

***TUC LGBT
Conference
2009***

***Agenda
Committee
Circulation***

TUC LESBIAN, GAY, BISEXUAL AND TRANSGENDER CONFERENCE 2009

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MOTIONS AND AMENDMENTS

1 SINGLE EQUALITY ACT: LGBT EQUALITY

Conference congratulates the TUC and affiliate unions on positive campaigning on the Single Equality Act and believes that the Act must deliver full and equitable protection for LGBT people.

Conference welcomes proposals to introduce a single equality duty on public bodies to include the promotion of equality for LGBT people in policy making, service delivery and employment in line with the current duties on Disability, Gender and Race.

Conference believes however, that extending the duties will not guarantee change, as experience has shown that compliance with the current duties is at best patchy and that we cannot afford to be complacent.

Conference considers that the Act and any guidance on the single equality duty must not allow public bodies the flexibility to continue to operate a hierarchy of equality rights, and agrees that allowing public bodies to be 'selective' or to 'target' is unlikely to see progress for the LGBT community.

Conference calls upon the TUC and affiliates to campaign to ensure that the single equality duty is equitable for LGBT people, and made subject to robust compliance and enforcement mechanisms and that the economic crisis is not used to justify the limitation or reduction of LGBT rights and freedoms.

Public and Commercial Services Union

Amendment

In paragraph 2, line3, after "Race." insert: "Conference calls upon the TUC to lobby to ensure that this duty applies as widely as possible across public, private and third sectors, including contracted out, outsourced services and private sector companies involved in service provision."

NASUWT - the teachers' union

2 EQUALITY REPRESENTATIVES AND LGBT MEMBERS

Conference welcomes work carried out by equality representatives to collect and collate evidence from LGBT workers to pursue and further the campaign for LGBT equality.

Conference notes the work at the Oldham NUT association with other NUT associations in the North West region in seeking to obtain evidence of discrimination in order to engage employers and local authorities in developing collective solutions.

Conference believes that it is vital to engage union members, in all workplaces, in campaigns to identify and oppose homophobia and transphobia.

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Conference further believes that affiliate unions need structures and processes in order to encourage representation of LGBT members at all levels of representation and policy making.

Conference instructs the TUC LGBT Committee to consider the findings of the Union Modernisation Fund's equality representatives projects carried out by affiliates, and to develop recommendations on how:

- i) to effectively involve LGBT members in unions;
- ii) unions can involve all members in campaigns for LGBT equality; and
- iii) equality representatives can support the campaign for LGBT equality in the workplace.

National Union of Teachers

Amendment

Insert new paragraph 6, at end:

“Conference also calls on the TUC/affiliates to encourage the election of more trans union equality representatives and to ensure all union equality representatives:

- a) prevent discrimination and harassment of trans members;
- b) raise awareness and promote trans equality in the workplace; and
- c) provide support for trans members

Unite the Union

3 EQUALITY REPS

Conference acknowledges the work of trade unions, the TUC and Government in recognising, developing and supporting the work of reps in the workplace with a specific role of progressing equalities issues. Many unions have specific equalities reps - in the FBU these roles are often covered by the Equality Sections reps, including officials of the National Gay and Lesbian Committee.

One barrier these reps constantly have to overcome is the lack of facility time provided by our employers.

Disappointingly, proposals in the Single Equality Bill fail to provide equality reps with legislative provision of time off to conduct their duties, similar to that of health and safety and union learning reps.

Conference calls on the TUC and affiliates to develop a campaign to bring about change by the Government to implement the required change to legislation that facilitates paid time off to carry out their duties - a report on progress to be provided back to Conference 2010.

Fire Brigades' Union

4 EQUALITY RIGHTS

Conference welcomes statements made by the TUC recognising the need to ensure that equality rights do not suffer in the present financial and economic climate.

Conference also recognises the efforts of the TUC in promoting workplace equality representatives.

Conference calls on the TUC to continue to raise with affiliated trade unions the potential challenge to equality rights in general and LGBT rights in particular, and to continue to press for workplace equality representatives to be given statutory rights.

Of particular concern is that rising unemployment may allow discriminatory practises to be re-established in areas such as recruitment, selection for redundancy, and allowing time off for health care, the latter being of particular concern to trans employees.

Prospect

5 LGBT AGENDA BEYOND LEGAL RIGHTS

Conference recognises equality gains made in recent years through pursuing a legislative agenda. However, history tells us different stories about the relationship between LGBT people and the law.

Conference calls for the TUC to work beyond legislation and through a broad-based LGBT history month event, identifying the areas where key liberation campaign issues have not been realised. The event must have an anti-assimilation agenda challenging the patriarchal structure of society, and heteronormative assumptions behind settling for legal rights such as civil partnerships. The event should focus on diversity within the LGBT communities and difference to heterosexual cultural norms. A formal report of proceedings should be published to inform continued work within the TUC and individual unions.

Furthermore, Conference calls on the TUC to reflect difference within LGBT organising by allocating a session for each separate strand to identify their own issues within the main TUC LGBT Conference agenda starting with Conference in 2010.

University and College Union

6 CAMPAIGNING FOR FULL LGBT EQUALITY

Since coming to power in 1997 the Labour Government has done more to advance LGBT legal equality than any other government. Conference recognises the crucial part trade union campaigning played in making this happen. In the run up to a general election it is important to remember not to take this progress for granted – a change in government would undoubtedly see hard-fought for rights eroded.

But the dramatic improvement in legal rights for LGBT people has not been mirrored by an equally dramatic improvement in social attitudes. Yes, progress has been made but we still have a long way to go. Prejudice, homophobia and transphobia are still a daily reality for far too many of our LGBT members. Perhaps the biggest challenge for the trade union and labour movement today is how to bring about a change in attitudes that corresponds to the change in legal rights.

Conference asks the TUC to:

- i) continue to support affiliates in the work they are doing to challenge homophobia and transphobia; and
- ii) be vigilant against any attempt to erode existing civil and legal rights for LGBT workers.

Union of Shop, Distributive and Allied Workers

Amendment

In paragraph 2, line 3, after “homophobia” insert “, biphobia”.

In sub-paragraph i, line 2, after “homophobia” insert “, biphobia”.

Delete “and” at end of sub-paragraph, and renumber ii) as iii).

Insert new sub-paragraph ii):

- “ii) research the particular issues surrounding biphobia in the workplace and the experiences of bisexual members, in order to raise the profile of this aspect of sexual orientation equality and report to LGBT Conference 2010; and”.

Prospect

7 NON-DISCRIMINATION IN PUBLICLY FUNDED SERVICES

Conference notes widespread media coverage of a 2008 ET suggesting registrars need not conduct civil partnerships if that contravened their religious beliefs. Conference regrets that the subsequent successful appeal did not receive anything like the press coverage, and neither have other cases with similar outcomes.

Conference believes that:

- i) freedoms may be limited to protect the rights and freedoms of others;
- ii) human rights need to balance the rights of individuals, groups and society; and
- iii) unions must increase awareness that the Religion and Belief Regulations do not justify anti-LGBT conduct in work or service delivery.

Conference notes with concern that staff in faith-based voluntary-aided schools may be discriminated against on faith grounds and whether their conduct accords with the school's ethos. This can impact negatively on young LGBT people and those from LGBT families.

Conference calls on the TUC to:

- a) campaign vigorously for all public services to be based on the principle of non-discrimination and access for all;
- b) publicise legal provisions and human rights based approaches to promote equality for LGBT service users and workers; and
- c) lobby for all state-funded schools to have recruitment and employment policies that do not discriminate on grounds of religion and belief.

Unison

8 FAITH AND HOMOPHOBIA

Conference is extremely concerned with the growing number of legal cases where faith commitment is used as justification for challenges on the equal provision of goods and services to LGBT people. Recent cases include that of Lillian Ladele, registrar in the London Borough of Islington; and the case of the marriage counsellor for Relate, Gary MacFarlane. These cases were all backed by Christian groups who have used the cases to assert the primacy of religious identity over LGBT rights.

Conference agrees that this undermining of LGBT rights needs to be challenged in the strongest possible way. We support the ongoing campaigning work of the TUC LGBT Committee in the area including their involvement in the Faith, Homophobia, Transphobia and Human Rights Conference 2009. We welcome continuing dialogue between LGBT trade unionists and LGBT faith organisations.

Conference therefore urges the incoming TUC LGBT Committee to ensure that a robust campaign is devised in alliance with progressive secular and progressive faith organisations to defend the implementation of our equal rights to goods and services legislation. These attacks on our rights from faith based homophobic and transphobic organisations must be challenged.

Communication Workers' Union

9 CIVIL PARTNERSHIPS

Conference is disappointed that the British Government last year made legal submissions to the European Court of Human Rights arguing that Austria should not have an obligation to allow same-sex couples the right to enter into civil partnerships.

Conference welcomes the decision, however belatedly, to withdraw such arguments which called into question the Government's commitment to LGBT rights, its commitment to equality in general, and put up barriers to attempts to equalize rights across the EU.

Conference therefore recognises the continued need for the TUC to:

- i) remind the Government of its commitment to LGBT rights both here and throughout the EU, through continual campaigning, and
- ii) work with trade union organisations in the EU to help secure the rights for LGBT people in all EU member states.

Transport Salaried Staff's Association

Amendment

Insert new sub-paragraph iii):

- “iii) support and campaign to improve legislation to bring in full legal equality between civil partnerships and civil marriage and to fully recognise legal partnerships and civil marriage entered into in other EU and other countries.”

FDA

10 LGBT WORKERS' DIGNITY AT WORK AND THE RECESSION

Conference recognises now more than ever, dignity and respect is at the top of the agenda for LGBT workers. Reports have highlighted LGBT discrimination, and show that non-discriminatory environments motivate LGBT workers, promote well-being, and mental health.

Conference is concerned that recession will further impact on financially overstretched LGBT organisations, when increased support/advice is needed. Organisations were already facing cuts and undermined by scarcity of demographic information demonstrating demand.

Large-scale job losses mean LGBT workers can face discrimination and unfair redundancy selection.

Conference calls on TUC /affiliates to:

- i) ensure unions prevent employers from using the recession to target LGBT workers;
- ii) negotiate LGBT equality on bargaining agendas, and ensure all workplace and union practices/policies are LGBT inclusive;

continued opposite

- iii) campaign for better legislation tackling discrimination and unfair redundancy selection;
- iv) gain assurance from government that any measures/schemes it intends to implement nationally, regionally, or locally do not adversely affect funding for equality activities within the not-for-profit sector;
- v) make all officers/activists aware of how to recognise and combat discriminatory practices; support training for workers and managers;
- vi) produce a “Dignity and Respect for LGBT workers” dvd, to be shown at Congress and elsewhere; and
- vii) include LGBT workers in TUC Recession Reports.

Unite the Union

11 LGBT IN THE WORKPLACE TODAY

Conference asks the TUC to put pressure on the Government to encourage all workplaces to become more diverse, especially in light of the increase in Government funding in certain sectors of the industry.

Recent studies have shown an increase in bullying of LGBT members and the Government need to ensure that:

- i) all workplaces have innovative and creative ways in which employers can support and protect their LGBT staff from unlawful harassment; and
- ii) introduce initiatives to encourage employers to work with their suppliers to ensure they apply the same working practices within their workplaces.

Accord

12 SEXUAL ORIENTATION MONITORING BY PUBLIC BODIES

Currently a number of public bodies which invest significant sums of money in cultural production do not monitor sexual orientation in terms of output or employment. In the absence of data, public bodies funding cultural production are able to ignore their duty to ensure that LGBT sub-cultural productions form part of the larger British cultural product. This will be particularly relevant when the UK hosts the Olympics in 2012.

Monitoring sexual orientation is an issue that needs to be handled extremely sensitively, since many LGBTs themselves fear the consequences of monitoring.

Conference calls on the TUC LGBT Committee to develop guidelines on equal opportunities monitoring of sexual orientation, with a particular focus on monitoring by public bodies in receipt of public money.

Equity

13 SUPPORTING LGBT PEOPLE IN THE WORKPLACE

Conference congratulates those employers who were listed in the Stonewall Top 100 Employers Index 2009. The Stonewall index tracks the impact of workplace culture on gay, lesbian and bisexual employees and is regarded as a key barometer of diversity practices.

Conference is concerned that the public sector organisations' performance in the index was comparatively poor. In particular the NHS, the largest employer in the UK responsible for the employment of over 1 million public sector workers, performed badly with only one NHS employer making it into the Stonewall top 100 list.

Conference calls on the TUC to work with Stonewall and public sector affiliates, including health sector unions to:

- i) raise awareness of the benefits to organisations of applying for inclusion in the Stonewall Index as a means of confirming their commitment to improving employment for LGBT people; and
- ii) bring greater pressure to bear on public sector organisations, particularly NHS employers, to improve their working practices and create more supportive workplaces for LGBT staff.

Chartered Society of Physiotherapy

Amendment 1

In paragraph 1, lines 1 and 2, delete first sentence.

In paragraph 1, existing line 2, after "Stonewall" insert "Top 100 Employers"; and in existing lines 3 and 4, delete all after "employees" and insert a full stop.

In paragraph 3, line 1, delete "to work with Stonewall".

Delete existing sub-paragraph i) and insert:

- "i) develop robust procedures for the assessment of employers diversity practises concerning sexuality and gender identity;"

Insert new sub-paragraph ii), and renumber existing ii) as iii):

- "ii) meet with Stonewall to discuss their relationship to the trade unions in sectors covering the Top 100 Employers Index;"

Insert new sub-paragraph iv):

- "iv) identify appropriate ways of measuring the impact of workplace culture on transgendered employees."

Communication Workers' Union

Amendment 2 - see opposite

Amendment 2

In paragraph 1, line 4; after full stop insert: “However, Conference notes criticisms that the index does not reflect shop-floor reality or recognise trade unions.”

In paragraph 2, line 4, delete full stop and insert: “; though as employers opt-in to the index, absence does not necessary equal failure.”

In sub-paragraph i), line 3, before semi-colon insert: “provided Stonewall acknowledges unions’ role in measuring and delivering equality,”; and in line 3, delete “T”.

In sub-paragraph ii), line 3, delete “T” and insert “and trans”.

Unison

14 IMPACT OF HOMOPHOBIC BULLYING ON VOCATIONAL CHOICES

Conference recognises that homophobic bullying is strongly related to dominant male and female identities that rely on heterosexuality as the norm. Children develop ideas about the roles of men and women from an early age. These ideas are linked to gender stereotypes that underpin the binary and exclusivist construction of masculine and feminine identities.

Conference also acknowledges that the need to ‘fit in’ by conforming to dominant expectations of masculinity and femininity is extremely important to children and young adults. Decisions about subject choices at school, vocational learning and future careers remain strongly influenced by gender stereotyped attitudes and assumptions. Those who do not conform to established gender expectations are often the recipients of homophobic bullying and abuse.

Conference therefore calls on the TUC and its affiliated unions to:

- i) take every practical means to raise awareness of the impact of a heterosexist culture which supports narrow and stereotypical notions of ‘masculinity’ and ‘femininity’ upon subject and career choices from an early age; and
- ii) lead a campaign against the manifestations of heterosexism in vocational/post-16 choices and opportunities and the homophobic bullying that can result.

Association of Teachers and Lecturers

15 HATE CRIME

Conference is extremely concerned that few homophobic incidents are reported to the police. The Homophobic Hate Crime Gay British Crime Survey 2008 reported seven in ten victims of homophobic hate incidents did not report them to anyone - the main reason because they happen too frequently. Even some of the most serious incidents, such as physical assault, are not reported.

Although seven in ten hate incidents involved homophobic abuse, 40 per cent of victims did not report them because they did not believe that what they had experienced was serious enough.

In addition the survey showed existing services for the reporting of hate crimes were vastly inadequate as they are not available 24 hours a day.

Gaining the confidence of victims and witnesses and providing support should be at the heart of any solution to tackle hate crimes.

Conference instructs the TUC LGBT Committee to:

- i) pursue the implementation of a national confidential 24 hour Hate Crime reporting line with the home office, police authorities and with charities such as Stonewall; and
- ii) report back to TUC LGBT Conference 2010 on the progress being made.

Associated Society of Locomotive Engineers and Firemen

16 HATE CRIMES

In the light of the homophobic murder of Community union member, Jeff Akers, 2008 and the levels of homophobic violence and abuse identified by Stonewall in The School Report (2007) and The Gay British Crime Survey (2008) this Conference recognises the need to combat homophobia in society through an ongoing campaign of full engagement with all sectors of society but especially in schools, in the workplace and in sport.

Conference notes the excellent work undertaken by teaching unions in schools and the positive impact made by the No Outsiders project. We also note the recent ground rule change introduced by the Football Association in prohibiting homophobic chanting.

Conference notes that these are just the starting points and recognises that messages against homophobia should be embedded within society.

Conference calls upon the TUC LGBT committee to identify good practice in the promotion of inclusive and anti-homophobic messages and to:

- i) sponsor a national seminar or conference to raise awareness of homophobia, inviting delegates from the workplace, from education and from sport; and
- ii) sponsor an accessible series of publications across the union movement that challenge homophobia and hatred.

Community

17 HOMOPHOBIA IN SPORT

Conference deplores the fact that the LGBT community is under-represented in the world of sport due to prejudice, discrimination and cultural barriers. In the 2008 Beijing Olympics there was only one 'out' gay male competitor and ten women who were 'out' as either lesbian or bisexual - which is less than 0.1 per cent of contestants.

Conference condemns the reluctance of the sports authorities to challenge the barriers faced by LGBT sportspeople, as evidenced by the continuing omission of sexual orientation from the UK Equality Standard for Sport established in 2004.

Conference therefore calls on the TUC to:

- i) support and publicise the annual Pride Games;
- ii) extend the scope of the TUC 'Fair Play' campaign to include all aspects of equality; and
- iii) lobby Government, UK Sport and the International Olympics Committee to challenge LGBT-related inequality.

NASUWT - the teachers' union

Amendment

Insert new paragraph 2:

“Conference welcomes the recent PFA statement and supports the unions in sport to challenge homophobia as an industrial issue.”

Insert new sub-paragraph iv):

- “iv) build on and co-ordinate a joint campaign with the unions in sport on challenging homophobia and promote LGBT equality in the run up to the Football World Cup and other major sporting events.”

Community

18 AGAINST RACISM AGAINST HOMOPHOBIA

Conference notes the British National Party's success in the London Assembly elections in 2008 in winning a seat, their campaign to win a seat at the Euro Elections in 2009 and their intention to run for the parliamentary seat of Dagenham and Rainham at the next General Election.

Conference further notes that while social democratic parties have failed to assuage the rise of the BNP, a prolonged economic recession could be the BNP's life-support machine.

Conference believes that the broadest public coalition is needed to stop the rise of the BNP and to stop them making a breakthrough into mass politics achieved by the far right throughout Europe.

Conference resolves to:

- i) continue to use whatever appropriate methods available to stop the BNP and actively campaign against them whenever and wherever they appear;
- ii) resist moves by the Mayor of London to derail anti-racist initiatives;
- iii) wherever the BNP have been elected, to publicly discredit them; and
- iv) to campaign for the political isolation and expulsion of fascists from trade unions.

GMB

Amendment

Insert new paragraph 1:

“Conference recognises that the BNP is homophobic, sexist, racist and fascist.”

Insert new sub-paragraphs i), ii) and iii), and renumber existing i) to iv) as iv) to vii):

- “i) encourage affiliates to include in all anti-BNP materials that the BNP is homophobic and sexist as well as racist and fascist;
- ii) work with Unite Against Fascism, Searchlight and other organisations to expose BNP's homophobia and sexism;
- iii) recognise the pivotal role of school staff in anti-racist, anti-sexist and anti-homophobic education.”

National Union of Teachers

19 STOP DEPORTATION OF LGBT FOREIGN NATIONALS

Each year the UK deports lesbian, gay, bi-sexual and transgender people back to countries that are known to have regimes that commit human rights atrocities towards their LGBT citizens. Some such as Iran have publicly executed their LGBT citizens, often after horrendous state-approved torture, rape and beatings. Recently two Iranian teenage boys aged 16 and 17 were tortured and then hanged as an example to others; followed by an 18 and 20 year old. Many other gay, lesbian and bi people are forced by the Iranian state to choose between gender re-assignment (often referred to as a sex change) or execution.

As long as the UK deports LGBT people back to countries like Iran we all have a hand in the fate of people like those two boys mentioned above.

The deportation of yet another Iranian teen was deferred by Jacqui Smith earlier last year, following a public outcry and the issue having been raised in the European Parliament by Jean Lambert MEP (Green Party).

Conference calls on the TUC to launch a campaign to press PM Gordon Brown and the UK Government to stop deporting LGBT foreign nationals to countries that perpetrate human rights abuses towards LGBT people.

National Union of Rail, Maritime and Transport Workers

20 CORRECTIVE RAPE OF LESBIANS IN SOUTH AFRICA

We would like to bring to the attention of Conference the recent Action Aid report which details the horrific situation in South Africa, where there is a shocking rise in “Corrective Rape” against lesbian women in an effort to ‘cure’ them. This practice, in which men rape lesbian women in an effort to ‘cure’ them of their sexual orientation, is horrific and must be stopped.

The report further states that, *“Support groups in Cape Town say that they see ten new cases of ‘corrective rape’ every week and that it is even more widespread around the rest of the country”*.

We recognise and applaud that South Africa’s constitution recognises the rights of gay and lesbian people. However, the fact that 31 lesbian women have been murdered in homophobic attacks since 1998, with only two people going to trial and only one being convicted, demonstrates that there is a clear problem within the South African Judicial System.

Nobody deserves to be raped and being a lesbian is not something that can be ‘cured’. Corrective rape must be deemed a hate crime and any perpetrators must be brought to justice.

Conference to urges the TUC and all constituent trade unions to widely publicise and support this campaign, which can be viewed online at <http://www.thepetitionsite.com/takeaction/516925943> .

POA

21 GUARDING AGAINST HOMOPHOBIA IN THE MEDIA

Conference condemns the recent homophobic reporting concerning the return of Lord Mandelson to Government. Conference affirms that regardless of political belief or office, no-one should be subjected to snide comments or references to their sexuality.

Conference deplores reports such as those in the Daily Telegraph which claimed that “*Lord Mandy*” enjoys the “*reassuring daily company*” of his “*handsome Brazilian boyfriend*” and comments from The Guardian claiming Lord Mandelson had “*sashayed back into the Cabinet*”.

Such reporting reinforces intolerance and reaffirms hatred and inequality in our wider society, impacting negatively on the number of talented LGBT people who may seek posts in the public eye. This is confirmed by the homophobic bile which accompanied Lord Mandelson’s Cabinet return on numerous internet blogs.

Conference calls on the TUC to campaign against the pernicious rise in homophobic reporting which threatens our march towards equality. Further, Conference calls on the TUC and its affiliates to investigate whether such instances of reporting could be legally challenged under the provision of goods and services regulations.

National Union of Journalists

22 CURING HOMOSEXUALITY?

Conference is extremely concerned about the recent research which found that 1-in-5 therapists - many of whom work in the NHS - had tried to ‘cure’ homosexual patients. Homosexuality is not a mental disorder and it is abhorrent that it should be treated as such.

Conference also notes that denying the rights of gay, lesbian, bisexual and transgender people the right to self determination is not confined to the health sphere. Many vulnerable LGBT people in education, welfare, criminal justice and other public services also face this type of oppression regarding their identity.

It is categorically wrong for those public servants in a position of power to use their own private beliefs to negate their professional responsibilities. This is causing harm to the most vulnerable members of our community.

Conference therefore calls upon the TUC to gather evidence of where this has occurred and pressure the Government to introduce robust guidance for all public bodies. This should include support for complainants.

Napo

Amendment

In paragraph 4, line 3, before full stop insert: “and the use of appropriate sanctions where this practice is identified.”

Napo