

Report of NEC Meeting 11th October 2006

This is not an official or comprehensive report, but picks out issues that may be of particular interest to members in Health.

This report is written under guidelines for all NEC members on collective responsibility. Like other NEC members, I am now allowed to outline my own position in debates or votes only if I am specifically asked about my personal position.

This was a special NEC meeting, called to discuss the proposed merger with the TGWU. Colleagues will know that the GMB withdrew from the merger process some months ago.

Paperwork for the meeting (a draft Instrument of Amalgamation and General Rules) was distributed to NEC members a few days before the meeting. NEC members were advised by the General Secretary that this material was confidential.

The Instrument of Amalgamation and General Rules were endorsed by the NEC, with six NEC members voting against. Members will be balloted on the merger proposals early in 2007. There will not be a recall conference of lay delegates to discuss the Instrument of Amalgamation or General Rules. The first Policy Conference of the new union will take place in November 2009, and the first Rules Conference in November 2010.

General Secretary's Report

The General Secretary gave an initial overview of the background to the merger. He said there were three reasons for pursuing the merger. He felt that merger would remove the competitive way that unions sometimes do business, leaving more resources available for campaigns and support of members. There was a need for a political change of direction, and trade unions could apply pressure more effectively when working in a focused way. The 'Big Four' unions (Amicus, TGWU, Unison, GMB) had shown that unions could achieve more politically when united. A long term aim was to build international unity and collaborative action in dealing with multinational companies, and building united unions at home was the first step.

The General Secretary outlined his view that the reality of trade unions is one of managing decline. Amicus and the T&G are both losing members. Some unions can have a temporary blip of growth, some sectors in Amicus can have a temporary blip, but this doesn't last. In Amicus, membership in construction is growing but this is short-term around the Olympics. Membership in Health has increased, but this will be reversed through privatisation and job loss. Manufacturing is a disaster area. There's a lack of political will from the Government. The attitude and power of multinationals is a problem.

We've got to move on, even if this is painful and means doing things we wouldn't choose to do. Amicus was the result of merging four unions from different backgrounds, and was acknowledged to be the premier union in the movement, but tears had been shed. People cling to what they know, and want to keep the status quo. But we should look around and think back to the fears and the fringe meetings and the meetings in the bar – how real did those fears prove to be?

People had their own little scary monsters and their own personal concerns, they would say, 'What does this mean to me?' and 'Am I right to oppose?' but if they had an alternative then they were invited to say what it was.

The T&G would be grappling with big problems about democratic deficits, but there was a danger of getting bogged down in the detail, not seeing the strategy. Not everyone would be as mature as the Amicus NEC, and we had to accommodate other people's concerns. The emerging union would reflect the colour, mood and style of Amicus, with sectoral independence. There would be a lay executive, policy conferences and rules conferences, all of which contributed to the success of Amicus.

Legal Report

Head of Legal Services Georgina Hirsch explained that the Instrument of Amalgamation before the NEC would build a framework for the merger, while the General Rules in the appendix to the Instrument of Amalgamation would determine what the new union would look like. The TGWU had insisted on a fair amount of detail in this.

Summary of Structures and Timetable

The NEC was shown a PowerPoint presentation outlining the content of the two documents. This is now in general distribution in the union. The Instrument of Amalgamation and General Rules have now been widely distributed throughout the union. I am therefore happy to send a copy of these documents on request.

The intention is that members will be balloted on the proposals in early 2007, with a start date for the new union of 1st May 2007. All of the proposals outlined below are obviously subject to members voting in favour of the merger.

The union will initially comprise two sections (Amicus and TGWU), for a transitional period running from May 2007 to November 2008.

The intention is that Derek Simpson and Tony Woodley will be Joint General Secretaries of the new union, with Derek Simpson remaining in office for an additional year (until December 2010) and Tony Woodley retiring a year early (in January 2012). A new General Secretary Designate would take office in January 2011. It was clear from the report given to the NEC that the question of General Secretaries had been a contentious one.

The General Secretary Designate will be elected by the membership of the whole union (as will any future General Secretary).

The government, management and control of the union will lie with a Joint Executive Council of 30 people, 15 from each section. The Joint Executive will hold office for a year. The 15 Amicus members will be elected by and from the Amicus NEC. The Joint Executive Council will make decisions on a simple majority basis, except either or both of the Joint General Secretaries can require a majority of 75% if they believe an issue is fundamental to the union. The General Secretary reported that this gives an intentional veto to the General Secretaries on each side, and is intended to stop a contentious vote by either section.

A new Executive Council of 40 people – initially with 50% of seats from Amicus and 50% from TGWU – will take office in May 2008 for a 3 year term.

The Joint Executive Council will prepare a new rule book, assisted by a Rules Commission of 20 people (10 nominated by the Amicus Executive, and 10 by the TGWU Executive). There's a big overlap here, as Chairs and Vice Chairs of the Amicus and TGWU Executives will automatically belong to both bodies. It will be the new rule book that eventually applies when the transitional period ends in November 2008.

The General Rules just approved by the NEC will apply from May 2007 to November 2008. The Amicus and TGWU sections will also continue to operate with their own rule books to the extent that they don't conflict with the General Rules. The assets of Amicus and TGWU will also be held separately until November 2008.

Content of General Rules

The General Rules will take effect from 1st May 2007.

The aims of the new union were summarised to the NEC as: to defend and improve the wages and conditions of members; to campaign for political and industrial change; to promote solidarity between workers at home and abroad; to affiliate to the TUC and the Labour Party.

The Joint General Secretaries will be responsible for the administration of the affairs of the union, with each Joint General Secretary enabled to delegate to any employee of the union such of his/her responsibilities as he/she may deem appropriate. Between Joint Executive Council meetings, each Joint General Secretary will exercise the Joint Executive Council's powers, so long as he/she does not act in contradiction of a prior Joint Executive Council decision. There is no requirement in rule for such decisions to be reported back to or endorsed by the Joint Executive Council.

All officers, officials and staff will be appointed (i.e. at odds with the current Amicus rule requiring the election of officers). The first opportunity to reinstate the election of Full Time Officers will be at the Rules Conference in November 2010.

No employee will be made redundant as a direct result of amalgamation without their consent.

New Rules

The General Rules approved by the NEC also contain specific provisions for what the eventual new rulebook must contain. The first Executive Council will not have the power to amend the rules prepared by the Joint Executive Council prior to the rules going to a ballot of the membership. Apologies for the complexity of all this – this is now about the rulebook that will take effect on 1st November 2008.

The Amicus and TGWU sections will cease to exist on 1st November 2008, and the proper merged union will come into being.

Industrial Sectors: There will be industrial sectors based initially around the existing industrial sectors of Amicus and the national trade groups of the TGWU. It is difficult to know what this might mean for Health – earlier suggestions have been that Health could be absorbed into a larger Public Sector body.

There was no information available on the detail of how industrial sectors will operate – the frequency of conferences, election of committees, frequency of committees and so on. These issues will presumably be decided by the Joint Executive Council.

Industrial sectors will have autonomy to determine their own industrial policies.

Organising: The new union will devote no less than 5% of membership income to organising and will aim to move to 10% within no less than 3 years of amalgamation. This appears to be the source of some disagreement between Amicus and TGWU negotiators, with the TGWU insisting that this point was included.

Equalities: The aim is to have elected equalities reps in all workplaces. It isn't clear if these will be generic equalities reps, or if they will be elected from specific groups (e.g. Women, Black and Ethnic Minority, Disabled). It is not clear if they would be elected by the workforce as a whole or by members of a specific group facing oppression or discrimination.

Conferences and committees will seek to ensure gender and ethnic balance to at least represent the proportionality of the membership they represent. (One implication of this could be extremely large constituencies). The Executive Council will include designated seats to help achieve proportionality.

There will be separate conferences in each region for women members; Black, Asian and ethnic minority members; disabled members; and lesbian, gay, bisexual and trans members. Similarly, there will be Regional Committees and National Conferences for these groups of members. There is no provision currently for young members or retired members.

In order to participate in the equalities structures of the union, a member must be an accredited workplace rep or equalities rep (an issue that caused some argument).

Branches: Wherever possible, branches will be based on the workplace. Provision will also be made for local branches and national industrial branches as approved by the Executive Council. It is difficult at this stage to know if there will be implications for Health branches (typically covering a significant number of workplaces in a designated geographical area). The same issue will apply to many other industrial sectors. Funding for branches is not yet determined, but the General Secretary felt it would not be less than that currently available.

Regions: The number of regions will be reduced. Ireland, Scotland and Wales will continue. English regions will be based on RDA boundaries *except* the North East and Yorkshire will be merged and London and Eastern will be merged. The reduction in regions was reported to be a TGWU requirement.

Regional Committees will be elected from branches and regional industrial committees; it is not yet clear what the proportion of branch to industrial delegates will be. Regional Committees will have funds not exceeding 1% of membership income (as opposed to the 2% allocated to Regional Councils in Amicus).

Executive: The Executive Council will be a lay body, although the General Rules imply that its powers will be delegated to the Joint General Secretaries between meetings. Its term of office will be 3 years. There is provision for proportionality of representation for regions and industrial sectors, and for women and Black and ethnic minority members. Again, this could imply large constituencies.

Executive Council members will be required to be workplace reps – a change from the Amicus rulebook. The same requirement will apply to all union Committees, Councils and Conferences.

Policy Conference: This will be held every two years, and will consist of one lay delegate for each two thousand members of the union. This is half the level of representation that currently exists within Amicus. The first Policy Conference will be in November 2009.

Rules Conference: The Rules Amendment Conference will be every four years, with one lay delegate for every four thousand members. This is a quarter of the level of representation currently existing in Amicus. The first Rules Amendment Conference will be in November 2010.

Membership Contributions and Benefits: The categories of membership and the level of contributions will be defined by the Executive Council. Benefits will be determined by the Executive Council. The union will pay dispute benefit and will maintain a comprehensive legal service.

Political Organisation: There will be a political fund as now, with regional and national political committees exclusively for Labour Party members.

Discipline: Where a member is accused of a breach of rule or object of the union, or of bringing the union into disrepute, the NEC will have the power to discipline the member, by themselves or by delegating that power. There are currently no restrictions as to how this power may be delegated. A member who is found guilty will have a right to appeal to an independent body.

Discussion at NEC Meeting

Following the PowerPoint presentation, the Chair asked if NEC members had points of clarification. An NEC member asked about a process of amending the proposals, or whether it was a take it or leave it process. The General Secretary advised that it would always be the case that there were issues that people agreed or disagreed with, and it was 'take it or leave it'.

Questions were asked the thinking behind merging London and Eastern Regions; the General Secretary explained the thinking behind this (and particularly that the TGWU had encouraged this).

An NEC member asked for confirmation that Full Time Officers would be appointed rather than elected from May 2007. This was confirmed.

NEC members asked a large number of questions to seek to clarify areas of the document that were unclear. The General Secretary felt that what wasn't sorted out in the document would be sorted out in the future, and this was about enshrining principles. The TGWU will be having a recall conference and is committed to a process of consultation; Amicus will be communicating with its members through union publications and road shows. We would be fooling people if we went out to regions and said they could amend it as it couldn't be done.

Several NEC members raised concerns about the equalities structures, and the requirement to be a workplace or equalities rep in order to participate in the union's equalities work. The General Secretary reported on the magnificent record of Amicus on proportionality, and said that we couldn't invent equality, but had to put equalities at the heart of everything we do, particularly in the workplace.

Questions were asked over issues such as branch funds, the emphasis on being a rep to participate in union structures, whether the agenda for Joint Executive meetings would be determined solely by the Joint General Secretaries or whether lay input would be allowed, how the disciplinary procedure would operate, and the implications of the rules for branches in IT, Health or other sectors.

The Chair expressed anger at the questions that were being asked, saying that people were pushing it to the limit, going nowhere, and not asking serious questions.

Another NEC member felt that some NEC members were dishonest and opposed every progressive position taken by the NEC. It was a disgrace. Another felt that people who raised concerns were being conservative, and we couldn't have consulted more with members or we would never have got to an agreed document. The General Secretary condemned the NEC members who had questioned elements of the document, and said we had to stop pussy footing and prancing around, while the Chair felt it was about infantile politics and dancing on the heads of pins.

The motion to accept the documents and progress the merger was endorsed by 41 votes to 6.

A motion calling for the delegates elected to the 2007 Policy Conference to have the opportunity to discuss the proposals was heavily defeated, with 6 NEC members voting in favour (and a small number abstaining).

Time Line

March 2007	Membership ballot closes
1 st May 2007	Vesting day, start of transitional period, Joint Executive takes office
March 2008	Executive Council elected
1 st May 2008	Executive Council takes office
November 2008	New rules (approved by Joint Executive and membership ballot) take effect
November 2009	First Policy Conference
December 2009	Derek Simpson due to retire – term extended by one year
November 2010	First Rules Conference
December 2010	Derek Simpson retires
January 2011	General Secretary Designate takes office
May 2011	New Executive Council takes office under new rules
January 2012	Tony Woodley retires one year early; new General Secretary takes office

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