

## **Report of NEC Meeting 2<sup>nd</sup> April 2008**

*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 the last meeting of the Amicus National Executive Council. It was rather better attended than most recent meetings of the NEC.

### **Equal Pay Employment Tribunal**

The General Secretary gave a report on a recent Employment Tribunal against the Union, where a member of staff formerly employed in the Education Department had lodged an equal pay claim. He reported that the case would be heard in two parts, and that the ruling in the first part had been in the Union's favour. An NEC member commented that the Union had handled the case badly – if we had believed the individual had a case, we should have settled; if we thought she had not, we should have contested it at Tribunal. Sending dismissal notices to the male comparators and offering to employ them on a lower salary was not the right way to have dealt with this – it was clumsy and had done the Union's reputation no favours.

Head of Legal Services Georgina Hirsch said the dismissal letters hadn't gone through, and the barrister for the staff member had praised Derek's letters. We had fought the case, and won the hardest part.

The General Secretary disagreed with the view that this had been a clumsy way to handle the case. The case had no moral merit but technically there were people on different pay doing the same work, because of pay protection. Pay protection was a principle he'd lived with all his life. In the event, we didn't implement any pay cuts or dismissals. In the

investigation into this case, we'd found that some education officers were working two days a week, they weren't calling into the office and had ad hoc arrangements of working from home. We'd decided that the best way of dealing with this was to look at how we were delivering our education, and redeploying them. People might want to call it clumsy but it was a sensible and proper reaction to the situation we were in.

### **Regional Co-ordinators**

It was reported that Margaret Lawson (Scotland), Brian Cole (North East, Phil Allman (North West), Mick Millichamp (East Midlands), Ray Jones (Yorkshire), and Matt Smith (South East) would be appointed to these new posts. These appointments included three outgoing NEC members. Two NEC members raised concerns about the limited approach to advertising these posts (on the Union's website). This had not ensured that all potential candidates would see the vacancies. One commented that as a Union, we had to be squeaky clean about equalities and appointments procedures. It was agreed that jobs would be advertised more openly in the future.

### **European Court Ruling – Threat to Wages**

The General Secretary reported on a recent European Court of Justice ruling that risked re-introducing the Service Directive by the back door. This was very significant – it could be used to undercut UK wages by bringing in immigrant workers on far lower wages. It would be legal to take industrial action only to defend a statutory minimum wage – otherwise employers could pay whatever they wanted, and could ignore nationally agreed pay schemes. The General Secretary had discussed this with Gordon Brown, and said that this risked increasing support for the BNP, if unions by law couldn't defend the wages of their members. We were lobbying MPs, and senior politicians across Europe were also being lobbied.

There was a brief discussion on this. This is a huge threat in construction, where employers are already trying to undercut national pay and

conditions agreements. An NEC member commented that every industry could be affected by this, the public sector just as much as the private sector.

### **Doncaster and Bassetlaw NHS Trust**

The General Secretary reported a successful outcome to this long-running industrial action by Unite health workers. The employers have agreed to be bound by Tribunal results, with two previous tribunal rulings going in favour of Unite. An NEC member noted the importance of this case. Maintenance technicians at the Trust had taken action in defence of RRP – withheld by the Trust in clear breach of the national agreement. If the Trust got away with this, this could have been a green light to other Foundation trusts to undercut national pay and conditions in the NHS.

### **London Mayoral Elections**

The General Secretary reported that this was turning out to be much more uncertain than it should be. We (Amicus) had been asked to give another £40,000, which was matched by the T&G. We were fighting uphill all the way to establish the credibility of the Labour Party for the next General Election. Gordon (Brown) had said how much he appreciated what Unite was doing.

### **Merger: Voluntary Redundancy**

A voluntary redundancy scheme would apply as part of the merger process. Around 100 officers and staff on the Amicus side had applied. The General Secretary noted that we would have to see if we could release people – we couldn't let people go but then put other people into place.

### **Merger: Rule Book, Sectors etc**

The General Secretary reported that the rule book had been circulated in the T&G section. Some Amicus members had obtained copies of this, probably from the T&G. At this stage it would be circulated to Amicus NEC members, with a health warning that it might change. *(The draft Rule Book can be down loaded from my Blog).*

It had been agreed that there would be Regional Co-ordinating Officers – acting as assistants to Regional Secretaries. There would also be Regional Organisers leading organising teams.

Discussions had taken place round the allocation of members to industrial sectors, but few decisions had been taken. The next stage would be the allocation of officers.

*From the draft Rule Book, Health will be a standalone sector – an issue that many activists had been concerned about. There are ongoing concerns that the formula for workplace and geographical branches will not cover the sort of multi-employer branches that are most common in our Health sector at the moment.*

### **Elections**

The meeting was given a written and verbal report on the outcome of the Unite (Amicus Section) Executive Council elections. I was elected for Health, along with Frank Wood. The full results are on the Union's website.

A number of complaints had been received. These particularly affected the GPM section. One candidate (Jim Todd) had received enough nominations, and reported that he had sent acceptance of nomination – but this had not been received. He had not been included on the ballot paper. An unsuccessful candidate (Stewart Eaves) accepted the nomination, reported that he had sent his election address, but this had not been received. Stewart felt this had disadvantaged him, and had asked for the address for his complaint to be sent to. A third candidate, George Hickman, had received enough nominations, accepted the nomination, and sent an election address. However, a prolonged debate had then taken place over his employment status. He sent a letter to the NEC raising his concerns over this, and also stating that Chapels that had nominated him were questioned by Full Time Officers of the Union, and that his election address had been lost and he was able to submit a copy only with minutes to spare.

The recommendation to the NEC was that Stewart Eaves' case should be referred to the Election Commissioner, and no action should be taken regarding the other cases. There was a significant debate around this. One NEC member argued that if one GPM case was referred to the Election Commissioner, then – given that the whole of the sector election seemed to be such a mess – we should ask him to look at the whole sector. Another NEC member argued that the sector elections should be referred to the Election Commissioner with a recommendation that the election should be re-run. In a vote, around six NEC members supported referral of the GPM sector election as a whole to the Election Commissioner, and one or two voted for this referral with a recommendation for a re-run of the sector election. The original recommendation to refer Stewart Eaves' case to the Election Commissioner was overwhelmingly endorsed.

A number of other issues had been raised regarding the election. A complaint and counter-complaint had been made by two candidates for the Ireland Regional seat, primarily about alleged misuse of union resources. Tony Woodley had been asked to investigate. Cynthia Simms had submitted a complaint to the Certification Officer regarding a nomination from Goole Branch, which if accepted would have given her enough nominations to stand. Neither the ERS nor the Union had a record of this, and the ruling of the Certification Officer was awaited. Health Sector nominations had been accidentally removed from the website, and reinstated when a candidate alerted the General Secretary. This was not felt to have affected the outcome. A number of issues were raised by Simon Hemmings with regard to the East Midlands election, around the slowness of ballot papers going out, non-receipt of ballot papers, and members being given incorrect advice when they queried the non-receipt of ballot papers. Simon was not challenging the election outcome.

The General Secretary reported on proposals to improve the process in the future e.g. through using first class rather than second

class post, and sending an acknowledgement to candidates when their election address and acceptance of nomination were received.

An NEC member raised strong concerns over the low turn-out in the Executive Council elections. The turn-out was far lower than at the last full NEC elections. A priority for the new Executive was to look at engaging and involving lay members. One NEC member disagreed, saying it was like that in all walks of life, and it couldn't be cracked. Several others disagreed with this, feeling that the lack of involvement of members was a real problem. One argued that the job of the NEC was to get out and engage with members. Another commented that the last by-election for women's seats had seen twice the turn-out.

The General Secretary felt that one of the reasons the turn-out was low was because people didn't want to make a difference – there were very few complaints about Amicus, people were saying the same things in their manifestos, and there was no great demand for change. We had area committees that were looking at engaging people. A lot of branches were moribund. The AEEU had branch structures and district committees that had been chopped out, and members had disengaged when this happened. The T&G still had district committees, and there were opportunities in Unite to use local committees to support area committees. The heritage of what we had done in Amicus needed to be enshrined in Unite – our traditions and legacy.

*Turn-out in the industrial seats ranged from 5.5% in Finance to 10.4% in Aerospace and Shipbuilding. Health, with a turn-out of 7.9% was relatively good in this context – but still reflects a shockingly low percentage of the membership voting. Turn-out in the Women's seats was 7.5%, typical of the Industrial Sector seats. The turn-out for Regional seats was higher: typically 12 or 13%, with a relatively low 8% in Ireland. The higher turn-out in Regional seats reflects the participation of retired members in the Regional elections.*

## **Colombia**

Assistant General Secretary Gail Cartmail reported on a meeting that morning with Kim Howells, Labour Minister in the Foreign and Commonwealth Office, and a Colombian student representative. Howells had claimed that there was an association between Justice for Colombia and FARC – a completely untrue allegation that had placed lives at risk. He had withdrawn the allegation, but not in a public withdrawal. Howells claimed that money going to Colombia was for anti-narcotic work, but there was not one budget for anti-narcotics and another for assassinations. It was a shame to see someone with a background of opposing apartheid ending up giving comfort to a regime that was the most dangerous place in the world for trade unionists. Justice for Colombia was doing a great job, and Unite was doing a great job of supporting them.

## **Finance**

The Head of Finance gave a verbal report on Union finances, and a written report was distributed. Although there was still a shortfall in membership subscription income compared with what was budgeted, this was less than previous forecasts had suggested. Overall, the eight months from May to December 2007 had resulted in a small surplus (as opposed to the predicted small budget deficit).

## **Political Report**

Charlie Whelan reported on the use of Unite donations to support the Labour Party. The £2 million from Unite would be used in the 'super key marginals' to counteract the money being pumped in by Lord Ashcroft for the Conservatives. Unite money would be used for social profiling and to send out personalised mail shots to voters.

One NEC member asked how many Unite sponsored MPs had voted against the Agency and temporary Workers Bill, and expressed a fear that it had been kicked into the long grass by the Government.

Another NEC member talked about the problems in the NHS. There were over a million NHS workers, and their families and

friends as well. She had had a phone call in the lunch break from health workers set to lose their jobs, and another about the privatisation of the GP out-of-hours service in North London. The written political report to NEC members noted the threats to health visiting, and the written report commented on a cardiac unit threatened with closure. If the Labour Party was serious about those people voting Labour, what was needed was a sharp reversal of policy. There would be similar issues in other sectors. If we gave so much money to the Labour Party, we had to start saying, 'Come on guys, we want something in return'.

Charlie Whelan said there had been a meeting with a Health Minister on health visiting, and the intention was to arrange a fringe meeting on health at the Labour Party conference.

The General Secretary said he partially agreed with the people who had raised problems, and that putting £2 million in wasn't all we were doing. Arguing for the right policies and putting the money in was the best combination. We had a commitment from Gordon Brown that the principle of legislation on agency and temporary workers would be in the Queen's Speech, and we would take part in a commission aimed at actually delivering the legislation. We couldn't win it in a private member's bill, so we had to participate in the commission. If we didn't, what else had we got? We didn't want this kicked into the long grass.

## **Summing Up**

NEC Chair Steve Davison thanked NEC members for their support, and said that this had been the proudest achievement of his life. The General Secretary said that we had left things better than we had found them.

**The first Executive Council meeting of Unite will take place on 21<sup>st</sup> to 22<sup>nd</sup> May. I will obviously produce regular written reports on the new Executive, and I am happy to attend branch or workplace meetings if I possibly can.**

**Gill George 21<sup>st</sup> April 2008**