

FIRST DAY'S PROCEEDINGS

SUNDAY 5TH JUNE 2005 MORNING SESSION

Congress assembled at 10.00a.m.

OPENING OF CONGRESS

THE PRESIDENT (Sis. M. Turner): Good morning and welcome to Newcastle. Colleagues, we now start the proceedings. There are a couple of announcements that I have to make, and one is a safety announcement. There are safety instructions around hall. Please take note of them. We now have a video tape for safety instructions.

(The public safety announcement was made)

Colleagues, mobile phones. Would you please make sure that they are off or turned to silent. The first one that goes off will have to put £10 in the kitty to go to a charity at the end of the week. So I will be watching you closely. So shop your neighbour. We want to build the fund up.

Welcome to all of you, and that is very sincere. To all new delegates, we have been there before. Although I am sitting up here, I have been a delegate on the floor before, so I know how nervous you have been preparing your speeches, tearing them up and then somebody says that you do not need to come to the rostrum. I promise you, do not be frightened. Say what you think and believe, to a point. We will be as helpful as we can. Do not be afraid to ask any of us if you are in doubt about anything.

I am now going to call Congress officially to order for the opening ceremony. I have asked the Northern Region to form the Banner Party this year, which is right. Congress, could you please stand for the banner ceremony.

(Congress stood as the Banner Party proceeded to the platform to the accompaniment of "Jerusalem")

Let me thank the Banner Party. Well done. It is very nerve-racking walking to the stage with the Banner. Congress, please be seated.

Congress, I would like to welcome some guests who we have here this week and others will be arriving. As they arrive I will tell you when they are here. I would like to welcome the following ex regional secretaries: Geoff Wheatley from the Birmingham Region -- I understand that Ernie Hughes is arriving -- Billy Smith from the Liverpool, North Wales & Irish Region and John Cope, who was my own ex-regional secretary, who has a new job, I understand.

I welcome our former national officers and

former deputy general secretary, Steve Pickering, who is at the back of the hall. Welcome, Steve. Also arriving this week will be Des Farrell. David Haire and Neil Moore are here.

GMB MEPs and MPs. Various members of the GMB Parliamentary Group at Westminster and in Brussels will be here during the week.

We have with us, of course, the shorthand writers, Karen Jobson and Michael Thear. Welcome. We also welcome our sign language interpreters, Tony Beckett, Nigel Cleaver, Jo Ross and Caroline Ryan. Welcome to Congress.

I want to mention Stevie Pryle and his team. Congress, if you had seen this hall a few weeks ago, we were never going to have a Congress. It is right and proper that I thank certain individuals who have made today and this week possible. They do not very often get credit. Sometimes they get flak. Stevie Pryle and you, Rosie, do not stand in the dark. Stevie Pryle has turned this centre into a magnificent venue and he is back here without a penny and he won't accept any payment. Well done to you and your team, Stevie. *(Applause)*

The other person who I would like to thank personally, who has no idea that this is coming, is the man, on my left, Phil Wyatt for also coming back and helping this Union out of the mire. Thank you, Phil. *(Applause)* Of course, that includes all the other staff at head office who have been heavily involved in the organisation of this Congress. It has been quite a few hectic weeks. Thank you to all of them.

Colleagues, I would like you now to check all of your documents, which comprise the Final Agenda. This includes all motions remaining on the agenda, all composite motions, Standing Orders Committee Report No. 1, SOC Guidelines for Congress business, including time limits for speakers and the Representation Statement. Can you please check that you have all of those documents. Yes? For ever hold your peace.

Congress, some of my family will be attending this morning. They are coming to Newcastle from Whitley Bay. I see they are here. I am very proud of them. They are at the back. They own half of Whitley Bay, I think. Welcome, family. Barbara, you are supposed to be in Scarborough.

I call Billy Hughes.

BRO. W. HUGHES (Northern): Colleagues, on behalf of Tom Brennan, the Regional Secretary for the Northern Region, and indeed the full membership of the Northern Region, I welcome delegates this morning to the fair City of Newcastle-upon-Tyne. Newcastle-upon-Tyne is a wonderful city but it is only surpassed by the people who live here, affectionately known as 'Geordies'. I am sure, during the week, you will come across those people and you will be welcomed with open arms.

Let me say that in your wallets you have a

discount booklet. These are for reputable firms. I would urge you to use the discount that is available. It is no good looking for Poundstretcher because it is not included.

This week the Northern Region is using Congress, hopefully, to raise money for their hospice in the Northern Region. I hope that you will support this worthwhile charity. We have a stall selling raffle tickets with wonderful prizes. They cost 20 pence a ticket but, as a special discount for the delegates here this morning, I am offering 5 for a pound.

Newcastle is well-known for its beer, Newcastle Brown Ale, and the Toon Army. Unfortunately, the beer has a little bit more kick in it than the football team, but we will not go down that road now.

I would like to mention our Acting General Secretary, Paul Kenny, who is a very, very generous man. He is the salt of the earth. You name it, he has done it and been it. What a lass our worthy President is. Ah, she is a canny lass. Look at our illustrious CEC members. These people are very, very important. They do a grand job for the organisation as a whole. I am only hoping that, by the end of the week, these very important people get together and decide to make a donation to our charity. Thank you very much. That is an end to the commercials. *(Applause)*

THE PRESIDENT: Well done, Billy. You never fail. You did not disappoint me.

Colleagues, I am going to get a rucking from someone but I will do it now. I did not welcome the general member auditors, David Boyle, Ed Hamilton and Les White, who will count the votes this week. Welcome. You have been doing a smashing job.

ROLL CALL

THE PRESIDENT: I ask Debbie Coulter to call the roll.

(The Deputy General Secretary called the roll.)

Would Regional Secretaries please notify us of any further alterations to the Congress office.

APPOINTMENT OF TELLERS

THE PRESIDENT: We now come to the Appointment of Tellers. The Deputy General Secretary will now report those Tellers who have been appointed.

THE DEPUTY GENERAL SECRETARY (Sis D. Coulter): Thank you, President. The following delegates have been appointed as Tellers:

Birmingham

No. 1 - Mick Coghlan will count South Western.

Lancashire

No. 2 - Les Morgan will count Yorkshire.

Liverpool

No. 3 - Derek Sutcliffe will count Birmingham.

London

No. 4 - Christopher Roffey will count Lancashire.

Midland

No. 5 - John Needham will count Liverpool.

Northern

No. 6 - Bernie Taylor will count London.

GMB Scotland

No. 7 - Charlie Lunn will count Midland.

Southern

No. 8 - Jack Cheeseman will count Northern.

South Western

No. 9 - Jean Richards will count GMB Scotland.

Yorkshire

No. 10 - Don Morgan will count Southern.

Let me stress, colleagues, that Tellers must remain in the Congress Hall at all times whilst Congress is in session and the delegates must be in their allotted seats when a vote is taken.

THE PRESIDENT: Thank you very much, Debbie. There are buckets along the side of the hall for Tellers in case they need them.

PRESIDENTIAL ADDRESS AND VOTE OF THANKS

THE VICE PRESIDENT (Bro. M. Sage): Conference, it now gives me great pleasure to ask our President, Mary Turner, to address Congress. *(Applause)*

THE PRESIDENT: Congress, I want to begin by saying a few words about some of the Platform party. On my immediate right is my friend and colleague, your national Vice President, Malcolm Sage. Malcolm has been a pleasure for me to work with over the past two years. I can honestly say that he has been a real rock and a voice of studied calm whilst the Union sailed through some stormy waters. Malcolm will be checking that we all keep to the time limits laid down for us by the Standing Orders Committee. He will also be moving the CEC Statement that is on this afternoon's agenda as well as introducing one of the CEC's special reports later this week.

If Congress agrees, I will also be asking Malcolm to take the Chair once or twice to allow me to meet some of our guests and to speak in the public services debate on Tuesday.

On Malcolm's right is our Deputy General Secretary, Debbie Coulter. Debbie has been leading our efforts to sort out a GMB learning strategy now

that we no longer have our National College. Debbie and I have also been partners in crime on the Labour Party National Executive Committee and, as Congress may be aware, I was Chair of the Labour Party last year. Debbie will be moving her Deputy General Secretary's Report and addressing Congress tomorrow morning.

On my immediate left is Paul Kenny, the Union's senior regional secretary. In March the CEC appointed Paul as the GMB's Acting General Secretary following the suspension of Kevin Curran. This afternoon you will be invited to approve a CEC statement about the position of General Secretary. If you approve that statement, Paul has agreed to continue in his acting role. If you do not agree, he will resume full-time as London Regional Secretary.

Paul only picked up the reigns leading the team which organised this Congress a few weeks ago. He does not want to speak as Acting General Secretary before you make your decision this afternoon. I think it is shades of Simon & Garfunkle and the Sounds of Silence. Believe you me, enjoy it while it lasts.

Two years ago I began my Congress address in Blackpool by mentioning that on my way into town I had spotted the Blackpool roller coaster, the Big One. It made me think that we might be in for a few ups and downs. Actually, the last Congress was very calm. It was only afterwards that we found ourselves on the helter skelter. On my way to Newcastle for this year's Congress I remembered the Angel of the North and thought "God help me". Then, coming into Newcastle I saw the Tyne High Level Bridge and, of course, the beautiful Gateshead Millennium Bridge. They say that the Millennium Bridge is the world's first rotating bridge and that it tilts to let river traffic pass. But to me it looks more like an eye that winks at the world which reminded me to keep my eye on all of you this week.

Congress, there are ten bridges connecting Newcastle with Gateshead. President Clinton often called on Americans to join with him in building a bridge to the future. This Congress needs to become a bridge to the GMB's future. There will be opportunities this week for Congress to hold the CEC to account for its stewardship of GMB affairs over the past two years -- I guarantee you that -- but I hope we do not spend all of our time raking over the pain of the past. The days ahead are good days, I sincerely believe. The GMB has been through a few ups and down of its own during the past two years, and some stand out. On the question of leadership, as we know, family differences are always the most difficult. The CEC's priority has been to restore stability to this great Union. We resolved our difficulties with the General Secretary in April and Kevin Curran stood down.

I cannot give this speech without making you aware of the worst pain for me, personally, which has led us to where we are today. In October last

year I received documents alleging serious misconduct of individuals during the election of the General Secretary. These documents were given under oath. They came from the barristers and QCs dealing with a case on behalf of the GMB and others. I did not put this correspondence before the October CEC as I had only just received it and I had not fully taken it all in, but I did know that it was extremely serious. I had to allow those who were being accused to reply to those allegations as I believed that was only fair. In December I put to the CEC a recommendation to set up an independent inquiry. The General Purposes Committee set that up and reported to the Inquiry which was already in operation and was fully independent. From that moment, my life was hell. Stories started to appear in the press - most untrue. One was correct, though, which said that I was brought to tears. Yes, I was, Congress. I had months of harassment and interference in the process and bullying to the point that I put it in writing, that it had to stop but it did not, and it is still going on. Maybe the worst part for me was my family witnesses what was happening. The one thing they did not see but read about in the national press was about me breaking down.

Congress, we are now moving forward. I am stronger and I know that the union I love is stronger. I have this message for those who are still trying to stop this investigation: **You will not succeed. We intend to find the truth.** That is my part and that is the only comment I will make about that issue this week.

We will be taking the GMB Accounts and the Financial Report on Wednesday afternoon. The CEC had to get to grips with the Union's balance sheet during the past two years. Many painful decisions had to be taken as we cut our coat according to our cloth, not least of which was the closure of the National College and compulsory redundancy for the College staff. We were obliged to cut back in other areas, too, and that meant losing many good colleagues in voluntary retirement.

Professor R.V. Jones, Churchill's wartime scientific adviser, once said: "We ran out of money and we were forced to think". I now know how he must have felt.

The CEC was forced to think the unthinkable, and I would like to record my own thanks to all members of the CEC for their restraint and collective commitment to putting the Union's finances back on an even keel. Sometimes events outside of Congress need to be reported, and as you are aware I am a member of the NEC of the Labour Party while Congress is in session. That happened last time during Congress 2003. Alan Milburn, the architect of foundation hospitals, suddenly quit the Cabinet to spend more time with his family. He managed to squeeze in a bit of lucrative consultancy, too. Since then he has been back in government and out again.

Now you see him, now you don't. Is he in heaven or is he in hell, that elusive Labour Party Pimpernel? We are not expecting any Cabinet resignations this week, but I have it on good authority that Gordon Brown, as Gordon Brown, who will be joining us tomorrow - I am reliably informed - would be ready to take on the top job at short notice, should the call suddenly come.

Colleagues, the changing face of the Tyne can sometimes hide some of the underlying realities. It is still a shock to discover that there are now more manufacturing jobs in Surrey than there are in the whole of Newcastle, Gateshead and both banks of the Tyne. We will be debating manufacturing industry on Wednesday.

Most of the political motions will be taken on Thursday. That is when you will have your say about the Labour Party and other Parties. Perhaps someone will explain to me why Michael Howard claimed that the Tories have made a huge step forward since the General Election. It looked more to me like Conservative Catch-22. Michael Howard was celebrating doing worse than Michael Foot did twenty-two years ago in 1983. Topsy-turvy Tories, or what? What became of the Liberal Democrats? The decapitation strategy was much vaunted but not much voted.

There is one political item that we will be taking early on your agenda tomorrow morning, ready for Gordon Brown. What we want is Warwick - support for a workplace agenda in Whitehall and in Westminster. We want no more New Labour backing for the CBI's business agenda. We want a stop to privatisation or - this is the other new word - "best value". We want no attacks on Incapacity Benefit, no unfair work tests. We want a reversal of the anti-trade union legislation.

Congress, the past two years have been difficult. I would like to place on record my thanks to everyone and to my family for their support.

Finally, I close by thanking you once again for the privilege of serving as your President. It is an honour to serve you in the good times and in the bad. Thank you for your support during the past two years. Thank you, Congress. *(Applause)*

VOTE OF THANKS TO THE PRESIDENT

THE VICE PRESIDENT: Colleagues, I call on Sis. Sheila Bearcroft to reply to the President's report.

SIS. S. BEARCROFT (CEC, Clothing & Textile): I move the vote of thanks on behalf of Congress. President, Congress, visitors and guests, I feel proud and privileged to be given the honour of moving the vote of thanks to you, Mary, our President, but also someone who I consider to be my friend. As a friend, I know the pressures and the strain that you have been under during the past months. Without your determination, self conviction, courage and strong

will, the GMB would not be in the secure position that it is in today. You have shown your quality of leadership at every meeting of the CEC. Your guidance, patience and thoughtfulness to every member of the CEC has helped everyone get through a most trying time, and for that, Mary, we thank you.

As your friend, Mary, I believe that a few thanks should be given to your whole family, especially Denny, your long-suffering husband, who has become used to your fantastic cooking during your many years of marriage, even to naming special dishes after you. One of these, colleagues is called "Mary Turner's chicken ding". According to Denny and the President, she leaves the instructions to put the plate in the microwave and when it goes "Ding" the chicken is ready. *(Laughter)*

I also know that the President put her home on the market without informing her husband, and he was at home when the first viewers came to have a look at the house. He opened the door and they said, "What is the price? Will you show us around?", and he said, "It's nothing to do with me, love. I'm only the decorator." She then has the cheek to go away to the TUC Congress, but she does manage to come home for one day to tell him how to pack the things ready for the move, and then she went back to the TUC Congress. That is our Mary. The Union comes first.

President, just like myself, I know that you are proud of your Celtic background, but I am absolutely sure that the midwife did not hold you up to help you to breathe. It was to kiss the Blarney Stone, Mary, which it seems you have done in full measure.

Last year, Congress, we were so proud that it was our President who was the Chair of the National Labour Party, a role you carried out with your usual style of fairness for both the lay delegates and the MPs. Even keeping the Prime Minister in order was not beyond your capabilities.

Your understanding of the low paid workers stems from the fact that you yourself, a former school dinner lady, have always kept your feet firmly on the ground. You will always have an affinity with part-time, low paid workers and are unafraid to lead them in their pursuit for fair play and justice.

Mary, may Congress run smoothly for you, as smoothly as you have helped this great Union of ours to sail through some very stormy waters and to come out the other end in calm seas. It is a better union for having you at the helm. I am sure you will run a tight ship this week. President, have a good Congress. *(Applause)*

THE PRESIDENT: I do not know who you have been talking to, but I think I might be looking to somewhere in the London Region for some of the information you obtained. Thank you, Congress.

Deputy General Secretary up to	7 Minutes
Movers of Section Reports up to	5 Minutes
Questions up to	1 Minute

Officers' and Section Reports, and questions to them, should relate only to matters of general policy, and not to details of negotiations.

Special Reports and CEC Statements:

Mover up to	6 Minutes
Seconder up to	3 Minutes
Other Speakers up to	3 Minutes

It would help the business of Congress enormously if, wherever possible, motions could be formally seconded, and if replies to questions and debates were kept to a minimum.

The Standing Orders Committee draws Delegates' attention to the two rostrums and asks speakers to be ready by the vacant rostrum when it is their turn to speak. Chairs will be provided at the front of the hall for speakers awaiting their turn.

QUESTIONS ON BALANCE SHEET AND AUDITORS' REPORT

Questions on the Balance Sheet and Auditors' Report must be submitted in writing to the Congress platform no later than 5.00 pm Tuesday 7 June.

MOTIONS OUT OF ORDER

The Standing Orders Committee has ruled that the following Motions are Out of Order for the reasons specified:

1. Annual Congress

3. Annual Congress

Rule 8.1 provides for biennial Congress, Both of the motions either conflict with that rule and/or would require a consequential rule amendment to give effect to its provisions. Congress 2005 is not a rules revision year, so the motions are out of order at this year's Congress.

2. Accountability

4. Annual Congress

9. Annual Congress

Each of the above motions either conflict with Rule 8.1 and or/would require a consequential rule amendment to give effect to its provisions. In addition, each motion refers to bi-annual (twice a year) Congress, when Congress is held every alternate year. Congress 2005 is not a rules revision year, so the motions are out of order at this year's Congress.

41. Separate Sectional Status for Health and Care Sector

Rule A1 sets out the number of GMB Sections. Giving effect to motion 41, which calls for separate sectional status for the Health and Care Sector, would need an amendment to that Rule. Congress 2005 is not a rules revision year, so the motion is out of order at this year's Congress.

42. National Secretary for Public Services

This motion, which calls for the Public Services Section to have a National Secretary dedicated solely to it without any other sectional responsibilities, is contrary to the Special Motion adopted at Congress 1985 under which authority over conditions of employment by the Union is reserved to the CEC.

69. Benefits

70. Increased benefits

Both motions call for changes to mileage rates. These would require an amendment to Rule 34. Congress 2005 is not a rules revision year, so the motions are out of order at this year's Congress.

74. Union contributions

The motion calls for a three tier banding system for membership contributions, based on earnings rather than hours worked. This would require an amendment to Rule 47. Congress 2005 is not a rules revision year, so the motion is out of order at this year's Congress.

82. Union's Finances

The motion calls for the Union's finances to be regionally managed and the split to be adjusted to a 80%/20% split, the lesser amount being returned nationally from the Regions. This would require amendments to Rules 28 and 29. Congress 2005 is not a rules revision year, so the motion is out of order at this year's Congress.

86. Death Benefit

The motion calls for an increase in the level of benefit set by Rule 56, and would require an amendment to this Rule. Congress 2005 is not a rules revision year, so the motion is out of order at this year's Congress.

195. Redundancy criteria for the Working Rule Agreement for the Construction Industry

The motion relates to a specific element of terms and conditions, redundancy, in the Working Rule Agreement for the Construction Industry. In accordance with the Guidelines for Congress Business, the motion ought to be dealt with by a more appropriate body i.e. the CFTA Section Conference.

231. Local Government Craft Pay Claims

The motion relates to a specific element of local authority craft workers pay. In accordance with the Guidelines for Congress Business, the motion ought to be dealt with by a more appropriate body i.e. the Public Services Section Conference or the JNC for Local Authority Craft Workers.

232. National Secretary, Public Services Section - London - Southern Provincial Councils

The motion refers to a specific element of local government negotiating machinery in order to restart the Provincial Councils. In accordance with the Guidelines for Congress Business, the motion ought to be dealt with by a more appropriate body i.e. the Public Services Conference or the NJC for Local Government Services.

COMPOSITE MOTIONS

Agreement has been reached on the Composite Motions printed in the Final Agenda.

ELECTION OF PRESIDENT AND VICE-PRESIDENT

In the event of a contested election of President and/or Vice-President of the Union, the Committee recommends the following procedure: The General Secretary should announce the names of the candidates to Congress immediately after this Report.

Ballot papers will be prepared under the supervision of the Standing Orders Committee. Immediately after this Report, the General Member Auditors will deliver to each Regional Secretary the envelope containing the ballot papers for lay delegates of the Region. Central Executive Council members and other non-voting delegates are not entitled to vote in this election. The Regional Secretary will issue a ballot paper to each delegate entitled to vote.

If any delegate arrives late, his/her Regional Secretary should accompany the delegate to the General Member Auditors and request a ballot paper.

Each delegate is entitled to place their voting paper in one of the ballot boxes at the front of the hall. Tellers are not responsible for collecting ballot papers in this election.

Voting will close at 2.30 p.m. on Sunday 5 June, at which time the General Member Auditors will take the ballot boxes and count the votes. They should report the result to Congress before the end of the afternoon Session on the same day.

MOBILE PHONES

If mobile phones are brought into the Congress Hall, they must be switched off at all times when Congress is in session.

FILM CAMERAS

The Standing Orders Committee has given permission for film cameras to be used in the Conference Hall. The Committee has been assured that filming will be carried out with no interference to Delegates.

BUCKET COLLECTIONS

Requests for permission to hold Bucket Collections should be submitted in writing to the Committee by

mid-day on Monday 6 June. (It is a term of Exhibitors' agreements with GMB that they will not request permission to hold a collection.) The Committee will consider the request and notify the applicant of the outcome. Where permission is granted, those requesting the collection must organise, count and bank the collection, if necessary liaising with the Congress office for support from Congress Stewards. They must then notify the Congress office of the amount collected, so that the President can inform Congress.

By agreement reached at Congress 96, Regional Committees will each contribute a further sum to the national Congress gift. So permission will not be granted for a collection to augment the Congress gift.

BRO. G. FERGUSON (Chair, Standing Orders Committee): President and Congress, I formally move Standing Orders Committee Report No. 1.

Delegates, you will find SOC Report No. 1 in your Final Agenda starting on page 26. I formally move adoption of this Report. In doing so, the SOC would like to thank delegates and regional secretaries for agreeing 34 composites which also appear in your Final Agenda on page 83. The Committee wish to meet the delegates involving outstanding draft composite B, covering Motions 198, 199, 205 and 314. The regional secretaries involved in this draft composite have been notified of the time in writing.

Will colleagues please not the long-standing Guidelines for Congress Business on page 20 of your Final Agenda. This will help you, especially new delegates, to understand the procedure and the guidelines that the SOC and the President have to follow.

Emergency motions. President and colleagues, the Standing Orders Committee has accepted one emergency motion. Emergency Motion 1 is entitled "Migrant Workers", submitted by Liverpool, North Wales and Irish Region. This emergency motion will be debated on Thursday morning.

Bucket collections. Bucket collection 1. The Standing Orders Committee has given permission for a bucket collection to be taken for the Danielle Beccam Trust Fund, requested by the Midlands & East Coast Region. This collection will take place at the close of the Wednesday morning session. Bucket collection 2. The Committee has given permission for a bucket collection to be taken for the TUC Iraq Union Incentive, requested by the Northern Region. The SOC will advise Congress when an agreed time has been reached.

Election of President and Vice President. No election is required for President or Vice President. This is because there is only one nomination for each position. They are Mary Turner for President and Malcolm Sage for Vice President. They are both re-elected unopposed. (*Applause*)

President and colleagues, I formally move Standing Orders Committee Report No. 1.

THE PRESIDENT: Thank you, Gerry. Does anyone wish to move reference back?

BRO. L. MORGAN (Lancashire): I speak to Motion 74

that the Standing Orders Committee is ruling out of order. President, we are seeking reference back for it to go to the Standing Orders Committee. We want this motion put back on the agenda. Conference, the Lancashire Region believes that this motion should go forward. It has nothing to do with anything in the proposed new framework of the Union, but it is more about helping people who are struggling on low pay to, hopefully, get back on board and help with recruitment as well. We are asking that Conference supports this motion. We are seeking that you support the reference back. We want it to go to the Standing Orders Committee. We want it back on.

BRO. J. CAIRNS (Lancashire): It is the same motion. I have a document entitled "Quality Job for the Low Paid". At present, there is an imbalance concerning low paid workers, who are predominantly female and working in the care industry and in the food and leisure industry because, as soon as they get to 21 hours, they start paying the full-time rate. That is unfair. If you have a 21 hour contract, three-quarter of that extra hour is being worked to pay this Union. As Les said, we are asking for this motion to be referred back. We should not have to wait a further year for justice for a group of people, who are predominantly female and predominantly low paid who are working in certain sectors of our membership.

SIS. S. VINCENT (London): Good morning, Congress. I am speaking with reference to Motion 42, which concerns a National Secretary for Public Services. With due respect, there are many people within industries who feel that they should have a national secretary for their area within public services. I know it says here, on page 27 of the final agenda, that this motion "is contrary to the Special Motion adopted at Congress 1985 under which authority over conditions of employment by the Union is reserved by the CEC". Membership in public services is increasing. The numbers of people who were recruited into public services is far beyond many other areas. We believe that we should have a public service person purely for public services doing no other duties. We wish for it to be put back onto the agenda.

THE PRESIDENT: Gerry.

BRO. G. FERGUSON (Chair, Standing Orders Committee): Congress, I believe that both speakers were coming in on Motion 74. Motion 74 calls for a three tier banding system for membership contributions, based upon earnings rather than hours worked. This would require an amendment to Rule 47. Congress 2005 is not a rules revision year, so that motion is out of order at this year's Congress.

Motion 42 - National Secretary for Public Services. Motion 42 called for the Public Services Section to have a national secretary dedicated solely to it, without any other sectional responsibilities. This is contrary to the special motion adopted in 1985 at the Blackpool Congress under authority over terms and conditions of employees by the Union which is reserved to the CEC.

THE PRESIDENT: Thank you, Gerry. I am now going to put the reference back to Congress.

(The Motion 74 reference back was lost)

(The Motion 42 reference back was lost)

THE PRESIDENT: I now put the Standing Orders Report No. 1 to Congress.

(Standing Orders Report No. 1 was adopted)

THE PRESIDENT: Thank you, Gerry.

Colleagues, on behalf of Malcolm and myself - I know that Malcolm will be speaking later - thank you for re-electing me as your President. I am extremely proud. Thank you. I know how proud Malcolm is about being the Vice President.

PRESENTATION OF GMB GOLD BADGES

THE PRESIDENT: Congress, we now move on to the niceties of Congress, and this is the presentation of the GMB Gold Badges. The Men's Gold Badge Award for 2005 has been won by Derrick Little from the Northern Region. The Women's Gold Badge Award goes to Monica Smith from the Lancashire Region. I will be asking Derrick to come forward first to address Congress, and then I will present Monica Smith with her badge and invite her to address Congress on behalf of the RMA of which Monica is National Secretary.

Derrick Little has been a union member for nearly 50 years and a GMB member since Deep Throat was talking to Bob Woodward and Carl Bernstein in 1973. American Presidents come and go but Derrick is made of sterner stuff. He has an outstanding record as a branch secretary, having been in post for more than 30 years and his branch committee's motto is "We Never Close". He is a long-serving Labour councillor on Derwentside District Council as well as Secretary of Derwentside Trades Council.

Derrick was named GMB national recruiter of the year four years ago. He has been Chair of Durham County Joint Trade Union Committee for six years.

Colleagues, it gives me great pride to present to Derrick Little, who is someone I have known for a long time, with the Men's Gold Badge of Congress.

(Presentation made amidst applause)

BRO. D. LITTLE (Northern): Conference, first of all, I need to thank the Northern Region for nominating me for this award. Without that I would not have received it. This award would also not be possible without the commitment and hard work of the activists within my branch, and some of them are in this hall today. I am speaking of Joy Thompson, Pat Nelson, John Jebson, Janet Dent, Sonia Howe and Angela Muir. Conference, we do not have a short-list within our branch. They are here because of their ability, commitment and dedication to the Union. I thank them today for this platform. This award means so much. However, myself and everyone in this room are not active in the pursuit of awards. We are here to help those who cannot help themselves. We fight and campaign on behalf of our members for better terms and conditions. I wish to record my sincere thanks to all those involved in giving me this award. It is a great honour which I will treasure. I am particularly honoured to receive it at the GMB's first Congress in Newcastle. I am sure you will enjoy the Geordie hospitality and friendship when you are in Newcastle. I am just sorry that it could not have been three months earlier when you could have walked a mile up the road and watched a real football team. *(Laughter)* I hope Conference comes back to Newcastle at some date in the future. I hope you have a look round the City while you are here and you will see why those of us in the north were saying that Newcastle should have been the City of Culture in 2008. That is with all respect to Liverpool, by the way.

Conference, in accepting this award, I express my thanks and gratitude to the Union. Thank you. *(Applause)*

THE PRESIDENT: Thank you, Derrick. Colleagues, it gives me great pleasure now to introduce to you Monica Smith. Monica has been a union member for nearly 60 years. She is a long-term member of the Labour Party. She has held dozens of GMB positions locally and regionally, combining them with looking after four generations of family members. Three years ago she had major surgery and maintains that what got her through was her faith, family and Union. Northern Region describes Monica as "a tower of strength who seems to release an energy of care and kindness that is unique". That has come from the Northern Region, Monica.

Monica is also National Secretary of the GMB

Retired Members Association.

Colleagues and Congress, it gives me great pleasure - she is someone who I have worked with for a very long time and truly deserves this honour - to award you with the Women's Gold Badge of Congress.

(Presentation made amidst applause)

I ask Monica to address Congress. Monica will also be giving her report.

SIS. M. SMITH (Lancashire): Congress, this is a very proud day for me to receive this award, but I could not have achieved it if it had not been for the encouragement of others. I have always been an optimist, looking forward rather than back, but today I am making an exception. Today I am looking back to the GMB Congress of 1988 which was held in Bournemouth. That was my first GMB Congress and it, possibly, changed my life. I wanted more of it. My thoughts were also in Chorley where my colleagues in a textile mill were on strike, but I had been mandated by my then Union organiser to attend Congress, and I am so glad I did. I met my oldest friend in the GMB, Sheila MacKane. We have been friends ever since. At the Congress I was impressed with a fellow delegate, and my thoughts were "That lad will go far". He did. He is now my regional secretary, Gary Jones.

I was also impressed by a bubbly charismatic woman in the London Region. I asked who she was. You may have already guessed. That woman was Mary Turner, the now GMB National President. So, colleagues, you never know who you are impressing when you are doing what comes naturally.

Since the 1988 Congress the GMB has become the warp and weft of my life. When I reached retirement age I joined my regional RMA. Later I was elected as a delegate to the RMA National Committee. I came to know the late Harry Maxwell, a long-time Chair of the RMA National Committee. I miss Harry for his honesty and wisdom. Later I became Assistant Secretary then RMA National Secretary.

I cannot let this occasion go by without giving my heartfelt thanks to Steve Pickering, the former Deputy General Secretary, for his constant encouragement and help when I became RMA National Secretary. Just imagine a secretary who could not type. I got the hang of it, though, eventually.

I have always been proud to be a member of the Lancashire Region of the GMB Union.

Finally, I wish to thank Sheila MacKane for lending me her ear, Barry Montgomery, my branch secretary, and Gary Jones, my Regional Secretary, for their kindness over the years and, of course, their belief in me to nominate me for this accolade, the GMB Gold Badge. I have already received the Silver Badge, of which I am most proud, but this Gold Badge is, I think, the ultimate. Thank you. *(Applause)*

REPORT BY SIS. MONICA SMITH, NATIONAL SECRETARY, GMB RETIRED MEMBERS ASSOCIATION

THE PRESIDENT: Monica is going to take another stage now. She is going to report on the Retired Members Association.

SIS. M. SMITH (National Secretary, GMB Retired Members Association): With getting the Gold Badge, it saves me walking down the aisle again.

I am so proud to be addressing Congress today on behalf of the GMB Retired Members. Colleagues, even with all the changes that our Union has gone through recently, the loyalty and commitment of the RMA has not wavered. Pensioners have had a rise this year in their State Pension and the promise of help with the Community Charge for this year, at least, and extra money for winter fuel. They are appreciative, but not all pensioners apply for Pensions Credit, which, of course, is means tested.

Many pensioners are still holding out for their pension books. They do not like the idea of pin numbers and, of course, the closure of Post Offices worries them as well. Some pensioners have never even had a bank account. That, too, is a worry. We have also been promised free bus travel in our own areas in 2006. That is a start to nationwide travel.

With regard to the National Pensioners' Convention publication - the Pensioners' Manifesto - if the Government were to take all the proposals on board, it would make today's and tomorrow's pensioners quite happy. The GMB, along with other trade unions, is supporting the NPC in its endeavours for pensioners. The leadership of the GMB has always been at the forefront of pensioners' issues. I am sure that Paul, Debbie and Mary will fight our corner at every opportunity. The GMB RMA is active in the regions where two delegates per region are elected to attend the National Committee. We also hold a national conference in October/November time.

The GMB RMA National Committee continues to meet at least four times a year. At one time we held three meetings in London and one in Manchester. This was combined with our RMA Conference. The presentation National Committee agreed to hold two meetings in the south and two in the north. Since the closure of the College, we have had to find another venue in the north. In June 2004 we held our meeting in the GMB office in Preston, which is quite handy for the mainline train station. At the end of this month, we are holding a meeting in Preston again. The Committee cannot wait to have some more of Barry Montgomery's butties. We are always open to offer of venue from other regions.

Colleagues, may I ask that when you retire you continue on to the Retired Members Association. Do not be afraid. You cannot catch old age - it catches you. I have never regretted becoming a retired

member. Well, it only seems like last year, anyway. Just because you have never done it, don't be afraid to try it.

In the foyer the RMA is running a stall. There are raffle tickets to buy and other goodies as well. Betty Warden and Tommy Nimmo will be pleased to assist you.

As usual, I will finish with a little quote by Benjamin Jowett: "The way to get things done is not to mind who gets the credit for doing them". Thank you.

THE PRESIDENT: Thank you, Monica. Yes, the National Conference is in my diary for October.

Congress, I will be presenting the Youth Award on Wednesday.

Congress, there are two rostrums. To save time, please use both. I would like now to explain a little, especially for the new delegates, about our procedures before we begin our debate. Where the CEC is supporting a motion, I will advise Congress of the CEC's recommendation. Where the Executive position is something other than straight support, for instance, support with a qualification or support with a statement or to seek withdrawal or refer, I will call on someone to give the CEC's recommendation in a reply to the debate. To save time, I will take a group of motions and ask the CEC speaker to reply to groups rather than deal with each motion individually. The Congress Programme shows those groups. If that is clear, let us continue.

RIGHTS AT WORK

EMPLOYMENT RIGHTS

COMPOSITE MOTION 9

(Covering Motions 157, 158 and 159)

157 - Workers' Rights (Lancashire Region)

158 - Employment Rights (London Region)

159 - Employment Rights (Northern Region)

Congress recognises that employers, and not just the cowboys, are increasingly terminating staff with less than one year's service thereby denying them redress at Employment Tribunals, or are resorting to only employing staff on temporary contracts. All workers should enjoy equal rights and the current rules that require an employee to have 12 months continuous employment before they can claim unfair dismissal is unacceptable.

It wasn't too long ago when Trade Unions were promised the further legislation necessary to fulfil John Smith's commitment to the TUC that under a Labour Government all workers would have equal rights from day one of their employment.

Congress welcomes the Workers' Rights introduced by the Labour Government since 1997, but agrees that the GMB must redouble its efforts to secure full employment rights from day one of any employment, and now calls upon the CEC to campaign to ensure that the Labour Government introduces legislation giving unfair dismissal rights from day one of employment, as a priority.

(Carried)

THE PRESIDENT: I now ask the mover of Composite 9, Employment Rights, to come to the rostrum. The CEC is supporting. Northern Region to move, London Region to second, with priority in debate to Lancashire Region.

BRO. B. TAYLOR (Northern): Conference, this composite is quite straightforward. It calls on the Government to give workers unfair dismissal rights from day one of employment. In recent years there has been a growing trend by employers to dismiss staff who have less than one year's service. This situation denies them the right to redress at an employment tribunal. It is clearly not right. We call on this Labour Government to introduce legislation to redress this situation. All workers should have equal rights however long they have been employed.

I recall about ten years ago that the Labour Party gave a commitment to the TUC to give all workers equal rights from day one of employment. It is now a long time since we were promised this legislation from the Labour Party. Now, in this historic third term, we can expect this Labour Government to act.

It is also important to recognise the extent of what the Labour Government have done since 1979 in improving working conditions for working people. However, the time is now right for us to make one final step as far as unfair dismissal is concerned. Congress, we call upon the CEC to campaign to ensure that the Labour Government introduce legislation giving unfair dismissal rights from day one of employment. I hope Congress supports the composite. Thank you.

SIS. E. ROLPH (London): Seconding Composite 9. President and Congress, at the Labour Party Conference in Brighton in 1993 John Smith was desperate to secure one member/one vote, and promised full employment rights from day one in the next Labour Government. I have to say that the GMB did not support one member/one vote but it was carried and the promise was made. So when do we collect?

I have been on several selection panels for prospective Parliamentary candidates since 1993 and I have always asked the question, "Do you support full employment rights from day one?", and the answer

has always been yes. So when do we collect? In a fair and just society, how can it be fair to sack an employee after 364 days but not after 365? Is it right that local councils, in an effort to get round the small advances we have made, increasingly offer temporary contracts in filling essential posts? No, it certainly is not right. Is it right that the employers in all sectors are more than willing to pay premium rates to agency staff than to employ permanent employees just in case they land in a tribunal at a later date? No, it certainly is not right.

If a labourer is worthy of his or her hire, that hire should be protected by the full force of the law from the moment he or she undertakes such employment.

SIS. F. YOUNG (Lancashire): Colleagues, while it is not my wish to repeat what the previous speakers have said, no one can lose sight of the massive improvement made by the Labour Government to improve the working lives of our members. However, one piece of the jigsaw is still missing, and that is unfair dismissal rights from day one. Time after time our members are dismissed after close on 12 months' service. Of course, there is no protection for our colleagues. We must now push to make this situation history. Thank you.

ANTI TRADE UNION LAWS

COMPOSITE MOTION 10

(Covering Motions 160, 161 and 162)

160 - Employment Rights (Northern Region)

161 - Anti Trade Union Laws (London Region)

162 - Anti Trade Union Laws (Southern Region)

Congress recognises that the Government should repeal all anti-trade union laws introduced by former Tory Governments. This Congress instructs the General Secretary to campaign and lobby to end all anti trade union laws that have a detrimental effect on our membership and organisation, and again calls upon the Government to introduce more legislation to provide genuine employment rights for UK workers, and to bring about constructive change by improving the statutory recognition process to facilitate trade unions to negotiate pay and conditions of employment on behalf of our members.

(Carried)

THE PRESIDENT: Composite Motion 10, Anti Trade Union Laws. The CEC support. Northern Region to move, Southern Region to second. Priority in debate

to London Region.

BRO. B. TAYLOR (Northern): I move Composite 10. These are similar arguments, actually. I have a couple of points to make. First of all, the Warwick Agreement is going to deliver many rights for working people. I understand that there are 20 pledges for the public services and 15 pledges for fairness at work. However, having said that, there are still one or two anomalies that we need to consider, and one is recognition rights, so we do need further legislation. The first reason is to streamline the current legislation so that the hurdles that management put in place are removed and it will be a lot easier for us actually to recruit.

There are issues about protecting workers when they are on strike, and we do need some changes in the law as far as union ballots are concerned. After that, I am sure everyone will agree that we have made great strides forward since 1997. If we get the vast majority of the pledges from the Warwick Agreement and are successful in the other three main issues, then we will have come a long way. I hope that Congress would support the composite. Thank you.

BRO. P. GOODACRE (Southern): I second Composite 10 - the repeal of the anti trade union laws. We suffered 18 years of Tory Governments attacking trade unions. I saw this first-hand as a teenager growing up around the Kent coalfields; first, with the miners and then with the mass dismissal of seafarers by P&O, the legality of which is still being disputed. Lamentably, we are still living with the legacy of the Thatcher and Major years.

We, in the Dover Ferries branch, regularly meet with our continental colleagues. When we compare our rights with theirs, we fully appreciate just how far behind we are. Repealing all of these anti trade union laws must be a priority for this third term Labour Government. I second.

BRO. A. McLEAN (London): Colleagues and President, I have come to the rostrum to discuss the composite motion on anti trade union laws. First, I would like to take you back in time to remind you why the trade unions felt the need to lobby for legislation to protect workers.

In 1901 the Taff Vale court ruling decreed that employers could sue trade unions for damages resulting from loss of trade brought about by industrial action. The trade unions had no voice or representation in Parliament and it was felt that by having MPs sponsored by their unions would enable changes in the laws to be passed. This led to the formation of the Labour Party in 1906. The new Labour MPs were in a strong position as the Government of that day, the Liberals, required the support of the new Labour MPs. The trade-off was a

change in the anti-trade union legislation in favour of the unions. This change formed the basis of former representation in the workplace.

Let me jump several decades to the so-called glorious Thatcher years, from 1979 onwards. During this period virtually all the rights that the trade unions earned during the past 200 years were lost. Workers have found themselves unable to demonstrate their displeasure and are bound up by anti trade union legislation. All this sounds very reminiscent of the situation that workers found themselves in nearly a hundred years ago. I have always believed that we should look forward, because this is the way we are travelling, but in this case I firmly believe that we can learn a great deal from those individuals who fought so hard for the basic rights all these decades ago. All of us here today can recall situations where we or others around us consider that we have been unjustly treated.

I believe it is time that we looked back to remind ourselves of the reasons for the formation of the Labour Party. I strongly urge you to support the composite motion so we can see one day the trade unions are in the position of strength that they deserve. Thank you.

CENTRAL ARBITRATION COMMITTEE - RECOGNITION

COMPOSITE MOTION 11

(Covering Motions 163 and 164)

164 - Anti Union Companies (South Western Region)

165 - Central Arbitration Committee (Birmingham & West Midlands Region)

Congress notes with concern the fact that the CAC route to recognition is fraught with problems due to the procedures being weighted in the employer's favour. It is becoming evident that there are many companies using US style union busting tactics, which include threats to close plants or businesses, use of threats to sack trade union representatives and offering inducements to staff to denounce the union, particularly while a union is seeking recognition. We only have to look at the example of the ASDA Distribution Centre in Northern Region to see how employers are allowed to intimidate their employees into rejection of recognition.

This Congress calls upon the CEC to campaign and lobby the Government to act against companies using anti-union tactics and for legislation to be introduced to prevent employers from brow beating their employees into submission. We also therefore call upon the CEC and General Secretary to use their best

endeavours to seek a review of the procedural hurdles the union must get through to secure recognition and to lobby for amendments to the Employment Relations Act to stop bad employers preventing their workers getting access to the workplace protection they are entitled to.

(Carried)

THE PRESIDENT: I call Composite 11.

BRO. S. HORTON (Birmingham & West Midlands): I move Composite 11. Congress, it is a well-known fact that if any employer gets away with bullying and brow-beating their workers into a more profit/less hassle way of operating, they will do it. That is why unions need recognition in every workplace, however large or small, to stop these bully boys in their tracks.

This so-called Labour Government, some of whose MPs we sponsor, have had long enough to amend the Labour Relations Act, so it is up to us, through lobbying and campaigning, to give them a reminder of who has campaigned to get these Labour MPs elected. That is why I move this motion.

SIS. A. LEADER (South Western): President and Congress, for far too long now trade unions have been calling on our Government to act against companies using anti-union tactics. Giving evidence recently to the Trade & Industry Select Committee, union officials said that they are increasingly experiencing US-style union busting tactics. These included threats to close the plant or business while the union is trying to get recognition - to threaten to sack or to actually sack trade union representatives and activists, offers of pay and promotion to induce staff to denounce the union.

Congress, we all know of companies which have denied the unions access to premises to distribute leaflets, while others have held anti union meetings and company ballots in an effort to prevent the union from getting recognition rights and who have used union avoidance and anti union techniques to prevent their employees from being active and gaining new membership.

Colleagues, this composite calls upon the CEC to campaign and to continue to lobby the Government to act against companies using anti union tactics. This composite also calls upon the CEC to lobby for amendments to the Employment Relations Act, to stop bad employers preventing their workers getting access to the workplace protection that they are entitled to. I second.

THE PRESIDENT: I call Harry Donaldson to reply on behalf of the CEC.

BRO. H. DONALDSON (Regional Secretary, GMB Scotland): I am speaking on behalf of the CEC in support of Composite 11.

Congress, on 1st October 2005 new rules on unfair practices and recognition ballots under the statutory recognition procedure will come into effect. These new procedures will mean that if an employer adopts unfair practices against a union in a recognition ballot, the Central Arbitration Committee will have power to award the union recognition. These are practices where the employer is using undue influence to discourage workers from supporting recognition. Examples are threatening them with dismissal if they vote for recognition. This should help discourage the type of tactics that we have seen in some instances. For example, in the Lancashire Region, we have had the case of JJB Sports, where the employer threatened to outsource the workforce to an outside contractor if they voted for recognition, and in the Northern Region, in the case of ASDA RDC8, deplorable smear tactics were used against the GMB. However, these procedures do have shortcomings and should be much tighter. They will only apply during the period of the recognition ballot itself. We say that they should apply throughout.

The Government have also insisted that they apply to unions as well. This situation makes the UK the only country in the world to apply unfair practices to unions as well as employers. The GMB believes that other changes to the recognition procedure are also needed and it argued for these in the Government's review of the recognition procedure in 2003. They include the abolition of the 21 worker threshold that applies before an application can be made. This restriction means that some five million to six million workers in the UK have no statutory right to trade union recognition. Congress, there is still work to be done in improving this statutory recognition procedure. GMB will continue to campaign for the necessary changes.

Congress, the CEC asks you to support this composite.

THE PRESIDENT: Colleagues, I am now going to put the composites to the vote.

Composite 9. Employment Rights. The CEC is supporting.

(Composite Motion 9 was carried)

Composite 10. Anti Trade Union Laws. The CEC is supporting.

(Composite Motion 10 was carried)

Composite 11. Central Arbitration Committee - Recognition. The CEC is supporting.

(Composite Motion 11 was carried)

EMPLOYMENT LEGISLATION

MOTION 166

Congress is asked to recognise that some employers are using this legislation to dismiss our members who challenge their need to work to the beck and call of their employer. This is not about performance or code of conduct but allows employers to justify dismissal on the grounds of 'irretrievable breakdown in the working relationship' the fact that it is at the manager's instigation that this has taken place appears to be irrelevant. In some instances staff have been suspended then informed there has been an 'irretrievable breakdown' whilst they have to wait up to 18 months to go through the internal process.

It is then extremely difficult to prove the working relationship has not broken down when the employee has been suspended for such a long period of time. Some Local Authorities are now trying to implement a specific policy in order to cover themselves. We are therefore calling upon Congress to gather examples of this misuse of legislation and challenge it nationally.

BRISTOL PUBLIC SERVICES BRANCH
South Western Region

(Carried)

SIS. R. HAYWARD (South Western): I move Motion 166 - "Some other substantial reason" - or more commonly known as SOSR; the Employment Legislation Act.

President, Congress is asked to recognise that some employers are using this legislation to dismiss our members who challenge their need to work to the beck and call of their employer. This legislation is not about performance or codes of conduct, but it allows employers to justify dismissal on the grounds of 'irretrievable breakdown in the working relationship'. The fact that it is at the manager's instigation that this has taken place appears to be irrelevant. It has been promoted on the ground that it will stop any legal challenges by employees whose fixed term temporary contract has come to an end, which actually is already addressed through separate legislation. If an employee is imprisoned, it enables the employer to dismiss because, presumably, the employee will be unable to attend for work and, therefore, coming under all of the other procedures, whether it is disciplinary, code of conduct or non-attendance.

Equally, it is being used as an excuse that if an employee has a Criminal Records Bureau check - a CRB check - and it is identified that that existing employee should not continue working with young or vulnerable people, this is one mechanism that could

be used to dismiss them. Furthermore, there are other policies, procedures and legislation which could be used in that instance.

Some local authorities are now trying to implement a specific policy in order to cover themselves. In some instances, staff have been suspended and then informed that there has been an irretrievable breakdown whilst the employee has to wait up to 18 months to go through an internal process. It is then extremely difficult to prove that the working relationship has not broken down when the employee has been suspended for such a long period of time.

We see this legislation as catch-all. If an employer cannot get our members out by using one set of policies and procedures, they have this one to fall back on. Our legal advisers inform us that there is nothing we can do unless we can demonstrate that this piece of legislation is not being used properly. We are, therefore, call upon Congress to gather examples of misuse of this legislation and challenge it nationally.

(The Motion was formally seconded)

WORKPLACE DISCIPLINE

COMPOSITE MOTION 12

(Covering Motions 167 and 168)

167 - Workplace Discipline - Dismissal (Southern Region)

168 - Changes to Employment Tribunal Legislation (Lancashire Region)

Congress recognises that the present assessment at Tribunals regarding how a person has been judged to have been unfairly dismissed is fundamentally flawed. Any employee, unfairly dismissed, should have the right of re-instatement with compensation for the 'injury to feeling', trauma and embarrassment etc. or alternatively, the choice of non return and a higher level of compensation. It must be recognised that families make large commitments on the basis of their continuous employment. Furthermore, losing your job, is rated as one of the most damaging and traumatic of possible life events.

Congress requests that the General Secretary, in conjunction with the TUC, will lobby a returned Labour government, to review the basic principles of the above and produce a more fair and credible system, reflecting the natural laws of justice in a modern democracy.

The burden of proof, to dismiss, must be approaching that which is required in the

criminal justice system. Congress calls upon the Government to review the present criteria with a view to changing the legislation to reflect that the claimant(s) are innocent until proven guilty, as in criminal law. Employment tribunals should be able to judge more than the reasonableness of procedure and should be able to impose and substitute their own unbiased view based on objective and universal standards. There should be no upper limit on the level of compensation for all unfair dismissals and amounts should reflect all relevant factors, for example, loss of earnings, years of service, age, loss of pension potential. This list is not exhaustive.

(Carried)

BRO. P. GOODACRE (Southern): Congress recognises that current legislation regarding unfair dismissal is fundamentally flawed and unjust, being biased heavily in favour of employers. Congress requests that the General Secretary, together with the TUC, lobbies the returned Labour Government to legislate for a fairer and more credible system, one that reflects the principles of justice and embodies the rights of citizens in a modern democracy, rather than the legacy of a master and servant relationship between employer and employee.

The current tribunal test as to whether a dismissal is unfair - did the employer act reasonably? - must be replaced with tribunals testing the fairness of a dismissal against a rigorous set of legal standards with the onus to prove guilt placed squarely on the employer. After all, it is a fundamental principle of our justice system that one is innocent until proven guilty. This principle must be extended to the area of employment law.

The consequences of dismissal are dire. One major insurance company recently estimated that more than one million families are only a single month's salary away from insolvency. The effects are not just financial. Psychologists consistently rank dismissal in whatever form as the third most traumatic life event that can befall any individual. Given this fact, the current basic award for unfair dismissal is entirely inadequate. The basic award should be increased to include a number of factors, such as length of service, potential loss of earnings through seniority and a potential loss of future pension rights. As with discrimination awards, the basic award must also include a compensatory sum for injury to feelings brought about by the embarrassment and humiliation of being dismissed. Furthermore, where a dismissal is found to be unfair, the claimant must routinely be offered reinstatement, in which case the compensatory award might be reduced.

Needless to say, these measures would serve as an incentive to human resource practitioners to act

with caution and professionalism. The increased future cost to employers will make the current contempt with which employment rights are often treated prohibitively expensive. Our notions of justice and the interests of working people demand urgent reform with reference to dismissal.

BRO. T. FALLOWS (Lancashire): President, Congress, I am seconding Composite 12. Conference, we are all subject to persuasion. We must purchase a house; we have to have a car on the drive; we have to have designer goods and clothes for ourselves and our children. The cost of energy, water and the Council Tax seem to accelerate at an unbelievable pace. On average, each family owes an extra five years' of wages or salary. This is a tough burden to carry.

Dismissal can be traumatic; in fact, devastating. But there you are, dismissed. There is no real evidence against you, but the company think that it is reasonable to believe you are guilty as charged. The appeal takes place. Notwithstanding the fact that you have excellent representation, the appeal fails. You are faced with a mountain of debt; your reputation in tatters and there is little prospect of a decent job. To survive, you have to sell your house, move into rented accommodation, take your children out of school, relocate them and dispose of some of your assets to stave off pressing debtors.

Do not despair. You can have your case heard at an employment tribunal if you have a year of completed service with the company. It takes about six months before your case is heard, if you have complied with all the legislation. Somehow you manage to get to the tribunal. Are they going to carry out a root and branch investigation into your dismissal? Not a chance!

The only question that the tribunal will ask is: Was the employer reasonable in dismissing you? They are not going to look for compelling evidence that proves your guilt. The flimsiest of evidence on a genuine-held belief that the employer has that you are guilty is enough to have your case thrown out. That is the British justice system.

There is the law and there is justice. Never, never confuse the two. Imagine being charged with a shoplifting offence and the policeman or the policewoman gives evidence saying: "We searched his property but found nothing, but we do have circumstantial evidence. He was in the shop and he passed the counter from where the goods were stolen. The motive is he lost his job last month and he needed the money. It is my genuinely-held belief that is he is guilty." The magistrates would say: "That is good enough for me. Send him down for six months."

I would call this situation a farce, but it is no laughing matter. The burden of proof at all times and in all cases must be to the standard of beyond reasonable doubt. Conference, give your members a

fighting chance. Give your solicitors a fighting chance.

THE PRESIDENT: Colleague, would you start to wind down, please?

BRO. T. FALLOWS (Lancashire): Bring this crazy stunt to an end and stop the bosses having a right to dismiss with impunity.

THE PRESIDENT: Thank you. Colleagues, I will just stop there for a moment. Some delegates will now be searching through their bags for their speeches, especially if they are new delegates, and they will be terrified. Colleagues, we are doing quite well on the agenda, I am pleased to say, so we have been looking at bringing some of tomorrow's business forward to today. I will start with Motion 133. They are all on pensions. We will see if we can cover Motions 133, 134, 135, 139, 140, 144, 150 and 155.

I now move to Motion 169 to be moved by the Northern Region and seconded by the Northern Region, I am reliably informed. I will be calling Composite 13, Employment Tribunals and the CEC is supporting. Southern Region to move and Southern Region to second. I will then be calling Roy Dunnett on behalf of the Executive to reply.

EMPLOYMENT TRIBUNALS

MOTION 169

Congress calls upon the CEC to campaign to ensure that the rules which limit the amount of compensation that can be awarded by an Employment Tribunal are abolished.

CONSETT 2 BRANCH
Northern Region

(Carried)

BRO. M. WATERS (Northern): I move Motion 169 on Employment Tribunals. President, Motion 169 is extremely simple and clear. It is about keeping promises. The Labour Party in opposition was clear about its commitment to the working people. Many delegates here today will remember the words of John Smith to the TUC Congress: "Full employment rights to all workers from day one of their employment." Not after two years, not even after one year, but from day one.

Colleagues, this motion is simple. We want that commitment. We want that promise to be kept. If a worker is unfairly dismissed by an unscrupulous employer, we want the right to represent that worker in an employment tribunal to ensure that the employer is brought to book. The fact that our member has been employed for 10 years or one day is completely irrelevant.

There can be no justification for the present

limitations on the rights of workers to take their cases before a tribunal. Nobody is arguing that employers cannot dismiss for lawful reasons, but it is a disgrace in this modern democracy to allow employers to dismiss workers without reasonable cause simply on the ground that they have been employed for less than 12 months. It is a disgrace that a Labour Party or a Labour Government allows such a situation to continue.

Following the recent General Election, Tony Blair told the British people that he had got the message. Well, Tony, it is about time to prove it. Stop pandering to the CBI and the bosses and start listening to ordinary people again. Congress, I urge you to support Motion 169.

(The motion was formally seconded)

EMPLOYMENT TRIBUNALS

COMPOSITE MOTION 13

(Covering Motions 170 and 171)

170 - Industrial Tribunals (Southern Region)

171 - Employment Tribunals (Southern Region)

Congress believes recent changes regarding employment tribunals were designed to reduce applications by making it more difficult for applicants and the Trade Unions that represent them, which now makes it harder to take claims against bad employers. Congress feels this flies in the face of the founding principle of industrial tribunals which were meant to provide ordinary working people with the opportunity to defend their employment rights in the independent arena.

Congress therefore calls on this Government to reverse its position through the reversal of this legislation and the introduction of further legislation to simplify the process and to introduce more punitive compensatory damages against employers who often flout current employment law.

(Carried)

BRO. B. TONNER (Southern): President, Conference, I joined the trade union when I was 14 years of age. I am now 57. I will let you work out the arithmetic on that. In all of that time, I have waited for the day when we had a Labour Government with enough of a majority that would do something about the rights of workers who found themselves in dispute with their employer. We have now had eight years of a Labour Government with a majority that could give us those rights. They have not listened and they have not

given us those rights.

In moving Composite 13, we believe that this Union, rightly should approach Labour Government ministers and insist that our members in this country receive the rights and the justice to which they are entitled. What happens at the moment is that the CBI has put enough pressure on the Government to introduce the current position where employers are entitled to extend the timescales in responding to tribunal applications. There is no penalty applied to any employer who exceeds those time limits. In exceeding the time limits, the employer often knows that another injustice is being perpetrated on the applicant to the tribunal; that is, that the right to approach ACAS for help and conciliation is ticking away because there is a time limit in respect of approaching ACAS too.

Another strange right that employers have that applicants do not is the right to submit written evidence to a tribunal after the tribunal has finished, and a tribunal chair has no choice but to accept that evidence. That evidence can be used to sway the decision of the tribunal.

The GMB, in supporting this motion, is, strangely, in an alliance with the chairs of tribunals who collectively have stated that they wish to see trade unions put the maximum pressure on the Government to change these injustices. We also have the support of the legal professional, the barristers and solicitors who represent our members at tribunals, who often find themselves often hamstrung by the fact that the proposals from a Labour Government -- I wish I had a Welsh accent to say that -- do not give justice to our members. Comrades, I ask for your support and move Composite 13. Thank you.

BRO. B. HULLEY (Southern): Comrades, this Government's labour law strategy builds on the gains made by the employers during the 1979 to 1997 Conservative governments. In line with that strategy of curtailment of industrial action and state interference with union rule books, we now have the Dispute Resolution Regulations 2004. We now have relevant disciplinary action under Regulation 2 of that Act, the standard dismissal disciplinary procedures and the modified dismissal disciplinary procedures. We now have schedule 2 of the Employment Act 2002. There is a standard grievance procedure now and a modified grievance procedure.

The strategy is to make everything as difficult as possible; give us more and more hoops to jump through, more chains on the unions and more treacle for us to walk in all the time. Comrades, I second the motion.

BRO. R. DUNNETT (CEC, Energy & Utilities): President and Congress, I am speaking on behalf of the CEC in support of Composite 12, Workplace Discipline, but

with a qualification. This call for a review of unfair dismissal law is in line with the GMB submissions to government in this area during recent years, including our submissions on the new statutory dismissal and grievance procedures.

This review follows our longstanding campaign for reform of employment tribunal rules and procedures for unfair dismissal claims. However, the CEC's qualification relates to the suggestion that the burden of proof in unfair dismissal cases should be based on the criminal law system, which is beyond all reasonable doubt -- if only, colleagues, if only! Unfortunately, the burden of proof in civil cases, including unfair dismissal, is based on the balance of probabilities. This has been the basis of our civil law for centuries. So, sadly, there is little prospect of it being changed in employment tribunal cases.

I have just a word to say about employment tribunals. They have become, as most of us know, more and more like legal battle grounds, many devoid of any justice. They have been moved away from their original ideas and now have become nice little earners for barristers, solicitors and employment law consultants. Therefore, colleagues, with that qualification, the CEC ask you to support Composite 12.

(Motion 166 was carried)

(Composite Motion 12 was carried)

(Motion 169 was carried)

(Composite Motion 13 was carried)

ANNOUNCEMENTS

THE PRESIDENT: Thank you, Conference, and thank you, Roy.

I have a couple of announcements, colleagues. One says: "Dear Mary, the bucket collection for Iraq will be at lunchtime." That is acceptable to the Northern Region. So dig deep.

We also have two fringe meetings during lunch. One is "Defend Council Housing", which is taking place in exhibition area left. Alan Water is the speaker. We also have another fringe meeting, "The Palestine Campaign", which is taking place in exhibition area right. There are to be several speakers. Refreshments are available in both. OK, colleagues?

The 35-hour week, Motion 181, to be moved by Lancashire Region. The CEC is asking for reference. Oh, Toomey. Did you not go to church this morning? I thought on a Sunday I would have lost you! *(Laughter)* If you do not refer back, I am going to ask the Congress to oppose!

THIRTY-FIVE HOUR WEEK

MOTION 181

Congress believes that the time is now ripe to start a campaign for a 35 hour week. The C.S.E.U. have the funds for this project.

242 SALFORD NO 1 BRANCH
Lancashire Region

(Carried)

BRO. J. TOOMEY (Lancashire): I am talking about the 35-hour week. I am going to give you a little history on it first because some of you probably will not know what it is about. In the 1980s, during the Tory years, believe it or not, the Confederation of Shipbuilding & Engineering Unions came to an agreement that if a factory went on strike, the other factories in that area would donate a day's pay. As a result, those on strike would not be on strike pay. They would be on their ordinary pay to ensure that they did not suffer. It was very, very successful. When it came to the conclusion that enough was enough, there was £8 million over which the CSEU is holding now.

In 2000 I went to Belfast, and Robinson of the CSEU was there. I said to him: "When are we going to have a second go at the 35-hour week?" He said: "Well, the time is not right." "Well, how much do we have in the bank?" "£15 million." That was five years ago. It is now roughly £20 million. I am not prepared at this rostrum to refer anything to any union. That is our money, our members' money, although some of the companies do not exist now whose members contributed.

However, you will have to do something with that money, or else we will make a move to get it functional. You can either build a convalescent home with it for retired members of unions or a holiday complex, anything, but you are not going to keep that bloody £20 million!

Another thing. When you sit down with AMICUS and the T&G in your exploratory talks under "Any other business", bring up about that £20 million and what the hell you are going to do with it!

THE PRESIDENT: I am telling you some things never change and, Toomey, you never change!

BRO. T. FALLOWS (Lancashire): I second Motion 181, the 35-hour week. Conference, let me take you back to the good old days, when trade unions stood together and fought as one unit. How strong we were. We moved mountains. I am taking you back to the 37-hour week campaign when the Confederation of Ship Building and Engineering Unions led a magnificent campaign to secure the shorter working week. Yes, a magnificent campaign; one of the best victories we ever secured! There were the doubters who always said we could never stand together; those

who said our members would wilt when asked to take industrial action. Those doubters were made to eat their words.

We organised superbly. Our members were asked to pay a levy of one hour a week to build up a war chest, and build we did. We had millions of pounds. Then we selected engineering companies and took all our members out on strike. Not only did we bring them out, but we paid them the normal pay. You should have seen the domino effect; one company after another conceding to the shorter working week. In a short space of time, the very threat to bring our workers out was enough to cut two hours off the working week without loss of pay.

What lessons we learned. United we stood in solidarity and comradeship. And there was a spin-off - a significant reduction in unemployment. Those days can return. We already have millions of pounds to be able to finance the campaign. We work the longest hours in Europe. Let us get organised and fight the good fight.

SIS. K. SLATER (CEC, Clothing & Textile): President, in responding to Motion 181, the 35-hour week, on behalf of the CEC, the CEC is recommending that Motion 181 is referred to enable the GMB National Secretary to discuss this at the CSEU.

Their existing fund was set up by the CSEU in 1989 to fund a previous 35-hour week campaign. Due to the political climate at the time, the fund was set up in a complicated trust fund. Although the surplus funds still exist, it is not a simple process to release the monies for a new campaign. The subject of the 35-hour week fund will be discussed at the 2005 CSEU conference where the GMB will be represented. That is the right place to discuss whether or not the time is right for another CSEU 35-hour week campaign. We, therefore, ask the mover to refer the motion.

THE PRESIDENT: Right of reply.

BRO. J. TOOMEY (Lancashire): You are more knowledgeable, sitting on the CEC than I am. I sit on the CSEU, and we have no knowledge of what that CEC official said there. However, support this motion, because they have been lying on their backs watching the money grow and doing damn all about it.

THE PRESIDENT: I am assuming, Toomey, that you are not going to refer?

BRO. J. TOOMEY: No; I will not.

THE PRESIDENT: I just thought I would ask. Colleagues, you have heard the mover say he does not wish to refer back; so the CEC will ask you to oppose.

(Motion 181 was carried)

THE PRESIDENT: I now move to Composite 16, Statutory Holidays, Midland Region to move and Southern Region to second.

STATUTORY HOLIDAYS

COMPOSITE MOTION 16

(Covering Motions 182 and 183)

182 - Statutory Holidays (Midland & East Coast Region)

183 - Employees Holidays - Bank Holidays - Weekends (Southern Region)

Congress agrees that in line with our European partners, the number of statutory holidays should be increased, and should be additional to, and not part of, the working time minimum of twenty days per annum. Congress calls for legislation to restrict employers from including Bank Holidays - weekends as part of an employee's holiday entitlement.

(Carried)

SIS. D. MILLS (Midland & East Coast): President, Congress agrees that, in line with our European partners, the number of statutory holidays should be increased and should be additional to, and not part of, the Working Time Directive minimum of 20 days per annum. The UK has only eight bank holidays at the moment, and three extra bank holidays on top would bring us up to the European average of 11 days.

Across the EU, only the Netherlands gives its workers as few holidays as the UK, but Dutch workers have more annual leave. The granting of additional bank holidays would have no impact upon the economy. On a bank holiday, millions of people not at work have a positive effect on other areas of the economy, particularly retail, leisure and tourism. Obviously, some people have to work on bank holidays. We need the law to be strengthened, to ensure that anyone doing so earns extra pay and time off in lieu. Please support this motion. Thank you.

BRO. B. TONNER (Southern): With great pleasure, I second this motion for justice for the people who we represent and justice for the people who we belong to. I find it abominable in the extreme that yet again I am standing at a rostrum after all these years in this Movement asking a Labour Government to give the workers of this country something that is quite common throughout the rest of the European Union.

The statutory 20 days annual leave was forced upon Britain which feverishly worked to represent the employers in preventing the introduction of the 20 days minimum annual leave. It was forced on Britain through health and safety legislation. In

doing so, the bosses yet again went to 10 Downing Street, won the ear of the leaders of the Labour Party and they are allowed to include bank holidays within the 20 days annual leave. This is an injustice that we should stand against. We support this motion with pleasure and hope that our negotiators make sure that the leaders of the Government actually change this unjust allocation of annual leave. Thank you.

FAIRER REDUNDANCY PAY

MOTION 184

This Congress agrees to campaign for a measurable increase in Statutory Redundancy Pay for our members aged 50 and over who may be unfortunately enough to be affected by this process.

It is unquestionable that this group of our community experience prejudicial attitudes when seeking alternative employment following redundancy.

HOUNSLOW BRANCH
London Region

(Carried)

BRO. D. LINDSAY (London): I am supporting Composite 16 as well as moving Motion 184. I am looking to increase the pay for workers made redundant. Those workers over 50 who face redundancy will have a greater problem to gain new employment. The problems faced by workers may be problems of literacy, numeracy and meeting the standard that is required for a new job. Basic computer skills are also a must in today's workplace. In many cases workers would be required to learn these new skills, which could take many months to gain. This may require a small amount of good counselling to give the worker confidence to apply for a new job in a new environment in today's workplace. If he belongs to this Union, hopefully, he will take advantage of Debbie's new education programme. Please support this motion for increased redundancy pay for the over 50s. Thank you.

BRO. R. SLADE (London): I second this motion. I put forward to you that benefits are not good if you are over 50. In 18 months' time I shall probably be made redundant. If my workplace shuts down, I have been told that I will not get any benefits at all at my age if I have £160 coming into the house. The poor old wife has to continue working. I am too old to go on any of the present schemes that the Government are running. I am only likely to get part-time work, probably at minimum wages - probably at the National Minimum Wage - plus any premiums for

unsocial hours. I just see no way that I can continue to be retired at that age because the redundancy pay is rubbish, absolute rubbish; one and-a-half week's pay for every year I have been employed, which is five years, so please support this motion.

THE PRESIDENT: Thank you. Motion 185, Night Workers, Southern Region to move. The CEC is supporting with a qualification.

NIGHT WORKERS

MOTION 185

Congress urges the GMB to campaign for enhanced protective legislation for night workers. Government should attempt to limit night work to essential minimums, if for no other reason than health grounds.

Night workers should be guaranteed unsocial hours premiums, extended rest breaks, additional holiday and good social welfare conditions, provided by the employer.

DOVER FERRIES X23 BRANCH
Southern Region

(Carried)

BRO. P. GOODACRE (Southern): Motion 185, Night Workers. Congress ---- *(Paul Kenny's mobile phone rings)*

THE PRESIDENT: I am sorry. £10 in the pot. Put the phone off. (Applause)

THE ACTING GENERAL SECRETARY: Mary, *there is* £20. I will have another call tomorrow!

THE PRESIDENT: Sorry, colleague.

BRO. P. GOODACRE (Southern): No problem.

THE PRESIDENT: There is £20 in the pot.

THE ACTING GENERAL SECRETARY: Apologies.

BRO. P. GOODACRE (Southern): I will start again. That interrupted my flow a bit! Motion 185, Night Workers. Congress urges the GMB to campaign for enhanced protective legislation for night workers. The detrimental effects of night shifts on the mental and physical health of those working them are well-documented. These include high blood pressure, increased incidents of diabetes, greater risk of heart disease, depression and greater proneness to substance abuse.

It has been estimated that a lifetime of working rotating shift patterns that include nights reduces life expectancy by an average of five years. This

Government must enact legislation that encourages employers to keep the practice of night working to a minimum. Where the practice is essential, employers must be given statutory obligations to put in place measures that mitigate against the worst effects of night work.

Shift patterns should be assessed with reference to expert medical opinion to minimise those risks. Workers should be offered medical advice and health checks of a far more comprehensive nature than those which the Working Time Directive currently obliges employers to offer. Night workers must be compensated with guaranteed unsociable hour premiums, extended paid breaks and additional paid annual leave. These measures will create a cost to employers which should motivate them to keep night work to an essential minimum.

Regrettably, the trend towards shift work that includes night working is increasing with the rise of the 24-hour society. Given the consequences, the cost to workers' health and the associated long-term cost to the National Health Service, amongst others, the practice must be thoroughly assessed with a view to appropriate protective legislation being enacted. I move.

BRO. B. WALTON (Southern): President and Congress, I, like my colleague, urge the GMB to campaign for enhanced protective legislation for night workers, whether permanent night workers or those who work a rotating shift pattern, including night shifts.

With reference to the detrimental effects already identified by my colleague, a study has been carried out by the Health & Safety Executive. This was done on oil rig workers which recommended a longer run of nights, for example, seven or 14 nights in a row or four on and four off. Regular work patterns are required. Also, a study done on fire fighters recommended that a regular rotating shift pattern would be less detrimental to workers.

If the Government were to pool the results from these and any other studies available and encourage regular health screening by doctors and nurses trained in occupational health, some of this screening to include dietary advice specific to night work could drastically reduce the amount of sickness absence caused by working night shifts.

Finally, much of this would depend on forward-thinking managers and employers fully embracing the concept of the Improving Working Lives Initiative and work life balance, plus any other recommendations from these proposed further studies. Conference, I second Motion 185.

NO STRIKE AGREEMENT

MOTION 186

This Congress believes in modern society the

GMB union should protect workers human rights and resist pressure from employers for no strike agreements.

GROUP 4 (ELEVEN) BRANCH London Region

(Carried)

BRO. R. GILL (London): Comrades, Motion 186 is quite simple. The trade union Movement over the years has defended the right to withdraw labour and has fought against the imposition of no strike agreements. I know there is pressure within industry, particularly the security industry in which I have worked for the past 18 years, for companies to pressurise unions to recognise no strike agreements. That pressure has always existed, but I think the GMB has always maintained its principal position, which is that we do not enter into no strike agreements.

Unfortunately, this principal position is not always shared by some of the affiliated and non-affiliated unions. I refer particularly to the POA and PSU, where they have entered into a voluntary agreement with the Prison Services' no strike agreement. When the CEC supports this with qualification, I know what they are talking about. They are talking about section 127 of the Criminal Justice and Public Order Act 1994. That is something in respect of which the GMB has campaigned for withdrawal. I am glad to say it will be withdrawn.

However, the pressure is that employers, in this case the Prison Service, want voluntary agreements with certain unions which result in short-term advantage to the unions. As far as the GMB is concerned, we have always stood by the principle of non-strike agreements and that approach should continue.

I move this motion, which states that we should continue with our current policy.

BRO. R. SLADE (London): Motion 186 - No Strike Agreement. This is something very close to my heart. I have been a boilermaker. I have been a seaman. I have been in the industry for quite a little time, mostly in the union, sometimes not. However, a no strike agreement! This is against the GMB policy and against most union policies, except the prison officers. They had a nice little sweetheart deal with the Government, which I thoroughly detest. However, Mr. Blunkett, in his wisdom, decided to take it off the table, providing they sign another agreement. That is no good. It gives management the right to abuse and use the workforce in many different ways and they can take no action against that. I move that we accept this motion.

THE PRESIDENT: Thank you. There is another boilermaker following.

BRO. T. ROBERTSON (CEC, Engineering): I am an

ancient one, a Geordie and proud of it! Welcome to Newcastle. President, on behalf of the CEC, I support Motions 184, 185 and 186, but with a qualification in respect of each of these motions.

I turn first to Motion 184 and redundancy pay. The CEC firmly believes that the levels of statutory redundancy pay are far too low. It makes UK workers too cheap to dismiss compared with our counterparts in the European Union.

The qualification to this motion is arguing for a discriminatory approach in favour of the 50-plus age group at the expense of those under the age of 50. The GMB should continue to campaign for an increase across the board to benefit all those who are unfortunate enough to be made redundant, and that they are not discriminated against because of age.

Motion 185 concerns night workers. The CEC believes the motion should be supported, but the qualification is that legislation guaranteeing additional holidays across the board for all workers.

In relation to Motion 186 on no strike agreements. The CEC believes that this should remain our policy. However, the CEC believes that GMB negotiators must have the flexibility to organise and recruit in those areas where strikes are forbidden by law, such as workplaces covered by section 127 of the Criminal Justice and Public Order Act of 1994. The GMB remains committed to campaigning for repeal of this and similar legislation, but the practical reality is that GMB currently represents and organises workers in these working places, and we cannot ignore the law.

Congress, in conclusion, the CEC is asking you to fully support Motions 184, 185 and 186, but with the qualifications I have just outlined. Thank you.

(Composite 16 was carried)

(Motion 184 was carried)

(Motion 185 was carried)

(Motion 186 was carried)

THE PRESIDENT: Let me tell the mover of Composite 16 that the GMB has pushed the Government -- and I mean pushed -- for bank holidays to be paid to all employees, and that has been agreed by the Party. We are now pushing that the legislation goes through Parliament as quickly as possible. If anyone asks you who got it, you can say you did because the GMB were the movers of this all the way down the line; so well done to the GMB!!

Colleagues, I have another little announcement. The TUC Aid Iraq Appeal says -- you know where it comes from -- "Please give generously to the TUC Aid Iraq Appeal raising money for Iraq trade unionists to enable them to build a free and independent trade union Movement, which will ultimately strengthen

civil society. All the money collected will go directly to funding trade union organisation in Iraq through assisting with education programmes, buying IT equipment and much-needed office equipment."

I cannot tell you how badly such a free and independent trade union Movement is needed in Iraq. Also, on Wednesday we have the Colombian fringe meeting. On Tuesday, at our invitation, the General Secretary of the NHS trade union in Colombia is going to come to Congress and I am going to introduce him to you. I think that is very important. As you may or not be aware, so far this year, one hundred trade unionists have been killed in Colombia. So we, the unions, have to put great pressure in many quarters around the world, so that should be good on Tuesday. His fringe meeting is on Wednesday.

RETIREMENT AND PENSIONS

DEFEND PENSIONS

MOTION 133

This Congress notes that pensions are under attack in both the public and private sector. We note the impressive strikes and demonstrations organised in many European countries. We agree to resist attacks and defend occupational schemes by any means necessary. We further call on the Government to introduce compulsory employer contributions and to improve the state pension by restoring the link to earnings with retrospective effect. We agree to campaign for these points by all means including industrial action and in a co-ordinated campaign with other unions. We offer our full support to the National Pensioners Convention.

HOLBORN BRANCH
London Region

(Carried)

BRO. D. POLE (London): Comrades, the current attack on pensions is one of the biggest assaults on living standards for decades. Living longer in comfortable retirement should be a source of celebration. Instead, we are being required to work longer and harder and, consequently, die sooner.

There are one million pensioners today in Britain living below the poverty line. In this country, five per cent of the share of GDP New Labour spends on pensions. The average, in other European countries, is 11 per cent. We say in the Movement that pensions are deferred wages, but often cuts in pensions are treated differently to cuts in wages and salaries. We should not stand by idly to allow this to happen.

Public sector workers are particularly vulnerable. From April 2006, many will face an increase to age 65 before they can claim full pension; a 30 per cent loss if they retire at 60 and a raised minimum age of

retirement from 50 to 55. We also know about the 85-year rule scheme. There are other proposals for attacks on Civil Service workers, teachers, lecturers, rail workers and many others through a tax on final salary pension schemes.

The basic State pension is £79.60 for a single person and £127.25 for a married couple. If the link to earnings -- and, surely, this is the best way of being fair -- had not been abolished, this figure would be £113.12 for a single person and £180.90 for a married couple, at a stroke lifting large numbers of pensioners out of the poverty trap.

There are, of course, several people with no complaints, MPs, judges, for example, who still do pretty well. So the argument that higher pensions for all is not affordable is vastly in favour of those running society, not those creating the wealth. A few less billion spent on illegal wars would mean plenty for pensioners.

This motion refers to the inspiring fight back organised abroad where pensions have been attacked. In France, in particular, we have seen successful industrial action and general strikes. That kind of action in the UK would be a major weapon in our arsenal to oppose the attacks here on pensions, on our deferred wages.

It also refers to support for the National Pensioners Convention, whose main objective is to promote the welfare and interest of all pensioners as a way of securing dignity, respect and financial security in retirement. I trust, Congress, no one here will oppose that today. Support this motion.

(The motion was formally seconded)

PENSIONS

MOTION 134

This Congress believes that the trade union movement should act in unity and solidarity in the protection of our hard-fought for pension rights and agreements. It calls on the CEC and General Secretary to organise and support co-ordinated actions against private companies, local Government and state bodies where they diminish those rights and renege on those Agreements.

NORWICH GENERAL BRANCH
London Region

(Carried)

BRO. J. ISAACS (London): President, Congress, I am moving Motion 134. The current situation for most workers is that men are able to draw a State pension at 65 and women at 60. People work all their lives paying taxes and insurance so they can look forward to the day when they retire and receive a basic State pension. The amount is hardly enough to live on, but

at least they will no longer have to get up at the crack of dawn and go out in the cold and rain or work night shifts.

When the Welfare State was designed, it was estimated that people would live for three years after retirement. Now it is estimated that they live for around 15 years after retirement. We are told that people are living too long, costing the country too much money and the Government cannot afford to pay the basic State pensions at 65.

We know that from the 1995 Pensions Act the State pensionable age for women was increased to age 65. So what else have the Government in mind to solve the problem? They plan to move the goalposts and have come up with the idea of moving the retirement age to 70! That way they would get another five years worth of contributions from the people. Also, it will be five more years before the Government have to pay anything. The knock-on effect is that people will be working longer. They will be completely worn out and die off much quicker. Therefore, the Government will not have to pay out for so many years.

Compared with other countries, we are near the bottom of the league in looking after our senior citizens. To state that the country cannot afford it is nonsense. Maybe if we stopped going to war and spending millions of pounds and the Lord Chancellor stopped wasting hundreds of millions of pounds of tax payers' money renovating Government departments, who knows? We may even be able to reduce the retirement age. Instead of more people working for longer and longer, the Government should be able to reduce it. Colleagues, I would urge you to support the motion.

(The motion was formally seconded)

THE PRESIDENT: Motion 135, Pension Schemes, London to move. The CEC is seeking withdrawal of Motion 135.

PENSION SCHEMES

MOTION 135

Congress calls upon the Government to take control of the nation's pension crisis. That all company pension schemes which are money purchase schemes and are subject to the wheeling and dealing of the stock market be brought under Government control.

The situation as it is at present will leave future generations without financial support to enjoy a decent standard of living during their retirement.

MILTON KEYNES CITY BRANCH
London Region

(Lost)

BRO. J. HIOM (London): I am moving Motion 135. President, Congress, you have just heard from a couple of speakers about the problems the pensions system is in in this country. I am moving this motion because I believe this Congress needs to debate the serious situation in the pensions industry and, in particular, the money purchase scheme. It is not good enough for us to sit back and wait for the Pension Commission to give a report and then to start to think about it. We need to have the debate now and act now.

Many firms are opting out of final salary pensions and putting their employees into money purchase schemes because it is less expensive. We cannot allow the money market to decide the future of our members. I, therefore, call upon Congress to demand that the Government set up an agency that oversees all company pensions, our money purchase schemes, that the agency acts when it sees that a pension is in danger and can take the necessary steps accordingly.

BRO. G. FRASER (London): I second Motion 135. President, Congress, hundreds of thousands of people, many of them our members, are facing a retirement in poverty, despite the fact that they were prudent enough, or so they thought, to contribute to a pension scheme. The Government begrudgingly admit that there is a problem but does not seem to think there is a crisis, not judging by their action so far.

Can we have any confidence in an Inquiry chaired by Adair Turner? It is not his members who are facing a miserable retirement; it is ours, although it is his members who are causing that misery. Schemes are going bust; final salary schemes are closing and transferring to money purchase schemes. It is these money purchase schemes which are causing the most concern. Many or most of them are worth less than was paid in. However, the managers of these schemes get paid handsomely, whether they make a profit or not.

Colleagues, if a member invested a sum of money in a bank or a building society every week, by the time that member reached retirement he would have shown a profit - nothing to go mad about, but a profit. If that bank or building society had gone bankrupt, legislation is in place to ensure a high percentage guarantee to the investor. So, if it was good enough for savers in a bank or building society, why should there not be a guarantee for pension scheme savers? Congress, we support.

THE PRESIDENT: I call the mover of Motion 139, Yorkshire and North Derbyshire Region. The CEC are asking withdrawal.

PENSIONS - ONE SCHEME FOR ALL

MOTION 139

Congress believes at a time when many companies are scrapping Final Salary Pension Schemes for their workers, company directors often ensure that they are in 'better' schemes than their workforces and pay more into their pension schemes than many of their workers earn in a year.

We propose that the pension contribution (currently 15% of gross income) for company directors should not be more than the lowest wage in their workforce.

One way to ensure this happens would be to have one universal scheme covering the whole company workforce.

YORKSHIRE COAL STAFFS BRANCH
Yorkshire & North Derbyshire Region

(Withdrawn)

SIS. P. ROSS (Yorkshire & North Derbyshire): I am speaking without the support of my region. Congress, our branch was amazed that the CEC sought withdrawal of this motion. We did not know if we had, perhaps, worded it badly. After all, what we were asking for was that all employees in a company should be in the same pension scheme, so that the directors would ensure that it was a good pension scheme since they would want to do well out of it.

Look at what the media say:

Daily Telegraph, 19th April 2005: "Pension legislation is encouraging Chief Executives of Britain's biggest companies to amass pension pots way in excess of their salaries. A survey of the UK's 10 largest companies shows that the average pension pot of Chief Executives now totals £7 million. Before 2006 this is all tax free money. That is why so many executives are pouring money into their pension pots. The final knock-on effect for companies is enormous."

Sunday Mirror, 17th April 2005: "Trade Secretary, Patricia Hewitt, called on the four main Rover bosses to give back the £40 million they had creamed off in salaries and pensions since buying the firm."

BBC News, 18th April: "MG Rover refused to share the pension fund with workers saying it is an independent fund."

Many moons ago, when I was a pension trustee for RJB & UK Coal, the trustee board was made up of three members of the scheme and three directors of the company. Ours was a money purchase scheme. Members of the scheme paid peanuts into their pensions and got peanuts pensions out. The decisions were being made by the company directors on the trustee board who, of course, were in a totally different pension scheme. In fact, as a shareholder of the company, because the shares were given to us instead of a pay rise, I could read in my glossy shareholders' brochure that each of my fellow

director pension trustees were paying about twice my annual salary into their private pensions.

I do not know about you, but I do not think they were in a position then to split hairs about the pennies it cost the company for scheme members to pay pension contributions on their leave days. "Oh, dear! That might cost too much. We don't know if the company can afford it", they said, but the company could apparently afford the thousands of pounds the directors thought they were worth.

Come on, CEC, how can you seek withdrawal of this motion? Surely, the ordinary worker is worth at least as much as a company director! Probably more. If they are all in the same scheme, then, surely, it will be a much better pension scheme.

THE PRESIDENT: Secunder? Is there a seconder? *(No response)*

BRO. A. HUGHES (CEC, Energy & Utilities): I am speaking on behalf of the CEC. The CEC is seeking withdrawal of Motions 135 and 139. Turning, first, to Motion 135, the CEC appreciates the strength of feelings on this issue, but is concerned that bringing money purchase schemes under government control would not bring the security that is desired.

Money purchase pension schemes are not unfavourable because the employer has an input into the running of the scheme. They are a poorer provision for the worker because they are, by design, entirely at the mercy of the stock market. They would be no different if money purchase schemes were government controlled, as the Civil Service Money Purchase Option Partnership illustrates.

The GMB policy is to fight for the best pension provision for its members. This situation will continue, no matter who controls the scheme. As changes to State pension provision have shown during the last few decades, government control does not guarantee a decent retirement pension.

Turning now to Motion 139, the CEC support the end of fat cat directors' pensions and a one workforce, one pension policy. However, the GMB has constantly supported a more flexible approach to the provision of tax relief on pension savings. The 15 per cent of earnings highlighted is, presumably, a reference to the tax relief gap on individual pension contributions. This was abolished in the Finance Act 2004 and replaced with a lifetime pension saving cap of around £1.5 million from 2006.

Trade unions argued for removal of the 15 per cent limit as it discouraged pension savings for those whose incomes varied significantly from year to year. It remains GMB policy to oppose two-tier pension provision. We will continue to oppose fat cat directors' pensions.

Congress, in the light of these points, the CEC seeks withdrawal of Motions 135 and 139. If they are not withdrawn, the CEC will recommend you oppose.

BRO. J. HIOM (London): I am exercising my right to reply to Motion 135. President, Congress, we are in the business of safeguarding our members, whether in work or retired. If workers have the foresight to save for their pensions, the pensions should be guaranteed. I ask Congress to support.

THE PRESIDENT: Thank you. Alan, you are not going to withdraw, then?

SIS. P. ROSS: I think, in light of what Alan Hughes has said, we will agree to withdraw.

THE PRESIDENT: Thank you very much, Pam. You are full of surprises! I now put 133, Defend Pensions, to the vote. The CEC is supporting.

(Motion 133 was carried)

THE PRESIDENT: Motion 134, Pensions, London Region; CEC is supporting.

(Motion 134 was carried)

THE PRESIDENT: 135, Congress? The Region will not withdraw, so CEC is asking you to oppose.

(Motion 135 was lost)

THE PRESIDENT: Congress agree the withdrawal of 139. Agreed? *(Agreed)*

(Motion 139 was withdrawn)

THE PRESIDENT: Thank you very much.

PENSIONS

MOTION 140

Congress welcomes the setting up of the Pension Protection Fund by the Government but argues that £400 million is nowhere near enough.

It therefore calls upon the Government to increase their amount substantially over the next three years.

**R35 - ROCESTER JCB BRANCH
Birmingham & West Midlands Region**

(Carried)

BRO. G. RICHARDSON (Birmingham & West Midlands): I am moving Motion 140. President, Congress, I would like to make it clear from the outset that this motion should refer to the financial assistance scheme, which was introduced to compensate members who lost their pension savings when their companies collapsed between 1997 and April 2005. The Pension

Protection Fund is a follow-on from April 2005.

Colleagues, the £400 million that the Government have committed to this fund is nowhere near enough to compensate up to 100,000 members who have lost their pensions through companies going insolvent. Only two weeks ago, scheme members of insolvent companies attended a meeting at the Department of Works & Pensions in a last minute hope for more funding in the Financial Assistance Scheme. Former members of BUSM, Allied Steel & Wire and Dexion schemes attended the meetings as the consultations for the draft regulations relating to the FAS scheme drew to a close.

We need to send a strong message to the powers-that-be that the money on offer would mean members would receive very little from the fund. Also, there are concerns that there will be no inflation protection. The Department of Work & Pensions has said, when asked about the funding, that it would be done at a triennial review. Congress, that is not good enough. David Blunkett has said, since coming to the office, that he will review the £400 million, but as yet no decision has been made.

Colleagues, the FAS will pay a maximum of £12,000 a year and is only open to workers within three years of retirement. Younger workers are not expected to receive any assistance. This can never be right.

If we are in this situation with the FAS scheme, then I would err on the side of caution until we see the final outcome as to the long-term funding of the Pension Protection Fund. If the funding for that is not fair, then watch this space for more company final salary schemes closing on the basis of increased costs. Don't think this cannot happen to any of you. At Rover, 5,000 workers are now wondering whether they can get in the new scheme or not because they do not even know the rules.

We, as a Union, deplore any underfunding that affects our members' expectations to retire in comfort and dignity. Therefore, Congress instructs the CEC to lobby the appropriate Government body without delay to increase funding above the £400 million already committed and then review the position annually. I move.

(The Motion was formally seconded)

PENSIONS

MOTION 144

This Congress is concerned over the growing pensions crisis, together with the growing disparity between pensions of working people and the pensions and golden handshakes given to those who inhabit the country's boardrooms.

This Congress calls on the Labour movement at all levels to campaign for this government to implement real benefits for working people in their retirement. This objective must be a priority for the third term of office.

Although we believe everything must be reviewed to achieve this, increasing the state retirement age is not an option and should be totally rejected in any future consideration.

Although not exhaustive, the campaign should include:

- Reinstating the link between the basic state pension and earnings
- Making employer contributions to second tier pensions compulsory
- Ensuring security for second tier pensions whether occupation or private based
- Ensuring that providers of pensions are legally tied to minimum final pensions agreed at the times they are sold
- Providing a method of transferring pensions without impact on the original final pension minimum forecast

LUTON BRANCH
London Region

(Carried)

SIS. E. ROLPH (London): I am moving Motion 144, Pensions. President, Congress, it must be hard for the Government and MPs to consider the pension crisis. I mean, if you are an MP, there is no pension crisis. Your pension is not only secure, but also increasing. We all know about failed directors of large public companies. Directors may have plundered their employees' pension scheme, so the only thing they can look forward to is poverty while directors get the sack with a six-figure golden handshake and an assured pension.

Colleagues, none of us are entitled to count on much in old age. Health, for instance, is in the lap of the gods. However, one thing we all have an absolute right to is dignity. None of us should be carrying the begging bowl just for the right to exist. There is a pension crisis and, just like any other crisis, it should be acted upon immediately and not when Digby Jones decides to report.

We go to war at the drop of a hat, no matter the cost, but poverty for pensioners requires a report. Colleagues, what sort of a society are we living in? A few pence a week on the weekly State pension is just not acceptable. The link to earnings must be reinstated immediately. Company and private pensions are not at the mercy of fund managers who make more than you or I, whether they make money for the fund or not. Final salary schemes must be

what they say, with no get-outs. Money purchase schemes should have a guaranteed minimum return. Workers who had the foresight or financial stability to take out secondary plans should have these plans bolstered by their employers' contributions and have a minimum return guaranteed. Above all, absolutely nobody should suffer a financial penalty for transferring from one scheme to another. Nobody should be forced to work until they are 70.

President, there is no legal question about dignity in old age. It must be an absolute right. Iraq, right or wrong, cost us many good Labour MPs. The pension crisis, if it is not solved, will cost us many more. I move.

(The Motion was formally seconded)

RETIREMENT AGE AND PENSIONS

MOTION 150

This Congress believes that retirement age should be a matter of individual choice: people should neither be compelled to retire while they are still willing to and capable of work, nor should they be forced to continue working through financial necessity.

With the 'default retirement age' set at 65, Congress seeks to protect workers with a pensionable age of 60, by seeking agreements with those employers to ensure that they do not incur any financial penalty if they choose to work beyond 60.

NORTH WEST LONDON BRANCH
London Region

(Withdrawn)

(The motion was formally moved)

(The motion was formally seconded)

"BUY TO LET" PROPERTY PURCHASES FUNDED THROUGH PENSIONS

MOTION 155

This Congress agrees to press the government for the removal of Tax Relief on "Buy to Let" purchases funded through pension schemes effective from April 2006.

More assistance should be given to those families attempting to enter the property market and this scheme can only serve to increase demand and push up prices!

HOUNSLOW BRANCH
London Region

(Referred)

BRO. D. LINDSAY (London): "Buy to let" pensions. The Chancellor made a decision from April 2006 to allow massive tax relief for individuals who use a pension fund to buy a property for let or a holiday home. Investors can use their money in a pension to invest in property and it is these investors who will receive a generous tax relief. The tax relief will make buying properties cheaper. A property worth £100,000 when bought with a pension will realistically only cost £78,000 as a massive new tax relief saves the buyer £22,000. At the higher tax rate, charged to the rich, the relief is even greater. They save £40,000 when buying a property worth £100,000. The richer an individual is, the cheaper it is for them to buy and speculate in property. There are no limits to how many properties can be bought.

Banks, building societies and other financial service companies are furiously competing to entice savers, like you and I, to take up new schemes that exploit this new tax relief. These companies gamble with your future and hide behind small print clauses and complex rules to protect themselves against losses. They even encourage you to put your own property into a scheme and use it to boost your pension. However, if your circumstances dramatically change, which they usually do when you are over 50, you are forced to redeem your property at a time when prices may be depressed. You may even experience harsh financial penalties for withdrawing from this scheme. You may even have to sell your home to cover these losses. Financial companies would suggest that house prices will never drop dramatically and the scheme is a financially successful venture.

Poor industry regulation has led to lengthy lists of complaints of mis-selling in financial schemes. Surely, history is on the verge of repeating itself. Society must be more responsible when faced with a chance to earn money in such schemes. We must think of the future for first-time buyers and encourage sensible borrowing and investing. We must protect our members from the ruthless businesses that wish to sell risky schemes that jeopardise their future. Please support this motion.

BRO. J. BEVINGTON (London): President, Congress delegates, Duncan has shown the possible dangers of enticing schemes to our members, but what effects do these schemes have on the housing market as a whole? Even the Government's own advisors are quoted in the *Sunday Telegraph*, saying: "This is the biggest tax give-away for higher earners that we have ever seen."

Frankly, I find the proposals astonishing from a Labour Government. These proposals will make the current problems for first-time buyers getting on to the property ladder even harder. There is a shortage of affordable homes to buy in the country and these incentives will cause even more homes to disappear.

Many more higher earners will take advantage of the scheme to buy property, not to live in but to rent. This forces low and middle earners into expensive rented accommodation because there are not enough affordable properties to buy. Due to property prices being so high, any reduction in the amount of properties affordable to first-time buyers would cause prices to rise even higher. The Government are promoting investment by the rich at the expense of the lower middle earners.

Many of our members want the ability to buy affordable property, but the Government seem to want to take this opportunity away. They are undermining their own initiatives created supposedly to help first-time buyers. As a Congress, we must recognise the implication for our members. Please support this motion.

BRO. V. BLOOR (CEC, Engineering): The CEC is supporting Motion 140 but with a qualification. We are asking Congress to withdraw Motion 150 and to refer Motion 155.

Turning first to Motion 140, the CEC welcomes the introduction of the Pension Protection Fund and the Financial Assistance Scheme. These are intended to assist workers who have lost their occupational pensions.

The Pension Protection Fund was introduced in April this year and will provide 90 per cent of pension benefits, but many people have had their lives devastated because their schemes closed before April 2005. The Financial Assistance Scheme is aimed to help them, but the Government have only provided £400 million for over 100,000 victims, which is woefully inadequate.

The CEC, therefore, supports Motion 140, calling for an increase in the £400 million allocated, but with the qualification that this is funding for the Financial Assistance Scheme and not the Pension Protection Fund, which has a different funding mechanism.

Turning to Motion 150, the CEC supports members who wish to continue working past pensionable age if this is through personal choice and not because of the threat of impending pension poverty. Britain should provide a decent standard of living for retired people and not force people to work until they drop.

This motion is contrary to GMB policy, which opposes any default retirement age. The Union is opposed to any form of age discrimination and infringement of an individual's choice. Therefore, the CEC seeks withdrawal of Motion 150. If not withdrawn, we must ask Congress to oppose Motion 150.

Finally, Motion 155 concerns buy-to-let property and the pension investments. We are asking you to refer this motion because it proposes a new GMB policy. It is necessary to evaluate this motion in

connection with existing GMB housing policy, and also to take note of the potential impact of the removal of tax relief in this area. Many pension schemes are heavily reliant on investment returns from property. Given these considerations, I call on Congress to refer Motion 155.

THE PRESIDENT: Thank you, Vin. The right to reply on Motion 150 formally?

BRO. D. POLE (London): President, Conference, apologies for any inconvenience or confusion about this. At the London Region, when we decided policy on this issue, it was agreed that I take it back to the member who put forward this motion at our branch to seek withdrawal. I was going to report back at the first London meeting delegation that we had at this Congress, which I was going to do tonight. I was not aware that it was going to be debated so early; so I apologise for any confusion. I did not actually like the resolution very much anyway, so I am happy to withdraw. It has been agreed by the branch.

THE PRESIDENT: That is refreshing. Well done. The right to reply for 155?

BRO. D. LINDSAY (London): I will accept a referral, but, I think, as you stated, there are obviously problems here as regarding investment by the funds themselves, but it is the individual side of it that I feel rather strongly about. Those individuals who operate the funds should not have that amount of power with money concerning pension schemes. Thank you.

(Motion 140 was carried)

THE PRESIDENT: Thank you. The CEC is supporting Motion 144.

(Motion 144 was carried)

(Motion 150 was withdrawn)

(Motion 155 was referred)

ANNOUNCEMENTS

THE PRESIDENT: Colleagues, we have two international representative visitors here. They are Sister Debbie Anderson from America whom I know quite well -- Debbie, where are you -- and your Mr. D. Taylor. Welcome to the GMB Congress.

I would advise delegates that questions on the accounts must be handed in by close of play on Tuesday. Questions can be handed into the Congress office behind me. Congress, we are now roughly coming to the end of this morning's business, but firstly, for a personal reason, let me thank my family

at the back of the hall for giving up their holiday and returning early. Welcome, Barbara and Alan Fowler, and my other cousin, Moira, and her husband, Bob, who is a GMB member, by the way. If you think I can get money out of a stone, you want to try Moira. She has done the Great North Run, the London Run and is going to do the New York Run, all in aid of children in Romania. She set up a knitting programme that made sure every child had warm clothing in the winter with the help of the police. Moira and Bob, thanks a lot for coming.

Colleagues, we are now closing business. A sharp return for two o'clock on the dot, please.

(Adjourned for lunch)

AFTERNOON SESSION

Congress reassembled at 2.00 p.m.

THE PRESIDENT: Colleagues, let me explain to you how I will take this afternoon's agenda. The Special Report will be moved and seconded on behalf of the CEC. Then I will invite each region in turn to put up one speaker. Then I will ask for any speakers opposed to the Report. The CEC mover will have the right of reply. Then, Congress, we will go to a vote. Votes can be held on separate parts of documents but only if Congress has first voted to do so. Is that clear? Andy Worth will move and Kevin Flanagan of Lancashire Region will second. We will then have the debate and vote.

CEC SPECIAL REPORT: A FRAMEWORK FOR THE FUTURE OF THE GMB

INTRODUCTION

In this special report to Congress 2005, the Central Executive Council (CEC) makes a series of recommendations aimed at developing a framework for the future of the GMB. The CEC believes that the structural and other reforms that it recommends are an essential step towards rebuilding membership strength, encouraging greater membership involvement and thereby securing the future of our Union.

BACKGROUND

At its meeting of 6th July 2004, the CEC established a special task group to examine the national, sectional, regional and financial structures of the GMB. The full resolution that was passed by the CEC to establish the Task Group is at Appendix A.

The Task group membership comprised two members from each GMB Region, one of whom was also a member of the CEC, along with the President, Vice-President, General Secretary, and Deputy General Secretary. Additionally, the Task Group co-opted two members, nominated by the National Race Committee, from amongst the members elected to the CEC as Race Reserved Seats. The membership of the Task Group is listed at Appendix B.

The Task Group began by holding a series of meetings to discuss how it should proceed with its work in accordance with the terms of reference set by the CEC, and to identify the priority issues which it would need to focus on in its examination of the national, regional, sectional and financial structures of the Union.

CONSULTING THE MEMBERS

Following its initial discussions, the Task Group then issued a consultation document to obtain the wider views of the membership and inform its future discussions. The consultation period closed on 31st December 2004.

The Task Group sought views on specific questions, covering a total of 44 topics, throughout each of the following three subjects:

- A strategy for growth
- Democratic structures
- GMB finances

The 44 questions contained in the Task Group consultation document are in Appendix C to this report. Each Region was responsible for conducting its own internal consultation exercise. It was a matter for

each Region how this was conducted, although the Task Group specified that as a minimum, consultation was to take place with: Branches; Regional Committees and Regional Councils; Regional Equal Rights Advisory Committees; Regional Race Committees, and officers and staff employed within the Region. Each Region co-ordinated its own consultation exercise and collated the results into a single regional response which was then reported back to the Task Group through its two regional representatives.

The General Secretary was responsible for arranging and reporting back the results of the consultation that took place with: Sectional National Committees; the National Equal Rights Advisory Committee; the National Race Committee; the National Staff Representatives Committee, and officers and staff employed at National Office and the National Administrative Unit.

REACHING A CONSENSUS

Following the consultation period, the Task Group held a special two-day meeting in January 2005. It took full account of the results of the consultation in the discussions that it held prior to reaching the conclusions and recommendations that it outlined in its interim report to the CEC.

The CEC subsequently held a special meeting in March 2005 to discuss the Task Group's interim report and recommendations. The recommendations are set out below in this report under three headings:

- a strategy for growth
- democratic structures
- GMB finances.

A STRATEGY FOR GROWTH

Campaigns, communications and marketing

The positive responses received to the range of questions posed in the consultation document about the Union's campaigning, communications and marketing activities demonstrated that there was a clear majority in favour of the GMB becoming a more effective campaigning union.

The consultation resulted in a wide variety of suggestions for campaigns on a number of different themes, and it is clear that the common aspiration or aim that all these suggestions reflected is for the GMB to become a more proactive and visible organisation through more effective campaigning and marketing.

The Task Group recognised that taking the measures required to achieve this objective will have resource implications that will need to be carefully examined. It acknowledged that it is the CEC's role and responsibility to determine periodically which campaigns are pursued as the Union's priorities and to take decisions about the resources necessary to support these.

There was very strong recognition of the need to strengthen communications at all levels throughout the organisation, with a majority in favour of an increased focus and resources dedicated to improved regional communications.

Recommendation 1

The CEC Communications Committee will examine how best to achieve improved communications at all levels throughout the organisation, and will incorporate into this examination an assessment of how best use can be made of information technology to assist with improving communications. Each Region should examine communications within the Region to inform the work of the Communications Committee.

Retention and servicing of members

The Task Group posed questions about whether the retention and servicing of existing members should be given a higher priority, and be as high a priority for the Union as recruitment of new members. It also considered whether the GMB's motto should be "Recruit, Organise and Train"?

The conclusion reached was that the GMB should place as much emphasis on the retention and servicing of existing members as it does to recruitment of new members. Both retention/servicing and recruitment are of equal importance to the overall objectives of the Union and should be viewed as

complementary, not competing, activities. There is a 'virtuous circle' of recruitment, retention and servicing, and the Task Group believes that if as much effort is put into supporting the current membership as is put into recruiting new members this will pay dividends - the provision of an effective service to members will assist in achieving our recruitment aims. There was no support whatsoever for the adoption of the motto "Recruit, Organise and Train". However, this was largely due to the acronym "ROT" that would result, rather than opposition to a new motto per se, and a variety of other suggestions were made for a possible motto that the GMB could adopt to reflect the Union's priority aims and objectives.

Recommendation 2

The CEC recognises the strong consensus that retention and servicing of existing members should be given a higher priority, and will take proactive steps to ensure that this is reflected in the GMB's priorities. These proactive steps will include developing a system to allow the CEC to monitor the success of the Union's retention and servicing activities.

Young people and ethnic minorities

The Task Group sought views on two significant and sizeable groups within society, namely young people and ethnic minorities, which are recognised as being seriously under-represented within the ranks of the GMB - both as members and activists.

There was strong support for an increased focus on young people. It is clear that there is serious concern within the Union about the lack of involvement and "trade union consciousness" amongst young people, and a belief that the GMB needs to try and ensure that young people are educated on the role of trade unions. To help address this, the majority favoured a campaign to lobby for the inclusion of trade union studies as part of the national educational curriculum.

The Task Group's view is that the GMB needs to examine how to develop a new strategy on young people - and that the development of this strategy must involve talking to, consulting with, and listening to, young people. However, the Union needs to be careful not to put any renewed focus on young people exclusively on those at school or university, and must not overlook the young people in the workplace who are potential members.

The Task Group view is that there needs to be some "joined up thinking" on the issues influencing and affecting the (lack of) involvement of both young people and ethnic minorities, as both of these groups are under-represented within the Union.

Recommendation 3

A CEC Race Task Group is already looking at ethnic minorities and how to attract more of them into membership of the GMB. The CEC will establish a special working group on young people, whose terms of reference will be to examine how to raise trade union awareness amongst young people, how to attract more young people into membership of the GMB and how to increase the participation of young people in the Union.

Education, training and support for activists

The Task Group consulted about whether better education, training and support for frontline workplace activists should be the Union's top priority, and posed a corresponding question asking whether the GMB should examine how we spend our money on education and training.

In response, there was a consensus that frontline workplace activists are the key to the future of the GMB and they should be trained to agreed common benchmark standards.

The Task group's view was that the GMB's approach should be based around the regional delivery of training for workplace activists, according to the aforementioned national standards. It is recognised that establishing and maintaining a system of national benchmarking will have resource implications that will need to be considered, and that the CEC Training Committee should have a role in overseeing the establishment of the national benchmarked standards.

The implications of this proposal being accepted are that there will no longer be any GMB advanced national training courses delivered nationally - ie that the Union will not seek to replace the GMB National College with any other national training centre. However, the policy proposed does not

preclude any GMB regions collaborating with each other to achieve viable course numbers and run joint advanced courses - it is recognised that regions may not always have sufficient numbers to run a viable advanced course within the region. This will ensure the continuation of the type of regional co-operation on training provision that is beginning to develop since the closure of the National College.

Recommendation 4

The CEC Training Committee will progress the development of education and training for workplace activists on the basis of the proposal outlined above.

Best Practice

The Task Group asked whether the Union should seek out best practices - e.g. branches that are active, recruiting and growing; recruitment and retention strategies that work; campaigns that bring success etc - and adopt them across the Union.

There was a clear agreement that the sharing of best practice must take place at all levels throughout the GMB. The Task Group considers that there is a need to foster a new spirit of co-operation within the GMB, and that this should be reflected in a clear policy statement on the sharing of best practice. Best practice should be adopted and implemented on a wide range of issues. The priority must be to find what works and implement it as widely as possible.

The Task Group recognised that good practices already exist, but they are not always shared as well as they might be.

Recommendation 5

The CEC will ask for examples of the good practice that already exist at all levels throughout the Union (nationally, regionally, at branches and in workplaces) to be gathered and presented to the CEC. In particular, examples of recruitment and retention strategies that work should be identified. The aim should be to identify what works most effectively and implement it as best practice throughout the GMB as widely as possible.

Increasing Participation of GMB Members

A wide range of views were expressed on this issue, and a number of suggestions were received about how the Union could increase the participation of members in GMB activities.

The Task Group believe that developing a sense of identity amongst members with their Union is the key to our future, and that the range and volume of responses to the question of how to achieve this reflect the sense of importance that active members place upon achieving this. It is clear from the consultation that improving participation is viewed by the majority as crucial to the GMB's future prospects of being a successful and effective union.

The Task Group recognise this to be one of the most important challenges facing the GMB - arguably the most important challenge. The issue of improving levels of membership participation relates closely to the terms of reference that the CEC set when it established the Task Group - namely to address the question: "how can the Union best meet the challenges of organising and involving as many members and prospective members during the next ten years to ensure growth and wider member involvement as possible?"

The Task group concluded that the importance of increasing membership participation is such that a further period of widespread consultation is necessary to allow the generation and submission of more ideas and suggestions from active members throughout the GMB. It considers that a further consultation exercise will, in itself, encourage and allow increased participation in the Union's activities.

Recommendation 6

The CEC will make arrangements for further consultation with members at branch, regional and national level, to ensure further discussion and debate about how to achieve increased membership participation.

Developing new recruitment strategies

The Task Group considered the responses to the following series of questions about whether and how the Union should best adapt our recruitment targets and activities.

Should we seek to develop new strategies that allow us to target and recruit in small to medium companies and in the growing parts of the service economy? Should the Union look again at the recruitment targets that we have? Is there further scope in all sectors of the economy and should we identify priorities in manufacturing private services and public services? How do we achieve 100% membership in every workplace where the GMB has recognition?

The response to these questions indicated that there is a clear and widespread recognition that the Union needs to develop a strategic response to the economic and industrial developments that have created new recruitment opportunities amongst the working population.

The Task Group noted that the General Secretary had recently established an Organising Working Group to identify effective strategic responses to the challenge of increasing GMB membership levels amongst the sectors that offer the Union the best prospects for sustained growth.

Recommendation 7

The CEC will refer these issues to the recently established Organising Working Group for its consideration.

Improving our focus on the workplace

There was strong support for the focus of the GMB to be more strongly centred on the workplace, with more resources, effort and time put into the work that the Union carries out in members' workplaces.

Recommendation 8

The CEC recommends that the GMB should adopt and implement this increased workplace focus as policy, and will refer this matter in the first instance to the Recruitment & Organisation Committee for the Committee to identify how to progress this.

GMB activities and their value to members

There was unequivocal support in favour of the Union examining its current activities and assessing their value to GMB members.

The Task Group considered that this should, in any case, be an on-going part of what the GMB does and that the CEC, by establishing the Task Group, had demonstrated that this was the case.

Recruitment of GMB Officials

The responses to the consultation document recognised that the recruitment process for GMB Officials needs to be reviewed.

The Task Group took into account that a Management sub-group had recently been established to examine the Union's recruitment process and procedures.

Recommendation 9

The CEC recommends that this sub-group should continue its deliberations and to report its findings as soon as possible.

DEMOCRATIC STRUCTURES

GMB Structures

A majority supported an examination of GMB structures and the layers that these incorporate to see if they are still relevant and whether we need all of them.

The Task Group was of the view that these issues are being addressed by the matters that, throughout this report, it recommended should be referred to the various CEC Committees and working groups.

Branches

There was a mixed response, with no clear consensus emerging, to the question posed by the Task Group asking whether the Union should consider the expansion of community branches. This appeared to reflect, in part, a degree of uncertainty about what a community branch is.

There was, however, strong support for the need to increase branch activity.

The Task Group noted that following the adoption of the Special Report to Congress 2001, 'Fresh Start for Branches 2001', that this is already GMB Congress policy.

Recommendation 10

The CEC recommends that:

(i) Midlands & East Coast region be asked to prepare a short summary document describing and defining the principles of a community branch. This document would then be distributed by the CEC to regions for onward distribution to branches in order to help develop understanding and inform and stimulate discussion and debate on the subject of community branches.

(ii) Regions are asked to report to the CEC on progress to date to implement the GMB policy 'Fresh Start for Branches 2001', and for each region's report to outline what steps will be taken to progress implementation further where this has not yet been achieved.

Nationally Serviced Branches

The consultation exercise resulted in strong support for a review of the current arrangements in regard to all nationally serviced branches, providing that further consultation took place. The consultation exercise also showed a strong majority in favour of consideration being given to returning this membership to the Regions, where it is believed that it could be better serviced.

Recommendation 11

There will be a full examination of all nationally serviced branches by the Recruitment & Organisation Committee. This examination will be conducted with full consultation with the members of the nationally serviced branches and the Regions.

The Regional Structure

The response to the consultation underlined the need for regions to remain part of the Union's structure as currently constituted, and for the current number of regions to remain unchanged. However, there was support for a "tidying up" exercise on regional boundaries.

Recommendation 12

The CEC will examine the issue of "tidying up" some regional boundaries where any alterations to these could enhance and improve the service to GMB members.

Sections

The responses to the questions posed by the Task Group about GMB sections revealed that the majority favoured a reduction, but not abolition of, the sections.

The Task Group's view was that there should be a reduction to three sections, that these should be based around Public Services, Private Services and Manufacturing, and that these sections should hold sectional conferences.

In the event of the Task Group's recommendation being accepted by Congress 2005, it took the view that the matter of any transitional arrangements that will be necessary to achieve the reduction should be referred to the CEC Recruitment & Organisation Committee

The Task Group was of the view that Industrial Conferences would be a necessity under a structure comprised of the three sections proposed, in order to allow and encourage the active participation of specific industrial groups of members within the new structure.

Recommendation 13

The CEC recommends that:

(i) there should be a reduction to three sections based around Public Services, Private Services and Manufacturing, and that these sections should hold sectional conferences.

(ii) the CEC Recruitment & Organisation Committee progresses this matter, and in doing so considers the creative use of industrial conferences under the new sectional structure to

encourage greater participation by the members in the work of the Union.

GMB Congress

The majority of respondents were in favour of a return to an annual GMB Congress.

Recommendation 14

The CEC recommends that there should be a return to an annual Congress and that the 'traditional' existing structure remains. Further, that Congress should debate the implications of this proposal, and consider a variety of options for the future running of an annual Congress, taking into account factors such as the location, timing and overall cost.

The Central Executive Council and Regional Councils

The consultation exercise resulted in split views on the question of whether the CEC and Regional Councils should be reduced in size. However, the Task Group viewed the positive response on the subject of whether elections to these bodies should be on a regional (rather than a sectional) basis as a "cry for a change", which supports the need for an examination of the size and effectiveness of these important decision-making bodies.

There was no support for any change to the current system whereby only members of Regional Councils are eligible for election to the CEC.

Recommendation 15

The CEC recommends that:

(i) an examination should take place of the size and effectiveness of the CEC and Regional Councils and;

(ii) the current system whereby only members of Regional Councils are eligible to stand for election to the CEC should be maintained.

The GMB rulebook

In response to the question of whether the Union should review our rulebook and identify those rules which are either no longer relevant or act as an impediment to our growth and success, the majority viewpoint was that a review and overhaul of the GMB's rulebook is necessary. There is a strong opinion that the rulebook should be written in plain English.

During its discussions, the Task Group took into account that the recommendations contained in its special report to Congress, if accepted, would also result in a number of necessary rule revisions to facilitate the changes to the Union's structures being proposed.

The Task Group considered it necessary to establish a special working party to review the rulebook at an appropriate time. The purpose of the working party would be to identify any contents of the rulebook that are irrelevant and an impediment to the GMB's success, not whether people 'like' the rules themselves. The Task Group recognises that only GMB Congress has the authority to change the Union's rules.

The legal implications of any proposed rule changes must be carefully considered, and the working party would need a balance of members to give full consideration to the issues involved. For example, as well as senior officials such as the General Secretary and a Regional Secretary, the working group should include lay members and/or officials.

Recommendation 16

The CEC will establish a working party to review the rulebook (at an appropriate time) following Congress 2005.

GMB Election Rules

There was an overwhelmingly positive response in support of a review of GMB election rules to allow campaigning and canvassing for all future elections. The Task Group recommends that the CEC decides the action necessary to proceed in the light of this information.

Recommendation 17

The CEC has established an Election Working Group chaired by the Vice President to review GMB election rules for future elections, and recommends that any CEC decision should await the outcome of the Working Group's report.

GMB FINANCES**Financial Restructuring**

The results of the consultation on this issue were that a re-structuring of the Union's finances should take place.

The Task Group considers that:

- the current funding split between the Regions and National Office should be reviewed;
- there should be a new method of accounting so that Regions have complete control of their budgets and can
- properly manage their finances;
- accounting procedures should be simplified so all members can understand them;
- the Union's money should be held and spent in the Regions and;
- the current practice of Regions spending money and then sending 50% of any surplus to National Office should be reviewed.

Recommendation 18

The CEC recommends that the Finance Committee and Senior Managers review all the financial restructuring issues identified by the Task Group with the aim of identifying appropriate reforms that can be implemented immediately and, in the case of reforms requiring changes to Union Rules, recommending detailed Rule Amendments for the CEC to propose to the next GMB Congress. Senior Managers have already taken preliminary steps so that the financial restructuring review can proceed quickly should Congress 2005 accept this recommendation.

GMB Expenditure

The responses to the questions posed on GMB expenditure reflected clear support for the principle that GMB members should ultimately decide how we spend our money. There was a diverse range of views on the various ways that the Union's membership income could be utilised to further the union's aims and objectives.

The Task Group consider that a starting point would be to identify and examine unproductive areas of expenditure, and believe that the adoption of a more simplified form of accounting procedure (see *financial restructuring* above) would assist this process.

Recommendation 19

The CEC will look at all areas of expenditure to identify those that are unproductive and to make recommendations that these practices are stopped, to free up resources for direct servicing of members and ensuring the growth of the Union.

The National Administrative Unit

The consultation displayed widespread support for a review of the National Administration Unit (NAU), and for a return of its current functions to the Regions.

The Task Group considered that the implications of the return to Regions of the NAU's current functions need to be carefully examined. The Task Group noted that a review of the NAU had been on-going for some time, and expressed its concern at the delay in this review reaching its conclusion.

Recommendation 20

The CEC considered the report from the NAU Review Group on 19 April 2005 and endorsed its conclusions and recommendations. Action is already under way to implement the recommendations, notably identifying a Regional Secretary to work with the NAU and Regions in encouraging employers to switch to direct debit and to increase the use of electronic data transfer.

Review of GMB Costs Centres

There was widespread support for a review to determine whether the GMB costs centres give value for money. The Task Group considers that in making the recommendations contained in this report it has, in effect, taken the action necessary to ensure that the value for money given to GMB members has been fully reviewed.

Branch Commission

The results of the consultation were inconclusive about whether a review of branch commission payments should take place.

The Task Group's view was that nevertheless the Finance Committee of the CEC should conduct such a review. This conclusion was reached after taking into account the potential equalities issues that might arise from the payment of differing rates of branch commission throughout the Union.

Recommendation 21

The CEC Finance Committee will conduct a review of branch commission payments.

Members' Benefits

There was a clear and strong consensus that the Union should consider upgrading members' benefits.

Recommendation 22

The CEC Finance Committee will conduct a full review of members' benefits to consider upgrading them. The review will be based upon all the relevant data and information available on current benefits.

Direct Debit Membership

The consultation resulted in strong support for the proposal that the Union should consider how best to increase the number of members paying their subscriptions by direct debit. There was less appetite (albeit a slight majority) for the idea that members be given incentives to convert.

The Task Group considered that giving incentives to convert to direct debit could create a sense of unfairness amongst those members already paying their subscriptions in this manner. It was of the view that this is a matter to be dealt with on a regional basis, rather than seeking to prescribe a uniform approach.

Recommendation 23

Regions should examine how to increase the number of members paying by direct debit, and whether incentives to convert to direct debit should be offered in the Region.

APPENDIX A

The CEC agreed, at its meeting of 6th July 2004, the following motion:

1. The CEC authorise the establishment of a special CEC Task Group to examine the National, Sectional, Regional and Financial Structures of the Union.
2. The Task group shall comprise of two members per Region of which one must be a CEC member.
3. The President, Vice-President, General Secretary, Deputy General Secretary shall be members of the Task Group.
4. The Task Group will be provided with such administrative support and financial or statistical information as it requires in order to examine its task.
5. Each Regional Committee/Council and National Sectional Committees should make submissions to the Task Group.
6. The Group should aim to establish at least an interim report for the CEC by no later than January 2005.

7. In the event of any proposed changes to existing rules or structures of the Union the CEC will consult with all Sectional Committees and Regional Councils prior to any final report being prepared for Congress 2005.
8. The Task Group's Terms of Reference are "How can the Union best meet the challenges of organising and involving as many members and prospective members during the next ten years to ensure growth and wider member involvement".

APPENDIX B

MEMBERS OF THE CEC SPECIAL TASK GROUP

Mary Turner	President
Malcolm Sage	Vice-President
Kevin Curran	General Secretary
Debbie Coulter	Deputy General Secretary
Linda Clarke	Birmingham & West Midlands Region
Nigel Smith	Birmingham & West Midlands Region
Kevin Flanagan	Lancashire Region
Sheila McKane	Lancashire Region
Doug Henry*	Liverpool, North Wales & Irish Region
Sue Lee *	Liverpool, North Wales & Irish Region
Bob Crosby*	London Region
Sandra Vincent	London Region
Andy Worth	Midland & East Coast Region
Les White	Midland & East Coast Region
Jean Chaplow	Northern Region
William Hughes	Northern Region
Pauline Russell	GMB Scotland
Cathy Murphy	GMB Scotland
Derrick Baker	Southern Region
Sarah Hamlin	Southern Region
Allan Garley	South Western Region
Don McGregor*	South Western Region
Jerry Nelson	Yorkshire & North Derbyshire Region
Kath Manning	Yorkshire & North Derbyshire Region
Peter Foley	CEC Race Reserved Seat
Samanda Caveney	CEC Race Reserved Seat

* = substituted

*Doug Henry - substituted by Paul Evans at two meetings

*Sue Lee - substituted by Jim Philbin at two meetings

*Bob Crosby - substituted by Gary Doolan at one meeting

*Don McGregor - substituted by Sheila Bearcroft at three meetings

APPENDIX C

CEC TASK GROUP CONSULTATION DOCUMENT A STRATEGY FOR GROWTH

1. Should more focus and resources be directed at GMB campaigns, such as the “Keep Public Services Public” campaign, to raise GMB visibility in the media and among working people?
2. Should retention and servicing be given a higher priority and be as high a priority as recruitment? Should the GMB’s motto be “Recruit, Organise and Train”?
3. Should we launch a new campaign - with the TUC - on manufacturing?
4. Should the GMB invest in merchandise and materials such as posters, literature and badges to increase our visibility and for use as recruitment tools?
5. Should there be an increased focus on young people? Should we get back into schools and universities and seek to educate young people on the role of trade unions? Should the GMB campaign to have trade union studies made part of the national curriculum?
6. As frontline workplace activists are the key to the future of the GMB, should support and better training for workplace activists be the Union’s number one priority in the future? Should improved communication with these activists - from all levels of the union - be made a top priority?
7. Should the Union seek out best practices - e.g. branches that are active, recruiting and growing; recruitment and retention strategies that work; campaigns that bring success etc - and adopt them across the Union? There should be no ‘sacred cows’ or fear of upsetting any vested interests, the only priority is finding what works and implementing it as widely as possible.
8. Should we seek to develop new strategies that allow us to target and recruit in small to medium companies and in the growing parts of the service economy?
9. Should training and education of activists be the Union’s top priority? Should the GMB look at the way it spends its money on education and training?
10. Should the Union review our Rule Book and identify those rules which are either no longer relevant or act as an impediment to our growth and success?
11. Should the Union look again at the recruitment targets that we have? Is there further scope in all sectors of the economy and should we identify priorities in manufacturing, private services and public services?
12. Should the focus of the GMB be more centred on the workplace and the Reps who look after our members? Should more resources, effort and time be put in to the work that we do in our member’s workplaces?
13. Should we look at everything the Union currently does and assess its value to GMB members? If it does not benefit our members, should we stop doing it?
14. How do we improve and develop a strategy, structures and an approach to attract young people and ethnic minorities into trade unions?
15. How do we achieve 100% membership in every workplace where the GMB has recognition?
16. Should the Union consider the expansion of community Branches?
17. Should the Union consider moving National Officers out into the Regions and away from National Office? Would this allow National Officers to be closer to the members that they represent?

18. Should there be increased focus and resources dedicated to improved Regional communications? Should the majority of communication resources be committed at a Regional level?
19. Should we review the recruitment process that we currently use to employ GMB officials? Should we consider if the Recruitment Officer entry level is successful or if it is what the GMB requires? Would it be more appropriate to consider specifically recruiting servicing officers?
20. Should we develop common benchmarked standards on education across the Union?
21. Should the GMB commission research into why trade union membership is falling?
22. Should the GMB set out our vision for the future of our union and communicate this clearly to our members?
23. How can the Union make best use of information technology?
24. Should the GMB set up a call centre where members can get advice and information quickly? Would this be useful in those workplaces where the Union has no shop steward or where we have few members?

DEMOCRATIC STRUCTURES

25. Should the Union seek to increase Branch activity? The 2001 Congress Special Report 'Fresh Start for Branches' will be revisited by the Task Group and consideration will be given to expanding Branch Forums. Should we look closely at those branches that don't seem to be working and assess what help they need to succeed and grow?
26. Should we examine the layers between GMB members and their union - do we need all of them? As GMB structures have not changed since 1937, should we review them to see if they are still relevant?
27. Should the Union consider either the abolition or a radical reduction of the GMB's Sections? Should Section Conferences be replaced with Industrial Conferences?
28. Should there be a return to annual GMB Congress? Is it your view that Congress should not be along the traditional lines? Should industrial and topic led meetings be held during Congress? Should motions to Congress be submitted via Section or Industrial Conferences?
29. Should the Central Executive Committee (CEC) and Regional Councils be reduced in size and should they be elected on a regional rather than sectional basis?
30. Should the Union review the amount of GMB Regions and the size of Regions? Should there be a tidying up exercise on Regional boundaries? Do we need Regions as currently constituted at all?
31. Should the Union examine the future of nationally serviced Branches? Should consideration be given to returning this membership to the Regions? Do you believe they could be better serviced in the Regions?
32. Should there be a review of our election rules to allow campaigning and canvassing for all future elections?
33. Should the current system where only Regional Council members are allowed to stand for election to the CEC be maintained?
34. How do we increase the participation of GMB members in everything we do and give GMB members a sense of identity with their union? If we replace sections for example, what will we put in place that will enable our members to identify with and take ownership of?

GMB FINANCES

35. Should the retired life members rate be increased?
36. Should financial re-structuring take place? Should, for example, the current funding split between the Regions and National Office be reviewed? Should there be a new method of accounting so that Regions have complete control of their budgets and can properly manage their finances? Should accounting procedures be simplified so all members can understand them?
37. Should the Union's money be held and spent in the Regions? Should the current practice of Regions spending money and then sending 50% of any surplus to National Office be reviewed?
38. GMB members should decide how we spend our money. Should that money be overwhelmingly spent on our members in the workplace and not on maintaining the Union's bureaucracy? At present 68% of our budget is spent on operating costs.
39. Should the future of the National Administration Unit be reviewed? Should their current functions be returned to GMB Regions?
40. Should we review Branch Commission and seek a common rate across the Union?
41. Should the GMB consider upgrading members' benefits?
42. Should the Union consider how to increase our Direct Debit membership? Should the Union look at giving incentives for members to convert to Direct Debit payment?
43. Going into the future, should the GMB consider becoming a pension provider to GMB members?
44. Should the GMB review whether each of its 12 costs centres (the 10 Regions, the National Administration Unit and the National Office) gives value for money to the members?

APPENDIX D

SCHEDULE: RULE AMENDMENTS: ANNUAL CONGRESS

The rule amendments required to return to an annual Congress simply involve reverting to the previous rules and do not require further detailed consultation i.e. annual Congress; rules revision Congress every third year; election of President and Vice-President; and removal of the (obsolete) CEC power to increase contributions in a non-Congress year.

The only slight variation from previous practice is to maintain the four-year term of office of the President and Vice-President, in line with other office holders, rather than hold elections in alternate Congresses.

On that basis, the required rule amendments are as follows:

Rule 8 Congress of the Union

Clause 1, lines 3 and 4:

Delete "in 1999 and thereafter in alternate years"

Substitute "every year"

Clause becomes:

"1. The supreme authority of the Union shall be vested in the Congress (Ordinary or Special) composed of delegates from the Regions of the Union (in these Rules referred to as Regions). The Ordinary Congress shall be held every year on dates to be determined by the Central Executive Council, which shall have full power to settle all matters financial and otherwise appertaining to the Ordinary Congress. A Special Congress may, however, be held at such time as the Central Executive Council shall determine, and the Central Executive Council shall have full power to settle all matters financial and otherwise, appertaining to such Special Congress."

Rule 9 Business of the Congress

Clause 3, lines 3 and 4:

Delete "the Ordinary Congress held in 1999 and thereafter to every second Congress"

Insert "the Ordinary Congress held in 2006 and thereafter to every third Ordinary Congress"

Clause becomes:

"3. The Congress by a majority vote shall have power to rescind, alter and add to any of these rules. Consideration of amendments shall be restricted to the Ordinary Congress held in 2006 and thereafter to every third Ordinary Congress. The Central Executive Council shall, nevertheless, have power to submit to any Congress (Ordinary or Special) amendments to rules."

Rule 12 President

Clause 1, lines 1 and 2

Delete "at each alternate ordinary Congress"

Insert "in 2005 and at every fourth Ordinary Congress thereafter"

Clause becomes:

"1. The President shall be elected in 2005 and at every fourth Ordinary Congress thereafter from amongst the members of Congress elected in accordance with Rule 8.2, and from the members of the Central Executive Council. S/he shall hold office for four years; shall preside at the Congress succeeding that at which s/he is elected and shall be eligible for nomination and re-election at the expiration of his/her term of office. During his/her term of office s/he shall preside at all meetings of the Central Executive Council and such other Union meetings as the Central Executive Council may direct. S/he shall be responsible for the proper conduct of the business of all such meetings; shall sign the Minutes and in conjunction with the General Secretary and Treasurer, endeavour to secure the observance of these Rules by all concerned. S/he shall attend the Trades Union Congress and Labour Party Conference, and such other conferences as may be deemed appropriate."

Rule 13 Vice-President

Clause 1, lines 1 and 2

Delete "by each alternate ordinary Congress"

Insert "in 2005 and by every fourth Ordinary Congress thereafter"

Clause becomes:

"1. The Vice-President shall be elected in 2005 and by every fourth Ordinary Congress thereafter from amongst the members of the Central Executive Council and shall hold office for four years. If between one Ordinary Congress and another a new Central Executive Council requires to be elected and the Vice-President is not a member thereof, a new Vice-President shall be elected at the first meeting from amongst its own number. In the absence of the President, the Vice-President shall preside at meetings of the Central Executive Council and be responsible for the proper conduct of the business."

Rule 47 Contributions

Delete clause 6

BRO. A. WORTH (Regional Secretary, Midland & East Coast): President and Congress, I speak on behalf of the CEC and privileged to be moving the Special Report: A Framework for the Future of the GMB. This document, delegates, is, I believe, one of the most important documents that we will debate this week. This document and its recommendations, if adopted and carried through into action, will radically change the shape and culture of the GMB. In my view, this document and its contents are actually an antidote to merger. If we deliver on all the recommendations,

I believe that the GMB has no need to merge and can remain independent. As an alternative, of course, if it is adopted, then it will form a blueprint for the discussions on a new union, so it will set the ground for a new union.

We should be proud of the GMB and its achievements. Too often we focus on the negative and keep quiet about our successes. We have a good reputation for providing legal health and safety, pensions advice and for training our workplace reps and developing the learning and skills agenda. We

have a solid record of promoting and defending the best interests of our members by political lobbying and campaigning on employment rights, equal rights, the public services, manufacturing and many other important issues. The GMB has a lot to be proud of.

The plain truth is that this Union, like most other unions, has been losing members year in and year out, despite the fact that the workforce has grown to record levels. In the past two years the GMB recruitment, which once neared 100,000 a year, has fallen to below 75,000. These are signs, Congress, of an organisation in need of review and reviewing how it does what it does. Therefore, despite the achievements that we should be so rightly proud of, the CEC unanimously recognises that we cannot rest on our laurels and we must confront the challenges that face the Union.

In order to do that, the CEC has established a special task group so that the GMB could take a fresh look at itself. The remit of that task group was to examine the national, sectional, regional and financial structures of the GMB, to identify our strengths and weaknesses and to recommend the action necessary to ensure our future. Make no mistake, colleagues, this was a serious look at what we do and what we could, should and must do to ensure that the GMB survives.

The central question was how best to organise and involve as many members and prospective members as possible to ensure the growth and wider member involvement.

The task group comprised a mixture of CEC members, regional lay representatives, the President, the Vice President, the General Secretary and Deputy General Secretary. There was much lively debate and, as you can probably guess, we did not always see eye-to-eye. We shared, though, a common purpose to identify where and how we needed to adapt as a union, to ensure that we maintain and increase our relevance to working people in and beyond the modern workplace. Because of the widespread consultation that took place throughout the Union, the CEC is confident that we have achieved our aims. It was a thorough examination which allowed interested parties to have an input.

The report you are being asked to support sets out conclusions and recommendations which were reached following a series of very comprehensive discussions. This report in recommendation 1 calls for the GMB: "To become a more campaigning, pro-active and visible organisation". No longer shall we stay silent in the GMB.

In recommendation 2, the Report shifts from the failed age old policy of recruit, recruit, recruit to recruitment and retention being viewed as complementary and not as competing activities. This, the CEC believes, is a more sensible policy.

There is a consensus that the key to our success is focused, committed activists, well trained, front-

line shop stewards - you, the stewards.

The Report calls for training within regions to a national standard -- that is a first for the GMB - and for resources to be shifted into the workplace. Those are recommendations 4 and 7.

The Report calls for best practice not only to be shared but also to be implemented, and for widespread consultation to take place over how to increase membership participation. They are recommendations 5, 6 and 8. The exercise on recommendations 5, 6 and 8 will, of course, increase participation.

Recommendation 9 calls for a review of the process for recruiting officials. Of course, the back-up from officers and staff at all levels is also important as part of the GMB, but nothing beats having an effective shop steward in the workplace.

As time is limited, Congress, I cannot go through all of the recommendations, but I am sure you will have noted that the Report incorporates a variety of different approaches. In some cases, such as returning to Annual Congress - recommendation 14 - the CEC has recommended immediate action and proposes rule changes in the back of the document to implement that decision, if you agree it, with immediate effect.

In other cases, the reduction to three sections - recommendation 13 - it is recognised that this will require some transitional arrangements to be put in place. Unfortunately, there has not been time to consult colleagues in the way envisaged by the Task Group and the CEC wants to make time for bringing that consultation to its fruition in the coming years, followed by bringing firm proposals back to the next Congress in 2006, if you agree that. For instance, we need radically to rethink how the industrial and governance sides of our decision-making processes should mesh together. Maybe industry-specific issues could be dealt with by sectional conferences or industrial conferences. There could be more use of industrial conferences.

The general employment, political and social policy is to remain with Congress. There needs to be a debate around all of that, including who goes in which section, where and what for the first time so that people are in the relevant sections.

In other instances, the CEC takes the view that more time and more discussion is needed for more input for active members, so working groups are tasked within the document to take various issues forward before we commit ourselves to action.

Congress, the CEC believes that the Report represents a measured approach which combines a range of proposals, some to act upon as soon as possible and others that need more consultation to make sure that the decisions are right. That is what is important, getting the right decisions, not rushed decisions.

I hope that you will agree that this is a sensible

and responsible way to proceed to secure the future success and prosperity of our Union. Congress, this Report is about how we build on our past achievements while preparing to meet the challenges of the future. Our aim must be to ensure that the GMB is well-positioned to be “the union” for growth in the 21st Century.

The Special Report, in my view, provides the first steps towards developing a framework for the future of our Union and the CEC asks you to give it and the associated rule amendments your support. Congress, the GMB is worth fighting for. We should go forward, not backwards. I won't use the Michael Howard slogan: “Are you thinking what the CEC is thinking?” because I might get a banana chucked onto the stops as I leave this rostrum, but we really should go forward on this document. We must work together in a way that we have never done before. There is a real alternative, therefore, to merger - that we do it together! I move.

BRO. K. FLANAGAN (Lancashire): I am seconding the Framework document on behalf of the CEC. This is an important document. Let us not make any mistakes. If you want a modern, democratic and accountable Movement that involves members, we need to take this document seriously. This was no easy task. My colleague has just said that. It is not easy when you have to look at your own structures and be honest about them, but I do applaud, as a lay member of that particular working group, the manner in which it was done. It went back to the membership and asked the questions. If you ask the questions, then I think the membership deserves to hear the answers, and that is what this document attempts to do. It has not found them all. It is saying that there is a framework here that will move us forward and try to make us stronger than we are and, most important of all, it will touch the hearts and minds of the members who we have no and it will touch the hearts and minds of the workers who we would like to get into membership in the future. So take this document seriously.

Accountability. This is the supreme accountable body of the Union. You hold the power. I am delighted that the recommendation to go to an Annual Congress is contained within the Framework document, because that is what you wanted. That is what you asked for.

Furthermore, it looks at regional councils and how effective they are, whether the size is right. Those are important things at regional level if we are going to move forward and make sure that not only do we make them accountable as they can be but we spread the participation by the members in the process and the democratic structures of this Union. I am delighted to see it in *there*. I think it is important that we do see it. Most important of all, let us look for those models of good practice. Let's

not reinvent the wheel. Let us get together more often and find ways in which we can examine the models of good practice that exist. We have many gifts, as my colleague has just said, across this Movement which we can be rightly proud of. Let's not hide them under a bushel. Let's shine them from the rooftops. We must show people how good this Movement is. If you have got models of good practice in your regions, now is the time to start to share them and spread them across the country to make it something that is useful for everyone. I look at Massive and some of the experiments which are being done with the youth movements, the lifeblood of our Union for the future. We need them and we found them in the surveys which were conducted.

It is important that we do not just do it but that we communicate what we are doing. How can we communicate better with our membership? One of the ways in which this document looks at that situation is by focusing resources more closer to the membership. Where do most people itch and scratch? They itch and scratch at the workplace. That is where they have the most contact with the GMB. This document recommends moving resources into those areas where we know it will actually make a difference and help us to be a campaigning organisation.

It is not just the mantra of “Recruit, recruit, recruit”, but it is also putting the resources that enable the services movement to be strengthened and maybe look at ways in which we can develop and actually expand those services to make sure that they are appropriate for the needs of the 21st Century.

So you must go back to your regions, look at this document closely and share it with others, because I hope that the model that has been adopted up to now will continue to be adopted. The Movement has already said and the CEC has said that it wants to hear those ideas. It will take time to get us there but I do believe that this Framework document is worthy of very careful and due consideration. It is an important document for us all. It is not just a framework that we have set out, but it is the spirit in which we do it. We must reflect on what we are as a Movement. After all, what are the objectives of this exercise?

The objectives are to make sure that we are stronger to serve the weakest members of our Movement. We are stronger to go forward in campaigns, that we win those campaigns on behalf of our members and that we communicate that fact widely. So it is not just putting in the framework. If you leave here having carried this document, I ask you to carry it wholeheartedly and actually work at the phrases and elements that are included in this document, because without you the Framework will mean nothing. We must work in the GMB spirit. That is what we need now. We need to pull together and

get a much more active, democratic and open Movement which will serve the needs of the 21st Century. I am happy to second this document as a lay member of the Task Group.

THE PRESIDENT: Thank you, Kevin. I now open the CEC Special Report to debate.

Does the Liverpool, North Wales & Irish Region wish to put a speaker in?

BRO. D. HENRY (Liverpool, North Wales & Irish): I am very proud to have been a member of the Task Force and it was not always easy. In fact, it was very difficult at the early meetings, as some of my colleagues sitting in this room will remember. We had certain arguments with, shall we say, certain ex-General Secretaries. At the end of the day, this was proposed by the Liverpool, North Wales & Irish Region. Therefore, it needed to be very carefully looked at by me as a member of that regional committee. It was hard but very stimulating as well. Our education officer teaches stewards to make address for ten minutes. My lasting comment to those people is that at the end of the day, you are the members who bring the members in; not those people sitting in London or upstairs. You are the lay delegates and you are the people who bring the members in who bring the income in to pay for the services that we give you. This is a very important document. How many of you know when the last Rule Book was written. Those of you who know when the Rule Book was last written put your hand up? Has anybody any idea? Since you don't, I will tell you. It was in 1938. Has anybody ever read the whole book? It is worth reading because there is a thing called a £2.20p disturbance allowance by the Felt Hatters' Union. The point is that as different unions came in, there were different mergers and they came over, quite rightly, with their protections. So we definitely need the Rule Book to be changed and, obviously, it will be changed so we can make a modern Union.

We don't want to talk about any other unions merging. We don't want any of that crap! We are the bloody GMB, for Christ's sake! We are the Union of the bloody future! *(Applause)* I think that Mary will support me on this, at the very first meeting when we saw this question, we said, "Take that out", and old Billy from the Northern Region said, "Quite right. Get that bloody thing out. We are not having mergers. What the hell's this crap?" We had a vote on it. It was 19-2 in favour of taking it out. Then at the next meeting we got an agenda, and there it was again, so we had to point it out. Old Billy, from Northern, said, "A point of order, Mr. Chairman. You can't vote on something that you have already voted out. You can vote again to see if you want to put it in" and that was voted out again, so that was the end of mergers as far as we were concerned.

To be serious, this Report has many

recommendations in it but not the particular one about merger because Mary insisted on taking it out. It was question 44, I think, Mary, wasn't it? It was something like that.

It is a serious document. It needs to be looked at carefully. There are some radical changes which will affect different industries, and we understand that. What we do not want to do is to leave things for two years. Things move on all the time. We have to move on all the time as well. One of the most important things is that we have an annual Congress, and if we are going to have industrial conferences then we have got to get something out of them. At the end of the day, you have to service the members. It is not just about recruiting. You can recruit, recruit and recruit, but you have got to service the members. That is the most important thing. Thank you very much. I recommend this report to you.

THE PRESIDENT: Thank you, Dougie. In case Congress is not aware, Dougie was taken quite seriously ill at one of those meetings, and it is lovely to see him back in good health.

BRO. J. CAIRNS (Lancashire): Colleagues, there is a lot of good news in this report and, by and large, I think we should support most strongly. The GMB is the GMB and it is proud to be the GMB. We have sorted out our financial problems, and we do not want to take on other people's, so let's stay as we are.

What we do need to focus on is the external business instead of all the in-fighting which has been going on over the past two or three years, and possibly longer since we gave away the democracy of an annual Congress. This matter has been brought to Congress every time we have met. We should have an annual Congress. I am delighted to see that by far the majority of the regions now support that.

I believe that at the rise of Congress at the end of this week every branch in every region should have a very close look at the 1938 version of the Rule Book and seek to bring back to next year's annual Congress, provided it is passed, their amendments and the rules they would like to see deleted. Then we could have a full discussion on it. If any new rules need to be brought in, we should change it, for example, from 1s.6d. to possibly a figure in decimal currency.

I also believe that during the oncoming year the CEC should focus on something else which was mentioned very strongly in the report, and I know for a fact that I would welcome it, and that is training of the front line activists at all levels - regional council, regional committee, senior stewards - because they all desperately need training. As a result of the loss of National College they are just getting back into a training programme again.

I believe that this is the time for the lay membership of this Union to take our Union back and

build it for the 21st Century, hopefully supported by senior management and the officer corps. What we must not do is to give the CEC free reign to introduce this document en bloc. Thank you.

THE PRESIDENT: I call GMB Scotland. Then I will call London Region.

SIS. C. MURPHY (CEC, Food & Leisure): I am speaking in response to the Special Report - A Framework for the Future of the GMB. Congress, this Special Report and the stated recommendations are essential steps towards rebuilding our membership strength and encouraging better membership involvement and securing the future of our Union. The consultation process to date has been wide-ranging and inclusive, and the Special Report before Congress today is the collective output of this process.

The Task Group has to be congratulated on the completion of the collective responses and their ability to prioritise the issues. That is not an easy task and one that covered 44 topics. The GMB consulted widely with its membership on which we based our regional response. Having considered and discussed the 23 recommendations, we have reached a broad consensus that we can support the document in principle. Yes, there are some issues. Yes, some would wish to cherry pick, but, Congress, who can argue with the need for us to address the key subjects of A Strategy for Growth, democratic structures and GMB finances. Congress, this report is about our future. It is about people, purpose and a vision, a vision based on reality, not rhetoric. While GMB Scotland accepts the Report, we make the following comments, namely, in moving to the recommendation contained in section 13 that there should be a reduction to three sections, we must ensure that within those sections, with low membership, there should be no loss of identity or a feeling of being disenfranchised and, on any reconstruction, we need as our baseline, to have fully involved structures with supporting mechanisms appealing to and engaging a confident and community of the activists. With these comments, GMB Scotland supports the documents.

BRO. V. WEST (London): There is much to commend in the Special Report. As a Union, we should not be afraid of change or the need to modernise, whether that be an antidote to merger or a platform for entering into a new union from a position of strength and not weakness. As a Union we need to grow by old-fashioned methods, by recruiting new members, not just be merger or takeovers, but we also need to service those members by modern methods and practices. We need to have a 21st Century, not a 19th Century, rule book. We need to have 21st Century policies and 21st Century practices. Change can often be difficult, but if we are to move forward and

not standstill, we should not be afraid to embrace the need for change and the need to modernise. We need to hold ourselves as a Union accountable to annual Congresses. We need to accept the democracy, whether it be through national elections, congresses or even right own at branch level, and that does not come cheap. We need to accept that many of our structures reflect an economy that is fifty or even a hundred years out of date. We need a union that reflects modern employment pattern and the way our members and potential members work and live today. We need structures that encourage women, ethnic minorities and young people to join a modern and dynamic organisation. London Region looks to the future and supports the Report. We are proud of the GMB. Let our successors be proud of the GMB in fifty or a hundred years time.

BRO. R. REEVES (Southern): We support this document, however there are some dangers lurking within it and possible omissions. The document shifts the power of the GMB to the regions, to some extent. There is a danger of the Union becoming fragmented. Certain things can only be done from the centre - leadership, for one. Employees of our Union do not have the clear employment policies that we would expect from a good employer, such as a human resources department. If we had one, we might have avoided some of the problems.

On the subject of accountability, a rule change every three years? I think it would be better every other year. Thank you.

BRO. J. STRIBLY (Yorkshire & North Derbyshire): The region welcomes the Special Report, in particular the commitment to an improved focus on resources, regional communications and the stronger priority given to improving services to our members which will enable the move to a stronger retention strategy. The Report places an emphasis on sharing best practices which is a long overdue form of co-operation between the regions and National Office to ensure benefits for our membership. The region also welcomes the focus on increased participation of our membership in our region and, I believe, in many others. We see many of the lay activists' positions being held by the same faces for decades. There is also rectification in democratically elected governing bodies of the organisation. Increased participation, therefore, means looking at endorsing our younger members and ethnic minority groups to take part in our democratic procedures and all activities that are organised.

To move these three sections, we believe, will result in greater participation by moving to inclusive industry-based national meetings.

Finally, the region welcomes the commitment to review the financial structure of this great organisation to ensure that more resources are

directed to our members and their workplace.

I move that the Yorkshire & North Derbyshire Region support the Union in the future, which is our Union. *(Applause)*

THE PRESIDENT: I call on Birmingham & West Midlands Region.

BRO. C. MURRAY (Birmingham & West Midlands): I do not know if I can do this justice, Mary. It is a strange experience when I am talking with support of my region.

THE PRESIDENT: Things do change, you know.

BRO. MURRAY: There is nothing wrong with the document as such, but there are one or two concerns within it. I welcome everything. On communications we have slipped. When I joined this Union it was called the GMWU and then it became the GMB, if something happened in this organisation convenors, stewards and branch secretaries knew about it within a couple of days. That does not happen any more.

Education. Will Thorne must be turning in his grave because he built this organisation on training lay activists, members and shop stewards, and we must really improve on what we are doing now. The loss of the College was a sad loss but understandable financial reasons forced that upon us.

We have no problems with going to annual Congress to bring back democracy to the Union. There is nothing wrong in that at all.

We must have full and meaningful discussions with all our members. We have to try and get ordinary members active again in their discussions through their branches, shop stewards and regions.

In reference to branch commissions - you might expect that from me - the way that our branch commissions are done now was a decision of Congress. That decision not only changed what we have now but it gave a promise to full-time branch secretaries that they would not be any worse off than they were before. We have kept to that promise. I think that the whole situation goes back to the GMWU's system because we have lost a lot of good active members because of the change to the 10 per cent branches. I know that a lot of people say "That's greedy. Don't do it for greed", but, by God, ordinary activists lose an awful lot of money when they are servicing this Union. It just reflects a little bit of what they are losing.

Broadly speaking we agree with the CEC's Special Report. I have heard Andy say that he wants to bring items back to Congress next year, but he only mentioned the sections. However, there are changes set out in this Special Report which must come back to Congress that we will have next year in order that we can ratify. The point is that Congress decisions put them in place and Congress decisions can only

alter them. The Birmingham & West Midlands Region supports.

BRO. G. MURRAY (Northern): I am speaking in support of the CEC's Special Report but with one important qualification. We want the functions of the National Admin Unit to be returned to the regions as a matter of urgency. Regional staff, officers, branch secretaries, shop stewards and members have been saying for years that since regions lost their finance departments the accuracy of our membership records has reduced dramatically. Over the years, the NAU must have cost our Union millions of pounds. Every branch secretary and regional officer knows that one of the main jobs that we have to perform is to ensure that the companies which deduct our members' contributions from their wages actually pay the money to the Union. In the days of the old regional finance departments our own regional staff knew the issues. They knew from experience which companies paid and which did not.

When the NAU started all of that experience was lost and with it we lost the local knowledge to manage our membership records and finances. At the end of the day, Congress, the proof of the pudding is in the eating. Before we had the NAU, our finances were strong and links between finance departments and branches were strong. Since the establishment of the NAU our financial position has seriously deteriorated and links with the branches are almost non-existent.

The Northern Region believes that to succeed the GMB must have a sound financial base and that we can only build that sound financial base around regional financial management. With that important qualification, the Northern Region supports the Report.

THE PRESIDENT: Midlands & East Coast Region.

BRO. D. HOCKING (Midlands & East Coast): I speak on the Special Report: A Framework for the Future of the GMB.

Congress, I have dissected, debated and deliberated the contents of this document many times. I was under no illusion that if we were to secure the future of our Union we would have to make sacrifices and adapt to change. Ignore this document and we leave ourselves at the mercy of those who would do us harm. Now is the time to strengthen the Union, to move forward on its own merits and let us leave the predators in our wake. Let us make the GMB a union of the future, a wealthy legacy for our children and our children's children. I welcome this Report with open arms.

SIS. J. SMITH (South Western): I am speaking on the Special Report: "A Framework for the Future of the GMB".

President and Congress, the South Western Region supports the Report and the recommendations by the CEC. The CEC's recommendation of returning to an annual Congress is welcoming. We have experimented with a biennial Congress and believe that the period between this very important body of our organisation was too long. We all know that much can happen in two years. We also believe that the initial idea to move the holding of Congress to every two years was, probably, financially led, but this has been proved not to be operationally sound or, indeed, cost-effective.

Recommendation 18 and the Task Group's consideration contained within the financial restructuring section is more than encouraging. Colleagues, there is a greater need now, more than ever, to have checks and balances in place with a sound financial strategy. If only regions could have a much larger portion of the budget it would enable them to deliver the required services to members on the front line as they are in a better position to assess their needs and requirements. A good example of this would be regional recruitment, where more investment is needed because, as you know as well as I do, colleagues, regions recruit, National Office does not.

Another factual example is education. Without more regional resources in this important area of training for our representatives, the future will be seriously bleak, and I mean regional investment in regional education.

I am sure that colleagues could think of many ways of servicing our members if more money was made available to the regions.

Finally, on recommendation 13 on sections, although my region is fully in support, we must have assurances from the CEC that there will be no change from the present situation until 2006; that the CEC Recruitment and Organisation Committee seriously considers the use of industrial conferences ensuring they retain their identity. We support.

THE PRESIDENT: Colleagues, I am going to give other delegates the opportunity, if they so wish, to make other comments. I have a couple I wish to make. I know that there are two people in this hall who know the Rule Book backwards. One is Toomey and the other one is Steve Pickering, who is sitting at the back of the hall. They know every rule book backwards and forwards. Does anyone wish to come into the debate? *(No response)* Does anyone wish to speak against?

BRO. A. SPINKS (Liverpool, North Wales & Irish): I want to speak about section 13 of the Report, the sectional conferences. I am in the Engineering Section. How far the reduction goes, I believe, should be seriously looked at. Sectional conferences are so vital and so important that we cannot afford to lose them. Even

if we drag them in with somebody else, no disrespect to anybody else, you have got your identity and you can lose something. I would seriously say that we must watch what we do with the conferences. Thank you.

THE PRESIDENT: Andy.

BRO. A. WORTH (Regional Secretary, Midland & East Coast): I am replying on behalf of the CEC.

President, I think we have heard an excellent debate from the floor and I will try and deal with some of the issues and not take up too much of Conference time.

Liverpool, North Wales & Irish Region has indicated supported. Dougie made the point that the focus should be on the members and not on in-fighting. Let me say that myself and the CEC fully agree with that approach. It is time we stopped the in-fighting and that we got on with doing what we are all here to do, which is to look after the members and to service them. There is nothing in the document which suggests anything other than that.

Lancashire Region had some reservations. I think the CEC also have some reservations as well. We must not allow this document to be one that simply goes the way of many other documents which have come to this Congress, where we have come to a congress, we have agreed a wonderful document and, at the end of the week, when we have left we have said, "Well, that's it. We have done all that we need to do." Wrong. We have to take this document and work on it in a way that we have never done in the GMB before. It has to be fully consulted out and discussed. We need to action this document in a way that it becomes a working document.

A number of people mentioned training. The document refers to the training of shop stewards. It also refers to the training of officers. We need both committed well-trained stewards and well-trained officers to a set standard. That is something which has never been asked for before. That will mean shifting resources and there is a commitment from the CEC to shift the resources into providing the training. We cannot allow the situation to continue where the shop stewards do not receive training. The way to get effective shop stewards is to give them confidence in their abilities. So we have to drive training forward. In that way, hopefully, people will be reassured on the training agenda.

Lancashire Region made the comment that they hoped the Report would be supported by senior management. I hope, gathering from the tone of the presentation - I am one of the senior managers - that the required support will be forthcoming from the senior management to move this organisation forward, and your Executive will ensure that that support is forthcoming in a way that it has never done before. There is so much to be proud about

that we cannot go into, but if you watch what has been happening it is happening in a way that has never happened before. That is going to continue, as far as I see it, if you adopt this policy.

Scotland was saying yes to it, I think. There were issues about the structures. The whole purpose of not coming forward in a way that has not been done to you before, with a package that is either take it or leave it, is to allow proper consultation to cover the fears of the sections, the fears about the CEC and to cover off the fears about regional councils because we are not going to achieve anything by simply agreeing a document in this hall that no bugger bothers implementing. So we have to take everybody with us in a way in which we have never done before. That is the intention of the document and we will do that.

The Rule Book point is very interesting. Dougie referred to 1938, so he remembered something from the Task Force. The other point of interest in the Task Force was the view expressed that what we ought to do regarding the Rule Book is that a small group ought to get together and certain people should choose the rules which they like and do not like. I have to tell you that that ain't anything to do with a small group. Rules are your prerogative, the Congress. The only place where rules can be changed is here in Congress. The CEC cannot change the rules. Only Congress changes rules, not the CEC. When it has done so in the past, it has got us into trouble. No more.

Delegates have said that we need to service the members. The CEC agrees fully with that. It is ridiculous that we have gone out and recruited, recruited and recruited at the expense of ordinary members. If we look after the members we have, the logic is that they will recruit for us, will they not? So we have to do that.

In relation to branch commissions, the Birmingham Region talked about branch commissions. Calling for a review -- I think this is one of the mindsets that the GMB got itself into - does not mean that the Executive is going to review it downwards. The rest of the document talks about shifting resources to the front line. It is totally radical. That is something which has never been put forward before in this Congress. I have attended this Congress as a lay delegate and now I attend as a CEC member.

What is unfair on the branch commissions point is that we have branch secretaries across the Union all getting paid different commissions. We are supposed to stand for equality, so how can we justify a differential payment to branch secretaries who are doing the same job? We have to think that issue through properly and take people with us. So we must examine that issue. We must stop the in-fighting.

Northern Region said it had a qualification, which

was talking about the NAU. I must say that we cannot lay all the blame of the GMB's problems on the NAU. There are issues about the NAU, but it is unfair, I believe, to come to this rostrum and lay the blame on any particular group. The message is that we are all in it together as we go forward. We must not have a blame culture. We want to move forward. Those who work at the NAU are our employees and they have rights to be consulted if there is going to be a change. If such a change was contemplated by your employer, you would ask us, as your Union, to give our full weight behind you and prevent your employer taking such action without consultation. We do not like employees being sacked by a text message and I do not like them being sacked by a vote at Congress, thank you very much. That is not the way of a trade union. I think it is unfair to do that.

South-Western made a comment about the sections. I can understand the fear of people in the sections. I am happy to give the commitment that there will be no change in the sections until 2006 at the earliest. I am happy to give the commitment that there will be proper consultation on it. Once we get into the debate, I think people will understand the issue.

The other of debate was that the sections may well give you an identity within the GMB but, at the end of the day, we are all GMB. That is what is important and that is what will keep the GMB alive. So we have to do that. However, it may be better if we go back to the old style. I can remember a few years back when I was a lay delegate that we had industrial conferences. So if gas had problems we had a meeting of the gas shop stewards. If electricity had problems, we had a meeting of the electricity shop stewards. If a local authority had problems, we had a meeting of that local authority's shop stewards. We did not wait two years to have a sectional conference to bitch about it. We did something about it. That is what we have to go back to. So it is not about taking something and not replacing it. I think, and I am happy to debate the sectional issue with anybody, it would be better to go back to using the sectional conferences in a proper way, but also under-pinning them with the industrial conference structure, and even, God forbid, shop stewards' meetings which do not seem to happen as regularly as they did. We have to go right back to that sort of area and move it forward.

I think I have covered most of the points, President. If I have missed anyone, I am sure they will get me in the bar later. I hope that Congress fully endorses the CEC Special Report: A Framework for the Future of the GMB. Further, I hope that we join the discussions with one aim in mind, and there will be heavy discussions amongst us all. The aim is to maintain the GMB. We are one Union and we are the best Union. You are the best activists. Vote for the document. *(Applause)*

THE PRESIDENT: Thank you very much, Andy. Congress, I give you my promise, as a lay rep and as someone who has been heavily involved, that yes, you will be fully consulted on all the issues. When we believe that we have consulted enough, we will come back to you. So it is very important that you are aware that you are not going to be by-passed in any shape or form. We are going to move forward together as one.

Let me, personally, thank all of those lay reps who were on the Task Force who gave up an awful lot of time on this Special Report, which is one of the biggest we have had since I have been coming to Congress.

I now ask if we could move to the vote. Could we vote the document as one including the rule amendments? Is that agreed? (Agreed)

I now put the CEC Special Report to Congress. All those in favour, please show? Is anyone against? Abstentions?

(The CEC Special Report: A Framework for the Future of the GMB was carried unanimously) (Applause)

ANNOUNCEMENTS

THE PRESIDENT: I have two announcements. Remploy shop stewards at Congress are acting as door stewards. Well done. You are doing an excellent job. Tomorrow the Remploy Blobby men will be here. Remploy T-shirts are on sale for £5. A Hotpoint fridge freezer will be raffled during Congress. All money raised will go to the Friends of Palestine. So support.

The TUC Iraq Appeal raised £460.25p. Well done. In line with the appeal I had from Geordie lad, I think the Executive could make that a thousand pounds as that is a very good cause. Is that agreed? (Applause) I will give it to you, Paul.

I have a further announcement. "The GMB Friends of the WCML. We invite you and your branch to become a Friend of the Working Class Movement Library. For individual membership, the minimum annual subscription is £5. For your Union branch, the minimum subscription is £25. We hope that your branch will consider making a regular annual contribution to help us. This can be done by direct debit to minimise administration worries for all concerned. In return we promise to keep you regularly informed of all developments at the Library as we progress towards full independence. Secondly, your branch will be invited to attend all public meetings and events arranged by the Library. Thirdly, we offer to take responsibility for the preservation of any records, minute books and other documentation that your branch may choose to lodge at the Library."

Colleagues, please support it. They are very good friends of the GMB. You can collect your affiliation

forms. Do not forget that the stand is in the exhibition area.

UNION ORGANISATION - GENERAL

THE PRESIDENT: We now come to Union Organisation - General. As you are aware, colleagues, where you see an asterisk, Motions 1, 2, 3, 4 and 9 have been ruled out of order.

LITERATURE AND PUBLICITY MATERIALS

MOTION 25

This Congress demands that the CEC devote funds for the use of campaigning and publicity materials.

We are sick of rallying and demonstrating behind Unisons' and other trade unions materials.

Such as we had to while lobbying parliament over Public Service Pensions.

BRAINTREE AND BOCKING BRANCH
London Region

(Withdrawn)

THE PRESIDENT: We now move on to Motion 25 - Literature and Publicity Materials. The CEC is seeking withdrawal in favour of the Report. Is London Region prepared to withdraw? (Agreed)

(The Motion was withdrawn)

PUBLIC SERVICES MAGAZINE

MOTION 26

This Congress instructs National Office to produce a public services magazine to keep members up to date with all current issues in public services.

CAMBRIDGE 2 BRANCH
London Region

(Carried)

THE PRESIDENT: Motion 26. Public Services Magazine. This motion is to be moved by the London Region. The CEC is seeking withdrawal.

BRO. K. ROBERTS (London): Colleagues, how many times have you heard the comment, "Why are there only Unison publications?" One of the biggest criticisms of activists in this hall is that we never receive anything from you. We have heard in this room today that communication is vital. It is a form of recruitment and retention which we had in the Special Report, and we are now saying that we do not

want to do this. Why?

Since Best Value appeared in 1998, local government has been the subject of constant change. Our members need to know what the GMB is doing for them. What better way than to publicise our successes, which was mentioned again. We do not mention our successes. What better way to do it than having a public services magazine? Public services is one of the highest growth areas in this Union and they do not have their own magazine. Again, why? Such a magazine would give us the ability to get our message across the entire public service sector.

I cannot see any logical argument for not producing a public services magazine. Colleagues, please support me in this motion. I move.

THE PRESIDENT: Thank you, colleague. I believe this is your first Congress. Well done.

BRO. D. BYRNE (London): I second Motion 26 on the introduction of a public services magazine.

President and Congress, this is not the first time that I have addressed Congress on this particular issue, but I sincerely hope it will be the last. I find it hard to comprehend the resistance to the idea of creating a national magazine devoted to public services. It is not as if we are asking for a monthly publication. Perhaps twice or three times a year would suffice. There are numerous issues that our members in public services deserve regular updates on, such as pension developments, single status, the two tier workforce, working with contractors, health and safety and risk assessments, part-privatisation of services in housing and education, tribunal rulings and case law precedents. Really, I could go on and on. It would not be difficult to find material to include in such a magazine and it would also provide an additional tool for our activists to use when they compete with the other unions to try to recruit public service workers. Please support the motion.

INTERNAL COMMUNICATIONS

MOTION 27

Congress believes that communications within the union need to be improved in order to keep ordinary members informed of decisions being taken on their behalf and in their name.

**YORKSHIRE COAL STAFF BRANCH
Yorkshire & North Derbyshire Region**

(Carried)

SIS. P. ROSS (Yorkshire & North Derbyshire): Congress, my Open University textbook says: "Communication in social species involves the exchange of information which brings benefit to the group as a whole." So good communications within

the Union should benefit us all.

How do we rate? Let me tell you a story. In December 2003 I went to National College for a national committee meeting for which I am a co-opted member. When I arrived I found that the meeting had been cancelled and nobody had told me. That was the first breakdown in communication. A day's leave wasted, not to mention several hours driving in the M62 traffic. However, I was glad I was there or I would never have found out what was happening until I read it several days later in the national newspapers. We were selling off National College and, obviously, us ordinary members knew nothing about it. We would never have been told through the Union. At least having found out, the branch was able to send a letter to the then General Secretary stating our feelings on the sale of the College and the despicable way the employees, our members, were being treated and the lack of communication between those at the top and the rank and file.

I know it is difficult to communicate with 700,000 members but we live in an age of emails and mobile phones. We used to have several magazines to keep members up-to-date. I have not seen one in years.

We cannot afford them, apparently! However, in the run-up to the recent election, the Union sent me loads of letters. Maybe we have found another crock of gold. I did not know until I visited the GMB website that I could have a newsletter sent to my email address. It turns out that it is only a series of links to items that are on the website but at least it is something. However, I do not remember any information on this coming through to the branch. I do not know where the blockage is, whether it is at national or regional level, but we are in a competitive world and we need to be better than the other union at our workplaces, and communication is a vital part of that.

As activists we are the visible face of the Union to our members. In our branch we never forget that this is a club which we pay to join, happen to take a pride in and it is voluntary. People can leave. We need to provide a good service and an important part of that is letting people know what is going on and what decisions are being taken in our name. The Union needs to decide how best to communicate with its members. We would rather hear it from the Union than read it in the News of the World.

THE PRESIDENT: Is London Region prepared to withdraw? (Calls of "No") In that case, I call Gordon Gibbs for the CEC.

BRO. G. GIBBS (CEC, Public Services): I speak for the CEC for the withdrawal of Motion 26 in favour of the CEC Special Report.

The CEC understands and agrees with the

message contained in the motion. That is why the CEC is asking you to back the Task Group's Special Report. The responsibilities and resources for the production of magazines have already been given to the regions and has moved from national level. Returning to national and sectional based provision would, the CEC believes, be a backward step. However, there may be scope for producing articles on matters of common concern to all public sector workers for regional magazines.

New methods of communication need to be harnessed for reaching members and non-members alike. The use of direct mail is a very expensive method of speaking to members. However, we should be communicating with the GMB activists regularly. This situation must be addressed. Too often we produce good material but fail to get it into the right hands. That was something we learned from the 2,500 activists who replied to our survey two years ago. We need to sharpen up on communications. We have made a start.

Please back the Report and enable the GMB to work on keeping you and your members informed and the employers aware of the power of the Union.

Congress, the CEC is asking you to withdraw Motion 26 in favour of the Special Task Group Report.

THE PRESIDENT: London, you have the right of reply?

BRO. K. ROBERTS (London): We are told, basically, that we need the tools to do the job. Give us the tools and this is one of the tools. That is all I can say.

(Motion 25 was withdrawn)

THE PRESIDENT: On Motion 26 - Public Services Magazine - the region is not withdrawing and the CEC is asking you to vote against. All those in favour of the motion, please show? All those against? Can I have another show? Those in favour? Those against?

(Motion 26 was carried)

(Motion 27 was carried)

UNION ORGANISATION - RECRUITMENT & ORGANISATION

SEPARATE SECTIONAL STATUS FOR HEALTH AND CARE SECTOR

MOTION 41

Congress, Barnsley Health branch asks for Congress' support in providing separate sectional status for the Health and Care Sector. This would be the perfect time to provide

separate sectional status as there is an ongoing review.

BARNSELY HEALTH BRANCH
Yorkshire & North Derbyshire Region
(Withdrawn)

(Motion 41 was withdrawn)

THE PRESIDENT: I understand that Motion 41 is withdrawn.

(Motion 41 was withdrawn)

NATIONAL SECRETARY FOR PUBLIC SERVICES

MOTION 42

This Congress agrees that the Public Services Section should have a National Secretary dedicated solely to it, without any other sectional responsibilities.

BARKING AND DAGENHAM LGO BRANCH
London Region
(Withdrawn)

THE PRESIDENT: I understand that Motion 42 is withdrawn.

(Motion 42 was withdrawn)

MAINSTREAM OF GMB YOUNG MEMBERS

MOTION 47

Congress notes that most of our young members who have joined the GMB are not involved at any level.

The only way of meeting this challenge is by creating dynamic and vibrant youth structures which provides for more effective access to GMB mainstream structures for young people.

Congress recognises that organising young people in the workplace is a challenge given that more young people are moving into Further Education.

Congress further recognises that it is vital for the GMB that a new generation of young trade union activists are developed and calls on the GMB to:

- Encourage and promote increased young member activity.
- To develop and publish a GMB National Strategy on mainstreaming young members.

- To ensure that GMB can support any agreed new activity.

CLYDE BONDING BRANCH
GMB Scotland

(Withdrawn)

THE PRESIDENT: Motion 47. The CEC seeks withdrawal in favour of the Task Group Special Report.

SIS. B. CARSON (GMB Scotland): President and Congress, GMB Scotland move Motion 47 - Mainstream of GMB Young Members. Young people are the future of this trade union. A lack of their involvement at any level needs to be addressed. Congress, we know that organising young people in the workplace is a huge challenge, and it is a challenge that we cannot afford to ignore at this time when young people are moving on to further education.

We need to ensure that our current young members have a vibrant and dynamic youth structure, providing opportunities for young people and more effective access to our mainstream structure.

Congress, the motion states: "Congress further recognises that it is vital for the GMB that a new generation of young trade union activists is developed".

Youth may be inexperienced but do not let that

inexperience create barriers to their full involvement and participation within the GMB.

Our future will be secured by ensuring that we have the full engagement of our young members. In today's society there are competing pressures on our young members' time and we need to recognise the need to create a proactive approach to this matter.

This situation is not new for the GMB. We have already some initiatives in place to attract youth, such as a MASSIVE in the Lancashire Region which has to be applauded. Congress, we need to learn as an organisation and GMB Scotland asks Congress to support this motion.

Earlier today we heard our President, Mary Turner, use the phrase "Bridge to the future". How appropriate is that phrase in the terms of this motion?

Congress, we are calling on you to build this bridge to the future by encouraging, promoting and increasing young members' activities, to develop and publish a GMB National Strategy on mainstreaming young members and to ensure that the GMB can support any agreed new activity. Please support.
(Formally seconded)

THE PRESIDENT: Will GMB Scotland withdraw?
(Agreed) Thank you.

(Motion 47 was withdrawn)

CEC STATEMENT TO CONGRESS: GENERAL SECRETARY & TREASURER, AND RULE AMENDMENT TO RULE 15

1. Following the receipt in late 2004 of serious allegations concerning election matters, the Central Executive Council resolved to set up an Inquiry, to be led by Mr. John Hand Q.C. Unfortunately, disagreements arose between the CEC and the General Secretary and Treasurer, Kevin Curran, concerning the conduct of that Inquiry. On 15 March 2005, the CEC reluctantly decided to suspend Kevin until the Inquiry had concluded and reported back its findings.
2. Subsequently, an amicable agreement was reached so that with effect from 6 May 2005, Kevin Curran stood down as General Secretary, his employment with the Union ending by agreement on the same day.
3. On 23 March 2005, the CEC, exercising its powers under rule 14.2, appointed the Senior Regional Secretary, Paul Kenny, as Acting General Secretary to support Debbie Coulter, Deputy General Secretary. Under that rule, Paul is not eligible for nomination in an election for General Secretary and Treasurer or Deputy General Secretary.
4. The CEC has considered triggering an election for the vacant post of General Secretary and Treasurer, having regard to two provisions:
 - a. GMB rule 15.2 requiring the CEC to seek nominations "forthwith in the event of a vacancy";
 - b. the statutory provisions governing the election of General Secretary.
5. However the CEC has formed the view that exceptional circumstances weigh against calling an election at this time. To explain how the CEC reached this conclusion, it is necessary to summarise the series of investigations it has initiated:

- a. on 27 April 2004, following an earlier motion from Lancashire Regional Committee, the CEC set up a Working Party, chaired by the Vice-President, to review all our election procedures;
 - b. acting on a recommendation from its Appeals Committee, the CEC on 6 July 2004 asked John Cope, June Minnery and Bill Smith to inquire into a complaint concerning the 2003 election of General Secretary;
 - c. on 15 February 2005, the CEC merged the work of that three-member panel with the inquiry being undertaken by Mr. Hand;
 - d. on 19 April 2005, the CEC stood down the Hand Inquiry and combined all three inquiries/reviews in the one Internal Investigation. Mr. Phil King, solicitor, agreed to chair and act as legal advisor to the Investigation;
 - e. on 9 May 2005, the General Purposes Committee reviewed the membership of the Investigation and decided that Phil King, John Cope, June Minnery and Bill Smith should be joined by Sandra Allen and Paul McCarthy.
6. The Investigation is charged with the following matters:
- a. looking into alleged breaches of Union rules in the 2003 election of General Secretary and the 2004 election of Deputy General Secretary;
 - b. considering our elective process and procedures and giving guidance to prevent or minimise malpractice and/or malfeasance in future elections;
 - c. considering evidence given under oath at an Employment Tribunal in Manchester, alleging that illegal and/or unlawful acts had been committed during the course of the Tribunal;
 - d. considering recent allegations made in the press and
 - e. taking account of such other matters as may be considered appropriate or desirable in order to present a full, fair and thorough report to the Central Executive Council.
7. Without pre-judging the findings or recommendations of the Investigation, it is apparent that if the serious allegations that have been made were to be substantiated in whole or significant part, they would cast doubt on the integrity of the Union's electoral process. In that event, the Central Executive Council would feel duty-bound to bring forward recommendations for far-reaching amendments to the Union's rules and practices, with the aim of rebuilding trust and confidence in our election procedures.
8. Accordingly, the CEC considers that such exceptional circumstances exist that it should not call an election for the post of General Secretary and Treasurer until it has received and considered the Investigation's findings and recommendations. In the meantime, the CEC is putting in place a package of measures designed to ensure proper accountability of the Acting General Secretary. Those measures include the following:
- a. the Acting General Secretary [who by virtue of rule 14.2 is not, in that capacity, entitled to a vote on the CEC] has agreed not to exercise his separate voting rights as an elected member of the CEC;
 - b. he will work with the Deputy General Secretary, reporting regularly to the CEC and its Committees;
 - c. the President or Vice-President will continue to chair the regular meetings of the Union's senior management, comprising the Acting General Secretary, the Deputy General Secretary, Regional Secretaries and senior staff.
9. The CEC undertakes to bring to Congress '06 or (in the event that this Congress rejects the CEC's proposal for a return to annual Congress) to a recall Congress not later than summer 2006, a full package of rule amendments, by-laws and guidelines for the election of the Union's senior officers. It is the intention of the CEC that this package, if approved by a Congress in 2006, would enable it to call for nominations for General Secretary and Treasurer within a period of one week after the close of that Congress.

10. Should Congress accept the recommendation not to trigger an election pending the report of the Investigation, it should therefore amend rule 15.2. One option is to revoke entirely the requirement to hold an election “forthwith in the event of a vacancy”. However the CEC considers that in normal circumstances, that principle is sound. In the current abnormal conditions, it recommends that the operation of the phrase should be temporarily suspended, pending the completion of the Investigation and the adoption of appropriate reforms. Accordingly, the CEC submits to Congress the rule amendment set out in the Appendix to this Statement.
11. Notwithstanding such an amendment (if adopted by Congress), the Central Executive Council acknowledges the obligations placed on the Union by the Trade Union and Labour Relations (Consolidation) Act 1992. In the light of that, the CEC has ensured that the person appointed as Acting General Secretary was already a voting member of the CEC, so that there would be no breach of the policy underlying the legislation. Nevertheless, in the event of the Certification Officer upholding a complaint on this issue, the CEC would ask that an enforcement order should not be issued pending the completion of the steps outlined above, or alternatively that any enforcement order should allow time for such steps. Notwithstanding the amendment, the Central Executive Council would of course comply with any binding order of the Certification Officer or a court that the Union should hold an election.

APPENDIX

Rule 15: Election of General Secretary and Treasurer, and of Deputy General Secretary

After clause 2, insert new clause 2A:

“The reference in the preceding clause to ‘forthwith in the event of a vacancy’ will not operate in respect of the vacancy arising on the resignation of Kevin Curran as General Secretary and Treasurer with effect from 6 May 2005. The Central Executive Council will prepare a timetable and by-laws for nominations for and the election of General Secretary and Treasurer as seems to it most appropriate but in any event such that nominations are invited no later than one week after Congress 2006 closes unless that Congress resolves that the date for nominations should be further deferred.”

(Carried)

THE VICE PRESIDENT: President, before I move the Statement, let me, on behalf of Mary and myself, thank Congress for the vote of confidence you gave us this morning in returning Mary and myself as President and Vice President respectively of this great Union. Thank you very much, indeed.
(Applause)

I move the CEC Statement on the General Secretary and Treasurer. You have had this Statement for a short time. For that reason, and because it is very important indeed, I intend to take things slowly. It is a serious matter when a trade union parts company with its General Secretary. The General Executive Council deliberated long and hard before it suspended Kevin in March. None of us took any pleasure in that course of action, but we could not ignore the significant differences between us over the conduct of the inquiry headed by John Hand QC.

At the end of the day, Kevin left office and the employment of the Union. We wish him well for the future.

Paragraph 3 of the Statement then explains that, on 23rd March, the Central Executive Council appointed Paul Kenny, senior regional secretary, as Acting General Secretary. We are confident that Paul,

with Debbie Coulter, will form a strong senior office team and lead the Union in the months ahead.

In normal circumstances, the CEC would quickly trigger an election for the vacant post of General Secretary and Treasurer but, as paragraph 5 makes clear, circumstances are far from normal. Very serious allegations have been made concerning senior officer elections. The allegations are under investigation so I will not set them out. Suffice it to say, they go to the very heart of our election procedure. They are of such importance that the CEC has combined three parallel inquiries into one. The investigation is now headed by solicitor, Phil King, who will be supported by two retired officers, John Cope and Bill Smith, a regional secretary and two other members of the CEC. That is a formidable team carrying huge experience of the Union, its rules and procedures.

Paragraph 6 of the Statement sets out the remit of the investigation. The terms speak for themselves. Until the investigative reports are produced, our election procedure remains under a cloud. The concerns go far beyond whether you support the candidate or whether you are happy with *this* or *that* aspect of the election. They touch on critical elements of our procedure as all qualified

nominees are free to seek nomination.

Can a candidate in a privileged position divert the funds of the Union to bolster their campaign? Can any candidate or their supporters misuse our database or activists?

Colleagues, the CEC does not pre-judge the investigation, its findings or its recommendations. However, we are absolutely convinced that the Union simply cannot, with credibility, conduct an election under our current system. So what should we do?

First, we must co-operate with the investigation, and that means every officer, lay official and employee. Secondly, the CEC will assess the investigation's findings and recommendations without delay. Thirdly, the CEC undertakes to bring to Congress in 2006 a comprehensive set of proposals for a fresh start, an electoral system that will be transparent, fair and efficient and in which we can all have complete confidence.

Colleagues, you will be aware of GMB Rule 15.2. That clause, quite sensibly, says: "In the event of a vacancy in either General Secretary or Deputy General Secretary, the CEC must call an election forthwith." We have no problem with that rule because it makes sense in all normal circumstances, colleagues. As I have explained, the circumstances are not normal. The range and seriousness of complaints going to the investigation committee makes that clear.

As I have tried to explain, the Central Executive Council believes that an election conducted under our current system would not be credible. Whoever won would be vulnerable to a legal challenge creating uncertainty and destabilising the Union, so we are asking Congress to adopt the rule amendment set out in the appendix to the Statement.

That amendment, temporarily, suspends the operation of clause 2 but with a guarantee that the suspension will lapse at Congress next year. By then we should be in a position to move forward. In any event, it will be for that Congress - not the CEC - to decide what happens next. That leaves the legislation requiring the General Secretary to be elected by one member/one vote in a fully postal ballot.

The CEC has asked Paul Kenny to become Acting General Secretary. He is not the Union's General Secretary, and we have chosen someone who is already a fully elected member of the CEC. Colleagues, the GMB operates within the law. We will take legal advice on any complaint which might be brought to the courts or to the Certification Officer as paragraph 11 of the Statement explains. We would argue that the Certification Officer should allow us time to put our house in order. That said, we will comply with any binding order under the legislation.

Throughout everything that is happening, the CEC's No. 1 priority is to take all steps necessary to ensure that our next General Secretary and

Treasurer, whoever he or she may be, assumes office under an election that is accepted by the Union, its activists and members to have been demonstrated to be fair and lawful.

President and Congress, I commend the CEC Statement and the rule amendment, which I sincerely trust that you will accept, thus clearing the way for the investigation and for Paul to work with the CEC and Debbie in the months ahead. I move.

THE PRESIDENT: Colleagues, you have the Statement. Does anyone wish to come to the platform and comment on the Statement?

BRO. B. TAYLOR (Northern): I think it is obviously a difficult time for the Union. I would not want to come here and take sides and, obviously, very much welcome the to Congress that the Union needs to look at how we conduct ballots. The only thing that has concerned me, and it has been mentioned at the rostrum a couple of times, is communications. I think we did lack some communication when a lot of things were happening, and although we were getting information, it was through the press.

The only part that I took quite seriously was an article in the *Guardian* and another in *Labour Research* which mentioned power struggles. All right, that is quite emotive. If there is or have been such power struggles, I hope that that is all over and that we can get back to running the union in the interests of the members.

I think the only other part that concerns me is that somehow we continue. When I say "we", I mean the Executive must keep in touch and communicate with the membership so that we know exactly what is going on. Thank you.

THE PRESIDENT: Is there anyone else?

THE VICE PRESIDENT: I would like to say that there was no power struggle within the CEC. The things that happened actually happened through Kevin and friends of Kevin. We received the allegations. The allegations were then examined. Unfortunately, Kevin kept interfering with those investigations after being told on several occasions by the CEC: "Please let the course of action be taken and let the findings come out. Please do not interfere." However, he would not listen and, at the end of the day, what action was taken had to be taken for his own safety and also the safety of the GMB. That was unfortunate. Thank you.

THE PRESIDENT: Thanks, Malcolm. Can I now put the CEC Statement and the rule amendment 15 to Congress?

(The CEC Statement and Rule Amendment 15 were carried)

THE PRESIDENT: Thank you, Congress.
I now call Paul Kenny, Acting General Secretary,

to move the General Secretary's Report pages 1 to 19
and 21 to 26 and to address Congress.

GENERAL SECRETARY'S REPORT

COMMUNICATIONS DEPARTMENT

Department Staff

Since Congress 2003, the GMB Communications Department has seen a number of colleagues leave their employment with the Union. The Communications Department was re-organised following the restructuring of National Office after the 2003 VER scheme.

Dan Hodges, Head of Department, left in January 2003 and was replaced by Paul Barnsley. Steve Pryle, Campaigns Officer, left the GMB under the VER scheme in December 2003, after over 20 years service. Emily Thomas, GMB National Press Officer, left in March 2004 to take up a post at the Department of Trade and Industry. We wish Emily, Dan and Steve well for the future and thank them for their work and commitment on behalf of GMB members.

Mark Bennett, who joined us in July 2004 from the Labour Party, replaced Emily Thomas in the press office. As a result of the restructuring at National Office, the Union's national political work moved into the Communications Department and Iain McNicol was appointed National Political Officer in July 2004. Iain joined us from GMB Southern Region.

Amy Beresiner was promoted to New Media Officer in November 2004 to oversee the construction and re-design of the GMB's national website. Amy is also responsible for publications, merchandise and recruitment materials. Susan Bishop - and Charlotte Gregory who is currently providing maternity cover for Susan - have both provided first class support to the Department over the last two years.

In the summer of 2004 the Communications Department was able to appoint two student interns - Laura Arstall and Peter Welsh - to work with us over their summer holiday period. Laura has now returned to full time education and Peter remained with the GMB on a 6 month contract in the Research Department to cover Charles King's secondment to DEFRA.

Budget

Since 2003 the Communications Department budget has been reduced by over 15% in 2004 and a further 10% for 2005. Despite this, the Department has continued to undertake significant work in a number of areas.

Campaigns

The Communications Department has continued to undertake a number of important campaigns despite severe budgetary restrictions upon our work.

In 2003, the GMB made national news headlines as we forced the pension crisis to the top of the political agenda with our campaign to change Labour Party policy in support of compulsory pension contributions. This culminated in our victory at the Labour Party Conference in 2003. The GMB, working closely with other trade unions, also won victories on foundation hospitals, manufacturing and employment rights at the Conference.

This joint work has continued - under the banner of "Working Together for a Radical Third Term Labour Government" - and climaxed at the July 2004 National Policy Forum in July 2004 where the trade unions won over 50 commitments from the Labour Party which will form the core of the Party's manifesto.

The Department had also supported our members fight to save their jobs at the Birdseye plant in Grimsby. The workforce at Birdseye had worked in genuine partnership with their management and had undergone a number of successful and significant restructurings, the workers had won awards for learning and training, had radically improved health and safety and the site was profitable. Despite this the site was targeted by management for closure. The Communications Department helped our

members at the site in their campaign to take their message to the top. The UK Chairman, James Hill, was targeted for a series of pickets and demonstrations where he was met by our members, the 'Grimsby Reaper' and Captain Birdseye himself.

The Department is currently working with the Public Services Section on their campaign to defend the Local Government Pensions Scheme and has produced over 220,000 leaflets, placards and posters on this subject. The Department is also currently working on the following campaigns:

Housing

Labour Party Conference overwhelmingly passed the minority position on housing which commits the Government to creating a level playing field in housing.

The Communications Department is planning a major campaign to highlight the GMB's support for publicly owned, publicly run and publicly accountable housing. We will be working with two GMB Regions on campaigns for 'no' votes in stock transfer ballots. We are also highlighting the scandal of the behaviour of some of the private companies. The Union has already received national coverage for our work in highlighting this issue in Sunderland.

Minimum Wage

Subject to Congress support for the special report 'Quality Jobs, Quality Lives' the Communications Department will undertake a major campaign in 2005 calling for a new deal for the lowest paid that goes beyond an annual uprating of the Minimum Wage, and includes new minimum employment standards, a radical Government anti-poverty strategy and a new requirement for public sector employers in combating low pay.

Make Poverty History

The GMB is supporting Make Poverty History (MPH), a campaign established to tackle increasing poverty, social and economic injustice, declining labour standards, education and health problems that are prevalent across the world today. The aims of MPH are to:

- urge political leaders to take the necessary steps to fight the growing world poverty;
- take advantage of a large number of important events during 2005, such as the UK's hosting of the G8 Summit and holding the EU Presidency;
- influence the review of the UN's Millennium Development Goals and the next round of the World Trade Organisation (WTO) talks.

The GMB has long been at the forefront of social justice initiatives and MPH is going to be one of the biggest campaigns for social justice the UK will have witnessed.

The campaign has already gained substantial exposure through promotion by various high profile celebrities and will feature prominently through Band Aid 20 events. The size of this campaign will snowball throughout 2005 particularly with the UK Government holding the EU Presidency and hosting the G8 Summit in Edinburgh. The Communications Department will be heavily promoting MPH during 2005 and will highlight a series of events to involve GMB members in the campaign events throughout the coming year.

Media Profile

The GMB has retained a strong media showing, gaining significant national and regional attention for stories generated by national office and disputes with a national focus. Research for the GMB carried out by Newsmetrics in 2003 indicated that in terms of national press share the GMB is holding its own with all other UK trade unions. The National Press Office was responsible for over 95% of all of the stories generated by the GMB over this period.

At the same time, Durrants Press Cuttings Service carried out an analysis of the reach of GMB coverage. This survey found that one-third of the GMB's total media reach was via the national press. The remaining two-thirds of the media share were stories in regional and local media outlets. Of these types of story, Durrants found that National Office generates about 80% of all regional GMB stories, with stories generated by the Regions contributing the other 20%.

The Press Office has striven to help stories gain national media attention - such as Jaguar, Securicor,

Birds Eye and Swan Hunter. The biggest media story of the last period has been the industrial action taken by our members at British Airways. We have also worked jointly with other unions such as Amicus and T&G to ensure a consistent message in wider campaigns.

The profiles of the General Secretary and Deputy General Secretary continue to rise with frequent appearances in print and on a range of broadcast outlets, commenting on a range of industrial and political issues. Similarly, opportunities have been created for national secretaries and officers to appear, speaking about issues of concern to GMB members within their section. Recent disputes where the Communications Department has delivered national media attention include Co-operative Funeralcare, Wembley Stadium, Classroom Assistants, British Airways and Appledore. The Communications Department has also been active in promoting direct public investment in council housing (the "fourth option"), equal pay, monthly job losses in manufacturing, the fight against the Tories and the fascist BNP and a range of other issues.

Political Work

The appointment of the National Political Officer (undertaking many of the duties previously carried out by the Deputy Director of Research Matilda Quiney who left GMB in March 2003) has allowed the Department to raise the profile of the GMB's political work at a national level. Through the National Political Officer we are now better able to use our MPs in the House of Commons to further the interests of GMB members.

Regional Political Officers

The Department meets on a regular basis with Regional Political Officers to exchange information and co-ordinate our political work. These meetings had previously been irregular and the increased co-ordination and co-operation between National Office and GMB Regions is delivering dividends for GMB.

2004 Local and European Elections

The Communications Department undertook a number of activities to support Labour in last years local and European Elections.

We circulated a number of articles for use in Regional Magazines including '100 myths about Europe' and an article setting out the benefits of Europe to working people in Britain. We produced a postal vote application form to be mailed to members or used in magazines which could be returned freepost to the Labour Party. We organised a series of workplace meetings in the run up to the elections and produced a leaflet setting out why GMB members should vote Labour. Copies were distributed to each GMB Region. We produced a separate letter and leaflet for use in marginal seats and this was direct mailed to 10,000 GMB members.

Political Fund Ballot

2004 saw the 3rd round of political fund ballots undertaken by the trade union movement. The GMB were instrumental in setting up a trade union funded organisation TUCC, which prepared generic publicity and information that trade unions could use in their ballots.

Publicity highlighting the reasons to vote 'yes' to maintain a political fund was circulated round regions and branches with 50,000 posters and leaflets being produced by the Department. A special booklet highlighting the reasons to vote yes was also included in the ballot pack sent out to GMB members.

The GMB achieved a landmark result with nearly 100,000 (88.4%) voting to retain the political fund.

Westminster Office

There is now a GMB office at the House of Commons, where Iain McNicol is based. This has allowed the GMB to raise its game in terms of lobbying and day to day contact with MP's, special advisers and researchers.

The Department can arrange visits to the House of Commons for GMB members. For more details contact Iain McNicol at GMB National Office or email iain.mcnicol@gmb.org.uk

General Election - CEC Funding Decision

During 2004 the CEC made a radical and far-reaching decision regarding Labour Party Funding. In

response to a funding request from the Labour Party for the forthcoming General Election the CEC decided instead that we would give the Party nothing by way of direct funding. Instead, the GMB would directly support and assist those MP's who share the GMB's 'aims and values' on a case by case basis. This money would be put to use to support and return Labour MP's as identified by GMB Regions and subsequently endorsed by the CEC Political Committee.

The support the GMB could provide under this initiative would be a mix of 'in kind' and direct funding. The delivery of this relied on Regional support and Regions being closely involved in the setting of what can be delivered for each constituency. This also helped the Labour Party focus on discussions during the National Policy Forum event in Warwick.

GMB General Election

Strategy Working with Regions the Department devised a general election strategy, subsequently endorsed by the CEC Political Committee. Its three objectives were to:

1. return to the House of Commons the MP's we target with support;
2. return with a differential swing those seats that we target;
3. raise political awareness and activism throughout GMB membership.

The strategy was set following the CEC decision to direct funds to those MP's who share our aims and values. We targeted 29 GMB key seats as well as directing our resources into other seats where MP's and candidates had a relationship and had supported the GMB.

Each region allocated a GMB contact for the target seat (Key seat co-ordinator). This person liaised with all parties to ensure that the right support is going in at the right time and that a relationship is built up between the GMB, the constituency and the candidate. They were trained and supported through TULO. Nationally we supported target seats by providing a range of resources. The regions were able to tap into these for the target seats.

A national print service was set up by the Department, this allowed target constituencies to buy into a centrally run print scheme. We also commissioned GMB postal vote leaflets which were returned to a national clearing house where they were then be forwarded to the correct local authority.

Workplace visits and shop stewards was a theme that we looked to develop through the general election campaign. A number of MP's had requested lists of stewards in their constituencies as they wanted to make contact and build up relationships. We were also asked to identify key GMB workplaces inside constituencies so that visits could be arranged in the run up to and throughout the General Election.

Early Day Motions

Through our closer links with the GMB group of MP's we submitted a number of early day motions to raise the profile of campaigns we were running. These covered a number of areas and campaigns. Two were lodged on local government pensions encouraging the Government to rethink its decision to change the LGPS. One attacked Unilever for their plans to close the Grimsby factory, and we were also able to secure an adjournment debate on this closure, further embarrassing Unilever. A number of other EDM's were supported and publicised by the GMB on a range of issues from housing to make poverty history.

In discussion with one of our newest members, Anne Begg MP, we supported her in submitting a 10-minute Rule Bill. This was laid in an attempt to tighten up the legislation around holiday pay. National Minimum Wage inspectors were finding that employers were paying the NMW but were not paying proper holiday pay. The inspectors had no rights to enforce this. The legislation is ongoing.

Internal Publications

At the end of 2004 the Department worked on a collaborative project with the Research Department to produce a full colour, 36 page GMB National Survey of school administration staff entitled 'The Way Our Schools Work'. Despite having only been printed and distributed in December 2004 an additional print run was authorised at the start of this year as demand for the publication from the Regions has been unprecedented.

An amended version of the Shop Stewards credential card was printed and distributed at the end of 2004. The same images that were used on the shop stewards handbook were also used on the new card to represent the breadth of the people that are represented by the GMB. Two regionalised versions of the card were also developed which included several changes to the generic form. The Local Authority pay and allowances rate card to April 2006 was printed and issued in September 2004.

Liaising with the Public Services Section, the Communications Department oversaw the co-ordination of National Campaign materials for LGPS campaign day on February 18th 2005. This involved the printing and distribution of 220,000 items of campaign material throughout the country.

The Department is also currently undertaking a substantial overhaul of all publications past and present as a direct result of constant demand and the continual publication of new and revised material.

In 2004 we also catalogued and revamped all historical, political, generic and miscellaneous GMB photographic images into one system. This has enabled the creation of a comprehensive catalogue of imagery with many applications.

Recruitment Materials

The Department continues to produce approximately 750,000 GMB recruitment forms annually for 9 of the Regional Offices. This figure does not include the specialist production of recruitment materials such as MPO variations for the Rent Service and the Probation Service.

Website

In 2003 initial work began on the creation of a brand new national website for the GMB. The starting point was an online survey of members and consultation with Regions and staff to ascertain what GMB members wanted from their new website.

Our aim was that the new website would be a communication, campaigning and organising tool for members and a recruitment tool for potential members.

The new GMB website was launched on 1st November 2004 and has been very successful so far. We receive on average 40,000 visitors every month and this number continues to increase on a monthly basis. Feedback from members indicates that they believe that the site now looks more appealing, is straightforward to use, easy to navigate and information is continuously updated.

Over 2,000 people have subscribed to the GMB e-newsletter and we are also looking at improving communications with members via SMS text messaging via the site.

Since the re-launch of the website over 700 membership forms are downloaded each month (this number continues to rise on a monthly basis) around 30% of these are actually completed and sent in.

We are currently in the process of building an online joining facility, as well as a members' section to increase our communication with GMB members and to improve our service to them. The website is an ongoing project and will continue to evolve and offer a better service to our members.

Merchandise

The Communications Department chose a new supplier for production of GMB Diaries for 2005 which meant production costs were greatly reduced, and the union saved £45,000 in comparison to the costs that the previous supplier had charged the union.

A brand new line of merchandise has been introduced to reflect the modern GMB. The new range includes t-shirts, baseball caps, mugs and ties. All are available to buy from the GMB shop at Congress.

The T-shirts are made and supplied by 'Ethical Threads' and other merchandise is produced by Pellacraft - a GMB organised company in Midlands and East Coast Region.

HEALTH & ENVIRONMENT DEPARTMENT

Introduction

Kim Sunley, the Health and Safety Officer, was Acting Director of the Department from January-August 2003. Mick Balfour was appointed Director of Health and Safety in August 2003, and as a result of the restructuring that followed the VER exercise at national office in early 2004, then assumed additional duties as Director of Policy. Kim Sunley left her employment with the GMB in June 2004 to work in the Health Service, and her contribution to the GMB's health and safety work has been sorely missed. The vacancy created by her departure has not yet been filled. Also, during 2003 and 2004, the post of Health and Environment Research & Policy Officer has remained unfilled.

These significant staff shortages have had an inevitable effect upon the work of the Department. For the majority of the 2 year period covered by this report, there was only one member of staff in the Department, and latterly there has been nobody able to work exclusively on health and safety. Some Regional Health and Safety Officers, in particular John McClean of London Region, provided valuable and much appreciated support to the Department by representing the GMB on some of the committees that could not be covered due to the lack of departmental resources.

Despite these difficulties, the Department has made progress on many health and safety issues of concern to our members. In particular, the GMB has continued to pursue an agenda centred around the need for improved rights for safety representatives and for a more effective and better-resourced enforcement regime.

Asbestos Campaign

There has been a change of emphasis to the Union's asbestos campaign work, in favour of establishing and maintaining a focus on national, as opposed to international, developments on asbestos. These developments are of major significance to GMB members, many of whom will remain at risk unless positive action is taken by employers to prevent exposure to the asbestos present in an estimated 850,000 buildings. The Department's important work on asbestos is now focused upon ensuring compliance with a major new legal requirement that the GMB successfully campaigned for - the duty to manage asbestos in non-domestic premises - which came into force in May 2004.

The new duty to manage asbestos in premises has huge implications for owners and occupiers of all buildings, but amongst employers a significant degree of ignorance exists over the nature and scope of these new duties. The Department has been involved in a range of activities aimed at raising awareness of the new legal obligations and seeking to ensure that safety representatives are prompting their employers to ensure that they comply with the law.

A very successful conference, attended by over 60 GMB delegates (safety representatives and RHSOs) on the theme of 'the duty to manage asbestos' was held in Manchester in February 2004. This conference was sponsored by Thompson's, who also provided one of the keynote speakers, Ian McFall. Other speakers were the General Secretary, the Head of Asbestos Policy at the HSE, and a speaker from the Local Government Employers Organisation. There were also a number of exhibitors at the Conference. After hearing from speakers in the morning, delegates attended afternoon workshops on monitoring implementation of the new duty to manage, and campaigning. A wide range of potential initiatives were identified to ensure that the Union's very successful and long-running asbestos campaign is sustained. One suggestion that emerged from the Conference was that the campaign slogan has been changed from "asbestos - it's still a killer" to "asbestos - let's take control", to reflect the change of campaign emphasis towards controlling exposure to asbestos, and the need for GMB safety reps to be proactive on this issue and push their employers to act.

A GMB guide for safety representatives, entitled "Asbestos - let's take control" has been produced on the new duty to manage asbestos. This comprehensive guidance - the first produced by a trade union on the new law - was launched at the National Health and Safety Exhibition in May 2004, just as the new duty became operative.

The GMB has also stated that many employers, particularly those with large numbers of buildings that may have asbestos present, such as local authorities or NHS trusts, will find compliance difficult without financial assistance from the Government. The Union called for dedicated funds to be provided to protect our members from exposure to asbestos by ensuring that it is identified by building surveys and

removed or made safe if discovered. This led to a request for articles to be written on this matter in a number of publications.

Safety Representatives

The importance of having well-trained, motivated and resourced safety representatives at the workplace can never be under-stated. The results of the GMB Activists survey conducted by Jeremy Waddington in April 2003 bore testimony to this. Of the 24 issues that members and stewards were asked to evaluate as the ones on which they sought help and support from the GMB, health and safety was ranked 1st by the stewards and 2nd by the members questioned.

The Department has been heavily involved in lobbying the HSE and others against what was known as "harmonisation", which proposed changes to the 1977 Safety Representatives and Safety Committees Regulations to give non-union safety representatives equivalent rights to union safety representatives.

After a lengthy period, the Health and Safety Commission eventually announced that it had dropped the harmonisation proposals and instead launched a statement promoting and encouraging worker involvement in health and safety, and making particular reference to the added value that trade union safety representatives bring to the workplace. Many of the examples cited by the HSC of how unions had influenced health and safety performance and reduced injury and ill-health rates were GMB case studies that we had been publishing and promoting for some time. This represents a clear indication of the input and influence of the GMB's campaign to defend the rights of safety representatives and to oppose harmonisation.

However, the parallel improvements that the Union has been seeking to the SRSC Regulations have not been forthcoming. Having contributed towards a significant change in HSE policy on the role of trade union safety representatives, and finally won some long overdue recognition of the positive effect of trade unions have on health and safety standards, we will continue to press forward the case for improved rights to assist GMB safety representatives to become even more effective at representing our members.

With this in mind, one of the two substantive GMB motions to the 2004 TUC Conference was on health and safety. The motion was amended and added to by other affiliates, and the resulting composite motion, which was moved by the General Secretary, set out a strong position for the TUC to progress the agenda for improved rights for safety representatives and reform of the health and safety system.

On a positive note, the HSE finally responded to our persistent call for a publication that sets out the benefits to employers of involving unions in partnership work on health and safety. This publication included a number of cases studies detailing the improvements in health and safety performance that resulted from joint working, including one that features Transco and the GMB that resulted in £4.5 million savings through an 80% reduction in lost time injuries in 2003.

Information and support has been provided to Safety Representatives via the newsletter 'Health and Safety Matters'. According to the GMB Activists survey, of a number of occasional briefings published by the GMB and LRD, Health and Safety Matters was seen either regularly or occasionally by the highest percentage of stewards. Topics covered in 2003-4 included:

- HSE Annual statistics and report
- New Code of Practice on Occupational Asthma
- New Asbestos Regulations
- Workers Memorial Day
- Health and Safety for Pregnant Women
- Workers Safety Advisors Pilot
- New guidance on use of computers and laptops
- Nuisance dust masks
- Work in Confined Spaces
- Preventing injuries to cleaners
- New HSE tools for tackling stress at work

- Feeling the heat - advice on working in hot temperatures
- European week of safety and health
- Occupational Driving
- Driving and mobile phone use
- New accident book
- RSI Awareness Week

The Health and Safety Commission and Executive

The Department responds to a steady stream of HSE consultation documents covering a diversity of subjects. 2003/4 was certainly no exception, and there was a particularly high number of Health and Safety Commission and Executive Consultation Documents outlining proposals for future strategy and priorities to 2010 and beyond. These often contained proposals that were the cause of great concern, and required detailed and strongly worded responses in an effort to influence HSE's policy direction.

Our aim has been to direct focus onto the need to implement measures that will improve enforcement of regulations, ensure resources are deployed effectively and lead to greater involvement of, and consultation with, trade union safety representatives.

In particular, our proposal regarding the HSE's plans to reform its enforcement activities contradicts the HSE view that local authorities could and should enforce more in the future. The GMB will continue to lobby and campaign for the HSE to be the sole enforcement agency, with adequate resources to ensure employers comply with the law, and with health and safety information and guidance provided through a separate agency.

At the end of 2003, the House of Commons Work and Pensions Select Committee established an inquiry into the Health and Safety Commission and Executive. The GMB's written evidence to the inquiry was submitted in February 2004, and this again emphasised our concerns about HSE resources, inconsistent enforcement, lack of support for tripartite structures and the need to grant trade union safety representatives new rights. The Union renewed our call for resources for improving the health and safety system to be created by the establishment of a Work Environment Fund (WEF) through a levy on all employers. In addition to the written GMB submission, an invitation was secured for the General Secretary to give oral evidence to the Committee. A briefing paper to the GMB Westminster Parliamentary Group was also drafted to enlist their support for our campaign to have the GMB's proposals given proper and serious consideration by the Committee.

The General Secretary also spoke on this theme at a major conference hosted by the TUC in November 2004, in a hard-hitting speech which lambasted the Health and Safety Commission and Executive, and successive Ministers, for failing to recognise the persistent concerns expressed by the trade unions about the HSE's failings. The speech also renewed the GMB's call for the role of safety representatives to be enhanced by new rights, in order to build upon and further develop the major contribution that trade unions already make to improving conditions at the workplace.

We have also been engaged in work aimed at ensuring that the various tripartite advisory committees and other bodies that the GMB is represented upon continue to receive adequate HSE support. Many of these Committees are either under direct threat of being disbanded, or are having their effectiveness undermined by a lack of HSE resources and support. In many cases, the Union has engaged the support of enlightened employers to thwart proposals to weaken or disband committees that carry out important joint work to produce practical (sector-specific) health and safety guidance that is highly valued by our safety representatives.

Publicity and Promotion

The Union maintained our presence as the only trade union to regularly attend the annual National Health and Safety Exhibition at the National Exhibition Centre. In 2004, we managed to ensure the Union's attendance at a reduced cost compared to expenditure on this event in 2003. Whilst the size of the GMB stand was reduced, careful selection of the location meant that our profile remained high despite the cost reduction achieved. The theme of the GMB display in 2004 was the new duty to manage asbestos in buildings, which came into force on 21st May 2004 - the week following the NEC exhibition.

The GMB's close relations with the "Hazards" movement and other campaign groups continues. A double-page spread was published in Hazards Magazine about the GMB's health and safety priorities, following the election of a new General Secretary. This was followed by a very significant GMB presence at the 2003 Hazards Conference.

This Conference, the first to be addressed by the government minister responsible for health and safety (Des Browne), was attended by dozens of GMB delegates and the General Secretary attended the opening session on asbestos campaigning. The GMB also had a very high number of delegates at the 2004 Hazards Conference. Despite the reduced number of official delegates (in accordance with the CEC decision on conference delegations), many branches sent delegates and funded their attendance from branch funds.

WSA Challenge Fund

In 2004, the GMB submitted two successful bids to the newly established Worker Safety Adviser (WSA) Challenge Fund, which had been set up by the Government, following a successful pilot scheme, to improve worker consultation and involvement in health and safety. The WSA assists with consultation with employees and identifying the measures that employers must take to comply with their legal responsibilities. Our aim in participating in these projects was to promote the Union's expertise and experience in securing better health and safety conditions for workers, with the ultimate aim of recruiting members, securing recognition and organising the workplace around appointed/elected GMB health and safety representatives.

One bid involved London Region and the Park Royal Partnership (see the London Region report for more details). The other was a national bid in conjunction with ACAD - the Asbestos Control and Abatement Division of TICA (the Thermal Insulation Contractors Association).

The GMB/ACAD project was to fund the employment of one Worker Safety Adviser, from July 2004 - March 2005, to improve worker consultation and involvement in the asbestos removal industry, within the Midland & East Coast Region. Richard Morgan, the GMB Derby Branch Secretary, and a very experienced representative with in-depth knowledge of this specialist industry was appointed as the WSA.

Richard worked tirelessly on the project, in addition to continuing his union activities on behalf of GMB members, and is a credit to the Union. However, it is true to say that the project met with a lukewarm response from employers in the industry, and there was a lack of understanding from the consultants engaged by the HSE to oversee the management of the WSA projects about the problems that Richard encountered. A bid for further funding to continue the project, so that some of the issues that had arisen could be tackled, was unsuccessful.

However, on a brighter note, congratulations are due to the London Region and Park Royal Partnership project, which was successful in its bid for further funding. It was also the only project to be granted funding for a further period of two years.

Although the GMB has participated in WSA projects, and sees these as potential avenues for raising the Union's profile in workplaces and a means of gaining access to recruit potential new members, our policy remains one of campaigning for the establishment of Roving Safety Representatives, by seeking reform of regulation 8 of the SRSC Regulations to give safety representatives the legal right to represent members regardless of whether the employer recognises the GMB. We will continue to campaign for this.

Sector specific work

Local Authorities

Kim Sunley was involved in negotiating improvements to the Local Authority "green book" part 4 health and safety guidance. These include an emphasis on the importance of local authorities consulting safety representatives on policy which could impact on health and safety, including environmental and HSE's procurement policy. The guidance was launched in January 2004, and the Union is now working with the Local Government Employers Organisation to develop a strategy for ensuring that it is implemented.

The Local Authorities Forum continues to develop, and is likely to become more important as the new initiative “government setting an example” seeks to ensure that health and safety gains more prominence in the decision-making process within both local and central government. John McClean has been the GMB Representative on this tripartite body, and has been pressing for health and safety to become a statutory element of the performance standards for local authorities.

Kim Sunley also carried out useful work with the MPO membership within the Rent Service, particularly assisting with tackling problems associated with stress at work, driving and the use of VDU's.

Education

Mick Balfour played a significant role in developing the “Safety Representatives’ Charter for the Education Sector”. This was produced in liaison with employers represented on both of the HSC’s tripartite Advisory Committees for the education sector - the Schools Education Advisory Committee (SEAC) and the Higher and Further Education Advisory Committee (HIFEAC). The HSE has published the Charter on its “worker’s webpage”, and it remains the GMB’s aim to persuade the HSE to promote the charter much more vigorously and also to publish the Charter in a form that the Union can distribute to our safety representatives. This is to provide a platform for progressing our aspiration of having similar Charters developed for Safety Representatives working in other sectors.

The health and safety leaflet for school support staff continues to provide assistance for recruitment campaigns throughout the regions. An amendment to this leaflet to incorporate a reference to asbestos in schools has been made following the implementation of the new duty to manage (see “asbestos campaign” above for more details). A leaflet giving guidance to school support staff on the administration of medicines has also been produced.

The GMB provided the keynote speaker at a Birmingham Education Authority conference during European Week of Health and Safety. Around 200 delegates, including Managers, Head Teachers, Premises Officers and Safety Representatives received presentations on controlling hazardous substances, managing asbestos and the Safety Representatives Charter.

The Health Service

Kim Sunley remained as the GMB representative on the reconstituted Health Services Advisory Committee (HSAC) as a result of a successful lobbying exercise to ensure the Union maintained our seat on this important body. The trade union side is now pushing forward the key issues on the HSAC work plan. These include tackling violence to staff, manual handling, health and safety problems with new PFI hospitals and contractors safety.

The Department drafted a specific response to the Scottish Executive Consultation Document on Protection of Emergency Workers. Following the consultation, legislation was introduced by the Scottish Executive to make it a specific criminal offence to attack an emergency worker during the course of their duty.

Security Industry

Kim Sunley was involved in developing a Joint work programme with Group 4, and was also involved in discussions with Brinks Ltd on the risks associated with lone working and reduced crew numbers on cash-in-transit operations.

Waste Industry

John McClean represents the GMB on the tripartite Waste Industry Safety and Health (WISH) Forum. Work is underway to improve health and safety standards in the industry by producing guidance on best practice. Topics to be covered by this guidance include manual handling & refuse collection, and waste & recycling collection.

Airports

The GMB has been instrumental in setting the agenda for the tripartite National Airports Health and Safety Forum. Joint Working Groups, comprising key employers, the HSE and the unions have already been established to address musculo-skeletal disorders (particularly amongst baggage handlers), falls from height and workplace transport. The GMB is represented on all three of these working groups. These issues reflect the priorities determined by the HSC’s “revitalising health and safety” initiative.

Whilst they are very important, other equally important health and safety concerns predominant amongst airport workers also need to be addressed and tackled more effectively. These including violence, the work environment (temperatures, air quality, etc) and lack of consultation, and the aim is to have joint working groups established to examine these issues.

LEGAL DEPARTMENT

Personnel changes

In March 2004, Joe O'Hara, National Legal Officer, left GMB. He had worked for GMB for 19 years, and had been Head of the Legal Department since 1988. The Department now comprises Barry Smith, Legal Officer, and Sarah King, who was recruited in 2004 to fill the vacant post of Legal Research and Policy Officer.

Support for recruitment and organisation

The Department has continued to give priority to supporting recruitment, particularly in the Commercial Services and Public Services Sections. This effort has included directing our publications to issues faced by workers in those areas, and briefing officers and officials on those issues. We produced Law Briefings on TUPE for representatives at airport service companies, in local authorities (including the two tier workforce code), and in National Grid Transco. We provided briefing sessions on TUPE to representatives on in British Airways, in local authorities (as part of the two tier workforce road show), and in National Grid Transco. We provided a briefing for representatives in DHL on contract drivers.

We worked with the National Secretary in Public Services on the Code of Practice on Workforce Matters in Local Authority Service Contracts (the two tier workforce code), providing briefings and guidance to representatives on the effects of the Code, and addressing outstanding issues, such as the position of school contracts. We also worked with the National Secretary in advising on equal pay in local authorities, and on issues that have arisen following litigation brought against GMB lay officials by so called "no win no fee lawyers".

We provided briefings for representatives on new family friendly policies such as flexible working, and adoption leave.

We provided Law Briefings on the new statutory Disciplinary, Dismissal, and Grievance procedures, the Review of the Employment Relations Act 1999, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Sexual Orientation) Regulations 2003, and the Employment Relations Act 2004. We also provided a Law Note on the call up of reserve forces during the war in Iraq.

We have updated the "Most Asked Questions", a series of one page answers that Regions can easily send or hand to members with common enquiries. This is posted on the internal GMB intranet, and a slightly amended version (which excludes region-specific benefits) is posted on the GMB website.

Support for recognition

The Department has continued to provide casework support to Officers in their recognition applications to the Central Arbitration Committee. Overall, the Union continues to meet with considerable success across a wide range of companies, often where GMB members have stayed loyal through years of employer hostility. The Union continues to make positive use of the legislation, both as a framework within which voluntary agreements are reached, and as a procedure for achieving recognition over the resistance of the employer.

We have identified practical problems with the legislation, which we argued should be addressed in our response to the Government's review of the recognition legislation, including:

- Removal of the 21 workers threshold before an application can be made to the CAC
- Changes to the 10% membership and "the majority likely to favour recognition" tests that apply at the first stage of applications
- Automatic recognition where the union has more than 50% membership

- Removal of the need in a recognition ballot to get support from 40% of the workers in the bargaining unit as well as a majority
- Replacement of the “compatibility with effective management” test for determining the bargaining unit with a test of “good industrial relations”
- Inclusion of equality and training issues to be covered by collective bargaining
- Better information to be provided by the employer of the workforce in the bargaining unit
- Protection for those organising petitions and time off for preparing applications
- Improved protection against intimidation and victimisation

The Government has agreed to make some changes, including:

- Within 5 working days of acceptance of an application, the employer must give GMB and the CAC a list of the categories of workers in the bargaining unit, their workplaces, and the number of workers the employer reasonably believes to be in each category
- Once the CAC has accepted an application, we will get postal access to workers in the bargaining unit via a suitable independent person
- New measures to prohibit the use of unfair practices by the employer (or the union) during the period of a recognition ballot. In some limited circumstances the CAC will have power to award recognition (or not to award recognition) where there has been an unfair practice by the employer or the union. An unfair practice includes offering to pay money to a worker to vote one way or another in a ballot, offering to pay money or other benefits which is conditional upon the CAC awarding (or not awarding) recognition, dismissing workers, subjecting workers to a detriment, threatening disciplinary action, or using undue influence. The DTI has issued a new draft Code of Practice covering access and unfair practices, and this is subject to a consultation exercise to which GMB is responding.

However, the Government has refused to go as far as GMB and other unions have argued for. In the case of pay, the Government has now decided that pay does not include pensions, so that pensions are excluded from the scope of an award for recognition for collective bargaining (this reverses the helpful CAC decision in *UNIFI v Bank of Nigeria*) We have updated the Guidance to Officers, and have held and offered briefings at regional level.

Support for industrial action

We have continued to provide regular support to Officers on industrial action matters and industrial action ballots. We have updated Guidance to Officers, including Guidance for Officers in Northern Ireland. We have held and offered briefings for Officers at national and regional level.

We continue to encounter significant problems in the two seven day notices (before a ballot and before action). It is still often very difficult to provide adequate information as to the number, category, and location of the relevant workers/members.

We argued that the requirement to provide the notices should be removed (or at least substantially simplified), in our response to the Government's review of the legislation on industrial action. The Government has refused to agree to this. We will still have to provide the notices, although the information we have to provide will alter slightly. We will have to provide:

- A list of the categories of members we reasonably believe will be entitled to vote, or are to be called on to take action
- Their workplace
- The total number of members concerned
- The number in each category
- The number in each workplace
- An explanation of how the figures have been calculated (which should be as accurate as possible), based on information held by Officers and employees of the Union

- Individual names will still not have to be provided

However, most of the rest of the pre-1997 law on industrial action remains:

- No right to strike
- No change in the definition of a trade dispute
- No change to the law on picketing
- No change to the wide liability on unions for action endorsed by lay officials
- No change to the law on secondary action

The length of the protected period against dismissal is to be increased from 8 to 12 weeks. Lock outs are to be disregarded when making the 12 weeks calculation.

We responded to the Home Office consultation on the proposal to repeal section 127 of the Criminal Justice and Public Order Act 1994, arguing for the legislation to be repealed without any pre-conditions. This is the legislation which restricts our ability to call on members who work as custody officers, prisoner custody officers, and detention custody officers (in respect of asylum seekers) to take industrial action (a similar restriction applies to prison officers). However, the Government made repeal conditional upon unions reaching legally binding “no strike” agreements, which are contrary to long-standing GMB policy. GMB could not agree to enter into such agreements, and the restrictions contained in the legislation continue to apply to our members in these areas. The legislation is to be repealed for prison officers because a legally binding agreement has been reached (though not in Northern Ireland).

Parliamentary/Political lobbying

We worked hard on the Review of the Employment Relations Act 1999, and submitted a detailed response to the public consultation. We argued for major changes in recognition law and industrial action law. We also argued that the Government had to bring UK law into line with the ruling of the European Court of Human Rights in the cases of Wilson and Palmer. In 2002 the Court ruled that allowing employers to make sweetener payments to employees to give up collective negotiations breached the European Convention on Human Rights.

As a result of changes made by the Employment Relations Act 2004, workers now have protection against being offered bribes (referred to in the legislation as inducements) not to join or to leave a union, not to take part in its activities at an appropriate time and not to make use of its services. But this new right only applies where we can prove that this is the employers’ sole or main purpose in making the offer.

Workers also now have protection against being offered inducements to opt out of a collective agreement, provided we can prove this is the employer’s sole or main purpose. Employers are still free to offer individualised contracts where the sole or main purpose is unconnected with undermining or narrowing collective bargaining. Employers are still free to enter into individual contracts to reward or retain key workers.

We worked hard on the new statutory disciplinary, dismissal, and grievance procedures, responding to each of the public consultations on various aspects of the new procedures. The new procedures came into effect in October 2004, and in summary:

- Every employer has to follow a minimum disciplinary and dismissal procedure. They have to give the employee a written statement of the alleged misconduct, poor performance etc and hold a meeting before dismissing. There is a right of appeal.
- Every employer has to follow a minimum grievance procedure. They have to allow the employee to make a written statement of the grievance, and hold a meeting before responding. There is a right of appeal.

We have been critical of large parts of the new procedures, and together with the TUC we have worked to make as many improvements as possible from the original plans. The sanctions for non-compliance with the procedures are significant e.g.

- If the employer fails to follow the procedures in dismissing an employee, this can lead to a finding of automatically unfair dismissal, and an increase in compensation
- If the employee fails to follow the procedures he/she may not be able to make a tribunal claim, or he/she may have to initiate the grievance procedure and wait 28 days before making a claim
- Many justifiable claims are at risk of being time-barred
- There is most pressure on local representatives at the initial stages, and an increased risk of the negligence claims against the Union

We have issued a Law Briefing on the new procedures, and conducted briefings at regional level.

Further significant legislative changes take effect on 6 April 2005, with the introduction of the new Information and Consultation of Employees Regulations. Undertakings with 150 or more employees have a duty to provide information to the workforce about the recent and probable development of the undertaking's activities and economic situation, and to provide information and to consult with workforce about:

- The employment situation, its probable development and whether anticipatory measures are envisaged if employment is under threat, and
- Decisions likely to lead to substantial changes in work organisation or contractual relations. The Regulations will be extended to undertakings with 100 employees or more in April 2007, and to those with 50 or more from April 2008.

Employment law cases

For over 10 years, we supported our public services members who pursued "Francovich" cases against the Government. We argued that until 1993 TUPE did not properly implement European law, because they only applied to the transfer of an undertaking "in the nature of a commercial venture". The Government said that this excluded public sector contracting out, since local and health authorities were not run as commercial ventures. So when school meals, refuse services, or cleaning services were contracted out, TUPE did not apply. The result was that private contractors could reduce wages and other terms and conditions.

We argued that the European Directive, which TUPE was designed to implement, did not restrict its protection to commercial ventures. In 1993 the Government conceded that TUPE was defective, and amended it by deleting the reference to commercial ventures. But this left many members who had already been contracted out with no protection. GMB launched hundreds of Francovich claims against the Government, on behalf of members in all areas of the public sector. In 1997 the Government conceded that TUPE did not, until the removal of the commercial ventures restriction in 1993, comply with European law, and that this was a sufficiently serious breach to allow individual workers to pursue claims for compensation.

The transfer of the Liverpool City Council refuse service to Onyx was chosen as a test case. The trial took place in the High Court in February 2003. Unfortunately the High Court ruled against GMB. We appealed to the Court of Appeal, who also ruled in December 2003 that our test case had failed. The Court of Appeal re-opened the concessions made by the Government in 1997, and held that TUPE has always complied with European law. It said that "in the nature of a commercial venture" did not exclude contracting-out from TUPE protection, and that the Court would not be bound by the Government's concession. In addition, the Court upheld the earlier High Court ruling that the Liverpool refuse service had been run in the nature of a commercial venture.

This was a bitter disappointment after such a long struggle, particularly since the Court of Appeal seemed to be saying that the Government's earlier concession was wrong. The Court of Appeal absolved the Government from any liability. This was particularly frustrating in view of the fact that the Tory Government's contracting out policy had been based on the lack of TUPE protection. Up to 1993, public sector workers were not entitled to TUPE protection when they were contracted out, but when those workers sued for compensation, they are told that they were protected all along, despite the wording of TUPE.

As a result of the rulings, regrettably the legal advice is that all of the Francovich claims are bound to

fail, and should be withdrawn. Our solicitors have written to members on this basis, and are now tying up a few loose ends to bring the litigation to a final close.

We also suffered disappointments in the cases of *Walton v Independent Living Organisation* [South Western Region], and *Nelson v Carillion Services Ltd* [Lancashire Region]. The case of Walton concerned the application of the national minimum wage to a carer during the night time hours when she could sleep but had to be on call. The Court of Appeal ruled in February 2003 that our member was not entitled to the national minimum wage (or any pay at all) during those night hours even though she had to be available and could not leave the client's house.

In the case of Nelson, Ms Nelson, was appointed to work as a hostess/steward on a wing at a hospital, at an hourly rate lower than a comparable male employee carrying out the same duties. The employers sought to justify the difference on the basis that the male employee had been transferred to them under TUPE by another contractor, and they were obliged to maintain his terms and conditions. Part of the case involved the complicated technical question of where the burden of proof might lie in showing that the genuine material factor defence relied on by the employer as explaining the difference in pay, is itself indirectly discriminatory on the grounds of sex. The Court of Appeal held that although it is for the employer to prove the genuine material factor relied on, it is for the employee to show that it is discriminatory on grounds of sex. This is important because it is only where there is indirect sex discrimination that the employer is obliged to objectively justify (rather than merely explain) the difference.

PENSIONS DEPARTMENT

Industrial Work

The Public Sector

2003-5 has been a time of major review in the public sector. Both the NHS pension scheme and the Local Government Pension Scheme have been dominating the workload of the department with numerous meetings (the GMB holds seats on technical and negotiating groups etc), consultation documents and member communications. This trend is set to continue, with the Office of the Deputy Prime Minister (ODPM) publishing and commencing detailed consultation on a new scheme for local government and similarly fundamental changes to the NHS scheme and Civil Service schemes also being announced. In both areas, members of the Pensions Department take lead roles on a range of committees.

The public sector work of the Department has therefore been significant over the last two years and in conjunction with other unions and the TUC the GMB has had some victories in protecting the level of members' contributions to schemes, as well as gaining commitments for better pension benefits for same-sex and unmarried partners. This work continues, particularly in fighting the increase in retirement age in the public sector and tackling the issue of low pension scheme membership amongst the young and low paid.

The Private Sector

Much of the national and regional support provided over the last two years has involved the continued resistance of the shift from final salary schemes to money purchase schemes by employers. Some employers are making this change for new entrants only, while others are sweeping away the Final Salary provision altogether. There has also been a good deal of assistance given to members whose employers have gone to the Receivers, with the pension scheme being wound up as a result.

Since 2003, the Department has seen a wider variety of solutions to funding problems offered by employers, and it is no longer the case that we are only seeing "final salary to money purchase" shifts. In Rhodia, we saw the first industrial dispute over the closure of a final salary scheme to new entrants in 2003. GMB will continue to support any workforce wishing to respond in this way to threats to the future of their pension scheme.

Many negotiations in the private sector have centred on fighting the further deterioration of benefits in some areas and general poor communication on the part of many employers in others. In addition, the Department has played an important role in supporting the Federal Mogul employees who have found

themselves facing the loss of most of their pension. This will continue until the best solution for our members in Federal Mogul has been secured, currently this includes both talks with the company's owners, administrators and officials from the DWP and DTI.

Government Policy

The Pension Bill has taken two years to finally become an Act and the Department has been heavily involved with trying to improve this piece of legislation and analyse its potential impact. Over the past year we have been engaged in discussions on the establishment of the Financial Assistance Scheme and will be ensuring there is GMB influence over the introduction of the Pension Protection Fund. The GMB also contributed to the consultation on the Finance Bill, Pensions Commission Interim Report, changes to the regulations on winding up, draft TUPE extension regulations and various other government consultations.

As the lead union on pensions amongst the "Big Four", the Department has been heavily involved in drawing up the priorities for future government action. A range of briefing documents and speech notes have been written throughout the year supporting the union's objectives. There have also been ongoing campaigns on compulsion, means testing, Basic State Pension and National Insurance reform.

We have also sought to develop communications with other influential groups in the pensions debate including discussions with think tanks and relevant charities and campaigning organisations (Age Concern, Pensions Policy Institute, Work Foundation, LRD and others). This has helped inform our policy and cultivate allies in promoting our agenda to a wider audience.

Member Services

In 2003, both the Basic and Advanced Pensions Courses ran as scheduled, and a number of one-day seminars for officers and activists were held in Regions. Feedback from all of these sessions was very positive. Members of the Pensions Department also spoke at both union and industry conferences. There was also one Pension Course in 2004 prior to the closure of the National College. The Department also organised, with the TGWU, an annual Local Government Pensions conference which was well attended.

In 2004, the Department was pleased to support the TUC's Pensions Rally and has encouraged a higher profile for the union on pensions issues in the press and amongst the membership. The Department has also given presentations at conferences for, amongst others, the Australian High Commission, NHS members and staff in the Local Government Division of the ODPM. There are around 150 bulletins currently available to the MNT network and others through the website.

In addition, the Department has continued to provide support to officers and members on a significant number of individual casework issues.

RESEARCH DEPARTMENT

This report highlights how the GMB research department's research and policy team contributes to implementing the strategy determined by the CEC.

Research department staffing

The vacancy created by the departure of the Deputy Director of Research in March 2003 was not filled. As a result of restructuring, some of the duties of this post were taken up by the new post of National Political Officer (see the Communications Department report above), and in October 2004, Helga Pile was promoted to Senior Research and Policy Officer. In February 2004, Phil Wyatt, Director of Research, retired after 15 years service with GMB, and the Department is now managed by Paul Barnsley, Director of Operations and External Relations. Between December 2004 and May 2005 Charlie King was seconded to DEFRA to undertake a project on sustainable development for trade unions, during which time Peter Welsh covered some of his section responsibilities, while Charlie retained his involvement in key GMB projects such as the MOD pay and bonus review and HR transformation.

The purpose and role of the department

Since Congress 2003 there has been an even greater focus within the Department's work on

supporting recruitment and retention initiatives, and on providing services which aid the representation of members. The team have also continued to take advantage of opportunities to influence government policy and ensure that the views of GMB members are heard in policy debates. The research and policy team fulfils two main functions:

- Providing information and assistance that GMB officers and activists find valuable in recruiting, retaining and representing members, motivating members to become more active, and winning recognition from employers
- Developing union policy, raising the GMB profile and strengthening GMB influence by providing specialist advice, preparing proposals, drafting responses and liaising with GMB colleagues and contacts in relevant industrial political and other bodies in the UK and the European Union.

Support for organisation and recruitment, including winning recognition and encouraging retention

The research and policy team undertake a wide range of activities to support recognition, recruitment and retention throughout GMB. The presentation templates produced for recognition bids continue to be widely used regionally and nationally. And research and policy officers play a key role in securing and implementing recognition, including recent agreements in the security and criminal justice sectors where Dolores O'Donoghue provided advice and assistance.

The team produces a range of tailored materials on issues of concern to GMB members and potential recruits, which colleagues in the regions find useful in recruiting and retaining members. Notable examples include materials explaining the implications of industry regulation for security workers, and a follow up school workforce survey of GMB members, this time focusing on school administrative staff.

Support for bargaining and representation

The research and policy team make a major contribution towards supporting national, regional and workplace negotiators. Activities include: drafting pay claims for a wide range of industry, company and public sector negotiations; serving on working parties looking at workplace policies, terms and conditions; providing advice on local negotiations; and assisting national officials and section committees to develop future strategies for recruitment and growth.

The close and active involvement of the research and policy team in bargaining activities is illustrated by the following examples of the work they undertake:

- advice on implementation of a range of job evaluation schemes including in the MOD, the Probation Service and local government;
- a series of employment policies covering areas such as equal opportunities, redundancy, and trade union facilities for Aviance, Securicor and Global Solutions agreed with the advice and assistance of Dolores O'Donoghue;
- training projects in the gas, water, electricity and recycling sectors under the Energy and Utilities Skills Council developed with input from Charlie King;
- job profiles, benchmarks and guidance on the deployment of school support staff produced with contributions from Helga Pile;
- a successful ACAS arbitration outcome to the Wincanton/Air Products regional pay dispute achieved with the assistance of Ida Clemo.

Policy development and support for GMB industrial and political strategy

The research and policy team play a vital role in helping GMB members and activists to reflect on social, political and economic developments which affect their working lives, and in developing policy responses which meet the challenges of the modern workplace.

The team made a significant contribution to helping GMB representatives on the Labour Party National Policy Forum achieve the July 2004 Warwick agreement, and the team will continue to provide advice and analysis during the implementation phase.

As ever the team has had to deal with an increasing volume of Government and related consultations and they have produced a large number of targeted responses in key GMB policy areas, including:

- the DTI's Age Matters consultation;
- the Disability Rights Commission consultation on draft codes of practice;
- the Department of Health consultation on regulation of healthcare staff;
- the ODPM consultations on staff transfer matters;
- the Department of Transport's consultations on extending working time rights in the transport sector;
- the Low Pay Commission's consultation on a National Minimum Wage for 16-17 year olds and its 5th review of the National Minimum Wage;
- the Security Industry Authority's consultations on the regulatory impact assessment of licensing and the Approved Contractors' Scheme.

Another major area of responsibility for the team is work undertaken to ensure that the content and implications of new legislation and government policies which affect GMB members' lives are widely disseminated among activists and officers.

Notable examples include the intensive work done by Ida Clemo and Charlie King in briefing and preparing GMB activists in the road transport sector for the extension of working time legislation for previously exempt drivers and staff. They have provided support and training sessions for activists and worked with companies on negotiations around the March 2005 changes.

In the security sector, Dolores O'Donoghue has conducted briefing sessions in GMB regions on licensing and regulation issues, and produced a variety of supporting materials. She has also worked closely with the GMB Legal Department to ensure GMB members working in the criminal justice sector understand the implications for them of S.127 of the 1994 Crime and Public Order Act.

And within the Public Services Section, Helga Pile has undertaken a range of briefing sessions and conference presentations on the pay, training and employment implications for GMB members of the Government's school workforce reform policies.

Information, advice and assistance

GMB stewards say that the single most important way the GMB could help them be more effective is by providing improved access to information. The Department has continued to produce a wide variety of information resources for officers and activists. Bargaining Briefs on topics such as time off for trade union duties and working time rights have been well received.

The team also continue to make a major contribution to section and industry-specific information and briefing. Regular briefings and bulletins produced by the research and policy team for members and activists include:

- Security worker
- GMB school workforce news
- Social care bulletins
- Health service briefings

The Department provides basic bargaining data, now available via the website, and handles thousands of enquiries a year from stewards and officers on HR issues ranging from psychometric testing to workplace dress codes. During 2004 Ida Clemo facilitated access to the Lexis-Nexis press and company information database for all GMB Regions; and provided briefings within 8 Regions on this and other information sources. Ida also provides the CEC and GMB's senior management team with reports and analysis of membership trends and projections. And the Department continues to make use of the data contained in the UMIST surveys of GMB members and activists.

Boosting GMB influence and raising the union's public profile

Research and policy team members work hard to raise GMB's profile within Government departments and industry bodies. They also make a significant contribution to maintaining and raising GMB's profile within the trade union movement, both through the TUC and international union federations.

The Union's ability to influence and campaign across our members' areas of interest depends heavily on our political fund and Charlie King played a crucial role in securing our successful ballot result, by producing materials and briefings for GMB political officers and delivering presentations on the ballot at all the 2004 GMB sectional conferences.

The research and policy team's involvement with a range of Government departments gives them the opportunity to raise issues of concern and importance to GMB members and ensure that GMB has as high a profile in Whitehall as it does in Westminster.

Ida Clemo has represented GMB on working groups including the DCMS Tourism Implementation group, the DEFRA Food Industry Sustainability Strategy Group and the Home Office Managed Migration Sector Panel.

Helga Pile has developed regular contacts and exchanges with DfES officials, both informally and in a range of formal meetings, concerning school workforce reform, child protection issues, and school meals provision in order to represent GMB as a high profile school support staff union. And Gerry Carr works with the APSE social care advisory group to raise the profile of regulatory and workforce issues within the social care sector.

Dolores O'Donoghue continues to liaise closely with the Home Office and the Security Industry Authority to maintain GMB's profile as the lead union in this area. She has also co-ordinated GMB's application for DTI Partnership Funding for a training project in Securicor Cash Services - the first successful project within the security industry.

During his time in the department Peter Welsh built on the earlier work undertaken by Charlie King and Dolores O'Donoghue to maintain GMB's policy profile within the aviation sector, including liaison with the main industry bodies and employers, trade unions and lobby groups.

Campaigning is a major area of GMB work and here the research and policy team also play their part. Charlie King's role in organising the controlled burning of two sofas with illegal unsafe foam, and a subsequent DVD production, as part of the GMB campaign against illegally imported furniture represents one of the more eye-catching examples of this.

REPORT ON MOTIONS AND CEC SPECIAL REPORTS AND STATEMENTS (CARRIED BY THE 2003 CONGRESS)

The CEC reviewed all motions and reports/statements carried by the 2003 Congress and decided what action to take to implement the will of Congress. In each case the appropriate action fell into one or more of the following categories:

- | | |
|------------------|---|
| CEC | To note and take into account in its deliberations (such as in deciding what issues to press and how to vote at TUC Congress and Labour Party Conference), and to pass issues for action to the relevant CEC committee. |
| GS/DGS | To be noted, actioned or taken into account by the General Secretary or Deputy General Secretary and the appropriate department(s) or National Office, National College or the National Administration Unit (NAU). |
| Region(s) | For appropriate action by the relevant Region(s). |
| NO | For appropriate action by the relevant National Officer. |
| TUC/LP | To pursue via TUC or Labour Party channels. |

Govt To raise with the relevant government department.

MPs/MEPs To raise with members of the GMB Westminster/European Parliamentary Groups.

CEC REPORTS AND STATEMENTS APPROVED

General Secretary's Report: GS Income & Expenditure Account, Balance Sheet and Auditors Report for the year ended 31 December 2002: GS

CEC Financial Report plus Political Fund Rule Changes: GS

CEC Special Report: Manufacturing: CEC Political Committee/GS/NOs

CEC Special Report: Public Services: CEC Political Committee/GS/NOs

CEC Special Report: Your Collective Voice At Work: GS/Legal, Research, Training and Health & Environment Depts

CEC Special Report: Occupational Pensions Today: GS/Pensions Dept

CEC Statement Iraq and the Middle East: CEC/GS/TUC

CEC Statement Public Services: CEC/GS/Public Services Section Secretary

CEC Statement Equal Pay: CEC/TUC/DGS/Equal Rights/Research Dept

Union Organisation - General Secretary statement in favour of which motions 33 & 34 were withdrawn: GS

MOTIONS AND RULE AMENDMENTS CARRIED BY CONGRESS

Note: An asterisk (*) indicates that Congress supported a motion in the light of a CEC qualification

CONGRESS

*11 Union Democracy: DGS/Conference Arrangements Committee

UNION ORGANISATION

*18 Recruitment Strategy: GS/Communications Dept
 *21 Racism & Fascism: GS/NO/Legal Dept
 23 Recruitment: Regions
 *28 Finance: GS/IT Steering Group
 *29 The DGS Post: GS/DGS
 41 Rule Change: Regions
 *45 Accountability To Members: Regions/NOs
 RA303 Rule 5 Membership: GS/Legal Dept
 RA304A Rule 5 Membership: GS/Legal Dept
 RA305 Rule 5 Membership: GS/Legal Dept
 RA308 Rule 5 Membership: GS/Legal Dept
 RA329 Rule 22 Regional Committees: GS/Legal Dept
 RA338 Rule 37 Branches: GS/Legal Dept
 RA340 Rule 40 Branch Equality Officer: GS/Legal Dept
 RA341 Rule 45 Workplace Representatives: GS/Legal Dept

UNION BENEFITS

55 Level of Financial Benefits: CEC Finance Committee
 *EM5 Funeral Benefit to Members of HM Forces: Regions
 RA333 Rule 32 BMS Section Members' Superannuation Fund - Full Benefit Section: GS/Legal Dept
 RA348 Rule 51 Strike Benefit: GS/Legal Dept
 RA363 Rule 59 Fatal Accident Benefit: GS/Legal Dept

RA364 Rule 59 Fatal Accident Benefit: GS/Legal Dept
 RA365 Rule 59 Fatal Accident Benefit: GS/Legal Dept

CLOTHING & TEXTILES: Section Secretary

Comp 4 Public Procurement - Clothing and Textiles (64-68)
 Comp 5 Textile Industry - Manufacturing (69, 72)
 Comp 6 Textiles (70, 71)
 73 Ethical Threads

CFTA: Section Secretary

74 REMPLOY
 75 Redundancy Criteria For The Working Rule Agreement For The Construction Industry

ENERGY & UTILITIES: Section Secretary

76 Renationalisation of the Water Industry

ENGINEERING: Section Secretary

Comp 7 Shipbuilding - Apprentices and Training (Skills Shortage) (77, 79)
 78 Oil Fabrication Industry
 80 Shipbuilding
 81 Recognition of Contractors

FOOD & LEISURE: Section Secretary

84 Xmas Working
 85 Sex Work Legislation and Rights
 *EM4 Protection of Collective Bargaining Rights at Asda Distribution

PUBLIC SERVICES: Section Secretary

EM1 Support for Emergency Service Workers
 86 Public Services National Negotiating Structures
 87 Public Services
 88 Increases on Council Taxes
 Comp 8 Private Finance Initiative (89, 91-94, 97)
 Comp 36 PFI/PPP in Schools - Public Services (90, 96, 98)
 95 Public Private Partnerships
 Comp 9 TUPE Transfers (99, 100)
 Comp 10 Two Tier Workforce (101-104, 109)
 Comp 11 Best Value (105-108)
 118 Police & Community
 *119 Waste Incineration
 120 Political Assistants

PUBLIC SERVICES - SCHOOLS: NO

Comp 12 Educational Staff (121, 122)

PUBLIC SERVICES - CARE SECTOR: NO

123 Local Government Staff Training
 124 Care Sector Pay
 Comp 13 Caring for the Elderly (125-127)

PUBLIC SERVICES - HEALTH SERVICES: NO

129 Privatisation within the NHS
 *130 NHS - Cost of Living Allowances
 Comp 14 NHS Hospital Hygiene (131,132)

RIGHTS AT WORK

133 Firefighters Dispute: CEC
 Comp 15 Repeal of Anti Trade Union Legislation (135-139): CEC Political Committee
 Comp 16 Day One Employment Rights (140-143): CEC
 144 Information And Consultation: GS/TUC

*146	Restructuring, Consultation And Redundancy: GS/TUC
147	Redundancy:GS/TUC
148	The Right to BE Accompanied: TUC
Comp 17	National Minimum Wage (149-150,153): TUC
*151	Minimum Wage and Workers Rights: TUC
154	Working Week:TUC
155	Maximum 38 Hour Week: All Nos
Comp 18	Fair Holidays for All (156-158): TUC
159	Bank/Public Holiday: TUC
160	Employment Law Amendment - Flexible Working For Parents: TUC
Comp 19	Paid Dependency Leave (161,162): TUC
163	Bullying and Bad Language - First Line Management: GS/Regions
*164	Agency Staff: NOs/TUC
165	Corporate Social Responsibility: TUC
166	Employment Tribunals - Lay Members: TUC/GS/Legal Dept

HEALTH AND SAFETY: GS/Health & Environment Dept

167	Campaign for Changes to the Employer's Liability (Compulsory Insurance) Act 1969
*168	Health and Safety - Tripartite System
Comp 37	Health & Safety (169-171, 173,174, 179)
172	Prince of Wales and Red Tape i.e. Health and Safety Regulations
Comp 38	Roving Safety Representatives (175-178)
Comp 20	Asbestos (180,181)
182	House Calls
*183	Oral Cancer Detecting Agent

RETIREMENT & PENSIONS: GS/Pensions Dept

Comp 21	Pensions & Earnings - Restore the Link (185-187)
189	Cold Weather Payments
*Comp 22	Retirement Pensions (188, 190, 201):
191	Pensions and the City
*192	Pension Funds
197	Pensions
Comp 23	Final Salary Pension Schemes (193, 194, 196, 198-199)
*200	Pensions
Comp 24	Retirement Age (202, 205)
203	Pensions - Can We Afford To Lose Them?
204	Pensions and retirement age
*207	Flexible Retirement
208	Pensions
209	Pension Scheme (Money Purchase)
*210	Ill Health Retirement
211	Pensions

WELFARE RIGHTS AND SERVICES

212	Industrial Injury Pensions: GS/Legal Dept
*213	Widow/Widower Benefit: GS/Research Dept/TUC
214	Child Benefit: GS/Research Dept/TUC
215	Prescription Charges: NO
216	NHS Dental Charges: NO
217	NHS Equipment: NO

LABOUR PARTY: CEC Political Committee

*219	Labour Party
225	GMB Support for Labour
*266	Labour Party

ECONOMIC POLICY

Comp 25	Manufacturing (231, 232, 236): GS/TUC
Comp 26	Transferring Work Overseas (238, 239): GS/TUC

*Comp 27 Referendum and Euro Membership (240, 241): CEC

EDUCATION & TRAINING

242 Lifelong Learning: GS/Training and Research Depts
 Comp 28 Skills and Apprenticeships (243, 245): GS/Engineering and E&U Section Secretaries
 *Comp 29 Education and Student Tuition Fees (244, 246, 247): CEC
 248 Alcohol & Drugs Policy: Govt

EQUAL OPPORTUNITIES

250 Equal Pay: CEC/TUC/DGS/Equal Rights/Research Dept
 251 Equal Pay Review: CEC/TUC/DGS/Equal Rights/Research Dept
 252 Equal Pay: CEC/TUC/DGS/Equal Rights/Research Dept
 *253 Asylum Seekers: DGS/Research Dept
 255 Asylum Seekers: TUC
 256 Racist Killings: CEC
 258 BNP: NOS
 259 GMB Officers' Briefing and Disability Committee In All Regions: Regions
 Comp 30 Equal Opportunities - Disability (260, 262): NO
 261 Disability Discrimination Act: DGS/Equal Rights
 263 Health & Safety: DGS/H&E Dept
 264 Single Sex Partners Rights: DGS/Equal Rights
 265 Section 28: DGS/Equal Rights
 Comp 31 Age Discrimination (266, 267): DGS/Equal Rights/Research Dept

HOUSING

*273 Housing: DGS/Research Dept
 275 Homeless: NO

TRANSPORT: CEC

*276 Better Public Transport Services for Rural Areas
 277 Tube Privatisation
 *278 Transport

CRIMINAL JUSTICE

280 Date Rape: Govt
 281 Privileges: CEC

DEMOCRACY & CONSTITUTIONAL REFORM

284 Civil Liberties: CEC
 285 Gibraltar: CEC
 EM3 Elections in Northern Ireland: Govt

INTERNATIONAL

287 Acts of War: CEC/TUC
 288 International Situation: CEC/TUC
 289 Stop The War Coalition: CEC Finance Committee
 EM2 Iraq: CEC/TUC
 291 Star Wars: CEC
 292 Globalisation: TUC
 Comp 34 Make Trade Fair (293-295): TUC/Section Secretaries
 296 Coffee Industry in Crisis "International": Food & Leisure Section Secretary
 Comp 35 Ecuador (300, 301): Food & Leisure Section Secretary

REPORT ON MOTIONS (REFERRED TO THE CEC BY THE 2003 CONGRESS)

Motion 24 Union Learning Co-Ordinators was examined by the Training Committee and the Regional Secretaries and bids were submitted to the ULF by some GMB regions to fund a Union Learning Co-ordinator.

Motion	30	The feasibility of establishing a GMB Officers Parliament has been the subject of discussion between the DGS, Regional Secretaries and the Officers Negotiating Committee.
Motion	31	Recruitment Strategy for Young People was examined by the Organisation Committee, which received a presentation on the work of Massive Youth, and was also examined by the CEC Special Task Group.
Motion	43	Accompanying Reps was referred to Regional Secretaries by the CEC for consideration on a regional basis.
Motion	RA320	Rule 11 - Elections to the Central Executive Council was referred to the CEC and as considered by the CEC Special Task Group.
Motions	51 & 52	Expenses were referred to the CEC Finance Committee which has been reviewing expenses and will make recommendations.
Motion	128	Fair Funding For The Hospice Movement was referred to the National Officer with responsibility for the National Health Service.
Motion	218	Medical Research was referred to the Research Dept. The National Institute for Clinical Excellence (NICE) confirmed that it would be producing guidance for the NHS in England & Wales on the class of drugs called statins for the treatment of hypercholesteremia. This preventative approach is welcome. But the position remains that there is no "cure" for angina, only ways to manage this condition.
Motion	249	Faith Schools was referred to the National Secretary to allow further consultation to be undertaken to gauge the views of GMB members on the implications of the motion.
Motion	257	BNP was referred to the Recruitment and Organisation Committee, which considered reports from both Lancashire and Northern Regions on the steps taken by these Regions to combat the threat of the BNP, which included the work carried out by Community Relations Officers.
Motion	268	Labour Party
Comp	32	Affordable Housing
Comp	33	Local Authority Housing
Motion	274	Right to Buy
		These motions were taken into account during the production of the CEC Special Report on Housing to Congress 2005.
Motion	282	Political, about fixed-term parliamentary elections, was included in the GMB submission to the Electoral Reform Commission in February 2004.

APPOINTMENT AND ELECTION OF OFFICIALS

1 JANUARY 2003 - 31 DECEMBER 2004

ELECTION OF GENERAL SECRETARY & TREASURER

Kevin B. Curran

ELECTION OF DEPUTY GENERAL SECRETARY

Debbie Coulter

APPOINTMENT OF NATIONAL OFFICER

Process Section: Rehana Azam

APPOINTMENT OF REGIONAL SECRETARIES

Northern Region: Tom Brennan
GMB Scotland: Harry Donaldson
Southern Region: Richard Ascough

APPOINTMENT OF MEMBERSHIP DEVELOPMENT OFFICERS

Northern Region: Terry Scarr
South Western Region: Mike Payne
 Frank Rowberry

APPOINTMENT OF SENIOR ORGANISERS

Lancashire Region: Duncan Edwards
Liverpool, North Wales & Irish Region: Jackie French
 Graham McDermott
London Region: Justin Bowden
 Martin Smith
Midland & East Coast Region: John Wilson
Northern Region: Billy Coates
 Colin Smith
Southern Region: Gary Smith
South Western Region: Mervyn Burnett
Yorkshire & North Derbyshire Region: Graham Benton

APPOINTMENT OF ORGANISERS

Northern Region: Chris Preston
Yorkshire & North Derbyshire Region: Geoff Pitts

ELECTION OF ORGANISERS

Lancashire Region: Karen Atkinson
 Graham Coxon
 John Torpey
London Region: Glenn Holdom
Midland & East Coast Region: Martin Allen
 Peggy Blyth
 Tye Nosakhare
 Cheryl Pidgeon
 David Shamma
 Richard Taylor
 Dennis Watson
Northern Region: Rehana Azam
 Maxine Bartholemew
 Julie Elliott
 Steve Gibbons
 Paul Savage
 Mark Wilson
Southern Region: Anne Chandler
 Mark Betteridge
 Mark Wilkinson
South Western Region: Jeff Beck
 Althea Phillips
Yorkshire & North Derbyshire Region: Gary Baker

PROMOTION OF ORGANISERS

<i>Birmingham & West Midlands Region:</i>	Dave Day
<i>Lancashire Region:</i>	Tony Campbell Eddie Gaudie Neil Holden Steve McIntyre
<i>Midland & East Coast Region:</i>	Sue Boyd Sian McClarence Martin McGinley Colin Todd Ken Vincent
<i>Northern Region:</i>	Keir Gofton Michael Hopper Christopher Jukes
<i>GMB Scotland:</i>	Steve Bailey Frank Minnery Peter Neilson Susan Russell Ken Simpson
<i>South Western Region:</i>	Kelly Andrews Gareth Morgans
<i>Yorkshire & North Derbyshire Region:</i>	Rachel Dix Deborah Johnson Paul Wade

GOLD BADGE AND YOUTH AWARDS 2003 - 2004**MEN'S GOLD BADGE**

The GMB Men's Gold Badge recipient in 2003 was Phil Strain, GMB Scotland (Phil was a GMB nominee for the TUC Organisation Award 2003).

The GMB Men's Gold Badge recipient in 2004 was Les White, Midland & East Coast Region (Les was a GMB nominee for the TUC Organisation Award 2004).

WOMEN'S GOLD BADGE

The GMB nominee for the TUC Women's Gold Badge in 2003 was Jayne Norton, Birmingham & West Midlands Region.

The GMB nominee for the TUC Women's Gold Badge in 2004 was Janice Smith, London Region.

AWARD FOR YOUTH

There was no GMB nominee for the TUC Award for Youth in 2003.

The GMB Youth Award recipient in 2004 was Colleen Harwood, Midland & East Coast Region (Colleen was nominated for the TUC Youth Award 2005).

(Adopted)

THE ACTING GENERAL SECRETARY (Bro. P. Kenny): I was not quite sure up to the point of making the speech whether I was going to say "London Region" or "Head Office", but thank you very much. Earlier on, I was kindly given this ball -- I do not know if you

can see it -- an 8 ball by the Liverpool Region. Thank you very much. I am not sure whether I am behind the 8 ball or you are at the moment, but I am going to leave it by the rostrum, if it is OK with you.

Thank you, Congress, for supporting the CEC

Statement and I am technically, at least, moving the General Secretary's Report. I did not write it, but I am technically moving it. I am truly humbled -- and I mean that -- by the trust, confidence and support that the CEC and Congress have vested in me. I know, as any General Secretary, whether temporary or not, should know, that only by working with and respecting the activists, the branches, other colleagues and the CEC can you keep the authority and respect necessary to fulfill the mandate of General Secretary.

The leadership, the tough decisions and the comradeship of the Union are not delivered by sound bites or bagmen, or some divine right of office, and certainly not by rubbishing the efforts of our activists, branches and shop stewards who have been, and remain, the life blood and the key to the Union's very existence. Promising one thing to the members and another to government or employers over the after dinner mints is not going to happen on this watch!

The GMB's business is about fighting for fairness, not writing academic claptrap about a world where the sky is green. The organising and collective strength of the GMB is based on what unites us, our beliefs, our passion to fight injustice and our commitment to the members.

You know and we know the GMB has had two difficult years, financial restructuring, the closure of National College and redundancies, tough decisions which the CEC took only after clear and well thought through discussion, decisions made for the long-term security of the Union. But, you know, it has not been all bad news. Liverpool won the European Cup for the fifth time. Unfortunately, Crystal Palace were relegated. You can work that one out yourself!

We are here in the great city of Newcastle. I want to congratulate the officers, staff and the branches in the Newcastle Region. After half a decade of financial and membership decline, the region is now vibrant, it is growing and it is alive. You can feel it. Well done to Tommy Brennan, the branches and the region and thanks for all the help you have given us in putting on this Congress.

Some delegates have received anonymous letters attacking the President, myself and other colleagues with despicable attacks and lies. Before I turn to other matters, I want to read out a short letter. It is addressed to the Certification Officer. It says: "Dear Sir/Madam. As Acting General Secretary to the GMB, can I draw your attention to anonymous and scurrilous allegations being distributed by unknown persons concerning the use of Union funds for personal gain by myself and certain other colleagues. I would be grateful if you would help the GMB deal with this matter and we ensure you of our full co-operation."

Colleagues, I fold that, put it in an envelope and I seal it in front of you. I would like to hand it to a

colleague, Ian Lowe. I am sure he is not going to take it out the back and give it back to me! Notice, Ian, I have not put a stamp on it, son, but there we go! Would you post that before the week is out?

That, brothers and sisters, is how we deal with those sorts of attacks. We deal with them in an open way. Let us not have it distract us from our conference and our own objectives.

I want to move now, if I can, to the T&G, AMICUS the GMB. I do not mean literally that I want to move to the T&G and AMICUS! The Union has been invited to examine the prospects of forming a new union, one that could offer more to GMB members than we can achieve by staying alone. The CEC has set up a small but perfectly formed group consisting of Mary Turner, Andy Worth, Sheila Bearcroft, Debbie Coulter and myself, to explore whether principles exist on which we may take the idea of a new union forward, principles such as a lay member executive, no centralisation of power, strong branch rule book rights and strong regional structures.

The possibilities are obvious: two and-a-quarter million members; an end to useless inter-union competition in so many workplaces and industries; bargaining strength across sectors of the economy; political and financial strength to organise the millions of workers not in a union, including those who have never been asked to join a union! That is the possibility and the potential. It is a new union and not a bolt-on. We are not a swallow and we are not a strapping.

However, let me make it clear both in this hall and across the Movement: if anybody thinks the GMB can be rolled over, that we are somebody's breakfast, then you had better think again. I am too big, too ugly and too old to fall for that one. The GMB does not need an economic merger. We are not scraps at the table of others or at the TUC.

Later this week on the agenda are merger motions. I say to the movers of the motions, some are pro, some are anti: Please consider withdrawing those motions. Let us explore the possibilities before we decide whether the options harm the `will be behind your backs. The small group are due to meet shortly and are one hundred per cent accountable.

Maybe it will go nowhere, as it did some years ago when the CEC was entrusted to have preliminary discussions. Maybe the three unions' groups will be able to agree some principles of a new union upon which more formal talks could be based. If that is the case, brothers and sisters, I promise to Congress that the CEC will consult our regions and our branches before any further discussions are held. The way forward on these matters is in an open and honest fashion. Only then will members be able to see the union acting in their interests one way or the other.

I would like to turn to the Labour Party. In case you missed it, the Tories lost another election. You may have been forgiven for waking up the day after

election day and thinking that the Labour Party had lost the election. There was not a great deal of rejoicing in the labour Movement, was there? But I am pleased the Tories lost; I guess you are. However, the sparkle of new Labour has long gone. If old Labour as a brand is out-of-date, then new Labour and its supporters are out of stock and soon to be a deleted line.

Everyone knows what the issues were on the doorstep, in the pub and in the workplace. The Labour Party, indeed the Movement, cannot hang on like bedside mourners around an ageing monarch, waiting for the hand of accession.

There is no point in being anything other than honest. Tony Blair has led the Party to three election victories and progress has been made on a workplace and social agenda. But more than eight years after that first "euphoric" victory, why are working people still dying through the negligence of their employers, who still stand no real chance of going to jail for corporate killing, even with the proposed new legislation?

The road to our current inadequate health and safety legislation is built with the broken bones, blood and pain of working people. To suggest that employers will voluntarily regulate themselves flies in the face of fact and too many coroners' reports!

The UK still seems to glory in how easy it is to hire and fire workers, our flexible market, the need for workers to have the freedom to work longer hours for more years, and the injustice of work rewards, not just the scandal of the gender pay gap, but directors earning 10, 12, 16 times the salaries of their workforce. The CBI may call it the politics of envy. I call it the politics of equality!

The recent emphatic rejections of the proposed European Constitution by France and Holland must surely cause everyone to pause and reflect upon the need to ensure proper social legislation to control "free" markets. Many reasons seem to be offered by pundits about why the French said "no". Perhaps it was the introduction of a Services Directive, which would effectively mean employers could hire workers from any Member State and pay the wages and conditions applicable in the workers' home state. For example, a Polish worker in Britain would not have the protection of UK employment or health and safety laws, but would have to rely on enforcing, if it was possible, something which in many areas of Europe would be inferior to our own workplace protection and our own collective bargaining rights.

So let me see if you have understood this. Employers faced with health and safety legislation or workplace agreements they did not like could hire staff from other EU countries where the protection was weaker. Would they do that? I have a feeling that I know a few who might.

So we come to Warwick, because the Labour Party agreement with the unions brings you to Warwick. I

was privileged to be part of and present during the "Warwick" weekend as part of the GMB team. There was a historic hard-fought agenda of employment and social advance. Warwick would not have happened under the Tories. Make no mistake about that. Sectorial skill groups, the Pension Protection Fund -- much is still to do. The next couple of years can be historic and enjoyable. There is even talk of Warwick 2. It is OK to plan, we should plan, but much needs to be done to ensure the spirit and intent of Warwick 1 gets to see the light of day, because if we are let down or betrayed over the Warwick commitments, it will put a strain on the GMB's relationship with the Labour Party which may be more than our Union can bear! So to those in new Labour who may dream of shelving our plans, forget it.

I want to turn, if I may, for a second to the Inquiry. It has been a difficult time for the Union, a difficult time for the Executive and for many people on it. Sometimes people have been pulled by personal friendships or personal loyalties. Both Mary and Malcolm have mentioned the inquiry. As a candidate in the 2003 election, I welcome the inquiry and I publicly pledge to fully co-operate in any way that I am required.

The GMB has not been punching its weight for a bit. We have been distracted. There are those who would like to see us self-destruct and to turn inwards again. You must ask yourselves, whom do they serve? The inquiry will, hopefully, be far-reaching and all-seeing. It will cleanse and revitalise our election procedures.

I have not spoken up to now about what went on in that election. To do so would have looked churlish and would have brought the Union into disrepute. I chose to remain silent and sometimes that was quite difficult. I will stay silent no longer. Those who have much to fear from the inquiry better start volunteering for interviews or accept the consequences.

Our Union lives and it breathes because it is made up of people. Sometimes it is weak; sometimes it acts impetuously. For the benefit of the London Region, that means without thinking, because if you cannot knock your own region, you cannot knock anybody, can you! It fails to achieve the goals it sets itself. We do, because we aim so high, and it is right we aim so high. Sometimes we get it wrong. It is OK to put your hand up occasionally and say, "I got it wrong". However, our weaknesses are just a shadow, a tiny pimple on the body of good that this Union does, and has done, every single day of every week in every year.

Let us have a bit of audience participation, shall we? Who stands up for working people? We do. Who stands up for working people? (*Congress: We do*) Who fights racism? (*Congress: We do*). Who fights for public services, healthcare for all and protects civil

liberties? (*Congress: We do*). It is like the benediction! Who fights for equal pay, for social housing, for better pensions, justice for our brothers and sisters in Colombia and Costa Rica, just as examples? We do. And we are going to do some more.

The role of the Union is not to prop up an unfair discriminatory system. Our job is to challenge it and to change it. I am sick of people apologising or trying to camouflage what we are about. We are a vested interest and proud to be one. Our vested interest is the working people of this country, the people who have no other voice than the trade union Movement. I am just sick of people hiding behind and apologising for that. I am not ashamed of being a trade union member. Are you? (*Congress: No, No.*) I do not go to parties and introduce myself as an "industrial relations expert" or a "purveyor of partnerships". I am proud of what we do, who we are and where we have come from.

Frankly, I do not like employers or governments trying to short-change our members. Don't tell me, please don't tell me, that we cannot afford to maintain pension provision for public services when the Government spends £1.5 billion on agency staff in the NHS alone. Why can't we raise pay and improve standards in local government when £600 million is not collected in council tax because of an unfair and uncollectable system?

Don't tell me we must abandon our manufacturing base in this country. I do not accept it. We protect and assist our manufacturing industry less in this country than virtually any other country in Europe. Instead, we have short-term market solutions which maximise quick profit by liquidating assets with no regard for people or the skills or the future. Let no one doubt for a moment that we will not carry the fight to bad employers -- you trust me, we will -- people like the AA, ASDA and American casino owners. In fact, all the As and, trust me, there will be a few Bs as well; in fact, quite a lot of Bs. But we have to reach out to the millions of workers who just do not have the opportunity or the confidence to join a trade union.

New union members who we have recruited in this Union in the past two years include people from diverse fields, such as tattooists, those in fast food distribution, the security industry, leisure, hotels, gaming, private hire drivers -- it is a branch of 1,000 strong now in one of the regions -- holiday staff in the Midlands and East Coast -- 1,000 strong now -- young workers and exploited workers.

As Andy pointed out earlier, we need to organise and better service the members in the workplaces because too many people in organised workplaces are getting a free ride. When you ask people when they come into a workplace to join a union, "Would you like to join the union?" and they say to you, "What has the union ever done for me?" the fact that there is a job for them is probably down to the fact that it is a

union organised workplace. The fact there is decent pay, or a pension scheme, or proper health and safety, or respect from the management is down to union organisation. So the next time you go to somebody and say, "Would you like to join a union?" you tell them what we have done and you be proud of it, because for far too long we have done things, then we have moved on and we have not actually had the courage or maybe just the brass neck to point out to people the values and successes that this Union has had. It is something that again came up in the task group. We should be proud of what we do. We should explain what we do.

There are millions of workers now in this country who have never been part of a union and, in many cases, do not really understand what a union does. We are going to change that. We will ensure that people get respect at work and the respect that they deserve. We will ensure that everyone who works for the Union will get the respect they are entitled to. We will not judge others as bad employers without holding ourselves up as models.

I want to pay a tribute and thanks to the staff and officials of the Union. It has been a pretty rough time for some of them as well, many of whom have had difficult situations thrust upon them; so I want to say thank you to them on your behalf and on behalf of the CEC.

However, we are going to reach out and we are going to organise on a scale we have not done in decades both in new and in organised workplaces. We are going to operate an organising agenda because that is our job and our legacy. That is our purpose. President, that is what I call a union. Thank you, colleagues. (*Standing Ovation*)

THE PRESIDENT: Thank you, Paul. I will now move the General Secretary's Report from pages 1 to 19 and 21 to 26 of the report. Colleagues, pages 1, 2, 3, 4, 5, 6, 7, 8 -- 8, come on, Pam.

SIS. P. ROSS (Yorkshire & North Derbyshire): The branch was very pleased to read in the Report about the importance of having well-trained, motivated and resourced safety representatives at the workplace. We are fighting for a key activist to have health and safety training. He is currently a health and safety rep. We are actually recognised with the company, but not for his particular grade of workman.

I would like to thank Jerry Nelson, our Regional Secretary, because he agrees with us that it is more important to try to fight this case even if we may lose it, because otherwise we would lose our credibility as a union at that workplace and possibly even lose our members.

THE PRESIDENT: Thank you, Pam. Pam, you know I will not be able to live with him if you keep praising him! Pages 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19. Paul

Kenny, any reply?

THE ACTING GENERAL SECRETARY: No.

THE PRESIDENT: I now move to pages 21 to 26 of the Report. What has happened to page 20? Pages 21, 22, 23, 24.

BRO. W. HELEY (Midlands & East Coast Region): President, Congress, page 24 of the General Secretary's Report reports on motions referred to the CEC by the 2003 Congress, one of which is rule amendment 320, elections to the CEC. I find no evidence that this motion has been discussed by the CEC. It has not appeared on any CEC minutes since the 2003 Congress. This rule amendment was not discussed at the CEC Special Task Group. Will the General Secretary assure this Congress that this rule amendment from the 2003 Congress will be put on the CEC agenda as soon as possible?

THE PRESIDENT: Thank you. Page 24, 25 and 26. Paul Kenny?

THE ACTING GENERAL SECRETARY: I just realised when you said, "Will the General Secretary please make sure it is on the next agenda", you were talking to me, weren't you? Can I give you an unfettered absolute yes? It will be on the agenda of the next CEC. Is that OK?

THE PRESIDENT: Thank you. Does Congress accept the Report?

(General Secretary's Report, pages 1-19 and 21-26 were adopted)

THE PRESIDENT: Colleagues, may I remind delegates that tomorrow morning we begin at 9.30, so bed early for all of you, and be bright eyed and bushy tailed tomorrow morning.

Congress adjourned