Union UNISON needs to give confidence to our members that we will seek to use our full strength across all service groups sectors and nations to defend our members living standards, in co-ordination with other relevant unions wherever possible. Whilst it is for service groups, sectors, and other appropriate bodies to determine the conduct of particular pay campaigns within their remit, we believe that as a union we need to strive for maximum unity in campaigning and action that is co-ordinated wherever possible.

Conference instructs the National Executive Council to:

- 1) Coordinate support across the union in support of fair pay rises which will defend members standard of living;
- 2) Provide maximum support to our members submitting pay claims and embarking upon industrial action including, where appropriate co-ordination of campaign activity with sister unions across public services and the TUC, WTUC, STUC, and ICTU;
- 3) Produce briefings of the key facts and issues of the campaign and to provide this to branches along with info graphics and visual materials that can be used on social media and newsletters;
- 4) Issue case studies/examples that can be used to demonstrate and humanise campaign material;

- 5) Work with regions to support the running of regional activist workshops as part of the pay campaign to help spread good practice and to further inform future publicity and campaign events;
- 6) Assist in securing decent pay awards by lending the weight of our entire union to proactive campaigns on pay that start from an expectation of employer and government hostility and seek to organise and mobilise members across service groups to capitalise on pressure points such as local elections or high-profile events;
- 7) Work with the National Retired Members' Committee to build an alliance across the generations on cost of living issues.

*36 Scotland Region
37 Cymru/Wales Region
37.1 National Retired Members' Committee
37.2 Salford City
37.3 Tower Hamlets*

Composite C

(Motions 42 and 43 plus 43.1)

Sexual Harassment

Conference welcomes the announcement by the UK government in July 2021 that it will introduce a new duty on employers to protect all their staff from sexual harassment at work and protections for workers harassed by clients or customers as well as colleagues. This announcement came as part of the government's published response to the 2019 consultation on sexual harassment in the workplace, and commits the government to:

- 1) Introducing a mandatory duty on employers to protect their staff from sexual harassment at work;
- 2) Introducing explicit protections for employees from harassment by third parties, for example customers or clients;
- 3) Considering extending employment tribunal time limits from three to six months.
- 4) Tasking the Equality and Human Rights Commission with developing a statutory code of practice on sexual harassment and harassment at work, setting out the steps that employers should take to prevent and respond to sexual harassment, and what can be considered in evidence when determining whether the duty has been breached.

This is a victory for UNISON and the #ThisIsNotWorking alliance, the TUC led coalition of unions, women's rights bodies and business organisations that campaigns for employers to be proactive in tackling sexual harassment, with training and policies that cut to the root of the problem: abuse of power in the workplace.

However, Conference recognises that UNISON must continue to press the government to keep to these commitments and introduce a properly enforceable law so that all employers make prevention a priority and can be held to account if they do not act.

Conference notes the shocking figures issued in January 2022 by the Office for National Statistics (ONS) demonstrating an unacceptable increase in violence against women over the course of 2021. In a year that included the violent murders of Sarah Everard and Sabina Nessa, the ONS statistics demonstrated an overall 12 percent increase in sexual offenses in 2021. This includes a shocking and unacceptable 13 percent increase in the number of rapes recorded by the police.

Conference also recognises that the misogynistic and other discriminatory views held by some police officers have a significant impact both on other police staff and the communities they are employed to serve. Recent events have shown that the police service continues to have a major problem with misogyny, sexual harassment and racism in its workforce.

The Independent Office for Police Conduct report, published in February 2022, into the abhorrent workplace culture at Charing Cross Police Station identified the

exchange of misogynistic, coercive, bullying and offensive messages via social media advocating violence and abuse against women between a group of 19 police officers and a workplace where colleagues feared challenging poor conduct or whistleblowing as they believed managers would not take complaints seriously or protect them from reprisals. The report of the safeguarding review of the appalling and abusive strip search of a 15 year old Black girl, Child Q, in a school in London by the police concluded that the search was unjustified and that racism was “likely” to have been an influencing factor.

Conference is concerned that sexual harassment is pervasive in workplaces and that there is evidence that the requirement to work from home during the pandemic has led to online sexual harassment becoming more prevalent.

Figures from the TUC show that half of women have been sexually harassed at work, two thirds of LGBT+ people have experienced it and worryingly, four out of five people don't not feel able to report it to their employer.

Conference recognises that anyone of any age and at any time can experience sexual harassment, but the statistics demonstrate that the overwhelming majority of victims are young women.

What makes matters worse, is that young women are more likely to be in precarious forms of work; fixed term and zero hours contracts exacerbate the sexual harassment pandemic sweeping our workplaces. Power imbalances are more pronounced in precarious workplaces and the link between this and sexual harassment is no coincidence. Young women may feel less able to raise issues of sexual harassment if they have concerns over potential repercussions on their employment status and career progression, or work in an environment with a toxic culture.

In a report published by The Young Women's Trust, over one third of young women would not report sexual harassment at work over fear of being fired.

Although protection against discrimination is a day one right, many young women have not been in their job for more than two years meaning they are missing out on other vital employment protections that leave them more vulnerable.

In a survey conducted by UNISON during TUC Young Workers' Month 2020, 23 percent of young members who responded to the survey responded that one of the most frequent reasons for young members to contact UNISON was around the issue of bullying and harassment.

UNISON's recent joint survey with the Nursing Times revealed worryingly that 73 percent of respondents had not reported incidents, many because they felt nothing would be done. The survey also highlighted that in many workplaces sexual harassment is not treated seriously and has become 'normalised'.

Achieving the changes to the law is urgent. As UNISON set out in its submission to the Home Office on the government's violence against women and girls strategy in February 2021, workplace culture that tolerates sexual harassment also allows violence to fester. Conference believes this new duty should be introduced as soon

as possible. If this is to be a genuine turning point, the government must change the law swiftly, put more resources into enforcing the new duties and ensure victims have access to justice.

Pressure must be put on the government to action these promises.

Conference notes the need to refresh and update UNISON's own guidance on sexual harassment to take account of new ways of working due to the pandemic, particularly video conferencing.

Conference also notes that changing workplace cultures has a direct impact on culture outside the workplace, placing an even greater necessity and urgency on the importance of keeping women safe in work from sexual harassment. Young women have the right to feel safe when travelling to and from work, travelling between workplaces and when at work.

Over a third of 18 to 34 year olds who have experienced some form of harassment, abuse or violence at work said it was carried out by a third party (member of the public, client or customer), according to TUC research. Some employers claim that it is not possible to stop third parties from harassing staff as they have no direct control over them. An employment relationship is between the employer and the worker, the employer's responsibility is to ensure good health, safety, and wellbeing for all employees.

Too often, young women are told it is just "banter" and this toxic workplace culture silences victims and absolves perpetrators and employers of any responsibility. Whether this "banter" takes place in or outside of the workplace, employers have a duty to protect young women at work. The reality is, the "banter" and "jokes" can erode confidence, especially if this is dismissed or not taken seriously by management. This adds an additional barrier for young women wanting to speak up about sexual harassment in the workplace.

In addition, Conference notes that in June 2019 the International Labour Organisation adopted Convention 190 on the elimination of violence and harassment in the world of work, the first international treaty to recognise the right of everyone to a world of work free from violence and harassment, and that the convention came into force on 25 June 2021. Governments that ratify Convention 190 will be required to put in place the necessary laws and policy measures to prevent and address violence and harassment in the world of work. It is concerning that the UK has not yet ratified it.

Conference therefore calls on the National Executive Council to work with National Women's Committee to:

- a) Press the government to introduce the changes to the law that it has promised urgently;
- b) Continue to build the campaign for zero tolerance of sexual harassment in workplaces, including on-line abuse;

- c) Publicly promote, endorse, and raise the profile of the TUC #ThisIsNotWorking campaign and support the action of lobbying the government in introducing a new duty for employers;
- d) Conduct research about young women in UNISON and refresh and update the UNISON guidance on sexual harassment;
- e) Raise the profile of what sexual harassment is and the different ways it can impact young women and use this as a strategic tool when recruiting and organising young women;
- f) Develop a tool kit for activists and branch officers that includes guidance on negotiating and utilising UNISON's Sexual Harassment Guide and Model Policy 2020 and promote it widely in the union;
- g) Work with Learning and Organising Services to provide specific training for activists on sexual harassment in the workplace and how to develop workplace policies;
- h) Campaign for the UK to ratify ILO Convention 190;
- i) Work with Labour Link to raise the campaigns in points 1) and 7) with the Labour Party (and) promote the issue of sexual harassment of young women in the workplace;
- j) Explore with the Police and Justice Service Group Executive ways to further promote UNISON guidance on sexual harassment and racism in the workplace and support for members experiencing harassment within the service group.

*42 National Women's Committee
43 South East Region
43.1 National Women's Committee*

Composite D

(Motions 52 and 53 plus 52.1, 52.2, 52.3, 53.1, 53.2, 53.3. 53.4)

Sick Pay

Conference notes that the Covid-19 pandemic has drawn attention to a previously hidden problem in this country. The shocking lack of support many workers get when they are sick. These issues are well known to UNISON members who work for a variety of different private contractors in our public services.

The Statutory Sick Pay (SSP) system is grossly inadequate, and forces too many people to work when sick, borrow money from family and friends, go into debt or take annual leave as an alternative.

Conference notes that TUC research shows the weekly UK SSP rate is one the lowest in Europe. Conference is concerned that inadequate sick pay is an issue particularly affecting the lowest-paid, those precariously employed and those whose jobs have been outsourced and privatised, such as our members working across social care.

A decent system of sick pay is also particularly important for disabled workers who may have to take time off due to their impairment. Where a worker has a cancer diagnosis for example, and their rehabilitation takes longer than the 28 weeks allowed for SSP pay, they may be forced onto inadequate levels of Employment Support Allowance of £74 a week or of Universal Credit. It is also important to note that SSP is funded by employers and not by government, which leads to some employers being reluctant to hire disabled workers due to the perceived potential for having to pay sick pay.

A stronger right to paid disability leave would mean disabled workers could take time off relating to their disability at their normal rate of pay without having to go onto the pitiful £99 a week SSP, but most employers are unaware they might have a duty to provide this and disabled workers are stuck with SSP instead. Conference notes UNISON's guide to bargaining for disability leave policies which can be negotiated directly with employers in the absence of government action.

Conference believes that every worker deserves full sick pay now.

Conference also believes that where UNISON reached agreements with public service employers that workers on private contracts such as care workers would receive full pay during the pandemic if they were shielding, self-isolating or off sick with covid, then lives were saved.

Conference therefore calls on the National Executive Council to:

- 1) Continue to publicise the problems with sick pay for low paid workers and the inadequate level;
- 2) Work with service groups and branches on local and national pay claims for improved occupational sick pay with employers, starting with those sectors and workers currently most affected by inadequate sick pay;

- 3) Work with the Private Contractors Forum on company pay claims for improved occupational sick pay with employers at local and national level;
- 4) Campaign for a Statutory Sick Pay system linked to the
- 5) Campaign for a sick pay system that starts on day one without any lower earnings limit or earnings threshold
- 6) Work with the National Disabled Members Committee to draw up a list of other improvements to sick pay for disabled workers including extending SSP beyond 28 weeks as a reasonable adjustment where the worker is disabled, such as in cases of cancer, exploring calls for a government funded SSP system for small and medium sized employers; and actively encouraging branches and service groups involved in national bargaining to negotiate disability leave agreements with employers.
- 7) To seek support of Labour Link to campaign for the Labour Party to commit full statutory sick pay for all in the next manifesto.

52 Private Contractors' National Forum

52.1 Camden

52.2 Wirral

52.3 Islington

53 Ulster Community and Hospitals

53.1 National Disabled Members' Committee

53.2 National Executive Council

53.3 Wirral

53.4 Islington

Composite E

(Motions 56 and 57 plus 56.1 and 57.1)

Learning the Right Lessons from Covid-19

Conference notes the immense strain that the Covid-19 pandemic continues to place on the UK's public services and UNISON members.

This has been most obvious in the NHS, particularly during the peaks of the infection, but it has also had a major impact in other areas, such as care homes, local government, community health services, schools, universities, refuse collection, social work, homecare and public transport.

Conference places on the record its profound thanks for the bravery and sacrifice of public service workers who cared for the vulnerable and ensured that our communities continued to function during the pandemic.

In honouring their contribution, Conference calls for the National Executive Council to campaign for the public inquiry into the pandemic to have the authority to compel disclosure of evidence under oath and enable the voices of workers to be heard. Those responsible for failings and negligence should be held to account and lessons learned.

Conference notes that although the situation is improving, as a consequence of the vaccination programme and immunity acquired through prior infection, the pandemic continues to cause major disruption, with Omicron leading to a wave of sickness absence. This has left staff exhausted from dealing with close to two years of Covid-19 struggling to keep services afloat. There is also real concern that we are now in an 'age of pandemics' and it is not just Covid-19 that could threaten the world's population.

Conference notes that the UK has suffered worse health and economic outcomes than most other countries. A major reason for these failings is the fact that the UK has been hamstrung by a decade of damaging austerity and that these problems were made much worse by privatisation.

Conference agrees with the eminent epidemiologist Professor Sir Michael Marmot that the UK suffered from the accompanying growth of economic and social inequality since 2010. The pandemic has not affected everyone equally, with some groups being at disproportionate risk of death or harm, including Black and disabled workers. There has also been disproportionate impact on women, young and LGBT+ people, alongside the well documented and devastating impact on the oldest in society.

This was made worse by the UK government's mishandling of many aspects of the response to the pandemic, including the decision in England to hand responsibility for the Test and Trace system to private companies and to spend billions on contracts with private operators, many of which were awarded to Tory donors.

The disproportionate impact on some groups is the direct consequence of the failure to tackle institutional and structural discrimination. For example, Black and women workers are disproportionately represented in front line, low paid and insecure work, including public services and often in jobs handed over to private contractors, where they become second class citizens in terms of wages and conditions.

Conference asserts that a major reason for these failings is that the resilience of UK public services had already been severely weakened by more than a decade of damaging austerity. UNISON members know all too well that our services were nearing collapse before the pandemic hit, but despite this they continued to deliver for the communities they serve, reminding the public how important public services and the people that deliver them are.

Conference believes that such underlying problems, begun by privatisation in the 1980s by Thatcher; extended under the Labour government of 1997-2010 including the disaster of Private Finance Initiative (PFI), followed by over 10 years of Tory austerity, were compounded by the UK government's mishandling of many aspects of the response to the pandemic. Conference notes and shares the huge wave of anger that has followed revelations about parties held at 10 Downing Street during lock down and agrees that it is simply not acceptable for the Tories to make rules but not follow them.

Billions were spent on contracts with private operators at various points during the pandemic; many of which were awarded without competition and without contract details being published. In addition the UK government failed to pay sufficient heed to the advice of scientists and experts.

PPE guidelines for aerosol based disease were insufficient and often inadequate public protections were frequently implemented too late, as the Government continued to prioritise profits over people's health.

Such failings have contributed to the high number of excess deaths, which includes UNISON members.

With this in mind, conference is particularly concerned by the UK government's October 2022 Spending Review. If proof were needed that the UK government has failed to learn the lessons from the pandemic, this is it. Although the headlines following the chancellor's announcement of the government's spending plans were all about how the government were pouring billions into the NHS, social care and other public services, the fine print shows a different story. Although spending is increasing, it comes nowhere near to making up ground lost since 2010, when the Tories were first elected.

Conference agrees that UNISON's No Going Back to Normal Campaign has brought these issues before the public and highlighted a compelling case for the post Covid world to be one built around high and sustained investment in public services, decent pay that recognises the immense worth of people who work in public services, safe and fair workplaces and an equal and sustainable society.

Conference agrees that as Covid-19 moves to the next phase UNISON must intensify its efforts to ensure that the right lessons are learned from the pandemic

and that we come together as a union to campaign to put them into practice. This must involve ensuring that our members' experiences and testimony are fed into the public inquiries taking place within the UK and the devolved nations and that we continue to build campaign momentum behind the union's calls to ensure there can be no going back to austerity and the failed policies that had so weakened public services over the last decade.

Conference therefore calls on the National Executive Council to develop a programme of work that will:

- 1) Seek to ensure UNISON members who have been affected by the pandemic are given a platform to share their experiences and to hold decision makers to account through the inquiry processes across the UK;
- 2) Consider how health and safety legislation, such as Section 44 of the Employment Rights Act 1996, helped or hindered the protection of workers, how the legislation could be improved and how workers were able to use the legislation to organise and campaign for health and safety during the Covid-19 pandemic;
- 3) Collect and submit relevant evidence and testimony of UNISON members to the UK government inquiry and the parallel processes that take place in the devolved administrations;
- 4) The Public Inquiry process across the UK to begin taking evidence immediately, rather than wait until 2023 as currently proposed, and for the Inquiry to be given the power to allocate responsibility for the mistakes that were made."
- 5) Undertake research and analysis into the impact of austerity on the resilience of public services, the consequences of outsourcing/privatisation and fragmentation of services on the ability of public services to respond and the deep structural inequalities exposed by Covid-19;
- 6) Campaign for a new post-pandemic plan for profit-free public services, championing long-term sustainable investment, decent jobs and fair pay across all public services;
- 7) Undertake campaign activity with allies, including, where appropriate, the TUC, Welsh TUC, Scottish TUC and Irish Congress of Trade Unions and Labour Link, public service users and community groups in furtherance of our No Going Back to Normal campaign goals - including bringing all privatised services back in house in all public services on equal pay and conditions with the existing workforce;
- 8) Work with campaign groups such as Keep our NHS Public and Health Campaigns Together;
- 9) Develop and support calls for priority and urgent actions to address the ongoing challenges being faced by members responding to the pandemic, including the recommendations of the recent Health and Social Care Committee report calling

for a full health and care recovery plan, as well as an urgent review of recruitment and retention issues within the health and care workforce;

10) Develop a communications strategy to underpin this programme of work.

*56 National Executive Council
56.1 Portsmouth City
57 Bedfordshire Police
57.1 National Executive Council*

Composite F

(Motions 90 and 91)

Devolution Protocol

Conference notes that National Delegate Conference in June 2019 passed Motion 110 calling for the National Executive Council to review the devolution protocol which was put in place following the decision of the 2004 National Delegate Conference. The 2004 conference also amended the UNISON Rule Book to provide the National Executive Council with “powers to issue a protocol on devolved administration and union governance” (Rule D2.9.5). The National Executive Council has the power to “issue a protocol on devolved administration and union governance” under rule D2.11.5.

Conference also notes the developments in devolution since the drafting of the 2004 Devolution Protocol; these have included the expansion of powers of the Scottish Parliament through the Scotland Act 2012, and Scotland Act 2016, the direct law making ability acquired by the Senedd through the Government of Wales Act 2007 and recent attempts by the Conservative government in Westminster to undermine devolution arrangements through the Internal Market Act.

Conference notes that devolution in Northern Ireland operates in a unique environment having developed as a consequence of the peace process. Established under the Northern Ireland Act 1998 following the Good Friday Agreement, conference notes that devolved Government in Northern Ireland operates within a multi-party, mandatory power-sharing Executive in which policies, programmes and budgets have to be developed on a cross-party basis.

This has profound implications for the union in areas with devolved administrations. It requires the support a bargaining and policy development machinery across huge areas, almost all service groups and respond to devolved administrations and the need for that work to be resourced. UNISON Scotland ‘s Health and Local Government Committees and the UNISON Scotland Further Education Branch develop national claims and campaigns annually on the pay bargaining agenda in the context of the Scottish Government pay policy. There is a wider plethora of employer based negotiations in Police Scotland, Fire and Rescue, Non-Departmental Public Bodies (NDPBs) and Social Care, together with the policy output and programme of government of an entire national government, and bargaining support in all Scotland's public services.

Conference also notes the developments in devolution in Northern Ireland since 2004. These have included the St Andrews Agreement in 2006 and the subsequent restoration of the Assembly and Executive in 2007; the expansion of the powers of the Assembly and Executive with the devolution of policing and justice powers in 2010; numerous political crises around power-sharing, culminating in the collapse of the Executive and Assembly in 2017; and the restoration of the Executive and Assembly in 2020 following the New Decade, New Approach agreement, with a major factor being the industrial action undertaken by UNISON members across health and social services for pay parity and safe staffing. Conference notes that at the time of writing, Northern Ireland is due to have Assembly elections in May, with

uncertainty as to whether a new Executive will be formed following the election and as to how the Assembly will operate in the new mandate.

Conference notes that although UK wide issues such as overall levels of public spending provide the backdrop to negotiations it is important to remember that for the majority of members in areas with devolved government the majority of UNISON members, over 90 percent in the case of Scotland, will have their terms and conditions bargained at the devolved level, (including main bargaining groups in Local Government, NHS Scotland, Further Education). In Northern Ireland Health and Local Government service groups progress UNISON UK claims and campaigns on the pay bargaining agenda in the context of the Northern Ireland Executive pay policy. There is a wider plethora of regionally based and employer-based negotiations across private social care providers (with a devolved regional Fair Work Forum to be established), education, the community and voluntary sector and further education.

Conference recalls that the Northern Ireland Executive and Assembly have devolved powers in relation to workers' rights and equality, uniquely across the devolved administrations and the ability to mitigate on welfare. Conference further notes the impact that the UK's exit from the EU has had on the operation of devolution within Northern Ireland, with the Assembly now required under the Northern Ireland Protocol to vote on the trade provisions at regular intervals.

In addition, Conference notes that a wide range of policy interventions, campaigns and communications output must be undertaken at the Northern Ireland level on a diverse range of issues such as the Executive budget and Programme for Government, safe staffing within health and social care, opposing privatisation of the health service, delivering ethical care, calling for free school meals for all, protecting the gains of the peace process and securing delivery on unimplemented commitments on equality and human rights.

Conference acknowledges, however, that the experience of the union in the devolved administrations has been that it is required to respond to policy initiatives and differing political and legislative developments from the wider UK and has therefore had to develop policy positions which reflect that.

Conference notes that the work of reviewing the devolution protocol agreed by the 2019 Conference is not yet complete and calls on the National Executive Council to complete that review with the aim of bringing forward an up to date devolution protocol.

Conference notes the resourcing implications in having to maintain separate bargaining and policy development structures in areas with devolved administrations and resolves that it will be a priority for the union to ensure that these areas are adequately funded.

*90 Northern Ireland Region
91 Scotland Region*