

# **TRADE UNION & EMPLOYMENT RIGHTS**

## **TRADE UNION FREEDOMS**

UNITE The Union demands that trade unions must have their freedoms and rights restored in line with ILO Conventions 86 and 97. These are basic human rights in a civilized democratic society.

Workers need the right to organise in the workplace to secure justice and respect, remedy wrongs and hold employers to account. Above all, workers need to have the ability to bargain for better wages and conditions, and have the right to collectively withdraw their labour in protest.

Before trade unions were fettered by Thatcher's anti-union laws, which were subsequently endorsed by 13 years of New Labour, collective bargaining covered over 80% of the workforce. Free trade union power ensured that wealth was more fairly distributed and working people not only enjoyed a better share of the nation's wealth, but also enjoyed enhanced political power too. Indeed in 1979 when Thatcher first came to power it is no coincidence that Britain was the most equal society in Europe with some of the most progressive social policies in the developed world.

Central to this is the issue of facilities time which is crucial in order for trade unionists to effectively carry out their duties: this is being increasingly attacked. Recent Labour Research Department findings have shown that trade union activists make the best employees and add value to the British economy: in general, trade unions are a force for good in society, promoting justice and equality, promoting social progress, redistributing wealth and achieving gains for working people.

However, thirty years of attacks on trade unions have resulted in less than 30% of the workforce covered by collective bargaining. Weaker trade unions, facing massive legal obstacles to stage legal strike action, are much less effective at regulating wages today. Working people's share of the nation's wealth has shrunk as a direct result and over the past few years is now actually falling in real terms.

Meanwhile the wealthy are enjoying a bonanza at our expense. Top directors' pay is increasing at almost 50% per year and top bankers are again enjoying multi-million pound bonuses. In contrast to 1979, Britain is now by far the most unequal society in Europe and the gap between rich and poor is accelerating at an alarming rate. It is also true that as trade union influence has declined, working people have less political power than before and the political consensus has shifted far to the right. Indeed all three political parties swung behind a neo-liberal agenda

Strong trade unions with a fighting back agenda can make a difference industrially and politically as UNITE is now demonstrating. We are actively organising the unorganised once more, building power in the workplace and supporting our members to fight for better wages and conditions. We are forging ahead with a bold political strategy to reclaim the Labour Party for working class values.

But our task will be made much easier if we have the freedom to withdraw our labour and the right to regulate wages in the economy once more. We therefore resolve to intensify our campaign to create a new legal framework for trade union freedoms in the interests of civilized society, equality and justice and for the promotion of basic human rights and democracy.

**Regional Committee – North East Yorkshire & Humber**

**ANTI TRADE UNION LAW & ATTACKS ON TERMS AND CONDITIONS**

This conference congratulates the electricians and others in the construction industry in their ongoing battle against the attempts by some major employers to break up the JIB and reduce the terms and conditions of workers in the industry.

Conference also notes that works in the construction industry are facing the same attacks on their terms and conditions as other workers in the private and public sectors, all of which is making workers pay for the financial crisis caused by the bankers.

Conference further notes with concern that legal interference in the conduct of industrial action ballots is creating a situation in which it becomes increasingly difficult to take legitimate industrial action by workers in defence of their terms and conditions, and in the case of the construction industry maintaining a proper level of skills training.

The record of Unite over the past two years in supporting workers who have seen an unprecedented level of attacks on their terms and conditions has been outstanding and an inspiration to all.

Conference calls on the Executive Council to redouble its efforts to create the conditions in which the anti union laws are made a dead letter and calls on all members to deliver appropriate support to workers in the construction industry in their ongoing fight against the bosses offensive.

#### **Construction RISC – East Midlands**

#### **REPEAL OF ANTI UNION LAWS; FIGHTING FOR EMPLOYMENT RIGHTS**

This Policy Conference recognises the role of Unite, the GPM and former unions in campaigning against the pernicious Anti Trade Union Laws and for employment rights since the early 1980s.

We welcome the decisions on these vital issues at the 1<sup>st</sup> Unite Policy last year, 2010.

This Conference reiterates its policy of repealing the anti-trade union laws and on the reintroduction of laws to prevent any trade union taking industrial action.

Conference notes that over the last 15 years very little has been done to give working people a real voice either locally/nationally or in the courts, to pursue just terms and conditions.

We have seen workers continue to face the many legal injustices including: News International, Seamen, Miners Strike, Dockers, First Bus, Stagecoach, Prison Officers, MMP, BA and the NUJ journalists at Johnstone Press etc

Unions are prevented from taking solidarity action whilst Companies/Groups can transfer work round to counteract disputes.

Courts are unfairly treating working people by bullying them back to work after legitimate calls for industrial action.

Conference notes that the 2005 Labour Party Conference voted 70:30 in favour of a motion that would, amongst other things, give unions the right to take solidarity action,

- Without the threat of legal proceedings by employers.
- Protection against dismissal for workers who go on strike.

- The barring of replacement workers being drafted in by companies during disputes.

We condemn the further threats made to trade unions and the organisation of working people by this Conservative-led government in circumventing the statutory rights and protections for workers through the publication of the Employers' Charter and reviewing employment law in order to enable employers to sack workers with impunity.

We will not be deterred by threats to make the laws on ballots even more restrictive if our members take lawful industrial action.

British workers already suffer from a raft of anti-union legislation, which makes it one of the most repressive countries in the EU for working people to organise and defend themselves.

The UK's anti-strike legislation is in breach of international law and binding international treaties ratified by the United Kingdom and binding upon it, confirmed by judgments of the ILO and the Committees of the European Social Charter.

This Conference fully supports the terms of the 2005 TUC Composite Resolution 1: Fairness at work.

The motion calls for the repeal of the anti-union laws and their replacement with a framework of positive rights in accordance with minimum ILO standards:

1. Unions right to organise industrial action, including solidarity action, without the threat of legal proceedings by employers and
2. Workers taking lawful industrial action to be protected from dismissal;
3. Employment rights from day one of employment;
4. Allowing every worker to be represented individually and collectively by a trade union on any issue;
5. Extending paid time off for all family - friendly leave provided by statute;
6. Allowing unions to trigger statutory equal pay audits and appoint equality reps with statutory rights on a par with these for workplace, safety and learning reps;
7. Allowing unions to choose to conduct workplace ballots;
8. Abolition of restrictive balloting and industrial action notice procedures;
9. The right to strike and the right to automatic reinstatement for taking lawful industrial action;
10. Freedom to take solidarity action for workers who are in dispute
11. strengthening unfair dismissal legislation, ensuring an enforceable right to reinstatement
12. Improving time off and facilities for union reps and lay officials;
13. Strengthening protection against exploitation and discrimination of migrant, agency, temporary workers, women, black, disabled, young and LGBT workers and those in smaller firms;
14. Ensuring workers receive proper compensation when their employer is declared bankrupt;

This Conference also resolves to campaign against any further proposed anti-union laws, such as those being suggested by some Tory politicians:

1. Limiting trade union facility time
2. Introduce no strike regulations in some sectors of the economy,
3. Restrict the maintenance and operation of trade union political funds
4. Reduce funding support for trade union projects such as around lifelong learning.

It's not enough to keep passing this perennial policy and be put back in the cupboard.

- It must be actioned and delivered in the interests of our movement & membership.

This Conference calls on our EC Congress to:

1. Oppose vigorously any government attempts to attack current trade union rights and freedoms using both industrial legal and political strategies.
2. Ensuring we fight to have the rights to organise, the rights to free collective bargaining and the right to strike.
3. Campaign to repeal all current anti-union legislation
4. Campaign to keep, safeguard & enhance employment tribunals as a forum of justice
5. Campaign with unions internationally for the right to strike to be protected
  
6. We endorse the campaign for a change in the law that currently allows an employee in the UK to be dismissed because an employer has grounds to believe that they may have committed a criminal offence, even though under criminal law they would be treated as innocent until proven guilty.

Conference instructs the Executive Council to:

1. Lobby the Government to overturn the laws on secondary picketing.
  - Increase protection for workers taking industrial action
  - Re-introduce the statutory closed shop legislation.
2. Actively campaign for the simplification of the industrial action ballot procedure.
3. Conference accepts that under current circumstances the EC may have to act to avoid possible sequestration of funds as a result of unofficial industrial action, but notes that members in dispute have the right to refuse to work collectively with no legal action being taken against them.
4. Prioritise the equalities agenda. This must begin with a strong campaign to secure statutory legislation and rights for trade union equality representatives. Only by ensuring these rights and legislation, will the full potential of the equality representative be utilised.
5. Raise forcefully with TULO, Unite & Trade Unions Parliamentary Groups and the PLP.
6. Lobby MPs to introduce legislation to make these decisions legally binding;
7. In similar circumstances instruct the appropriate National Sector to call an Emergency meeting of reps on the National Sector Committee to agree a strategy for defending our union;
8. Campaign to change the current employment law regarding employers only having to have a reasonable belief, in order to undertake discipline or dismissal of an employee;
9. Employers should have to produce evidence to justify and substantiate their decisions in the use of discipline up to and including dismissal;
10. Campaign for the rights for workers not to be unfairly dismissed from their employment after they have completed 13 weeks service as opposed to the current situation where, with the exception of discrimination cases, employees are required to have worked 52 weeks before having the right to be treated fairly and reasonably by their employer.
11. Campaign to remove the exemption for small workplaces employing less than 21 employees from securing recognition through the CAC procedures that penalises most of the GPM sector.

12. To fight for the principles & values of the Peoples charter that we committed to.
13. To stop the abuses & exploitation of temporary & agency labour
14. Campaign that unions, and NOT Lawyers or Government, are free to decide their own rule books, including policy on industrial action, membership admission and expulsion and union election arrangements.

This Policy Conference calls for Unite to be at the forefront of a campaign for the repeal of the anti union laws & their replacement by a framework of positive employment & trade union rights.

## **GPM RISC – North East Yorkshire & Yorkshire**

### **TRADE UNION FREEDOMS**

This Conference demands that trade unions must have their freedoms and rights restored in line with ILO Conventions 86 and 97. These are basic human rights in a civilized democratic society.

Workers need the right to organise in the workplace to secure justice and respect, remedy wrongs and hold employers to account. Above all, workers need to have the ability to bargain for better wages and conditions, and have the right to collectively withdraw their labour in protest.

Trade unions are a force for good in society, promoting justice and equality, promoting social progress, redistributing wealth and achieving gains for working people.

Trade Unions' primary role is to regulate wages through collective bargaining. Before trade unions were fettered by Thatcher's anti-union laws, subsequently endorsed by 13 years of New Labour rule, collective bargaining covered over 80% of the workforce. Free trade union power ensured that wealth was more fairly distributed and working people not only enjoyed a better share of the nation's wealth, but also enjoyed enhanced political power too. Indeed in 1979 when Thatcher first came to power it is no coincidence that Britain was the most equal society in Europe with some of the most progressive social policies in the developed world.

Thirty years of attacks on trade unions have resulted in less than 30% of the workforce covered by collective bargaining today. Weaker trade unions, facing massive legal obstacles to stage legal strike action, are much less effective at regulating wages today. Working people's share of the nation's wealth has shrunk as a direct result and over the past few years is now actually falling in real terms. Meanwhile the wealthy are enjoying a bonanza at our expense. Top directors' pay is increasing at almost 50% per year and top bankers are again enjoying multi-million pound bonuses. In contrast to 1979, Britain is now by far the most unequal society in Europe and the gap between rich and poor is accelerating at an alarming rate. It is also true that as trade union influence has declined, working people have less political power than before and the political consensus has shifted far to the right. Indeed all three political parties swung behind a neo-liberal agenda (although through our political work we hope to ensure Labour Party increasingly distances itself from that path).

Strong trade unions with a fighting back agenda can make a difference industrially and politically as UNITE is now demonstrating. We are actively organising the unorganised once more, building power in the workplace and supporting our members to fight for better wages and conditions. We are forging ahead with a bold political strategy to reclaim the Labour Party for working class values.

But our task will be made much easier if we have the freedom to withdraw our labour and the right to regulate wages in the economy once more. We therefore resolve to intensify our campaign to

create a new legal framework for trade union freedoms in the interests of civilized society, equality and justice and for the promotion of basic human rights and democracy.

**LE/356 Branch**

### **EMPLOYMENT LAWS**

Conference recognises that current employment laws are both restrictive and that are undermining the working rights of employees and will continue so to do, for as long as we have a tory Government. In the absence of any meaningful support from the current labour leadership, and given their recent statement expressing support for the cuts being implemented by the tories, it appears that they too will resist attempts to improve labour laws. Conference therefore calls for significant improvements in the existing anti-union legislation, as a pre-condition before any future meetings with the Labour Party.

**St Helens 6/546 Branch -North West**

### **TRADE UNION RIGHTS**

Conference recognises that the existing laws hampering and undermining Trade Union rights must come to an end. It is clear that the Tories intentions are to regulate the Unions into ineffectiveness. Conference notes that the Labour leadership has remained aloof from any assistance in this. Clearly more needs to be done to save trade unionism from legal suffocation.

Conference therefore insists that either a bill of workers' rights or a repeal of anti-union legislation be an absolute priority in any discussions with the Labour Party.

Conference also calls for this to be prioritised at all levels of the labour movement.

**NW/765 Branch**

### **TRADE UNION RIGHTS**

This union notes:

1. The woeful effect that anti union legislation and anti-union court rulings have had on the trade union movement over the last 30 years. This has in turn affected our class's conditions at work and living standards.
2. The fundamental right to strike has been so severely curtailed that effective strike action is often nearly impossible and democratically decided strike action can be stopped by judges such as during the BA dispute.
3. The coalition is now threatening to change the law to make legal strikes almost impossible by setting a 50% threshold in turnout for postal ballots. They are also threatening the rights of workers to political representation by threatening union funding of the Labour Party.
4. The removal of these legal bars to action and the rights of working class people to political representation are of paramount importance to our union and our movement. To do this we as a union need to go on the offensive against the government and assert the rights as we see as vital to working class self organisation.

This union resolves:

1. To draw up a charter of trade union rights that we want enshrined in legislation. That will include:
  - The right to strike. This includes so called political strikes, solidarity and sympathy strikes.
  - The right of trade unions to act politically including funding political parties and campaigning.
  - The right to legally protected facilities time for reps in all workplaces
  - The right to effectively picket workplaces and related establishments.
  - Much improved rights in terms of recognition,
2. To submit a motion on this issue to this year's Labour Party conference.
3. To ensure our parliamentary group sign up to this charter and introduce it as soon as possible as a parliamentary bill.
4. To use all Labour party structures to ensure these freedoms are official Labour Party policy and put pressure to ensure this charter is implemented as law by the next Labour government.
5. To go on the offensive industrially and politically against any attacks on our rights by the current government and in demanding a future Labour Government introduces the above charter.

**NW/522**

## **TRADE UNION RIGHTS**

This supreme policy making body of the union instructs the National Executive Council to use all its means at its disposal to ensure that the Labour Party, both adopts as policy, and is committed to legislate, to restore Trade Union rights and immunities to those existing immediately prior to the establishment of the Donovan commission in 1965: including the legal definition of a Trade Union at that time.

**East Scotland Technology Branch 0349**

## **CASUAL AND AGENCY LABOUR**

This conference believes the use of non permanent labour within all sectors has been recognised as directly leading to serious injury and death for many years. Through concerted pressure of the trade union movement the use of casual labour had started to diminish, but today's employers are using new methods of employment which is no better than casualisation; today they are called zero hour contracts, temporary agency workers and volunteers.

The economic pressures have led to dramatic cuts in funding for the HSE, which has allowed employers the freedom to abuse the use of casual workers. These workers often have little or no training and virtually no knowledge of health and safety.

Many temporary workers are employed in the very same manner as casual workers, there may have been a change in their name but there has been no real change in their employment status. The long hours worked continue to be virtually unregulated and the lack of health and safety equipment and training being almost non existent, we applaud the efforts to introduce minimum standards for dockworkers, but we recognise that many company's within our sector will continue to ignore health and safety standards.

Volunteers are a new concept in some of our sector's workplaces and we believe are being exploited by unscrupulous employers. Many volunteers believe that they are doing charitable or socially responsible work for the good of their communities, whereas in fact they are often being used to undermine permanently employed workers. These volunteers are often untrained and like all other workers they have a right to health and safety training and a safe environment in which to work.

We call upon the Executive Council to assist in developing a strategy which will expose and highlight these unscrupulous and dangerous employers who continue to expose workers to danger, and to develop safety passports systems through the Union's education department which will lead to safety accreditation for all workers across all the Unite sector's.

**Docks, Rail and Ferries NISC**

### **SWEDISH DEROGATION**

That this RTC, Logistics & Retail Distribution NISC-

Call on the union to take all necessary steps to protect and defend the interests of all workers both core and agency from the continued attacks made by employers and those agencies they employ and use to supplement their business needs.

The NISC recognise that since the introduction of the Agency Workers Directive (AWD) in October 2011 that employers anticipated the effects of the AWD and the obligations that the law would then place on employers in recognising that agency labour could no longer be treated as the "cheap option" and that proper employment standards would be recognised as a right. The use of the "Swedish Derogation" has provided employers to use a cheat to avoid their obligations that the AWD demanded.

The NISC recognise that unless there is a clear determination on behalf of our membership to resist in an industrial sense then employers will continue to dodge their responsibilities.

We call on our union to exercise all options both industrially and in the courts to support our membership to organise all workers "agency or self-employed" that have been obliged at best; bullied at worse to sign contracts that deliberately then put those workers at a disadvantage and undermine those agreements established by our union in the never ending drive by all employers "in a race to the bottom" for all workers.

**RTC NISC**

### **AGENCY LABOUR**

Conference recognises that the use of Agency Labour in our workplaces is increasing however it must be the policy of this Union to resist the casualisation of the workforce in our Sector.

Conference also recognises that the policy of this union as agreed at the Unite Policy Conference in 2010 that we as a Union will only accept into our workplaces workers from Agencies where we have a recognition agreement containing minimum standards. As from 1 October 2011 the Agency Workers Regulations came into effect in this country and to resist employers techniques to get around these Regulations and to use agency workers to undermine the Terms and Conditions we have managed to achieve over the years in our workplaces, this union must:-



- All national and local agreements have included in them a clause that reflects the new Agency Workers Regulations and that the clause includes rates of pay and other Terms and Conditions for Agency workers that match those of the core workforce.
- That only agency workers covered by a minimum standards agreement between a representative trade union and the agency that employs them are able to work in our workplaces.
- Oppose the use of contractors and third party hauliers in our workplaces who use agency labour on Terms and Conditions that do not meet the requirements of the Agency Workers Regulations and the Agreement with this Union in that workplace.

**RTC RISC – South East**

## **AGENCY WORKERS**

Conference recognises that Agency Workers are exploited, and that they are used by employers to sow division in the workplace, and to undermine the employment and social conditions of all workers.

Conference therefore resolves to campaign for:

1. Equal rights for Agency Workers from Day One of Employment
2. An end to the “Swedish Derogation” from the Agency Worker Regulations
3. Effective regulation of Gangmasters and other labour providers
4. The organisation of all Agency Workers in every Unite workplace
5. Education of our members on the principles of Solidarity and Internationals

**Wiltshire Area Activists Committee**

## **AGENCY WORKERS REGULATIONS TO REMAIN STATUS QUO**

Conference, we need the movement to be made aware of the employers vicious attempts to stifle the process and aspirations of our new legislation The Agency Workers Regulations.

The vehicle they are using as a lobby to dismantle our long awaited legislation, they named it the “Swedish Derogation”.

We must stop this happening and respond immediately. We call on the auspices of the Trade Union Congress and the Unite National Executive to initiate a campaign to stop this employers lobby being a operational success for them.

**Manchester Craft 2814M Branch**

## **AGENCY LABOUR**

Conference recognises that Agency Labour poses both a problem and an opportunity. A problem because of a) the low density of trade union membership and b) the traditional hostility of the employers c) the mobility of workers in that industry.

Conference applauds those members of Unite who have shown the way by taking direct action to defend their agreements and so demonstrating the opportunities of bring to the attention many unorganised workers in the industry the need for Trade Union membership

Conference calls on the Executive to continue to provide support to those prepared to stand and fight, and take all steps to ensure they are given full support.

#### **VAUXHALL MOTORS BRANCH NW/763**

#### **AGENCY WORKERS REGULATIONS**

Conference welcomes the addition of the agency workers regulations on to the statute books and believes that this is a positive step .

However, conference is becoming increasingly alarmed at the number of employers up and down the country who are using the swedish derogation provision to avoid giving agency workers parity of pay and terms and conditions of there fulltime counterparts

Not only does this provision fall outside the scope of the legislation it is also excluded from the anti-avoidance measures contained within the legislation. In addition it also serves to drive down the terms and conditions of full time employees and in some cases threatens the prospects of gaining direct full time employment

Conference therefore calls upon the Executive Council to:

- Work with the Political and Legal departments to lobby government with a view to amending the regulations in particular the repeal of regulation 10 relating to permanent contracts providing pay between assignments.
- To work with the International and Political departments to lobby at a European level to close legislative loopholes that are not compatible with the intended objectives of the overriding European Legislation.

#### **Harper Collins Warehouse - Scotland**

#### **NO TO EMPLOYMENT AGENCIES IN TRYING TO ATTACK OUR MEMBERS.**

This Conference requests that Executive Council implements and strictly adheres to the following policy in relation to Employment Agencies and National Agreements that cover our members.

1. All workers, working for signatory companies to National Agreements are employed under the relevant agreements' terms and conditions with **no exceptions**. This means no parasitic employment agencies, no umbrella companies, no bogus self-employment, etc,- **no exceptions**.

If we cannot work under the agreements' terms and conditions, what is the point of having national agreements.

2. This policy should be immediately rolled out across all sectors where Unite members are employed, **no exceptions**.

3. This policy must be fought on the industrial front, but also more importantly be fought and implemented on a political front, through our party, the **Labour Party**.

We have had over 20 years of these parasites [ employment agencies] living off our backs, it is getting worse, we have had enough it has got to stop.

## **Portsmouth & District 0750 Branch**

### **EMPLOYMENT RIGHTS**

This conference deplores the attacks on the rights of working people by the Coalition Government.

Conference is concerned that employment rights including maternity and maternity rights are under attack.

Conference opposes all plans to reduce the period of maternity leave to 18 weeks. Conference believes this would lead to an attack on contractual maternity pay and result in women being forced to return to work early for financial reasons. "Flexible parental leave" may be considered more "optional" and pressure placed on families to delay taking their "flexible parental leave"

Conference notes the Beecroft report which states that the government is considering a change to the law to permit "no fault" dismissal which would render protection under the Equality Act ineffective.

Conference condemns the introduction of fees for access to employment tribunals, extending the qualifying period for unfair dismissal cases and cutting the powers of statutory enforcement agencies.

Conference condemns the sustained attacks by the Government on Trade Union Facility Time. We believe Unite the Union should campaign vigorously to ensure that Trade Unions are able to fully represent their members at their respected places of work.

The Trade Unions in Britain have a good industrial relations track record and this can only be maintained through good communication between the employer and the recognised Trade Union representatives at the workplace.

Conference is concerned that the strategy to develop Union Equality Reps should not falter due to the current attack on reps facility time

Conference Condemns the Government's decision to include equality legislation in the "red tape challenge" – suggesting that equality law is an unnecessary bureaucracy.

Conference believes that these changes will make it easier for employers to sack workers and reduce their pay and conditions and will have a disproportionate affect on women workers.

Conference is deeply concerned that many more women face a future lifetime of poverty as a result of the assault on employment rights, working conditions, pension rights and the race to the bottom on pay.

In addition to the thousands of job losses of those directly involved, there is a largely unspoken, indirect impact on women. Whilst women lose their jobs those behind are finding that they have to frequently work longer hours, manage an ever-increasing workload and even take additional responsibilities without remuneration.

We call upon the Policy Conference to support this motion to ensure that women who work in the Public and Private sector continue to have effective Trade Union representation.

Conference calls on Unite to ensure that the gender impact of stripping away employment rights is a main feature of our campaign to defend employment rights.

**Women's National Committee**

### **EMPLOYMENT RIGHTS**

This Conference deplores the attacks on the rights of working people by the Coalition Government.

Conference is concerned that employment rights including Maternity and Paternity rights are under attack.

Conference notes the Beecroft Report which states that the government is considering a change to the law to permit "no fault" dismissal which would render protection under the Equality Act ineffective.

**Regional Women's Ctte – North West**

### **EMPLOYMENT RIGHTS - EQUALITIES**

This conference deplores the attacks on the rights of working people by the Coalition Government. Conference is concerned that employment rights including Maternity and Paternity rights are under attack.

Conference notes the Beecroft Report which states that the Government is considering a change to the law to permit "no fault" dismissal which would render protection under the Equality Act ineffective.

Conference condemns the introduction of fees for access to tribunal, extending the qualifying period for unfair dismissal cases and cutting the powers of statutory enforcement agencies.

Conference condemns the Government's decision to include equality legislation in the "red tape challenge" – suggesting that Equality Law is an unnecessary bureaucracy.

Conference calls upon Unite to ensure impact on equalities in stripping away employment rights is a main feature of our campaign to defend employment rights.

**NW/598B Branch**

### **FACILITY TIME**

The Tory led Coalition government and its allies in the media, right wing think tanks and organisations have been conducting a campaign to discredit and undermine trade union facility time for workplace representatives and stewards as part of their wider attack on collective trade union and employment rights.

Unite representatives in local government and across the public sector have experienced a series of Freedom of Information requests and have been the subject to media coverage and briefings from the Taxpayers Alliance. Ministers Francis Maude and Eric Pickles stated at the Conservative Party Conference in 2011 that they would be targeting the facility time of trade unions in the public sector. Unite has had trade union representatives targeted in a number of local authorities. This national, hostile environment towards trade union facility will also make it harder for trade union reps in the private and not-for-profit sectors.

This is despite the many positives that trade union reps create, which according to BERR research includes;

Savings to employers and the exchequer of between £22m - £43m as a result of reducing the number of Employment Tribunal cases; benefits to society worth between £136m - £371m as a result of reducing working days lost due to workplace injury and; benefits to society worth between £45m - £207m as a result of reducing work related illness.

We believe that workplace activists and representatives are the foundations of the trade union – that is why the government is targeting them and why we must defend them.

We believe that the union in conjunction with the TUC and other Unions should ----

Work with the TUC and other Trade Unions at all levels to actively promote the many positives that trade union representatives bring to the economy and wider workplace and where attacks are being made to campaign Politically Industrially and Legally to resist such attacks.

Ensure that regionally and nationally the seriousness of the threat to trade union facility time is recognised by all and the steps everyone must take to defend trade union reps are known and clear

Ensure that we work with the Councillors network and Unite MPs to take forward the battle on this issue politically and make sure they understand that attacking Trade Union reps in this way is unacceptable.

## **Local Authorities NISC**

### **TIME OFF FOR UNION REPS**

This conference deplores the Con Dem Government attack on Trade Union support for ordinary working people. The government proposals would adversely affect some of our most vulnerable members in the work place.

Conference calls on the executive to do everything in its power to halt the Con Dem proposals.

## **Energy & Utilities RISC – East Midlands**

### **FACILITY TIME**

This conference notes the increasing attacks by employers on trade union facility time. This severely impacts our ability to protect jobs and the terms and conditions of our membership.

We therefore call on Unite to implement the following steps:

Full protection of any representative who is victimised because of TU activity.

1. Policy and legal guidance on facility time and how to maintain it
2. Full support from the Unite hierarchy
3. Co-ordinated response where appropriate
4. Political response via the Unite Parliamentary group

**CPPT Sector Committee – North West**

### **ATTACK ON FACILITY TIME & REPRESENTATIVES**

The Tory led Government continues to increase its anti-Trade Union rhetoric at every opportunity, often using union resistance as a diversion from their indiscriminate cuts and an opportunity to vilify Trade Union Representatives and Activists.

This Conference believes that Unite, along with the TUC and The Labour Party, needs to develop a Strategy to resist the continued attacks on the Union Movement and the dedicated colleagues who work day to day in the Workplace to protect the members of this Union. The strategy should set out a broad framework which recognises the invaluable contribution Representatives make for Workers across all Sectors of Unite.

Conference calls on the Executive Council and the General Secretary to lead the debate and develop a strategy that will enable Workplace Representatives to continue to have protection, access and influence when working on behalf of their Members.

**CYW&NFP RISC – South East**

### **ACTIVE SUPPORT FOR FULL TIME LAY REPRESENTATIVES WITHIN THE PUBLIC SECTOR**

It is very clear that this coalition government is now actively advising employers within the Public Sector to change arrangements in order to stop or reduce the numbers of Trade Union activists working on 100% facility time. Currently, these activists are providing a service to Unite's members, within the Public Sector, that could never be achieved or replicated by Full Time Officers, or any other Unite employees.

These 100% Lay Representatives also play a key role in workplace Policy development, membership representation, up to and in some cases including ET's, and often lead on behalf of Unite in negotiations on Pay, Terms and Conditions. We know that this level of commitment is very much appreciated and acknowledged by Government Departments, Unite and our members alike and we now feel that Unite's rules must also recognise these representatives by actively supporting them via rule.

It has now become essential that Unite fully recognise the achievements of these representatives and act in supporting them and the members within these areas.

The failure of Policy Conference to act on this motion would certainly result in poorer representation for Unite members and loss of members in the longer term.

The MOD & Government Departments RISC call upon this conference to:-

Actively support 100% Lay representatives by committing to full negotiation with Public Sector Employers with a view of protecting the position and role of these representatives where they are at risk, arming the Unite negotiator with the ability to offer part or full funding, of the role, where necessary, in the effort of fully supporting and retaining the role being negotiated.

#### **L&E/MOD & Government Departments RISC**

#### **REITERATE/EXTEND EXISTING POLICY**

This Conference is insisting that the TUC counteract and fully appose any revised legislation introduced by the Governing body TURC, which may have a detrimental affect on a union representative's right to paid time off, and to further assist in this, as of now, our organisation UNITE, should make it a priority to replace the word "reasonable" with "adequate" in relation to time off for union duties when negotiating workplace agreements"

#### **Benefits**

- 1/ More Union activists' will create Growth through a functional Organisation
- 2/ Assist lay members who are suffering financial hardship

Our Union UNITE should not tolerate this Governments stance in setting up a body namely the Trade Union Reform Campaign which, only serves to quicken the demise of all trade unions in this Country

**Northwest, 6/364 Branch**

#### **TRADE UNION REFORM**

This conference calls upon unite to lobby the government asap to condemn the actions of Cannock MP Aiden Burley in his position as Chairman of the `Trade Union Reform Campaign`.

This is an unelected and unaccountable group who are looking to curb union activity in the workplace.

These are mutual agreements negotiated and earned over a long period.

Rather than opposing working people we should expect our Cannock MP to support them. By his actions that is something which Mr Burley fails to do.

**Cannock 5/189 Branch**

#### **HOME WORKING**

At the Unite 2010 policy conference a motion was passed about home-working and since then there has been little progress on this matter. Whilst accepting that these are difficult times, the East Midlands Finance and Legal Sector committee request that a steering committee be set up to look at all aspects of home-working and the effects that this can have on the individual and their family.

Home-working is widespread within the Finance Sector, where our employers have sought to reduce costs by placing workers at home. It also has wider implications throughout all of the other industrial sectors.

As a Union we should be ensuring that there are adequate safeguards in place with regard to equipment provided and proper consideration given to individuals before requesting people to work from home. A best practice home-working policy should be formulated which should form the basis of all discussions that may arise when home-working is being considered. This should include the Display Screen Regulations (DSE) and the Portable Appliance Testing Regulations (PAT) together with any other relevant regulations that would apply to working in the home. This should be accompanied by a proper risk based assessment as to the suitability of home-working within the home environment.

It should also ensure that employees are not subject to outward pressure to work extended hours. Employers should have a proper home-working policy in place before any employees are subject to this.

Employees should be able to seek financial compensation for working from home. This would cover for the loss of amenity space in providing employers with free office space, together with the associated heating and lighting costs. For too long employers have got away with this whilst saving huge amounts on costly office space.

The environmental benefits of home-working cannot be understated. Fewer cars on the roads mean less congestion and less pollution. Home working does and can in the future greatly improve our carbon footprints.

## **FINANCE & LEGAL RISC EAST MIDLANDS**

### **THE RIGHT TO COLLECTIVE BARGAINING**

This conference reaffirms its support for the 2010 policy motion titled The Right to Collective Bargaining.

We now call upon the Executive Council to adopt a strategic approach to the identification of all potential CAC cases across the industrial sectors that could assist in the furtherance of these aims by taking a class action approach to all legal challenges to the European Court Human Rights in the following four areas.

1. the ban on statutory collective bargaining rights for workers in companies employing less than 21
2. the opportunity for employers to enter into voluntary recognition agreements with a non-independent trade union thereby preventing an independent trade union from using the statutory procedure as exemplified by the News International Staff Association's agreement with Murdoch
3. the requirement that a trade union must have majority support in the bargaining unit as determined by an external agency before it can secure recognition
4. the limited scope of the protection against unfair labour practices during the period of when workers are organising themselves for recognition as exemplified that they are only applicable during the balloting process.

This conference further call on the Executive Council to commission some research to further support our aspiration to expand the coverage of collective bargaining and to include within this study the economic and social impact of sector bargaining of UK working people.

**GPM RISC – London & Eastern**

### **WORKS COUNCILS**



This conference should consider that over recent years we have seen more and more employers embrace works councils as their preferred choice for negotiating terms and conditions that directly affect workers rights, and not only their but other workers standards of living.

Many of these works councils operate under a cloud of secrecy (not always of their own making) and even if they wanted to, do not have any rights to gauge workers support for any of the decisions that they make, due to the employer controlling any communication routes, in other words, these works councils are open to pressure from employers to agree to any proposal put forward.

Our belief is that these works councils are having a direct impact on our strategy of growth as well as driving down any workers ability to protest legally against measures pushed through by unscrupulous employers.

We call upon conference to challenge the legislation that allows these bodies to operate in this way. While our union is forced to jump through hoops and are challenged in the courts by employers, these 'workers' bodies have no such problem; we will never see a works council in court.

We propose that works councils have to adhere to the same legislation that unions have to, by forcing consensus, by forcing secret ballots, even by protecting works council members (many of which are already union members), and in doing so forcing accountability – which every union has to do.

We believe that by our union adopting this strategy, works councils will no longer be the employers friend especially with the extra funding that would be imposed on the employer, after all these negotiations bodies were created by employers for employers, and why do we think they did that – to attack union membership!

### **Vehicle Building & Automotive RISC, North East Yorkshire & Humberside**

#### **REDUNDANCY PAY**

This West Midlands Aerospace and Shipbuilding R.I.S.C committee calls upon the Executive Council to initiate a major debate within the TUC to develop improvements to our members' severance payments upon redundancy. It specifically asks that UK based companies should continue to have on-going social responsibility towards its employees even after the date of redundancy.

To that end it believes that legislation should be enacted as soon as possible to give UK workers the same benefits received by workers in some European Countries, namely that a percentage of the previous salary would continue to be paid to the employee for an agreed period after their redundancy.

This we believe will assist our members in minimising the number of redundancies and assist our members' on retraining and re-skilling whilst maintaining a reasonable standard of living.

### **Aerospace & Shipbuilding RISC – West Midlands**

#### **CLOSURES AND REDUNDANCIES**

The 5/688 Branch calls on our Union to vigorously campaign politically and through our supported MP's to change the laws and regulations in the UK which allow companies to be closed resulting in redundancies.

The regulations in our colleague European countries, France and Germany in particular do not allow closures and redundancies without certain laws being complied with, furthermore, because of legal requirements on payments, training and re-employment having to be complied with it becomes far more complicated for employers to close the gates.

**5/688 Branch**

## **EMPLOYMENT LAW**

This Conference understands that the Government has recently proposed a series of changes to Employment Legislation. These changes have been recognised and described by many as; a "bonfire of Employment Rights" that will take the UK back at least 20 years with respect to employment protection.

Conference therefore calls upon the Executive Council to:

- Launch a Unite campaign against these changes;
- Work with the TUC and other unions to instigate a national campaign against these changes;
- To totally oppose any insertion fees, which only serve to limit access to justice to those people who have the financial status and ability to pay;
- Work with the Employment Tribunal National Members Association to determine areas where Unite can work with them to fight these changes;
- Work with the Unite Political Department to hold a series of events in the UK Parliament to oppose these changes.

**Derby United Craft Branch 3/d.**

## **BLACKLISTING**

This Conference notes that in March 2009 it was revealed that the Consulting Association was operating a blacklist on the construction industry. Over 40 major construction companies were using the blacklist, which contained the names of over 3,000 construction workers. It is recognised that workers in many other professions have also experienced the destructive effects of blacklisting.

Conference welcomes the Unite sponsorship of the 2011 Blacklist Support Groups AGM and the Blacklist Report of September 2011/

Conference agrees that the Unite leadership, the Executive Committee, Regional Committees, National officials and Regional Secretaries, will initiate discussions throughout the Union with the aim on enlisting the active industrial participation of Unite members in the workplace to defend and support members against Blacklisting.

**Belfast Shorts 0303M Branch**

## **BLACKLISTING**

This Conference is called upon to support our call for Unite to initiate a campaign to abolish the blacklisting of trade unionists such as revealed in construction in March 2009 by ICO. The action taken so far in support of individual cases pursuant to legal redress is insufficient to the severity of

such human rights abuse, that we feel should command our unions attention as equally as all other forms of discriminatory victimisation which continues in the absence of real union involvement.

**North West 1400 Branch**

### **INFORMATION AND CONSULTATION REGULATIONS – MAKING THE BEST OF AN OPPORTUNITY.**

Conference notes with alarm and anger the latest attacks on employment rights that the CON-DEM Government is undertaking on employment tribunals, consultation periods in collective redundancies, unfair dismissal rights, and possibly on strike action. Conference pledges to resist all such changes.

Conference recognises however, that the rights contained in the Information and Consultation Regulations and the European Works Councils regulations derive from European legislation and are much more difficult for the government to either dilute or discard. Conference also notes that until now UNITE has not made maximum use of the rights and opportunities that these pieces of legislation create, which includes;

- Accessing information regarding employment numbers and locations in a company;
- Gaining access to non-organised workplaces;
- Gaining access to in-depth information on the financial and economic situation of companies via independent experts;
- Gaining information concerning proposed changes to production and employment;
- Insisting on consultation with a view to reaching an agreement prior to any decisions affecting employment being made;

Conference therefore calls on the Executive Council to set out a coherent strategy through which best use of these regulations can be made going forwards. That strategy shall include;

- A proper assessment of the benefits that the effective use of such legislation can bring;
- An overview of number of companies where UNITE has members that are covered by such legislation;
- A short list of potential target companies;
- An assessment of the organising potential offered by making use of the legislation;
- Reference to the links between the EWC and national I&C regulations, and the potential for International Framework Agreements;

**Barnoldswick Branch 0062**

### **TIME OFF FOR LIFELONG LEARNING COURSES**

This Conference calls on the Union to campaign for all employees to be given reasonable time off work in pursuit of lifelong learning courses in addition to courses for continuous professional development.

**Aberdeen Educational Branch 0300M**

### **PROTECTION OF SELF EMPLOYED WORKERS 2012**

Conference should note that as a result of Regulation 10 of the Agency Workers Regulations (AWR) that came into effect in October 2011, agencies are misusing this Regulation 10 (The Swedish Derogation) to undermine current agreements relating to agency workers.

Conference further notes that Regulation 10, which is an opt-out clause, allows for agency staff to be employed directly by the agency which would then allow the latter to pay an agreed wage which can

be lower than the rate of permanent workers. However, this “minimum amount” is less than the national minimum wage, as well as being offered few hours’ work per week.

The aim of the AWR is to protect vulnerable workers from exploitation and ensure them, after 12 weeks of service, the same basic employment conditions as if they had been hired directly by the end client – mainly the right to the same pay, working hours and holidays.

Trade union self-employed members are being severely affected by this Regulation 10 (Swedish Derogation). This unionised working force feels undervalued, and it is still not getting enough help from the union to convey its needs and fight for causes that affect them all. Self-employed workers are easy to be exploited by unethical practices from commercial agencies.

This Policy Conference instructs the Executive Council to redirect policy and resources into immediate support for self-employed members campaigning and taking action for their right to work and regain control of their working lives.

**NUPIT Branch**

## **WORKING TIME**

This conference believes that a reduction in working hours is an essential part of both the union’s industrial and political strategy.

Trade unions exist to better the position of workers, and increasing rest and leisure time while maintaining a decent standard of living is a practical way of improving workers’ position. It is also an important part of the fight to reduce unemployment.

Conference therefore reaffirms its commitment to the People’s Charter, and specifically the commitment to reduce Working Hours as part of the Charter’s “More and Better Jobs” strategy.

Conference also calls for the “Drive for 35” campaign to be revived as part of the union’s industrial strategy, and developed through sectoral campaigns, and company level bargaining. To this end, conference welcomes the establishment of a Fighting Fund for disputes, and calls for the money collected for the last 35 hour week campaign to be re-invested in the new campaign.

**Cereal Partners SW/717 Branch**

## **PROTECTING UK STANDARDS AND QUALIFICATIONS.**

Conference notes that the EU Commission, at the behest of employers, has proposed a new version of the Professional Qualifications Directive 2005/36/EC, on the grounds that there has been insufficient take-up of opportunities for working abroad offered by the mutual recognition of qualifications contained in the Directive.

New proposals to encourage and speed up mobility include:

- introducing a European Professional Card
- online recognition procedures
- partial access to a profession
- changes to minimum training requirements
- facilitating temporary mobility for professionals accompanying consumers

- requiring member states to justify existing regulation of professions

Conference opposes the new Directive on the following grounds:

- By the Commission's own admission, workers have successfully defended their standards. Conference therefore considers that there is no call to tamper with what has been achieved.
- The European Card and online recognition procedures are open to abuse.
- The balance of control is shifted away from the host country, including monitoring language qualifications.
- Partial access to a profession, trade, or industry may override national standards. Conference notes, furthermore, that refusing access can be justified if there are 'overriding reasons based on the general interest'.
- Minimum training requirements are to be reduced even further as 'disproportionate or unnecessary'. See p.7 para 2.4 EC Green Paper.
- 'Accompanying' professionals would no longer have to demonstrate 2 years of professional experience or regulated education and training.
- Area-specific qualifications (pertaining to a particular country, region, city) are treated as non-existent.
- Requiring member states to better justify regulation, including language and other aptitude tests, is a prelude to sweeping away such controls.

Unite therefore calls on the UK government to defend its current position, and the position of professionals within its borders.

**APTG Branch**

## **WORKPLACE JUSTICE**

This Conference calls upon the TUC to ballot for a General Strike over workplace justice i.e. a simpler form of workplace balloting.

**Surrey & Sussex Area Activists Committee**