

CEC REPORT TO CONGRESS 2007

PROGRESSING EQUALITY ISSUES IN THE GMB

INTRODUCTION

1. GMB Congress 2006 passed the following composite motion:

C3 COVERING MOTIONS

35 EQUALITY AND SELF ORGANISATION (London Region)

36 LGBT EQUALITY (Lancashire Region)

EQUALITY AND SELF-ORGANISATION

This Annual Congress of the GMB welcomes the changes in legislation introduced by the Labour Government since 1997, providing legal protection and equal rights for lesbian, gay, bisexual and trans (LGBT) members of the GMB. However, Congress recognises that many LGBT members still feel isolated in the workplace and are unable to tackle the discrimination they face.

This Congress notes the success of the TUC LGBT Committee and how other unions organise around equality issues with self organised groups.

This GMB Congress further calls on the Central Executive Committee to review with the women, black and disabled members how their equality issues are progressed in the GMB and report back to Congress 2007 with any recommendations for further rule changes.

2. The review referred to in the composite motion, of how equality issues are progressed in the GMB, was conducted on behalf of the CEC by the Deputy General Secretary (DGS).

CONDUCTING THE REVIEW

3. The DGS consulted extensively whilst carrying out the review. Discussions were held with a wide range of activists and representatives, in addition to the Regional Officers that service and support their Regional Race and Equal Rights Committees, and also with the Senior Management Team and National Officials. There was also extensive consultation with the National Race Committee, National Equal Rights Committee, Shout! Forum and the Young Members Forum. Debates around the review also took place at the various Equality Conferences.

4. The consultation that took place was a two-way process in which all parties were able to express views and opinions, and to make suggestions and proposals for future action to improve the GMB's progression of equality and diversity issues.

5. These consultation meetings and discussions were supplemented by a review of the minutes of regular meetings held by the national bodies within the GMB structure that deal with equality issues, and also by examining the minutes, motions and reports to the various annual conferences.

THE CURRENT EQUALITY STRUCTURES

6. Appendix A lists the current GMB rulebook provisions relating to equality and diversity. The GMB structures for dealing with these issues are as follows:

- ***Equal Rights:*** Each Region has a Regional Equal Rights Committee which nominates one member to the National Equal Rights Committee. The Regional Equal Rights Committee is advisory to the Regional Committee and Regional Council. NERAC is comprised of one delegate per region (3 from NW Region) an NRC observer and currently one delegate from each of the seven sections.
- ***Race:*** Each Region has a Regional Race Committee which nominates one member to the National Race Committee. The Regional Race Committee is advisory to the Regional Committee and Regional Council. The National Race Committee is comprised of one delegate per region (3 from NW Region) and a NERAC observer.
- ***Lesbian, Gay, Bisexual and Trans (LGBT):*** The GMB has now established the National “Shout” Forum that has representatives from the majority but not all regions.
- ***Disability:*** The Disability Forum is a National body consisting of one delegate per Region, convened by Phil Davies, National Secretary.

7. Every GMB branch is required to appoint or elect an Equality Officer who is responsible for advancing the work of equal rights within the branch’s mainstream activities. The Branch Equality Officer holds one of the Branch Committee positions. Branches may also, but are not obliged to, appoint or elect a Race Officer. A Branch Race Officer is responsible for encouraging black and ethnic minority members and for advancing the work of race equality within the branch’s mainstream activities.

However it has proved difficult to establish how many branches appoint to these positions and efforts to determine compliance with this rule have been thwarted by a lack of response from branches to a number of regional equality questionnaires.

8. The Union operates a system of Reserved Seats for certain elections. For elections to the CEC, each Region has a Women’s Reserved Seat, and there are a total of five national Race Reserved Seats. Each branch in a Region may nominate candidates for the Women’s Reserved Seats and Race Reserved Seats. Each voting member may vote for one candidate for the

Women's Reserved Seat in their own Region, and for up to five candidates (from across all Regions) for the Race Reserved Seats.

9. For elections to Regional Councils, branches may nominate a woman to be a candidate for the Women's Reserved Seat(s). The number of Women's Reserved Seats on each Regional Council is proportionate (one-tenth), but additional to, the total number of places on that Regional Council. Only members of the Regional Race Committee are eligible for nomination by branches as candidates for the two Race Reserved Seats on each Regional Council. Of these two Race Reserved Seats, one is reserved for women, and only women members of the Regional Race Committee are eligible for nomination as candidates for this seat.

10. There are no similar systems for Disability Reserved Seats or LGBT Reserved Seats, neither for the CEC or Regional Councils. There are no reserved seats at all on Regional Committees.

11. In the CEC Special Report 2007, "*Progress update a framework for the future of the GMB: moving forward*", the CEC Task Group makes recommendations for the future composition of the CEC and Regional Councils. The Task Group's recommendations do not substantially alter the arrangements described above in relation to either Women's Reserved Seats or Race Reserved Seats on the CEC.

12. For Regional Councils, the Task Group recommends that 10% of members (rounded up) of each Section shall be Women's Reserved Seats, but with a guaranteed minimum of 1 Women's Reserved Seat per Section; and 5% of members (rounded up) shall be Race Reserved Seats, but with a guaranteed minimum of 1 Race Reserved Seat per Section, elected from members of racial groups defined by the CEC. These recommendations are proposed to take effect from the 2009 Regional Council elections, and are subject to consultation with Regional Councils before final recommendations are made to Congress 2008.

TACKLING INEQUALITY: THE LEGAL AND SOCIAL FRAMEWORK

13. To fully evaluate the GMB's performance on progressing equal rights, the review must take into account the social climate currently surrounding equality and diversity issues. This has changed considerably since the GMB's equalities structures were established, with progress in the last 10 years having been particularly significant.

14. The composite motion that originated this review rightly welcomed the changes in legislation introduced by the Labour Government since 1997, for providing legal protection and equal rights for lesbian, gay, bisexual and trans (LGBT) members of the GMB. However, there have been a number of equally significant changes that have increased legal protection and are aimed at tackling discrimination and achieving greater levels of equality for other social groupings.

15. In particular, a range of specific legal obligations have been introduced under the Disability Discrimination Act that is helping to tackle discrimination against disabled people. On gender equality, the Government established the *Women and Work Commission*, which included the DGS, to examine the barrier that prevent women achieving their full potential at work, and make recommendations on what the Government can do to close the gender pay gap and give women fair opportunities in the workplace. Also within the last five years we have seen the introduction of:

- anti-discrimination law on sexual orientation, religion or belief, and age;
- the Gender Reassignment Act;
- the Work and Families Act.
- and legislation to establish the Commission for Equality and Human Rights (CEHR); The Equality Act 2006 has gained royal assent, and this will eventually put expertise on equality, diversity and human rights all in one place. The Act establishes the Commission for Equality and Human Rights (CEHR) that will come into being in October 2007. The CEHR will bring together the expertise and resources to promote equality and tackle discrimination in relation to gender, gender reassignment, disability, sexual orientation, religion or belief, age, race and promote human rights from October 2007.

16. Another major development was the introduction, from April 2007, of the Gender Equality Duty, whereby public authorities in England, Wales and Scotland must demonstrate that they are promoting equality for women and men and eliminating sexual discrimination and harassment. This will incorporate a requirement to undertake gender impact assessments, and will be underpinned by a duty to consult with stakeholders about gender equality issues and objectives. The valuable role that GMB Representatives could play in ensuring that employers comply with their duties by participating in these processes is obvious. However, this will require positive steps by public sector employers to ascribe Union Reps a key role in developing systems for tackling discrimination more effectively.

17. As equality and diversity issues rise ever more quickly up the social agenda, the workplace has increasingly become the focal point for addressing the discrimination and inequality that exists in our society more generally. However, a recent report published by ACAS (*“Back to basics. ACAS’ experience of equality and diversity in the workplace”*.) found widespread confusion over equality and diversity issues in the workplace. The equality and diversity debate and the language associated with it have become increasingly sophisticated over the past ten years, and the accompanying legislation is more complex. Employers and employees alike are struggling with the basic concepts surrounding discrimination, with employers often unable to grasp the intention behind the law and failing to implement the practical changes required.

18. It is clear that there is an increasingly important role for the Union, and our Representatives, to play in helping to demystify and promote the concepts around equality and diversity issues, and to exert influence and pressure upon

employers to take meaningful action and meet their legal obligations. The next section of this report evaluates the GMB's ability, under our current structures, to respond effectively to the challenges and opportunities that the new agenda for progressing equality and diversity issues presents.

HOW EFFECTIVE IS THE GMB AT PROGRESSING EQUALITIES ISSUES?

REGIONAL ACTIVITY

19. Regional Equality Officers are expected to convene meetings of the respective committees on a frequent, though undefined, basis. Traditionally these regional meetings, particularly Equal Rights and Race Committees have each met on at least a quarterly basis. In recent years, it is increasingly the case that meetings are held less frequently and often held jointly. The meetings appear to lack focus and are preoccupied with process e.g. planning for regional or national conferences etc.

20. On examination of regional reports to national conference and in discussion with activists and officers it is clear that there is little activity generated at regional level save for the limited involvement in anti-racist/fascist activity.

21. There is no evidence of any direct liaison between the equality bodies and the rest of the region in terms of involvement in campaigns or organising activity and few reporting lines between the equality bodies and the regional committees or branches.

22. All of the officers and activists I spoke to complained of the lack of resources available to allow them to be more effective and proactive. From officers, there were complaints that the equalities remit was an 'add on' to an already full worksheet. Only in one region did I hear of an officer whose normal workload had been reduced to allow them to focus more on race equality. In one other region a Senior Organiser had been give managerial responsibility to oversee Equality across the region. However, the perception is that industrial and organizing demands always take priority.

23. One very positive example of activity at regional level can be found in the various initiatives developed within some regions in relation to Migrant Workers Projects. Much of this activity is being funded by the Union Learning Fund and are proving to be successful not only by recruiting and assisting migrant workers but by developing a high profile for GMB as **the union** for migrant workers.

NATIONAL ACTIVITY

24. At National level, the National Officer with responsibility for Equalities* convenes meetings with NERAC, NRC, Regional Equal Rights Officers, Regional Race Officers and more recently Shout! Forum. Additionally there are several joint NERAC/NRC meetings held annually as well as joint

meetings with these bodies and the Equality Officers. Therefore there are normally more than a dozen meetings held at national level in relation to the equality agenda. On examination of the minutes and reports the meetings are again largely process driven and there is little evidence of planned activity.

25. The National Equal Rights Conference is still currently biannual but there have been 'Equality Events' held in a number of the intervening years. The National Race Conference is organised along the same lines with events held in intervening years to coincide with Black History Month. The National Officer for Equalities represents the union on the TUC Women's Committee.

26. A National Secretary/National Officer organise National Disability Forum meetings as and when and the Deputy General Secretary coordinates Young Member activity.

CONCLUSION AND RECOMMENDATIONS

27. The CEC recognised, following the Elizabeth Henry report that it needed to take some major steps towards making the GMB a more inclusive union. Assisted financially by the Government's Union Modernisation Fund, some important measures have already been implemented, beginning with the delivery of the Union's first ever training programme for *all* GMB employees. This diversity awareness training is the first step towards creating a better understanding amongst the senior management, officers and staff of equality and diversity issues, and how these affect the way that they carry out their role on an everyday basis.

28. This training programme, whilst important, involves only GMB employees. The review allowed the opportunity to evaluate how the Union's equalities structures and arrangements enable the other key players – the activists – to work in conjunction with GMB officers in tackling discrimination, overcoming barriers to equality and diversity, and providing an effective and appropriate service to the GMB's diverse membership.

29. The special report '*For Justice and Equality*' was adopted at Congress 2006 and the report concluded by predicting that on completion of the project the GMB will be 'equipped with clear strategies for diversifying the union's profile and implementing equality and diversity in all our structures'. I would argue that our current structures are not only ineffective and outdated but are incapable of delivering the support, guidance and direction required organisationally to deliver an ambitious equality programme that would set us apart from other unions.

30. The review revealed a widespread dissatisfaction with the way that equalities issues are currently progressed within the GMB. There is clearly scope to do much more to progress our equal opportunities and anti-discrimination agenda and pursue the Union's objectives as outlined in Rule 2.5. We must establish and promote clear policy objectives that will apply sustained pressure upon employers to meet their legal and social obligations

and introduce the type of permanent and structured change that would help to guarantee equality for all.

31. The GMB's current equality structures are seen by the majority of those who were consulted during the review as being unproductive and outmoded. This majority viewpoint was reinforced by the evidence gained from the minutes and agendas of meetings held. Many meetings at Regional level are poorly attended and/or inquorate, or cancelled at short notice due to the number of apologies tendered in advance.

32. Decisive action is required to refresh and rejuvenate the GMB's equalities performance. We must build upon the equality and diversity training to maximise the opportunities that exist, and enhance our ability to make significant progress on the key equality and diversity issues that affect our members.

It is recommended that a working group consisting of Representatives from the CEC Organisation Sub-Committee, SMT, Equalities National Officer and lay officers from the respective Equality Committees meet at the earliest opportunity to consider the following options:

- 1. That the current separate equality bodies be replaced by a single equality body which will bring together GMB equality experts and act as a single source of information, advice and guidance, a single point of contact for all stakeholders**
- 2. That the newly-formed GMB National Equalities Forum will be responsible for driving the union's equality and diversity agenda and providing a powerful vision and a strategic direction to our organisation.**
- 3. That the National Equalities Forum will comprise of:-**
 - 2 representatives specialising on gender based equality issues**
 - 2 representatives specialising in race based issues**
 - 2 representatives specialising in LGBT issues**
 - 2 representatives specialising in young member issues**
 - 2 representatives specialising in disability issues**
 - 2 representatives specialising in migrant worker issues**
 - 1 National Officer specialising in Equality and Diversity**
- 4. That the Regions to organise an annual Equalities event to profile the equalities work of the GMB and to elect representatives to attend National Conferences for each of the separate equality strands.**
- 5. that the post of National Equality & Diversity Officer is established to develop the function of the National Equalities Forum and to mainstream equalities throughout all sections of the GMB.**

The Working Group will present their report to the CEC at the earliest opportunity.

APPENDIX A - RULEBOOK PROVISIONS

The current provisions within the GMB rulebook relating to equalities are:

- **Rule 2 Objects of the Union**

5 To obtain and maintain equal pay for equal work for women, and to promote equal opportunity within the Union, the workplace and society in general, regardless of sex, race, national origin, religious beliefs, disability, age, marital status or sexual orientation.

- **Rule 10 Central Executive Council**

2 The Central Executive Council shall be composed of voting members, namely representatives from each of the following Groups, all elected to their respective seats under Rule 11:

Section representatives,
General representatives,
Women elected to Women's Reserved Seats, and
Representatives elected to Race Reserved Seats

The General Secretary and Treasurer, and the Deputy General Secretary shall also be voting members of the Central Executive Council.

4 For the transaction of any part of its business, the Central Executive Council may appoint committees. It may delegate to any such committee such of its functions and powers as it may think fit, and in the exercise of such functions and powers the committee shall act in the place of the Central Executive Council and shall be subject to the relevant provisions of these rules as if any reference therein to the Central Executive Council were a reference to the committee. The decisions of the committees shall be made on behalf of the Central Executive Council and, except where the Central Executive Council otherwise directs, be subject to its approval. The committees shall comprise at least one member of each Section, at least one women elected to a Women's Reserved Seat, and at least one representative elected to a Race Reserved Seat with regard being had as far as possible to reflect the proportional strength of each Section, Women's Reserved Seats and Race Reserved Seats on the Central Executive Council, and shall in any event comprise of representatives from each Region. The representatives shall be appointed in whatever manner the Central Executive Council may deem necessary. The committees shall meet at such time and places as the Central Executive Council may determine.

- **Rule 11 Elections to the Central Executive Council**

3 One member of the Central Executive Council shall be elected to a Women's Reserved Seat in each Region.

3a Five members of the Central Executive Council shall be elected to Race Reserved Seats.

4 No member shall be eligible for nomination for election to a Section Seat unless he/she is a member of that Section. Only women shall be eligible for nomination for election to a Women's Reserved Seat. Only members of a relevant racial group shall be eligible for nomination for election to a Race Reserved Seat. Members must be members of the Region in which they are nominated. No person may accept nomination for election in more than one Group. All candidates must possess the relevant qualifications set out in Rule 18.

5 Each Branch in a Region may nominate for General Seats, the Women's Reserved Seat and the Race Reserved Seats. Subject to Rule 37.23 (Composite Branches), only Branches of a Section in a Region may nominate for that Section Seat. Only Branches in Ireland may nominate for the Clothing and Textile Section Seat under clause 1(c)(ii), and such Branches shall not be entitled to nominate for a Clothing and Textile Section Seat under clause 1(c)(i). Where a Branch is entitled to nominate a candidate for election to any Seat, it may not nominate more than one candidate for election to that Seat.

6 Each member in a Region shall have one vote for each of the Seats to be filled from that Region, save that only members resident in Ireland shall be entitled to vote in the election of the Clothing and Textile representative under clause 1(c)(ii), and such members shall not be entitled to vote in the election of a Clothing and Textile Section representative under clause 1(c)(i). SAVE FURTHER that each member of the Union shall have one vote for each of the Race Reserved Seats.

8 The organisation and conduct of elections under this Rule shall be in accordance with by-laws issued by the Central Executive Council. By-laws may specify whether failure to comply with any and if so which by-law shall disqualify a candidate from election. By-laws may define the racial group or groups (in this rule referred to as "a relevant racial group") whose members are eligible to be nominated for election to one or more of the Race Reserved Seats. The Central Executive Council may amend or withdraw any by-law as it thinks fit save that such amendment or withdrawal shall affect only the future conduct of any election to be or then being held.

- **Rule 20 Regions and their Management**

13 In each Region there shall be a Regional Equal Rights Committee and a Regional Race Advisory Committee, each comprising members elected in such manner as Congress may determine. The Committees shall be advisory to the Regional Council and the Regional Committee.

- **Rule 21 Reserved Seats on Regional Councils**

1 Delegates shall be elected to women's reserved seats on Regional Councils. The number of such delegates shall be one-tenth (rounded up) of the number of delegates calculated under Rule 20.3 and shall be in addition to such delegates. Only women shall be eligible for nomination for election to a Women's Reserved Seat.

2 Two delegates shall be elected to seats on Regional Councils reserved for members of the Regional Race Advisory Committee. Only members of the Regional Race Advisory Committee shall be eligible for nomination for election under this clause. One of the two seats under this clause shall be reserved for women, and only women members of the Regional Race Advisory Committee shall be eligible for nomination for election to that seat.

3 No person may accept nomination for election to more than one seat on a Regional Council, whether under this Rule or under Rule 20.

4 In addition to its nomination under Rule 20.4, each Branch in a Region shall be entitled to nominate one member for election under clause 1, and one member for election under clause 2. A Branch that has a representative elected under Rule 20, and a representative elected to a seat under clause 1 and/or a representative elected to a seat under clause 2, shall not thereby be taken to have more than one representative on the Regional Council contrary to Rule 20.4. In all other respects, elections to reserved seats shall be conducted in accordance with, and delegates so elected shall be treated for all purposes as delegates elected under, Rule 20.

- **Rule 37 Branches**

3 Each Branch shall have a President, Secretary, Equality Officer, Youth Officer and two Auditors (except in Branches of less than 100 members, in which case one Auditor shall be appointed), and a Committee of not less than nine members, including President and Secretary, Equality Officer and Youth Officer who shall act within the powers stated in these rules. Five shall form a quorum.

- **Rule 40 Branch Equality Officer**

1 The Branch Equality Officer shall be responsible for advancing the work of equal rights within the mainstream of Branch activities.

2 S/he shall give one month's notice on resigning office.

- **Rule 40B Branch Race Officer**

- 1 The Branch Race Officer shall be responsible for encouraging black and ethnic minority members and advancing the work of race equality within the mainstream of Branch activities.

- 2 S/he shall give one month's notice of resigning office.