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## **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 3<sup>rd</sup> 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](mailto: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 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 18<sup>th</sup> 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 1<sup>st</sup> 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.

## **EUROPEAN & INTERNATIONAL REPORT**

### **Europe**

GMB is unrivaled as the most pro-active British Trade union in Europe. We were the first, and are currently the only, British union to have an office and full-time representation in Brussels, at the centre of EU level decision making.

GMB has also taken a leading role on Europe within the TUC, in chairing the TUC European Monitoring Committee and the European Network meetings, and as part of the TUC delegation on the ETUC Executive. We have an active and committed group of MEP's in the European Parliament, with whom we work very closely.

Together with our trade union colleagues in the European and International Sector Federations and ETUC, GMB is working to improve the social, employment rights and living standards of our members and their families, and help promote and protect their jobs against the threats posed by globalisation and neo-liberalism.

The European Union has given trade unionists many of the workplace rights that we enjoy today: a raft of health and safety protections, rights to equal pay, protections for collective redundancies and TUPE, rights to be informed and consulted at national and transnational level, equal treatment rights for part-time and fixed term workers, parental leave and maternity rights, rights not to work excessive hours, and to have 4 weeks paid holidays (soon to be on top of bank holidays). We have worked hard to ensure that the development of Europe as an internal market has involved a balance of the economic, environmental and social dimensions, underpinned by the European Social Model.

Through our valuable contacts with other European trade unions, we have been able to compare conditions and recognition arrangements across transnational companies, and have successfully used this information to seek recognition for GMB in such companies, or to bargain for improved conditions, and in cases where closure is unavoidable, better redundancy terms.

Our continued active involvement at European level today is no less important than it was when we began. The Social Model that we as trade unionists have fought so hard to create is currently seen by many governments as a luxury we can no longer afford, rather than the key incentive and driver it presents for improving productivity and competitiveness. We must protect it at all costs.

As European Governments struggle to achieve economic growth and contain unemployment, labour market flexibility and social reform are seen as "quick fix" solutions, when the real and fundamental problems relating to lack of competitiveness and productivity remain unsolved. The US deregulatory labour market model is seen by some as the way Europe should go. That model doesn't work for American workers and it won't work for Europe.

Britain already has one of the most flexible labour markets in Europe, and if our members are asked to bend any more, they will break. GMB members are paying the price for poor management, lack of investment in skills, training, and involvement of the workforce in decision making, and low investment in

innovation, research and development. British workers have been calling for a level playing field with our European counterparts in workplace and social rights, through improving our rights to match their higher standards, not bringing the rest of Europe down to our lower standards.

A worrying trend appears to be set. The proposals to protect Temporary agency workers lie blocked in Council because our Government, backed up by Germany, Denmark, Ireland and Poland think that it is just to deny temporary agency workers equal treatment rights until they have worked for nine to twelve months, making a mockery of the spirit of the proposals. GMB has been pushing consistently at European and national Government level to get agreement on these proposals.

The recent proposals for revising the Working time Directive completely ignored the views and compelling evidence given by GMB, TUC and ETUC in the preceding consultation phase, and now offer wider and continued scope for the use of the individual opt-out, attempt to reverse European Court judgments on on-call time, and offer further flexibility on reference periods for calculating the average 48 hour week up to 12 months, by law rather than collective agreement. We will not accept this, and are currently working with the European Parliament to heavily amend these proposals.

GMB has been a major critic of the EU Commission's proposals for a Directive on Services in the Internal Market (Bolkestein Directive). We gave one of the fullest responses to the DTI consultation on the proposals last year, and are working actively with ETUC and our European Federations to have the proposals withdrawn. Failing withdrawal, we will work with the European Parliament to remove all threats of social dumping, undermining of public, social and health services, and any threat to labour law and collective agreements, and to regulation and competence authorization in the construction, security and energy and utilities sectors.

Across Europe, people are debating and deciding the fate of the EU Constitutional Treaty, and with it, to an extent, the future direction of Europe. GMB members and trade unionists across Europe are rightly likely to judge the Treaty on the guarantees it holds for protecting and promoting our social Europe and our jobs, and how committed European Government's are to upholding the principles of a social market economy, full employment, equality, non-discrimination, the application of the Charter of Fundamental rights, and the role of social dialogue, that lie therein. GMB has been encouraging the spread of information relating to the Constitutional Treaty to our members to allow them to make an informed choice.

The Social Model is Europe's proudest and most popular achievement, and is not for sale. GMB is joining trade unions across Europe to stop this vital cornerstone of the European Union from being undermined. We should not be distracted from the fact that it is business and Member State Government's, including ours, and not "Brussels" calling much of the tune on this approach.

## **International**

### *Clothing & Textile Section*

The previous National Secretary established over many years, contact with the international trade union community.

A number of initiatives have taken place, one being the support for the Bonded Labour Liberation Front (BLLF) in Pakistan. A large amount of finance was raised which has been put to very good use by freeing children from harsh labour conditions.

Our international links have been maintained despite our non attendance at the 2004 World Congress of the International Textile, Garment & Leather Workers Federation. Because we were not present, GMB lost its seat on the Executive Committee. If we, as a union are to influence how other countries treat their workers, the international trade union movement is essential.

### *Commercial Services Section*

In the wake of our difficult financial problems last year, all of the GMB's international affiliations were cut by around 80% as part of the necessary cost cutting exercise. One consequence of this was a dramatic reduction in our affiliation to UNi – the International Trade Union Federation for the Private Services Sector, and to UNi Europa, its counterpart for Europe. As a result we lost our seat on the UNi Executive Council. Virtually no overseas meetings have been attended by the GMB in the Sector since last Congress, save where we could obtain funding from a third party – eg the European Commission. However, by utilising the resources of the Policy Department and our European Officer, Kathleen Walker-Shaw, we have managed to retain some influence in both UNi and UNi Europa.

In this we have been helped by the efforts of our sister Union from the United States, the Service Employees International Union (SEIU) and in particular their interest in campaigning with us jointly in Group 4 Securicor to address our respective problems. The thanks of the GMB are owed to Andy Stern and his colleagues for their help in this matter. We also owe a debt to Philip Jennings of UNi and to his colleague Bob Ramsey for maintaining a flow of useful information and support covering employers where we have had issues.

### *CFTA Section*

In view of other priorities the work has been concentrated on what can be done by phone or letter. We have kept involved in the many international campaigns affecting sister trade unions throughout the world.

We have campaigned against the anti trade union laws that have been introduced against the Australian building workers and we have involved members of the Section Committee in other international campaigns.

The two internationals that the Section is involved in are the IFBWW and the EFBWW, both organisations are important to the members working within the CFTA Section of the GMB.

The IFBWW is concerned on many issues not least the forestry resources, without this vital material houses, schools and hospitals could not be built or furnished. The world's forests are being destroyed, not only is the deforestation of our planet affecting the future use of timber but the effects of cutting down trees without replanting will eventually lead to a world with a climate no-one can live in. The multinational timber companies care more for high profits than they do for the welfare and survival of our mother earth.

We stand with the IFBWW and the EFBWW and demand an end to this destruction. 33% of our rainforests have disappeared and we wonder why we have floods and earthquakes. The fact that the rainforests provide the atmosphere with oxygen is never considered. When the capitalists clear out an area the size of Wales or when trees are cut down to provide lands for unnecessary mass agriculture, without our involvement with the IFBWW and the EFBWW the fight against globalisation by the employers will be lost.

Our international trade union links are best strengthened by our involvement with international organisations that represent workers. The move towards a global economy is best dealt with through international trade union solidarity not by breaking international links.

#### *Food & Leisure Section*

The Union still remains affiliated to both IUF and EFFAT, although on a much reduced basis. 2004 affiliations were reduced by 80% which equates to affiliating on 4,000 members. Despite the reduction, GMB have retained an Executive Council seat following representation to IUF and EFFAT. Although, at the time of writing this report, no such meetings had been attended due to cost implications.

The work of IUF and EFFAT remains focused on combating the negative impacts of the continuing trend of consolidating business via acquisitions across food and drink productions, together with the aggressive price competitiveness amongst the retail sector particular with players such as "Wal Mart" constantly driving costs down and pushing the agenda to more manufacturing to new "cheaper" markets within the new enlarged EU.

The IUF are currently reviewing the work of the Secretariat with a view to working in a more proactive way, to establish a concept of global organising across transnational companies. At the time of writing this report, a three year proposal, which included working with the American unions, Unite and SEIU were being discussed within the Food Service industry. This represents a challenging and interesting concept of how affiliates may work with the international federations in the future.

We should ensure GMB are at the forefront of shaping this new agenda.

#### *Process Section*

European Mine, Chemical and Energy Workers' Federation (EMCEF) and International Federation of Chemical, Energy, Mine & General Workers' Unions (ICEM).

The GMB remains affiliated to both bodies on a much reduced affiliation due to financial constraints. The affiliations were cut by 80% in 2004. However,

GMB has managed to retain an Executive Seat but attended no meetings during 2004.

Major pieces of work within both these bodies, continues to be focussed on discussions on REACH which will have a dramatic impact on the Chemical Industry as a whole. GMB continues to be at the forefront of arguments to ensure that within the UK, regulations do not become over bureaucratic. We need to ensure that the regulations protect workers on health and environmental issues, whilst not creating wholesale job losses.

The LIFT Project which GMB undertook along with AstraZeneca and EMCEF has now been completed. This project looked at training for European Works Councils and a booklet on training was produced at the end of 2004 and has been circulated to all regions and the TUC as a model for good practice.

## **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 2<sup>nd</sup> 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.

### Health and Safety Matters

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 21<sup>st</sup> 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 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 HSE's 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 workplaces
- 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 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 the 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 *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 development 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 5<sup>th</sup> 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.

## **TRAINING & EDUCATION – GMB NATIONAL COLLEGE**

The GMB National College opened in 1985, and served the Union well over nearly two decades. However, the costs of running and maintaining this grand old building became more and more of a burden, and the CEC during the latter years had to seek ways of keeping the costs under control.

The main method for doing this was to market the College to outside users and within the Union, and College management and staff were successful in increasing annual income from around £50,000 to £1.2 million over a ten year period. However, by the late 1990s, income growth had stalled, and some regular customers were going elsewhere, to more modern and often cheaper providers. The CEC carried out a study which showed that the College needed modernisation to improve the quality of the facilities and to remodel them so that they were more women-friendly and in tune with the needs of today's diverse GMB membership. Additionally, the College needed a major structural overhaul, and in some areas, such as the kitchens, there were real health and safety concerns about the quality of the working environment.

During the early part of this decade, the Union carried out architectural planning work which indicated that the cost of bringing the College up to standard would be little short of £5 million. Attempts to seek funding for this project were unsuccessful, and the Union was faced with the prospect of adding the whole cost to our already growing overdraft.

Taking all outgoings into account, the annual cost of running the College was around £2.2 million. After deducting the income from internal and external sources, the net cost of the College was £1 million each year. During 2003, the last full year that the College was open, 1714 students attended the National College (compared to 3,489 who completed a regional training programme). It is clear that at a cost of almost £600 per student, the College represented an uneconomical method of providing advanced training.

When the Union's senior management team met in Nottingham in October 2003 to carry out an urgent financial review, the need to take immediate action to cut operating costs brought the whole question of the future of the College, or

any alternative residential education facility, into focus. After lengthy discussions in which no aspect of the Union's activities went unquestioned, it was reluctantly concluded that the Union could no longer afford the growing current and future costs of National College, and the recommendation to close it formed part of a recovery package recommended by the senior management and agreed by the CEC on 2<sup>nd</sup> December 2003.

Many in the GMB have fond memories of the College, and there was heartfelt and genuine dismay and disappointment that the College staff – all intensely loyal GMB people – lost their jobs when the College shut its doors in February 2004. A negotiated package meant that colleagues left with relatively good severance terms, and the indications are that by the end of 2004, all those who were looking for alternative jobs had found them.

Since the closure of National College, GMB regions have continued to deliver the bulk of the training for GMB representatives, as has always been the case. Whilst it has taken time to address the problem of advanced training provision that resulted from the closure of the College, the signs of recovery are emerging.

Some regions, notably London and Southern, have responded by developing very comprehensive and imaginative programmes of advanced courses that are delivered within the region. This more localised delivery has the benefit of being more accessible to a greater range of activists than the courses previously delivered at the National College. Most notably, many women, and other workers who may have experienced difficulty in attending a residential course a considerable distance from their home, find these courses more suitable to their needs. Arrangements negotiated with training providers have helped to ensure that advanced training courses are being delivered, to standards and on subject matters set by the GMB, in a very cost effective manner.

Simultaneously, some other GMB regions have responded by developing a collaborative approach, in conjunction with Northern College, to pilot a range of courses that were previously offered by the National College. GMB representatives from the different regions involved can attend these courses in a similar manner to when they were previously available. This approach involves the Regional Education Officers co-operating to ensure that the courses are viable by feeding students onto the course from each of the GMB regions involved.

The CEC Training Committee will be monitoring these developments, and the CEC Task Group recommended to the CEC in its report that the future direction and development of GMB education and training would best be served by regional delivery based upon nationally agreed standards. GMB Regional Education Officers have responded positively to the challenge posed by the closure of the national facility, and the regional co-operation and sharing of best practice that has taken place is set to continue and will help to ensure that GMB representatives will receive high quality training and support to fulfill their role of representing GMB members in the workplace.

## **The Caretrain Project**

Care workers across the UK are reaching new standards in the profession with help from a national GMB project backed by money from the government's Union Learning Fund (ULF). **Caretrain** helps careworkers improve their basic skills and complete vocational qualifications in line with targets set out in the Care Standards Act 2000, which commits each home to ensuring at least 50 per cent of carers are trained to NVQ level 2 by 2005. The project is being run by the GMB on a national basis in homes run by Southern Cross Healthcare, the third largest provider of long-term care in the country, with 10,000 staff in over 130 homes.

No one underestimates the scale of the challenge. Evidence suggests that most providers are nowhere near the government targets and high staff turnover is another significant issue. Because many staff are also reluctant to participate in training because of poor basic skills and low self-confidence, Project Manager Colin Kirkham has concentrated upon the development of a network of Learning Reps to help people who have traditionally been excluded from learning to take advantage of these new opportunities.

Denise Webb, Secretary of the GMB's Southern Healthcare Branch and Caretrain Project Worker, trained on a TUC course run exclusively for the first wave of Southern Cross Union Learning Reps. In the two pilot homes - Tower Bridge Care Centre in Southwark, south London and Adelaide Care Centre in Bexleyheath - Denise knew, through her activities as a Learning Rep, that at least half of the staff wanted basic skills and English for Speakers of Other Languages courses before starting their NVQs. The project is organising and running courses in the homes themselves as well as in local colleges, because people can be very shy about learning, and when people who work together learn together, they can build up their confidence with each other.

The Project has created a network of Project workers that support the delivery of the project aims and objectives. The network has recently been enhanced with the use of ICT, Project workers are now able to use laptops to undertake initial Skills for Life Assessments and are currently developing a web based support network.

Excellent links have been established with a range of linked organisations and initiatives such as Employer Training pilots, Centres of Vocational Excellence and the Move On Get On campaign. To date, the project has exceeded its targets with 545 Careworkers enrolling for the NVQ Level 2 and over 110 individuals accessing help with their basic skills.

The Project has just been awarded a further 2 years of funding from the ULF and is planning a dissemination event to share the good practice that has been developed.

## **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:

<b>CEC</b>	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.
<b>GS/DGS</b>	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).
<b>Region(s)</b>	For appropriate action by the relevant Region(s).
<b>NO</b>	For appropriate action by the relevant National Officer.
<b>TUC/LP</b>	To pursue via TUC or Labour Party channels.
<b>Govt</b>	To raise with the relevant government department.
<b>MPs/MEPs</b>	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 was 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 hypercholesterolemia. 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**

*Birmingham & West Midlands Region:*

Dave Day

*Lancashire Region:*

Tony Campbell  
Eddie Gaudie  
Neil Holden  
Steve McIntyre

*Midland & East Coast Region:*

Sue Boyd  
Sian McClarence  
Martin McGinley  
Colin Todd  
Ken Vincent

*Northern Region:*

Keir Gofton  
Michael Hopper  
Christopher Jukes

*GMB Scotland:*

Steve Bailey  
Frank Minnery  
Peter Neilson  
Susan Russell  
Ken Simpson

*South Western Region:*

Kelly Andrews  
Gareth Morgans

*Yorkshire & North Derbyshire Region:*

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).

### **DEPUTY GENERAL SECRETARY'S REPORT**

When I first addressed Congress in 2003 I spoke of my enormous sense of pride at being elected to the post of Deputy General Secretary and expressed hope and optimism for the years ahead. My message focused on the need for GMB to start a process of review and reflection, examining the way in which we operate, questioning our relevancy and influence in a changing world of work and our appeal and significance to a new generation of working people. The CEC Task Group has canvassed the views of activists, officers and staff throughout the union and will be reporting its findings to Congress. I hope that that this exercise will provide us with a framework for us collectively to create an organisation that will increase our appeal, improve our efficiency and equip us to face the challenges that lie ahead.

Of course I couldn't have predicted back in June 2003 the challenges that would lie in my path in the months ahead. After just several months in office I was forced to stand down from my position following a Certification Officer decision that the DGS election should be re-run. This was undoubtedly a difficult period for me personally and for the Union as a whole. However it was heartening to be elected once again in April 2004 and I'd like to place on record my thanks to all of my colleagues throughout the Union who were so supportive of me during this troubled period.

It was during this time also that the true picture of our financial difficulties was beginning to unfold and the Union was fully occupied in trying to tackle the overwhelming burden of our financial deficit. Tough decisions were necessary to ensure the survival of the GMB, and these included the shedding of jobs and the closure of National College. Tremendous sacrifices were made throughout the Union but, for many, the closure of the College was a particularly sad event. The

College staff, who provided a legendary first class service to our members, were made redundant but thankfully most have moved on to utilise their skills elsewhere and have secured alternative employment.

Huge efforts have been made by the regions to secure alternative arrangements for advanced training mainly through the TUC, WEA and GFTU networks and the development of Life Long Learning by Regional Education Officers, Regional Learning Coordinators and Union Learning Reps have earned GMB a deserved reputation for providing our members with some of the best learning projects in the country. The Union is currently considering the development of a National Strategy on learning which should strengthen our role in the delivery of training and learning throughout all regions.

I was elected on to the **Labour Party National Executive Committee** in September 2003 and at that same time our President Mary Turner was elected NEC Chair. I was therefore fortunate to have Mary to provide me with guidance through the Party's processes and procedures. It was of course also a huge honour for Mary and the GMB for her to preside over the 2004 Party Conference.

I also co-convene the Economy, Welfare & Work Commission and serve on the National Policy Committee and the Women, Race and Equalities Committee, while Mary is the vice-chair of the Organisation Committee, is co-convenor of the Health Policy Commission and serves on the Party into Power National Committee.

The work of the Economy, Welfare & Work Commission has made a major contribution towards achieving Labour's goal of opportunity for all – with almost full employment in every region. Largely due to labour market reforms – making work pay through the minimum wage, reform of the tax and benefit system and the New Deal – there are nearly 2 million more people in work than in 1997, unemployment is at its lowest in a generation and employment is at the highest levels ever recorded in the UK. In contrast, the Tories' James Review proposals would wreck the British economy. They are now pledged to: scrap the New Deal, scrap the Trade Union Learning Fund, scrap the Small Business Service and cut export support and regional support, including R&D and Innovation grants, and scrap the Sector Skills Agency

At the time of writing, I am conscious that by the time we reach Congress there would have been a General Election, which we are hopeful will return a Labour Government for an historic third-term because, despite our differences and disagreements with New Labour, we must convince our members of the stark dividing lines that exist between Labour and the Tories and the very real threats to jobs, public services and the economy if Howard was elected to office.

Without doubt our greatest political achievements this term were achieved at the **National Policy Forum** in July 2004. The historic Warwick Agreement secured long fought for rights for workers and the GMB played a significant part in achieving these arrangements including the right for 2 million workers to benefit from an extra 8 days holiday as well as many other future commitments to improve workers rights.

Our team of negotiators which included the President, the General Secretary, myself, Paul Kenny, Libby Swindells, and Linda Clarke worked

tirelessly over 3 days and were at the forefront of all of the debates. Our focus now must be on ensuring that Labour delivers on its pledges.

However, these developments need to be contrasted with our own recruitment records which demonstrate that we have not increased our membership levels despite these advantageous conditions. The challenge for us all is how we can develop our resources, structures, internal organisation and external appeal to attract new members in emerging sectors of the economy.

A further commitment arising from the Warwick Agreement was to establish **The Women and Work Commission**. The Commission, chaired by Baroness Margaret Prosser, was established in October 2004 and I was privileged to be asked to serve on this body. One of GMB's priority motions to TUC Congress 2004 was on Equal Pay and highlighted that women now make up 45% of the workforce, up from 38% in 1971. The Equal Pay Act and the Sex Discrimination Act in the 1970's were important milestones in breaking down the barriers to women's participation in the labour market. But wages remain low in many occupations dominated by women and there is still a pay gap between men and women of 18% among full-time workers and 40% for those women working part-time.

The Commission are examining key factors shaping the difference in hourly earnings between men and women, including labour market experience, caring responsibilities, job segregation, skills and education as well as discrimination. In investigating the impact of discrimination the Commission will look at the measures necessary to strengthen equal pay legislation, including the case for equal pay reviews to be mandatory and establishing workplace equality reps. Final recommendations will be made to the Prime Minister in Autumn 2005.

In Steve Pickering's final report to Congress 2003 he commented that 'doing the job of DGS is multi faceted...no two days are the same'. Although I have a somewhat different role with some different responsibilities compared to my predecessor, I have continued with one area of work that Steve was passionate about: working to support the **Retired Members Association**.

I have attempted to be as supportive to the RMA as Steve was, which is a job made easy by the dedication and commitment of each RMA member. I was very pleasantly surprised when I met with Monica Smith, the RMA Secretary, to organise the 2004 RMA conference. She presented me with an agenda, a running order, lists of delegates, motions, speakers and visitors - in fact every detail of the conference had already been organised in advance - including the raffle! Their conference in November 2004 was a lively affair with debates on pensions, transport, community care, to name but some of motions that were debated with passion and determination.

In November 2004 I joined a TUC delegation to **Colombia** to meet with a range of trade union, human rights, student, church and community leaders, Government Ministers and British Embassy representatives. Our objective was not only to offer international solidarity with the Colombian people and trade union movement in their campaign for basic human rights and in their struggle for peace with social justice but also to highlight the appalling human rights violations against trade unionist under the Uribe Government. Last year alone 50

trade unionists were murdered, 681 have received death threats, 111 have 'disappeared' and 17 were kidnapped - making Colombia the most dangerous place in the world to be a trade union member.

Every union leader we met impressed upon us the importance of international solidarity and our campaign against UK military aid and one union leader told us bluntly that it is harder to kill Colombian trade unionists when foreign trade unionists are watching.

This would explain why the delegation were initially refused entry into Colombia – only after a stand-off at the airport our seven day visit was cut to three days after which we were told we would be expelled. Only after formal protests to the British and Colombian governments and mass rallies of support in Bogata did the security services grant us a special visa.

We did visit Barancabermeja, a highly militarised region under paramilitary control to meet with 253 sacked oil workers whose courage and determination was inspirational. However I have recently heard that the local oil workers leader has subsequently been shot. The CEC have donated £2,000 to support these workers in their struggle for reinstatement and protection from death squads and I would encourage all GMB branches to support our Colombian comrades by affiliating to *Justice for Colombia*.

I recall at our last Congress listening intently to the debate on the Deputy General Secretaries Post when Bro Isaacs from London Region stated that he was hard pressed to find out what exactly what the DGS does and he argued for a clearly defined role for this position. I must admit that at the time, just a month into the job, I was unsure myself how my role would develop and of course no one could have predicted the problems that lay ahead of us. It was for me a baptism of fire but I have learnt some valuable lessons which I hope will stand me in good stead in the years to come.

However, I did commit in my speech to Congress to play a more active part in the leadership of the GMB, and that has been the case. Due to a restructuring of managerial responsibilities, I have line management responsibility for the team of National Officials based at National Office and have recently taken an active role in supporting the efforts of the Regional Education Officers to develop a coherent strategy for the delivery of training and lifelong learning. I am also now Chair of the Trustees for the GMB 1961 Pension Fund, following the decision to remove any potential source of conflict between that role and that of the Treasurer of the GMB.

Together with the General Secretary and the rest of the GMB Senior Management Team, I hope that I have served you well and enhanced the profile of the GMB to both our members and the wider Trade Union and Labour movement.

## **DISABILITY REPORT**

Since Congress 2003, changes to the Disability Discrimination Act (DDA) have increased the awareness of our members and further steps have been taken by the Government in its approach to deliver comprehensive civil rights for disabled

people. From 1<sup>st</sup> October 2004 there is no longer an exemption for small employers from the scope of the DDA and this will mean an additional one million small businesses will be covered and another seven million people will be covered at work.

The GMB has played its part in bringing about these significant changes. We have involved ourselves through the Government's consultation process and met with Ministers to try to influence regulations. Despite its financial problems, the GMB has managed to send delegates to most TUC events and a full delegation at this year's TUC Disability Conference has been made possible by careful cost control.

Although the GMB National Disability Forum meets less frequently to try to reduce costs, the Forum has dealt with many issues including violence to workers who are disabled and has a timetable of work for the next 12 months. Disability training has been taking place with the Yorkshire Region leading the way and most of the staff and officers within the Region have undergone some disability awareness training.

The Government intends to reduce the number of those disabled people who are on invalidity benefits. Our Government believes that disabled people are better off at work and if the Government is serious then work must be provided for disabled people to choose. The GMB will continue to campaign and lobby on behalf of disabled people to ensure their right to rewarding work with decent pay and conditions.

The Union has been fully involved in the Public Procurement Directive and in particular Article 19 of the new regulations. Particular thanks must go to GMB European Officer Kathleen Walker Shaw who has worked tremendously hard for the changes to the Directive.

The GMB rightly concentrates its efforts on people in work and we have a proud record representing disabled people in the workplace. The next few years will be very important because the Government intends to significantly strengthen the DDA by extending civil rights in areas such as:

- The provision of transport
- The letting of premises
- Responsibilities and duties of public authorities
- Membership of private clubs
- Rights of disabled local Councillors

These important new provisions will affect all our members and the GMB will play its full part in all the discussions and consultation that will take place as these measures are introduced.

## **EQUAL RIGHTS REPORT**

### **Introduction**

Rehana Azam took up the role of National Officer with responsibility for equalities in November 2004. This appointment followed the departure of Karen Constantine in September 2004 following a prolonged period of sickness

absence, during which Debbie Coulter, Deputy General Secretary, provided cover.

The past two years have seen some progress in terms of new legislation aimed at or contributing to greater equality within our society. In 2004, the GMB secured a hard-won victory in amending the new European Public Procurement Directive. The GMB's amendment now allows for public contracts to be reserved for supported workplaces and programmes for disabled people. This progressive change should be the catalyst, in the UK, for creating thousands of new satisfying and rewarding jobs. More work needs to be done however to ensure that the directive is not diluted as a result of the views of other interested bodies, for example the Office of Government Commerce.

The Employment Equality (Sexual Orientation) Regulations 2003 and the Employment Equality (Religion or Belief) Regulations 2003 now outlaw discrimination in employment and vocational training on the grounds of sexual orientation and religion or belief respectively. Moreover, the Government recognises that as intermediary organisations, unions play an important role in supporting the practical application of this legislation, and have offered practical support to unions so that we can offer advice on sexual orientation and religion or belief employment issues.

The Disability Discrimination Act 1995 (Amendment) Regulations 2003 make a number of changes to the employment provisions of the Disability Discrimination Act (DDA) including ending the exemption of small employers from the scope of the DDA and ending a number of occupational exclusions (e.g. the police, prison officers, barristers in chambers and partners in business partnerships).

In 2004, the GMB also gave evidence to the Low Pay Commission's fifth review of the National Minimum Wage. Included within our advice was that a NMW of £6 an hour would make substantial inroads into the stubborn gender pay gap. In addition, the GMB concluded that with legislation on age discrimination due during 2005, the time is right for age rates to be progressively removed from the NMW structure in favour of a uniform development rate linked to accredited training provision.

Perhaps the greatest single initiative has been the proposal to create an equalities super-body in the Commission for Equalities & Human Rights. The GMB believes that while there are potential benefits that could arise from a single equality body, the proposals contained within the White Paper fall well short of making the case for such a body and that it must be far stronger if it is to advance economic and social justice in the UK. The GMB has continued to ensure that GMB members are fully informed of the relevance of these issues to the bargaining agenda and our organizing strategy.

NERAC, the National Equal Rights Advisory Committee, has continued with their good work, drawing on their considerable years of experience and diversity of knowledge to reflect at a national level on the needs, concerns and priorities of our members. Two of our long standing NERAC members recently retired from the Committee and I am sure Congress will join in recognising the contribution from Mandy Knight of Southern Region, and Joan Pruden of

Liverpool, North Wales & Irish Region, for their work in equalities and within the GMB. Mandy and Joan will be extremely missed by NERAC and we wish them both every success in the future.

The GMB has broken new ground with its approach and enthusiasm for dealing with domestic violence as a workplace issue. However there is much more work to be carried out on this issue to ensure our members do not feel isolated and alone when suffering from domestic violence. Many Regional Equal Rights Advisory Committees have put this issue at the forefront of their activities and although it has benefited from national discussions in the past, recent activities have been implemented that will refocus national attention to the issue of domestic violence.

It is extremely important that the relationship between National Office, NERAC and the Regional Equal Rights Officers (REROs) continues to deepen to ensure best practice is developed and exchanged. The role of RERO is, in every region, vital to ensuring effective dissemination of information, and critical to developing the capacity to deliver on a range of equality issues.

Nationally, the priority is to ensure that equality remains on the bargaining agenda and integrated into all GMB activities. We believe that these activities support the cultural change and the focus on recruitment, retention and the organisation of our members.

### **National Equal Rights Advisory Committee (NERAC)**

The National Equal Rights Advisory Committee is made up of the following members:

Richard Edmunds, Birmingham & West Midlands Region

Jayne Norton, Birmingham & West Midlands Region

Sandra Tanner, Birmingham & West Midlands Region

Shirley Buckley, Lancashire Region

Margaret Gregg, Liverpool, N Wales & Irish Region

Jackie Nield, London Region

Alistair McLean, London Region

David Lascelles, Midland & East Coast Region

Harpal Jandu, Midland & East Coast Region

Jean Chaplow, Northern Region

Cathy Murphy, GMB Scotland

June Minnery, GMB Scotland

Jennifer Cole, South Western Region

Brian Farr, South Western Region

Jill Richards, South Western Region

Noreen Metcalf, Yorkshire & North Derbyshire Region

### **GMB Membership and Workplace Representatives**

As more women enter the labour market and as our union continues with its success in recruiting working women - 50% of all new members are now female - this remains a core issue. We need to continue to address unequal pay in the workplace by pressing the government to mandate all employers to carry out

equal pay audits. We also need to ensure that we continue to encourage our members to take an active role in their workplaces and within their union.

### **Commission for Equalities and Human Rights**

The GMB believes that following specific issues must be addressed:

- The introduction of a single equality act;
- A structure that delivers a clear and equal voice for each existing commission included under the proposed CEHR;
- That the proposed CEHR is adequately resourced, with a clear commitment from Government that its budget will be much higher than the current 3 bodies combined;
- There must be trade union representation on the CEHR at board level and at regional level;
- Each region should have a CEHR office and trade unions should be involved in developing targets and strategy in each region;
- The main role of the CEHR and its powers should be set out in primary legislation;
- The CEHR should play a role in reviewing the UK Government's implementation of EU agreements on equality and human rights;
- The main priorities of the CEHR must be enforcement of the law and legal redress for victims of discrimination.

### **Equal Pay Audit Training**

Over the last few years the GMB nationally has trained 77 reps, Branch Equality Officers (BEOs) and officers to a competent standard sufficient to be able to carry out workplace reviews. Some of our reps and officers are ensuring that the outcomes of reviews are incorporated in to the bargaining agenda to ensure fairness and equality.

### **Domestic Violence as a Workplace Issue**

Regional Equal Rights Officers (REROs) and some Regional Education Officers continue to bring domestic violence as a workplace issue to the attention of employers. Due to the reorganisation of REROs in some regions the need to develop workplace policies incorporating the "Daphne Project" continues.

### **Lesbian Gay Bisexual and Transgender (LGBT)**

Some regions have developed LGBT Forums and nationally we are encouraging that this is regarded as best practice and adopted across the Union.

### **Equality Profile**

GMB maintains its high profile on the equality issues. Our Deputy General Secretary is a member of the Women and Work Commission and we support delegations to TUC Women's Conference, the TUC LGBT Conference, and the TUC Disability Conference.

## **RACE REPORT**

### **Introduction**

Rehana Azam took up the role of National Officer with responsibility for race and diversity in November 2004. This appointment followed the departure of Karen Constantine in September 2004 following a prolonged period of sickness absence, during which Debbie Coulter, Deputy General Secretary, provided cover.

The GMB has faced many challenges over the last 2 years. The presence of the far right has been a massive challenge for everyone in society. The National Race Committee has worked hard regionally and nationally to ensure that racism and fascism is challenged in whatever form it has presented itself. Complacency has not been an option. Many of our members have been directly targeted by fascists and the motion passed at Congress 2003 to suspend the benefits of far-right party activists is extremely welcoming.

At the time of writing this report, the work of the GMB in the field of improving race relations continues to be as important as ever. The rising tide of Islamophobia as a result of the dangerous situation in the Middle East, the electoral success of the BNP and others in council elections in the UK and the task to act to put our own house in order have combined to create a huge workload for the GMB National Race Committee.

Before looking at some aspects of our efforts in detail, it is worthwhile putting on record appreciation of the efforts over the last two years of the lay members of the National Race Committee who, individually and collectively, work extremely hard on behalf of existing GMB black and ethnic minority members. Just as importantly, they work hard to ensure that more black and ethnic minority workers see the merit of GMB membership and that the black and ethnic minority communities throughout the UK know that they can look to the GMB for support, particularly in times of trouble. I also commend to Congress the efforts of our Regional Race Officers, who contribute mightily to our successes in this area at Regional and local level.

This report briefly highlights some of National Race Committee priorities since Congress 2003.

### **National Race Committee**

The National Race Committee is made up of the following members:

Harpal Jandu, Birmingham & West Midlands Region  
Edna Greenwood, Lancashire Region  
Steve Westergren, Liverpool, N Wales & Irish Region  
Andy McGivern, Liverpool, N Wales & Irish Region  
Simon Carter, London Region  
Richard Robinson, Midland & East Coast Region  
Peter Foley (President), Northern Region  
Georgia Cruickshank, GMB Scotland

Cathy Murphy, GMB Scotland  
Charles Adje, Southern Region  
Vacancy, South Western Region  
Charlie James, Yorkshire & North Derbyshire Region

### **CEC Reserved Seats**

In 2001, Congress changed the GMB's rules to ensure that five seats on our governing body the CEC would be reserved for black and ethnic minority members of our Union. I cannot overstate the importance of this as a signal of the seriousness of our commitment to ensuring appropriate levels of representation for our black and ethnic minority members. Most of the CEC reserved seat members now sit on many CEC sub-committees and are now actively contributing in shaping union policy.

### **CEC Race Task Group**

Following acceptance at Congress 2003 of the CEC Race Task Group's report of the race audit conducted by Dr Elizabeth Henry, the CEC's aim is to ensure that the GMB becomes an exemplar of good practice in the field of race equality. Our responsibilities as a trade union include ensuring that the GMB has effective race and diversity policies and procedures in place to cover:

- admission to membership
- treatment of members
- disciplining members who discriminate
- disciplining office holders who discriminate
- expelling members/office holders who discriminate
- positive action
- training and information
- victimisation
- discrimination and it's avoidance
- union involvement in equal opportunities policies.

The CEC Race Task Group is responsible for overseeing the major programme of work involved in implementing the recommendations of Elizabeth Henry's report. Dawn Butler of London region was seconded by the CEC to the position of National Race Audit Co-ordinator to support the CEC Race Task Group and progress its work. To date, most progress has been made in terms of completing internal monitoring, by conducting the first ever race audit of all employees within the GMB. The data from this audit is in the process of being analysed, and the results will provide a basis for developing an appropriate programme of action in relation to GMB employees.

The next phase of action will be focused on training. Training is fundamentally important to ensure a sound understanding of the issues involved in developing a race equality culture and strategy throughout the GMB. To this end, all employees will be trained on race and diversity and this programme will be rolled out through the regions to incorporate everyone within the Union's structure. The first phase of training to be conducted will include all GMB senior

managers. The CEC Race Task Group has been considering the design and development of the training programme and examining how best to utilise the skills and experiences available to the Union, both internally and externally. Issues also under consideration include identifying any possible sources of funding that could be accessed to ensure the most cost effective and efficient method of delivering the training programme.

### **Unite Against Fascism**

The National Race Committee has regionally and nationally worked with broader coalitions to ensure the BNP and other right wing parties are challenged at the local and European elections. Although the BNP did not get the success they hoped for in some areas they have demonstrated that they have become a real threat. Our work to unite against fascism will continue to build as long as the threat is prevalent. Some regions have worked extremely hard to combat the BNP and I am sure Congress will join in congratulating their success.

All Congress delegates will have been shocked by the success of the BNP and other elements of the far right in securing council seats in by-elections over the last couple of years. Their success in depressed inner-city areas in the North West and in Yorkshire has been particularly alarming. The kind of race hate aimed at black and ethnic minority citizens, at asylum seekers and at other minorities by the BNP and their like is poisonous in a multi-racial, multi-cultural society. There are resolutions before Congress on this matter and when they are passed I am sure all delegates will take them back to their communities and join the fight against the BNP and the others who would scapegoat black and ethnic minority communities for our social and economic problems. At the time of writing this report the General Election has not been called but many anti – fascist campaigners will be aware that the BNP and other right wing parties will continue to organise themselves ready for the local elections in the coming year.

### **National Race Conference 2004**

Despite the reduction in delegation the conference was a success. GMB members are given the opportunity to network and exchange best practice at events such as this and hopefully in the coming year we can all strive to implement these practices. The conference was attended by our General Secretary, Deputy General Secretary and the President. Delegates discussed their concerns and passed motions on fighting fascism, campaigning for migrant workers and asylum seekers, the importance of implementing the race audit, strengthening equality structures, and lobbying and campaigning on a host of issues which will form part of the National Race Committee's 2005/2006 organising and campaigning agenda.

### **Monitoring Results – National Race Conference 2004**

#### **ETHNICITY**

##### **White**

White UK 12

Irish	1
<b>Black or Black British</b>	
Black African	2
Black Caribbean	4
<b>Asian or Asian British</b>	
Indian	3
Parkistani	5
<b>Mixed Background</b>	
White & Black Caribbean	1
White & Black African	1
White & Other	1
<b>Other</b>	
Black & Asian Caribbean	1
African Caribbean	1
Black British	1
Black Caribbean	1
White Welsh	1
Jewish	1
Bangladeshi & Pakistani	1

#### **GENDER**

Male	23
Female	13
Gender not specified	1

#### **AGE**

16-25 yrs	1
26-35 yrs	7
36-45 yrs	12
46-55 yrs	10
56-65 yrs	7
66-70 yrs	0
Over 70 yrs	0

#### **Conclusion**

Over the last two years the GMB has continued to play a full part in the anti-racist efforts of the TUC. We also affiliate to various organisations leading this struggle and lend our support whenever we are able to do so.

### **PRODUCTIVITY SERVICES CENTRE**

#### **Introduction**

Based at National Office, the Productivity Services Centre (PSC) provides a support service to GMB Officers, representatives and members in a whole range of productivity, pay and work organisation issues. The work of PSC has developed in recent years to reflect the changing nature of management

initiatives from traditional work study through to newer concepts such as human resource management and partnership. Their range of expertise includes:

- Job evaluation
- Pay and grading systems
- Performance, incentive and competency schemes
- Teamworking
- Annualised hours and flexible working
- Work study systems
- Work organisation

### **Recent Activity**

The last two years have seen a couple of developments which have led to changes in the emphasis of PSC's work. The turbulent period affecting the GMB in this period resulted in a decline in the amount of training courses presented by PSC. The closure of National College is one obvious reason, with the loss of Management Techniques and HRM Courses, plus occasional Job Evaluation Courses. Regional training also declined while the GMB re-thinks its national and regional educational strategy.

A further interesting development is the increase in time spent in dealing with work study related issues. As manufacturing struggles to combat international competition, many companies are attempting to increase productivity by using work study techniques to improve work organisation. A key factor in attempts to retain jobs and membership, PSC expertise and experience has been instrumental in advising and assisting our members in relation to company projects in that field. It goes to prove that these initiatives go in cycles; organisations abandoned traditional work study techniques with the decline of bonus schemes, but are now realising they need to measure to compete. It is our intention that GMB Representatives are fully involved and armed with the knowledge to ensure best practice is adopted.

PSC has continued its important links with a network of external organisations. The UKWon project investigates and advises on improving work organisation to achieve a healthy work/lifestyle balance while seeking to improve organisational performance through employee involvement. A number of bodies are involved, including the Involvement and Partnership Association, TUC, DTI, CBI, Nottingham Business School and various employers.

PSC's direct involvement with, and advice to the DTI, Ethical Trading Initiative and National Group on Homeworking was instrumental in achieving significant changes to National Minimum Wage legislation. An estimated 1.5 million outworkers will benefit from the changes, which ensure they are paid fair piece rates. It provides us with the potential to recruit a largely female, unorganised, and exploited workforce which, nevertheless, is an important part of the economy. Such progress would not have been achieved without the direct input of the GMB's Productivity Services Centre.

### **Future Projects**

As the next stage of the Local Government Single Status Review, Local Authorities are now progressing from job evaluation into designing pay and grading structures. This is a potential minefield and our members need to be protected against employers seeking to use it as a means of reducing earnings. The GMB has therefore developed a national strategy which involves the PSC in providing comprehensive training in Pay and Grading structures, specifically for Local Government Representatives.

PSC will continue to provide the job evaluation training which has proved invaluable in the past. Job evaluation is an ongoing exercise, and, as new Officers and Representatives are appointed, it is essential they receive the relevant training and background.

### **NHS Agenda for Change**

Again, as part of a national strategy, PSC are to be involved in a series of presentations and training sessions for Officers and Representatives, which will give them a good background to Agenda for Change principles. The package will be flexible and adaptable to take account of different audiences, and are designed to support regional activities to recruit, organise and service GMB NHS members. Included are sessions on the aims of Agenda for Change, principles of Partnership, Job Evaluation and the Knowledge and Skills Framework.

### **Summary**

These two important future projects will expand upon PSC's traditional areas of work. The department will have an increasingly national profile, and will encourage co-ordination across a wider range of GMB services.