



Report of the Race Relations Committee 2012-2013

TUC Black Workers' Conference 2013

Putting Race Back on the Agenda

Contents

- 1. *Race Relations Committee***
- 2. *Ethnic Minority Employment Stakeholder group***
- 3. *Black Workers and the Cuts***
- 4. *Overseas Students***
- 5. *Challenging racism in the Workplace Study***
- 6. *Combating the Far Right***
- 7. *Stephen Lawrence***
- 8. *Review of the TUC Stephen Lawrence Task Group Recommendations***
- 9. *Changes to the Equality and Employment Law***
- 10. *Public Sector Equality Duty Review***
- 11. *Equality and Human Rights commission***
- 12. *Employment Tribunal Charges***
- 13. *Statutory Discrimination Questionnaire Procedure***
- 14. *TUC Equality Audit***
- 15. *Dipak Ray***
- 16. *Black Trade Union Oral History Project***
- 17. *United Friends and Families Campaign***
- 18. *Committee Attendance***

Section one

REPORT

1. RACE RELATIONS COMMITTEE

The General Council has been represented on the Race Relations Committee during the year by:

Tony Dale	Billy Hayes	Tim Poil
Gloria Mills	John Smith	Mark Dickinson
Leslie Manasseh	Mohammad Taj	John Hannett
Fern McCaffrey	Eleanor Smith	

Members elected to serve on the Race Relations Committee at the 2011/12 Conference were:

Pav Aktar	Public and Commercial Services GMB
UnionDotun Alade-Odumosu	
Indira Bhansali	Society of Radiographers
Gargi Bhattacharyya	University and College Union
Freddie Brown	Prospect
Lorna Campbell	Public and Commercial Services Union
Mark Clifford	UNISON
Michelle Codrington-Rogers	NASUWT
Collette Cork-Hurst	Unite
Floyd Doyle	Associated Society of Locomotive Engineers and Firemen
Sarah Guerra	FDA
Sharon Harding	GMB
Zita Holbourne	Public and Commercial Services Union
Betty Joseph	National Union of Teachers
Michael Nicholas	Fire Brigades' Union
Faisal A Qureshi	Broadcasting, Entertainment, Cinematograph and Theatre Union
Amarjite Singh	Communication Workers' Union
*Sajid shaikh	Communication Workers Union
Nazerin Wardrop	Unite
Maureen Williams	Usdaw

Gloria Mills was elected as Chair and Sarah Veale, Head of the Equality and Employment Rights Department, served as Secretary. Members of the Equality

Report of the Race Relations Committee 2012-2013

and Employment Rights Department working with the Committee during the year were Wilf Sullivan, TUC Race Equality Officer, Carol Ferguson Departmental Secretary and Jane Cook, Administrative Assistant.

*Co-opted to the committee to fill the vacant Section C seat following a request to affiliates for nominations.

2. ETHNIC MINORITY EMPLOYMENT STAKEHOLDER GROUP

The TUC has continued to lobby the government through the Ethnic Minority Advisory Group (EMAG) which has been reconstituted as the Ethnic Minority Employment Stakeholder Group (EMESG) with a reduced membership. The group continues to be sponsored by the Department of Work and Pensions. Wilf Sullivan, TUC Race Equality Officer and Collette Cork-Hurst, Unite National Officer for Equalities and a member of the TUC Race Relations Committee, were re-appointed to EMESG.

Following the resignation of the previous Chair of EMAG the Department of Work and Pension (DWP) appointed a new Chair who is Sandra Kerr the Director for Race for Opportunities. The new group met for the first time in November 2012 to discuss the priorities that it should be addressing. The TUC argued that there was a need to address high levels of youth unemployment, ensuring equal access to apprenticeships and the need to address the disproportionate effects of the cuts on black women. All members of the group felt that there was a need to examine the likely impact of the introduction of Universal Credit on black communities.

The EMESG decided the most effective approach for the group would be to scrutinise areas of work that fell under the competency of the DWP. To this end a work plan was agreed that identified four priorities. These were: discrimination in recruitment, reducing in work poverty, ethnic minority women and enterprise. Sub groups have been established to examine the work of the DWP in relation to each of these areas. Collette Cork Hurst is involved in the ethnic minority women and in work poverty sub groups and Wilf Sullivan is a member of the discrimination in recruitment sub group.

3. BLACK WORKERS AND THE CUTS

The TUC Race Relations Committee has been working with the Runnymede Trust on a project which has been designed to assess the impact of the public spending cuts on black workers and other disadvantaged groups. The project, called 'In this Together', is being co-ordinated by the TUC and is being funded by UNISON, Unite, NASUWT, PCS, UCU and the TUC.

The overall aims of the project are to assess the impact of public sector cuts on the workforce, to make the equality impact of the cuts transparent, especially as they are affecting black workers, to use the information to influence

decision making processes and to complement the existing efforts to map the impact of the cuts on services.

The project set out to collect data from 1000 unionised workplaces, mainly through working with the partner unions, to assess the impact of the profile of the workforce on race, gender, disability, age and where possible sexual orientation and religion and belief. The project developed an online questionnaire to be used to collect the data from workplace reps in the partner unions and a brief guide to equality monitoring to assist reps to carry out the survey. This was also made available online.

Unfortunately, the response to the online questionnaire from branches of partner unions did not give enough information to give a comprehensive picture on what was happening to the public service workforce so the project was extended to collect information through the use of freedom of information requests.

Initial findings from the project have identified that in London, especially outer London, black workers may have suffered a disproportionate level of redundancy, but this has not been the case in other parts of the country. There has been a large increase in the level of temporary contract and agency work, which has made the jobs of black workers in the public services sector more precarious and in some public services such as further and higher education there was poor or nonexistent equality monitoring of the workforce.

The TUC will be organising a seminar for trade union activists to hear a more detailed presentation of the outcome of the project and discuss the collective bargaining implications of the findings. The Race Relations Committee and the TUC continue to be concerned about the decline in equality monitoring by employers. The TUC will be producing a new negotiators' guide for reps to help promote equality monitoring in the workplace.

4. OVERSEAS STUDENTS

The TUC Race Relations Committee became concerned about the position of overseas students at London Metropolitan University, following the attempts by the Government through UK Borders to stop overseas students from studying at the university, on the pretext that the University was not complying with legislative and UK Borders guidelines by removing them from the sponsors list. This had implications for current students who were told that they would have to find places at other universities or return to their countries of origin. It also had implications for the future of the university, which, like many, relies upon the fees generated by overseas students to continue to operate. The Committee identified that this incident had wider implications as it could put the future of some universities in jeopardy. The decision by UK Borders also had implications for all universities as it was likely to discourage overseas students from applying for courses in the UK.

The Race Relations Committee recognised that universities were dependent on overseas students for income and overseas academic staff and those providing basic services to keep institutions running and that international students had become an easy target for the government's anti immigration agenda. The Committee also noted that the demonization of international students and targeting of certain universities by the Government also had an effect on institutions where there were high numbers of domestic black students, as the elite universities were not being affected by this crisis. It was clear that the campaign against international students is part of a wider project to delegitimize higher education, limit access to higher education and to scale back the sector.

The Committee supported a recent initiative to put together a charter for an anti-racist university and felt that this could be widened to use as the basis for a discussion about as the future ability of black communities to access higher education and the kind of education that was being offered. The Committee also supported the view that trade unions need to demand that students are taken out of the immigration figures.

5. CHALLENGING RACISM IN THE WORKPLACE STUDY

From 2003 – 2005, the Working Lives Institute coordinated a European Union funded comparative research project, looking at how trade unions mediate racism in the workplace. The project was carried out by teams in five member states: Belgium, Italy, France, UK and Bulgaria, which was a candidate country at that time. The research looks at racial and ethnic minorities, immigration and the role of trade unions in combating discrimination and xenophobia and in encouraging participation and in securing social inclusion and citizenship.

The project was supported by a number of unions and the TUC, who were involved in the advisory bodies of the project at a country and European level. The research was undertaken by an international team, who worked closely with workers and their trade unions to look at how racism was dealt with in the workplace in the health, retail, public transport and naval engineering sectors, and the white goods manufacture, tobacco, textiles and construction sectors.

Members from the Race Relations Committee and black activists from other unions had attended the main RITU dissemination conference 'Trade Unions against Racism', in Paris on 21 to 22 October 2005. A UK conference was also organised by the TUC as a means of disseminating the UK research and was held at Congress House on 24 February 2006. As part of the outcomes of the project a joint TUC/WLRI guide for trade unions in Britain on tackling racism and xenophobia was published. The guide helped inform the TUC's work in producing a revised TUC Black Workers' and Trade Union Charter. A website was also established by the Working Lives Institute called Working against Racism <http://www.workingagainstracism.org/>.

Recent discussions between the Working Lives Research Institute, the international research partners and the TUC resulted in a successful bid being submitted to the European Union for further funding to examine how much has changed in the ten years since the 2003 implementation date of the European Union's Racial Equality Directive. The bid for the new project, called 'Challenging Racism at Work' (CRAW) was supported by the TUC and UK trade unions PCS, UNISON and Unite the Union.

The project will seek to answer four specific questions:

- What has changed in the general context of racism in the workplace since 2003, and particularly since 2008?
- How far has social dialogue helped?
- How are trade unions responding today at work in workplaces to the challenge of racism?
- What experiences in challenging racism at work may be helpfully exchanged between EU Member States?

The TUC will be involved on the UK advisory group and will also carry out the final project evaluation. As with the RITU report it will be important that trade unionists from the different sectors that are being researched are involved in the project and that trade unions are also involved in discussing the outcome of the UK research.

The Race Relations Committee has agreed to work with the Working Lives Research Institute and has plans to organise a conference to examine the outcomes of the project and more generally how the recession has impacted on black workers and explore the feasibility of producing a joint publication that can make recommendations on future action on challenging racism in the workplace.

6. COMBATING THE FAR RIGHT

Combating the far right continues to be a priority for the General Council and the TUC continues to work with Unite against Fascism (UAF) and Hope Not Hate by organising joint activities and supporting events at a regional level and local level through Regional TUCs.

The TUC President spoke at the 2013 UAF One Society Many Cultures Conference and the TUC is intending to discuss with both UAF and Hope Not Hate how trade unions can help to effectively campaign against the far right in the run up to the 2014 European Elections.

The TUC has been concerned about the growth of far right activity across Europe especially with the formation of the Alliance of European National Movements (AENM) comprising fascist and racist MEPS from the UK, France, Hungary, and Bulgaria, who have been trying to secure funding from the

Report of the Race Relations Committee 2012-2013

European Union. There has also been alarm about the situation in Greece where the support for Golden Dawn has resulted in the creation of a hostile environment for migrant workers. This has resulted in an increase in racial attacks against migrants and evidence that there has been collusion between the Golden Dawn activists and the Greek police who have passed on the details of migrant workers who have tried to make complaints about racism.

The Greek General Confederation of labour (GSEE) supported and encouraged members to attend a silent march in Athens on 15 December 2012 against racism and the rise of neo-Nazism. The GSEE stated that Greece faces imminent danger from the emergence of neo-Nazism. As the country is propelled towards economic, social and institutional collapse by the IMF/EU/ECB bailout programme, neo-Nazi demagogy and violence is gaining deplorable influence in a society that is pushed to desperation by relentless austerity, wartime recession and wartime unemployment levels. Racist, anti-Semitic attacks and Nazi glorification accompany wide spread violence and xenophobia undermining the fundamental values of democracy, in its very birthplace. It is a time to mobilize and defend rights and democracy. The TUC sent a letter of solidarity via the GSEE to the march.

Redfearn – v- United Kingdom

The TUC was concerned about a ruling in the European Court of Human Rights (ECtHR) in the case of Redfearn –v- United Kingdom, which had resulted in some affiliates raising questions as to whether the decision had implications for agreements that banned BNP members from employment or may limit employer's willingness to negotiate future agreements.

The TUC and had some affiliates had supported the employer, SERCO, when the case was being pursued through the employment tribunals and the UK Court of Appeal. The case was heard by the UK Courts and Redfearn, who was represented by the BNP's lawyers, subsequently lodged a claim at the European Court of Human Rights (ECtHR) alleging that his dismissal had interfered with his Convention rights. Redfearn argued that he had lost his job for exercising his right to freedom of association under Article 11 and freedom of expression under Article 10. He asserted that the Government had an obligation to enact legislation that would provide protection from dismissal on the grounds of his involvement with the BNP. However as he had less than one year's qualifying service he was unable to bring a claim for unfair dismissal.

In looking at UK domestic law the ECtHR decided that a claim for unfair dismissal under the 1996 Employment Rights Act was an appropriate remedy for a person dismissed on account of his or her political beliefs or affiliations. However as Redfearn had not been employed for the one year qualifying period at the date of his dismissal he was unable to pursue a claim. Additionally the court found that the Race Relations Act 1996 offered no

protection against interference with his Article 11 rights because he could not show that he had been discriminated against on the grounds of his race.

The court felt that even if it were to acknowledge the legitimacy of Serco's interests in dismissing Redfearn the fact remained that domestic courts or tribunals should be allowed to assess whether or not, in the circumstances of a particular case, a person's Article 11 rights had been breached, regardless of the person's length of service. Consequently the court ruled that it was incumbent on the UK to take reasonable and appropriate measures to protect employees, including those with less than one year's service, from dismissal on the grounds of political opinion or affiliation either through the creation of an exception to the one year rule or through a free standing claim for unlawful discrimination on the grounds of political opinion or affiliation.

Although the Government could have appealed against the ECtHR decision it chose not to and instead has introduced an amendment to the Enterprise and Regulatory Reform Bill, currently being debated in Parliament. The amendment exempts unfair dismissal claims relating to an employee's political opinion or affiliation from the one year qualifying period (now two years). However, under the amendment dismissals related to political beliefs will not be automatically unfair. An employer will still be able to dismiss if they can demonstrate that they have a potentially fair reason for dismissal and that they have acted reasonably in the circumstances.

The TUC generally welcomes that approach that the Government has taken as it avoids contentious debates involved in extending the provisions of the Equality Act on religion and belief to include political opinion.

In order to carry on the work that affiliates had been undertaking to negotiate bans against BNP activity in the workplace, the TUC has suggested that future trade union collective agreements incorporate a duty to promote equality of opportunity and eliminate discrimination within their conditions of service in such a way that it becomes a contractual requirement and that affiliates should also consider negotiating a similar clause in employees' job descriptions. This would change the focus in some collective agreements from membership of the BNP to the conduct of workers. This approach may assist employers to take action against those who promote far right views within the course of their work.

7. STEPHEN LAWRENCE FUNDRAISING APPEAL

As the 2012 TUC Black Workers' Conference, Brendan Barber launched the Stephen Lawrence Fundraising Appeal agreed by the Race Relations Committee

The Trust and Centre have been funded through the Big Lottery, local authority grants and charitable donations. However, in common with all charities, donations have declined significantly as a result of the recession and

Report of the Race Relations Committee 2012-2013

support from public authorities and other public bodies has suffered because of public sector spending cuts. This has left the Trust short of income and with a need to raise £200,000 in order to continue their current activities.

The Race Relations Committee agreed a framework within in which to run the appeal and number of actions have been undertaken by the TUC which are as follows:

- The appeal was notified in the June TUC Mail to all General Secretaries.
- Provision has been made so that trade unions can donate to the appeal via the TUC.
- A website has been established at <http://www.tuc.org.uk/equality/tuc-20962-f0.cfm>.
- The website provides a link where donations can be made by individuals via the internet or by using their phones to text donations.
- A model motion that activists can use at branch meetings and regional meetings has been placed on the website.
- A poster which contains the internet and text donation details has been designed by Race Relations Committee member Zita Holbourne, which unions can print and use in workplaces.

To date £11,787 in donations has been registered on the website with a very low number (27) of donations made via the internet. Some unions have given donations directly to the Stephen Lawrence Trust, which is not reflected on the TUC website.

A meeting has taken place between the TUC and the Stephen Lawrence Trust to familiarise them with the campaign and to discuss other ways that unions might be able to support the work of the Trust. The Stephen Lawrence Trust is particularly keen to work with trade unions and is happy to meet with individual affiliates to explore whether it would be possible to form partnerships around bursaries or other projects around training support. Unionlearn and the Stephen Lawrence Trust are planning to hold a joint Apprenticeships day event for students of 14+ years to learn about apprenticeships as a way to get into the workplace. Issues to be covered include 'What are apprenticeships, who offer them, how can you get one and what should you consider before applying for one?' Through a day of free lectures, workshops, networking opportunities and exhibitions with leading apprenticeship professionals, young people will come away knowing about apprenticeships and how they can start their journey towards them.

The Race Relations Committee is keen to encourage trade unionists make a long term commitment to supporting the Stephen Lawrence Centre by signing up to make a regular contribution through direct debit.

8. REVIEW OF THE TUC STEPHEN LAWRENCE TASK GROUP RECOMMENDATIONS

Following the conviction of David Norris and Gary Dobson for the murder of Stephen Lawrence, the Committee considered a number of areas of activity that it could undertake to highlight the need for unions to ensure that tackling institutional racism remained a priority.

As part of this work the Committee undertook to review the recommendations of the TUC Stephen Lawrence Task Group. In doing this the Committee decided that the recommendations should be examined for their current relevancy and this was also a commitment that was given to the 2012 TUC Black Workers' Conference in response to a motion calling for the reestablishment of the task group. In order to deal with the review the Committee set up a working party to look at the recommendations.

The working party examined all of the recommendations and felt that the majority of the recommendations were still relevant. However, in reviewing the recommendations it was felt that the Committee needed to prioritise those recommendations that the Race Relations Committee felt were the most important in the current context.

In looking at those recommendations that needed to be prioritised, it was felt that a wider discussion needed to take place on each of the prioritised recommendations in the current context, given the pressure that equalities issues were under in the workplace and the financial constraints that unions had to face because of falling membership and diminishing income.

The recommendations that the working party prioritised were as follows:

- Setting up a modular course to develop expertise among trade unionists, employers and employment advisors on identifying and combating institutional racism at work.
- The TUC National Education Centre, regional education and bespoke courses to assist union representatives identify and challenge institutional racism.
- A management development programme to help black union officers and staff successfully compete for promotion posts in trade unions.
- A more explicit focus on black workers through the TUC Organising Academy, which trains young union organisers.
- Access to mainstream training and monitoring of that training on ethnicity and other equality grounds.
- Introduce a mentoring programme for young black people.
- Use the Marble Hall in Congress House as an 'open space' in which to

Report of the Race Relations Committee 2012-2013

encourage black artists to exhibit or perform their work, creating an opportunity to invite new groups of people into Congress House.

- The development of black tutors in particular and use of trained and qualified black tutors
- Course material development.

In prioritising the recommendations the working party felt that there was a need to focus on ensuring that black members, black activists and black workers employed as staff or officers in trade unions were properly trained and supported to be enabled to engage successfully with the trade union movement.

In discussing prioritising the recommendations there were some areas where the working party felt that further information was required or where the recommendations raised wider questions about focussed action. For example in recommending the introduction of a mentoring scheme for young black people there was discussion about whether this should be focussed at young black people generally or to those young workers in trade union membership and at work. In discussing the recommendation on the development of black tutors the working party felt there was a need to know not just how many there were but also how often they were used, as it was felt that there was no point in encouraging more black workers to become tutors if they were not supported in using those skills.

In prioritising the recommendations the working party did not produce a list of actions to go with the recommendations. It was felt that if the recommendations were to be successfully taken forward the Race Relations Committee needed to develop a strategy which took into account who needed to take action, what resources were needed and how the recommendations could be successfully mainstreamed into the work of the TUC and its affiliates.

9. CHANGES TO EQUALITY AND EMPLOYMENT LAW

During 2012 the TUC responded to government consultations that followed on from the Red Tape Challenge on equalities, strongly opposing the proposed repeals of the third party harassment provision, the wider tribunal powers to make recommendations and the statutory discrimination questionnaires from the Equality Act 2010. It gathered evidence from union officers and lawyers and tribunal cases which was submitted to government to show that these measures were not unnecessary bureaucracy. It raised the issue subsequently in letters and meetings with ministers and sent out parliamentary briefings to MPs on the Enterprise and Regulatory Reform Bill which were well cited in Commons and House of Lords debates.

In summer 2012 a TUC briefing called 'Two Steps Forward, One Step Back – How the coalition is dismantling our equality infrastructure' was published to highlight how during this time of austerity and cuts, which were having a disproportionate impact on women and other groups. The Government was

also attacking legal rights and access to justice, the Equality and Human Rights Commission and civil society organisations who support and advocate on behalf of people who are discriminated against, or who suffer disadvantage, which makes it harder for people to fight back.

The TUC has campaigned against the introduction of tribunal fees which are due to be introduced in the summer of 2013, raising the disproportionate impact on protected groups. It has opposed proposals to introduce compensated 'no fault' dismissal, the increase in the qualifying period for unfair dismissal, the reduction in unfair dismissal compensation, the weakening of collective redundancy and TUPE protection and the plan to introduce employee-owner status which would mean individuals trading in employment rights, including the right to request flexible working, for shares in a company.

10. PUBLIC SECTOR EQUALITY DUTY REVIEW

The TUC has been actively campaigning to defend the Public sector Equality Duty (PSED) and is concerned that the Government may attempt to scrap the duty as a result of the current review.

Details of how the review will take place, including the terms of reference and steering group membership, were published by the GEO at the end of November 2012. Apart from the chair of the EHRC and the Director-General of the GEO, the steering group that will oversee the review comprises senior representatives from the public services – the very people who are meant to be held to account by the duty – a number of whom are current or former Conservative or Lib Dem politicians or advisers. No provision has been made for the involvement of any public sector worker or service user voice and it was not clear how those representing workers and service users were going to be engaged in the Review.

The review's scope and parameters are ambitious, given the short timeframe. It will:

- examine evidence about the effectiveness of both the general and specific duties
- explore the impact of the duty in terms of costs, burdens and benefits
- consider the comparative models internationally to understand the range of levers to help public bodies deliver equality of opportunity (note: the equality duty approach is unique to the Britain and Northern Ireland so this implies looking at non-legislative levers)
- consider how the duty functions in the context of the government's equality strategy, which it describes as being about transparency, devolving power to people, supporting social action, and integrating equality considerations into policy and programmes
- examine the role of support and guidance given to public bodies and how

legal risk is managed within different types of public bodies

- consider what further measures could be taken to improve the duty
- take account of the different specific duties and experiences of the devolved administrations
- consider the breadth of protected characteristics within the context of the equality duty
- take account of the budgetary position facing public bodies
- consider the duties and powers conferred on the EHRC.

The Review is being carried out in a political climate in which the Prime Minister had said he wanted to ‘call time on Equality Impact Assessments’, the Communities Secretary had called for an end to equality monitoring and letters had been sent from government ministers to different parts of the public sector to tell them to stop doing EIAs.

The TUC had been campaigning to raise awareness of the threat this Review could pose to the PSED since it was announced. The General Secretary had sent letters to the Ministers for Equality raising our concerns about the process and calling for trade union involvement. The TUC had set up a working group to co-ordinate the union response which comprised equality officers from most of the unions representing public sector workers. It had secured places for trade unions at two of the roundtables the Government was holding and a meeting for trade unions only with the Review team.

The TUC has co-ordinated the union response and campaigned alongside voluntary organisations against the current review of the Public Sector Equality Duty which was another outcome of the Red Tape Challenge. It has gathered evidence from union officers and representatives on how they have used the PSED and how this government’s actions have undermined it in practice. A briefing and ToUChstone blog were published in February to raise awareness of the threat to the PSED.

11. EQUALITY AND HUMAN RIGHTS COMMISSION

The TUC has co-ordinated activity among trade unions and voluntary sector organisations to defend the Equality and Human Rights Commission. It distributed parliamentary briefings to MPs and peers on the amendments to its statutory basis that are being made through the Enterprise and Regulatory Reform Bill and organised an open letter signed by a wide range of equality and human rights organisations that was published to coincide with the parliamentary debate raising our concerns about the government’s weakening of the Commission.

The government has inserted clauses within the Enterprise and Regulatory Reform Bill which will repeal a number of provisions from Equality Act 2006 which established the EHRC. Of particular concern to the TUC are the proposed repeals of:

- s.3 the general duty that requires the EHRC to encourage and support a society based on freedom from prejudice and discrimination, individual human rights, respect for the dignity and worth of each individual, equal opportunity to participate in society, and a mutual respect between groups based on understanding and valuing diversity and shared respect for human rights. The Government was defeated in the House of Lords on this clause. The TUC will campaign with Opposition MPs to get it defeated again if it is reinserted when the Bill returns to the House of Commons.
- Ss.10 and 19 - the good relations duty and functions which originated from the former Commission for Racial Equality where it was used as the basis for important and effective work to improve race relations. This included: guidance on tackling political extremism in local elections, the Kick Racism out of Football campaign, and work done to improve social cohesion following the riots and troubles in Northern cities in 2001.

The government has said that as the EHRC is bound by the Public Sector Equality Duty in s.147 of Equality Act 2010 it will still have a duty to consider the need to take steps to promote good relations in its activities. However, there is uncertainty about the future of the PSED, given this government's recent announcement to review it in line with "its strong desire to reduce unnecessary bureaucracy where it exists and consider alternatives to legislation".

The government is also undertaking a 'zero-based budget review' of the EHRC's activity to inform minister's decisions about future funding. The outline for this review, again, fails to recognise the core principle of independence for the EHRC. It states it will examine the EHRC's current spending, including identifying whether there are "any clear gaps in activity that could/should be done in support of the Government's Equality Strategy and human rights agenda", The review will also look at whether any of the EHRC's functions could be transferred to other bodies, such as the Government Equalities Office which sits within the EHRC's sponsoring department.

The TUC has worked with the affiliates who have members at the EHRC to highlight the effects that the cuts in funding have had on the ability of the organisation to effectively carry out its role.

The TUC held a seminar and roundtable, attended by more than 20 organisations in November 2012. The purpose of the seminar was to bring together trade unions and voluntary organisations to discuss and decide what they would like to see future and to and has recently co-ordinated a second letter to the new Board of Commissioners and Chair of the EHRC from 46

Report of the Race Relations Committee 2012-2013

trade unions and voluntary organisations calling on them to engage with us and setting out what we believe would make an independent and effective Commission.

The Race Relations Committee welcomed the appointment of Sarah Veale Head of Equality and Employment Rights at the TUC as a Commissioner in January 2013.

12. EMPLOYMENT TRIBUNAL FEES

The TUC campaigned against the introduction of tribunal fees from 2013 on the basis that the fees will price many workers out of access to justice. The TUC believes that the proposals for the introduction of fees will limit access to justice and will deter a large proportion of meritorious claims which will undermine the effectiveness of the enforcement system for employment rights. It will mean that workers are more likely to be mistreated at work and that unscrupulous employers will be able to flout the law without fear of sanction.

Where an employer fails to pay the national minimum wage or holiday pay, an individual may need to pay an upfront fee of £160 simply to access the employment tribunal system and a further £230 if their claim goes to a hearing. Individuals who complain about discrimination at work or unfair dismissal will need to pay up to £1200 for their claim to be heard.

In responding to the proposals the TUC pointed out that many claimants will have recently have lost their jobs and therefore are likely to have experienced a sudden deterioration in their financial circumstances. The TUC are also concerned about the effects for equality in the workplace and pointed out that charging higher fees for more complex claims such as claims under the Equality Act 2010 will have a disproportionate impact on black workers and other workers with protected characteristics and that the cap for compensation for higher value discrimination claims does not appear to be consistent with the requirements of EU equality law. The TUC has also pointed out that the fees proposals are indirectly discriminatory and the mitigating measures, including the remissions policy, do not make the policy a proportionate means of achieving a legitimate aim.

Despite widespread opposition the Government are pressing ahead with introducing the required regulations in order to institute charges and it is likely that Employment Tribunal charges will be introduced by July 2013.

13. STATUTORY DISCRIMINATION QUESTIONNAIRE PROCEDURE

Although the TUC has campaigned against the abolition of statutory questionnaires and provided the government with examples about how its use has avoided employers being drawn into costly litigation it is likely that the questionnaires will be abolished as part of the Enterprise and Regulatory Reform Bill.

The Government has tabled an amendment in the Enterprise and Regulatory Reform Bill to repeal the statutory procedure for obtaining information to support discrimination proceedings in s.138 Equality Act 2010. This procedure has been a vital part of ensuring access to justice for victims of discrimination since our first Sex Discrimination and Race Relations Acts were passed more than 35 years ago. Legislators back then understood just how difficult it would be for an individual to enforce their rights without access to information about how others were treated in a similar situation or statistics on the impact of policies or practices on different groups. This is information that the employer holds.

The importance of the questionnaires in ensuring justice for individuals is recognised by the courts and tribunals too. If an employer fails to respond or gives evasive answers to one of these questionnaires, a tribunal may take this failure or evasion into account and shift the burden of proof onto the employer, requiring them to prove that no discrimination has occurred.

In trade unions' experience these questionnaires help individuals' access evidence at an early stage, which leads to an early clarification of the issues and if the case proceeds to tribunal, greater efficiency in the tribunal proceedings. The questionnaires have the added benefit that they prevent claims going to tribunal because they often lead to early settlement of any potential claim or they produce evidence that shows discrimination was not actually the reason for the individual's treatment.

Without the questionnaires, an individual who suspects they have been discriminated against will have to institute formal proceedings before they can seek disclosure of documents from the employer. But from summer 2013, it will cost £250 to issue a discrimination claim and a further £950 for a hearing. Many victims of discrimination will never bother to seek justice and this will give unscrupulous employers a green light to discriminate at will.

14. TUC EQUALITY AUDIT

The TUC Equality Audits began in 2003, following a rule change adopted by Congress in 2001, which was recommended by the TUC's Stephen Lawrence Task Group. This made it a requirement of affiliation to the TUC for a union to have a clear commitment to promote equality for all and to eliminate all forms of harassment, prejudice, and unfair discrimination, both within its own structures and through all its activities, including its own employment practices.

The 2012 TUC Equality Audit focussed on trade union efforts to progress equality through collective bargaining in the period 2009-2012. The Audit found that:

- A majority of unions expressed the view that it had got harder to negotiate and make progress on equality issues at work.

Report of the Race Relations Committee 2012-2013

- Almost half of unions had produced guidance that would help their negotiators defend equality against cuts, workforce restructurings etc.
- Two in five unions said they had examples of equality policies being diluted – common examples included flexible working arrangements or reasonable adjustments being withdrawn or harder to get.
- Despite the tough environment, unions were still making progress in some workplaces and two in five unions (15) said they had reached new agreements with employers on issues affecting BME workers since 2009.
- PCS and NASUWT had successes in getting agreements not permitting membership of far right organisations.
- Five unions reported they had reached agreements on positive action measures to address the under-representation of BME workers e.g. between Prospect and National Power Grid.
- Three unions had succeeded in getting more employers to monitor BME workers' access to employment, training and promotion opportunities including Unite's agreement with BMW.
- Eight unions had reached new agreements with employers on migrant workers including USDAW with Keystone Distribution, Unison with Veolia and Unite with DHL ensuring ESOL courses for agency workers.

The TUC has been exploring way to encourage affiliates to make greater use of the Equality Audit and has held meeting with trade union equality officers to explore the outcome of the audits in more detail and to discuss ways that the auditing process can be improved. As a result of these discussions the TUC is considering the establishment of a steering group to oversee and comment on future draft audit reports, asking unions as part of the audit if they can show the impact of their equality structures and practices and presenting the results of the audit in a different way at TUC Congress.

15. DIPAK RAY

The Race Relations Committee felt that it was important to acknowledge the role of past activists from the Committee when they died. This was the case with Dipak Ray, a former member of the Race Relations Advisory Committee who died in late April this year aged 82. He had been a GP in South Wales who was among the pioneers of patient involvement in the running of surgeries. He was also heavily involved in medical politics and campaigning against racism.

Dipak represented the radical Medical Practitioners' Union on the British Medical Association's general medical services committee from the early 1970s to the late 80s. He had a regular column in the magazine Doctor and wrote for Tribune. He was one of the first doctors to state publicly that there was racism in the medical profession. He was also a prominent member of the Association of Scientific, Technical and Managerial Staffs and a TUC delegate for many

years, where as a member he moved motions on healthcare. In 1974, for instance, he demanded an end to private treatment in NHS hospitals.

He was a leading member of the TUC's Race Relations Advisory Committee and Equal Rights Committee and instrumental in campaigning for affiliates to negotiate the inclusion of equal opportunities policies in main collective agreements.

He was part of a delegation that visited St Paul's, Bristol after the riots 1980 to gather information on the causes of the disturbances for the TUC and worked closely with Bill Keys the Chair of the Advisory Committee. He was also heavily involved in the creation of the first TUC Charter for Black Workers in 1980 and encouraged the TUC and affiliates to print materials in different languages to communicate and encourage black workers to join trade unions

Dipak was a dedicated anti-racist campaigner, taking part in marches, running educational sessions on racism and becoming a Commissioner on the Commission for Racial Equality. It was in this capacity that he became involved in the controversy concerning Salman Rushdie's novel *The Satanic Verses* (1988). Dipak argued that further copies should not be printed, but that the book should not be banned. As a result, he received threatening phone calls.

Dipak was one of a number of leading black trade unionists that have played an important role in advancing the TUC and trade union policies and campaigns on race equality since the 1970s. However, because of the lack of research in the UK into the history and activities of black trade unionists there are not public records that can be referred to that would enable the Race Relations Committee to acknowledge the achievements of its leading activists and highlight their contributions in circumstances such as these.

The Committee identified that there is no single place where the history of the Race Relations Committee can be easily accessed, although minutes and documents of all TUC Committees are kept in the TUC archive at Warwick University. The committee recognised that there were skills among black trade unionists that could be used to do this, including a number of academics and journalists who were interested in documenting the history of black trade unionists and decided to explore how their interest could be utilised.

16. BLACK TRADE UNION ORAL HISTORY PROJECT

The TUC has been involved in attempts to establish a black trade union oral history archive over a number of years. An initial collaboration between the TUC Working Lives Institute and the Workers' Education Association (WEA) resulted in a small London based pilot project being run in 2002. The project was led by the WEA after being publicised through the TUC Black Workers' Conference and the Race Relations Committee and resulted in 10 interviews being completed.

Report of the Race Relations Committee 2012-2013

In December 2012 the General Council that it agreed a recommendation from the Race Relations Committee that the TUC should be the lead institution in a bid to the Heritage Lottery Fund for the establishment of a Black Trade Union Oral History Project and that the Race Relations Committee should be involved in an advisory group established to oversee the project if the bid is successful.

The Black Trade Union Oral History (BTUOHP) project aims to create a digital archive of the lives and experiences of African, Afro-Caribbean and Asian trade unionists (hereafter referred to as 'black'), throughout England and Wales from 1948 onwards. Black trade unionists have played an important and active part in the British trade union movement and in wider society. However, very little of this history has been documented, and much of what is known is not easily accessible. By giving black trade unionists an opportunity to document their experiences in their own words, this project will validate their testimonies and facilitate a more rounded understanding of the contribution of black workers to the British Trade Union movement. There is no primary source material available of this nature- this group of workers will remain hidden from history unless and until their narratives are recorded.

A team of trained oral historians will interview and record for posterity the testimonies of c200 black trade unionists in the UK covering the main industries in which black men and women worked throughout the UK during the second half of the 20th century. They will solicit from the interviewees any visual material (pictures and documents) the latter thinks illustrates their narrative. The taped interviews together with visual material, will be digitised, conserved, catalogued, transcribed and deposited in the TUC Library Collections at London Metropolitan University thereby creating a unique open access primary source.

Research findings will be disseminated in a more popular format via pamphlets and educational materials for use on trade union courses, courses run by black organisations, the WEA and schools. In particular the project will seek to capture the experiences of older black workers of the 'Windrush' (1948) generation. A dedicated and inter-active website will be created which will use, with the owners' permission, the visual images collected during the interviews. It is hoped to secure initial funding for a 3 year period which will pay for the recruitment of staff, interviews, equipment, overheads, outreach through pamphlets, exhibitions and a website.

The BTUOHP initiative has a very good prospect of securing substantial funding through the Heritage Lottery Fund (C£600-700K) and thorough academic funding sources to establish a trade union oral archive. The establishment of an archive would represent a major achievement in making available source material for trade unions academic and students to study and understand the important role played black trade unionists in UK trade union history and as political and community activists.

The Race Relations Committee believes that disseminating this history is crucial for promoting an understanding of the achievements of black trade unionists and the role that they have played in building the black communities and in demonstrating the relevance of trade unionism to a new generation of young black workers who are exploited and marginalised in the current economic climate.

17. UNITED FRIENDS AND FAMILIES CAMPAIGN

The United Friends and Families campaign (UFFC) was formed in 1999 and arose as a coalition of families of people who have died in police custody, prisons and psychiatric hospitals and have not received justice. The campaign works closely with INQUEST and was keen to highlight the disproportionate numbers of black deaths in custody. They had also identified that the number of deaths was higher than the official statistics, which only identified those deaths that had taken place once a person had been taken into custody.

Trade unions have been involved in supporting a number of the campaigns of families involved in UFFC over the years. UNISON was very active in supporting the Roger Sylvester Campaign as Roger was an active UNISON member and steward. More recently the RMT organised a meeting with UFFC at friends meeting house which saw over 100 people hear from the families of Christopher Alder and Sean Rigg.

The UFFC is keen to work with black trade Unionists and has recently appointed Lorna Campbell to work as the trade union co-ordinator on behalf of the campaign. They had also identified a need to develop a political strategy to take the campaign forward and were keen to involve trade unions more closely with the campaign.

The campaign was also concerned that in any enquiry or inquest process police officers were provided with representation with money provided through public funds, but that victims' families were left without any access to legal aid or financial support in order to pursue justice. The UFFC were looking at ways to generate more media coverage about deaths in custody and were exploring fundraising options as the organisation had never been funded.

There had been a question as to whether to continue the annual memorial march because of the drop in numbers attending the event. However, UFFC had decided to continue to organise this event as it was a way to mobilise people around the campaign and because of its symbolic role in the campaign. The next march would be on 20 October 2013 and UFFC were exploring ways to maximise attendance and support for the march.

The TUC Race Relations Committee had agreed to support the march and has given a commitment to bring at least 20 people from each union represented on the committee to the 20th October UFFC memorial march.

Report of the Race Relations Committee 2012-2013

18. Committee Attendance

Name	05/07/12	04/10/12	29/01/13	08/03/13
Pav Aktar	x	x	x	x
Dotun Alade-Odumodu	✓	x	✓	✓
Indira Bhansali	✓	✓	x	x
Gargi Bhattacharyya	✓	✓	x	x
Freddie Brown	✓	✓	✓	x
Lorna Campbell	✓	✓	x	✓
Michelle Codrington-Rogers	x	✓	✓	x
Mark Clifford	x	x	x	x
Collette Cork-Hurst	✓	x	✓	✓
Tony Dale	n/a	n/a	x	✓
Mark Dickinson	x	x	x	x
Floyd Doyle	✓	✓	✓	✓
Sarah Guerra	✓	x	x	x
Sharon Harding	✓	x	x	x
John Hannett	x	x	n/a	n/a
Billy Hayes	x	x	x	x
Zita Holbourne	✓	✓	✓	✓
Betty Joseph	✓	x	✓	✓
Maureen Loxley.	✓	x	✓	✓
Leslie Manasseh	✓	x	✓	✓
Fern McCaffrey	✓	✓	x	x
Gloria Mills	✓	✓	✓	x
Michael Nicholas	✓	✓	x	x
Faisal A Qureshi	x	x	x	✓
Tim Poil	x	x	x	x
Eleanor Smith	x	x	✓	x
John Smith	x	x	x	x
Amerjite Singh	✓	✓	✓	x
Sajid Shaikh	n/a	n/a	✓	✓
Mohammad Taj	✓	✓	✓	✓
Nazerin Wardrop	x	✓	✓	x

Code: ✓ = attendance x = non attendance n/a = not applicable

Note: It is not possible to list all the reasons for absence but it should be noted that reasons given are work commitments, union business and sickness.



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