
Decisions of 2008 Congress

Congress Decisions 2008

Listed below are the decisions taken by the 2008 Trades Union Congress on the motions and amendments submitted by unions.

The numbers given to resolutions and motions refer to their number in the Final Agenda, or to that of the Composite or Emergency Motion.

This document also includes the General Council statement on the economy and the result of nominations and elections to the General Council and General Purposes Committee for the Congress Year 2008 - 2009.

Resolutions Carried

7 Attacks on trade union rights

Congress again calls for the repeal of the anti-trade union laws.

Congress is appalled that the recent Viking, Laval and Ruffert judgments in the European Court of Justice are a fundamental attack on collective bargaining and the right to strike, representing the most serious attack on trade unions since Taff Vale.

The unelected judges of the EU, using the 'free movement' provisions, have disembowelled the concept of social Europe and undermined the ability of unions to protect workers. The Lisbon Treaty would exacerbate these attacks by handing greater powers to the ECJ to interpret disputes concerning the Charter of Fundamental Rights.

In the UK these rulings add to the restraints of thirty years of anti-trade union laws, which have massively reduced collective bargaining coverage and, in turn, have contributed to dramatic increases in inequality.

Congress believes there is an urgent need to campaign strenuously for restoration of the fundamental human right to strike, recognised but overridden in the ECJ cases, and for the introduction of the Trade Union Freedom Bill.

Congress welcomes the General Council's support for the United Campaign's Westminster rally last year and requests it to continue to support United Campaign initiatives with the above objectives.

Congress also demands that the General Council:

- i) organise a day of action, demonstration and lobby of Parliament;
- ii) facilitate meetings of affiliates to promote the campaign;

- iii) campaign for all ILO Conventions to be included in any new UK Bill of Rights; and
- iv) call for a European-wide day of action.

National Union of Rail, Maritime and Transport Workers

The following AMENDMENT was accepted

Insert new paragraph 5:

'Congress is further concerned that consideration was given to the use of powers under the Civil Contingencies Act against striking tanker drivers and that the same legislation has been used to justify the planning of privatised strike-breaking in the fire and rescue service under the proposals for Project Fireguard.'

Fire Brigades' Union

10 The protection of seafarers' employment in the EU shortsea trades

Congress notes with concern the continuing decline in the number of British and other EU seafarers. Congress also notes the increasing use of poorly paid crews from low-cost labour supplying areas on board many of the ships that operate in British and EU waters. Congress deplores the failure of the ship owners to agree on the proposed terms of an EU directive to regulate employment conditions in the European ferry sector. Congress therefore calls on the General Council to:

- i) support seafarer union campaigns against the exploitation of foreign seafarers in EU waters;
- ii) support the initiatives to create a 'sector of excellence' in the European shortsea trades;
- iii) support efforts to safeguard UK and EU seafarer employment and to revitalise training;
- iv) support measures to encourage operators to compete on the basis of quality rather than low cost; and
- v) lobby the UK Government and the European Commission for further measures to prevent unfair competition through discrimination on the pay and conditions of foreign seafarers.

Nautilus UK

13 Civil liberties

Congress expresses its concern at the steady erosion of civil liberties in the UK and in particular the negative impact such attacks have on members' working lives.

Congress congratulates unions who have resisted the imposition of draconian measures in the workplace and unions who have worked with civil liberty campaigners to expose the wider threat posed to civil liberties, including plans for ID cards, 42-day detention and limits on the right to protest.

Congress also expresses its grave concern at the threats to independent journalism posed by the Terrorism Act and other recent legislation. In particular, Congress condemns the threat to jail journalists such as Shiv Malik and Robin Ackroyd for protecting journalistic sources.

Congress recognises the importance of a free media in a democratic society, the essential function fulfilled by whistleblowers and the vital public interest in upholding journalists' rights not to reveal their sources.

Congress condemns attempts to use the Contempt of Court Act, Terrorism Act and other legislation to compel journalists to betray confidential sources in breach of Article 10 of the European Convention on Human Rights.

Congress urges the General Council to take a lead and work with affiliates to support legal and industrial challenges to defend civil liberties and the right of members to work free from such threats.

National Union of Journalists

The following AMENDMENT was accepted

In paragraph 3, line 1, after 'journalism' insert 'and academic freedom'.

At end of paragraph 3 add:

'Congress also condemns the use of the Terrorism Act to restrict the rights of academics and students to research and study terrorist tactics (as occurred at the University of Nottingham in May).'

Insert new paragraph 5:

'Congress also recognises the importance of academic freedom in guaranteeing a robust democracy.'

University and College Union

17 Appointment of Joel Edwards

Congress condemns Joel Edward's appointment as Commissioner to the Equality and Human Rights Commission (EHRC). Mr Edwards, General Director of the Evangelical Alliance (EA), describes gay sex and same sex partnerships as 'sinful'.

Congress is appalled that the Chair of the EHRC, Trevor Philips, took part in the selection process. The EHRC states that 'all Commissioners are appointed on the basis of their experience or knowledge of discrimination and human rights.' This statement is incongruous with Mr Edward's position. On numerous occasions Joel Edwards has made homophobic statements and continues to do so. The EA has opposed recent legislative steps towards equality for LGBT people.

Under the direction of Mr Edwards, the EA has issued public claims such as 'homosexual practice is morally wrong' and 'a behaviour choice', in submissions to House of Commons Committees.

Congress affirms that by appointing Mr Edwards as a Commissioner, any confidence that the EHRC will promote further equality for LGBT people has been deeply undermined.

Congress calls on the General Council to condemn the appointment of Mr Edwards and campaign for his immediate removal from the board of the EHRC. Congress notes that 'all (EHRC) Commissioners have a collective responsibility clause in their Code of Conduct' and calls on the General Council to ensure that Mr Edwards and his fellow Commissioners adhere to the code.

TUC Lesbian, Gay, Bisexual and Transgender Conference

18 Improving maternity pay

Congress welcomes the Government's continued support for pregnant women and working parents.

The introduction and extension of statutory rights for new parents has given trade unions a platform from which to negotiate improvements with employers.

Congress believes there continues to be an urgent case for more union, employer and government action to ensure women on maternity leave, and returning to work from maternity leave, are better protected and supported.

Congress recognises that:

- i) the flat rate of Statutory Maternity Pay (SMP) is still too low;
- ii) too many women are missing out on SMP because of the way in which entitlement is calculated. SMP is based on average earnings during a very specific eight-week period and not on contractual salary. This means women fail to qualify or qualify for a reduced amount where they have been off sick or taken unpaid or parental leave; and
- iii) women who take up their entitlement to Additional Maternity Leave have a less robust right to return to the same job as those who return at the end of Ordinary Maternity Leave.

Congress resolves to:

- a) support affiliates in negotiating improvements to company pay and leave policies for new parents;
- b) assist affiliates to make the case to the Government for improvements to maternity pay and leave regulations to ensure pregnant women and new mothers are better supported; and
- c) circulate examples of best practice where unions and employers have agreed improvements to maternity, paternity and adoption pay and leave for working parents.

Union of Shop, Distributive and Allied Workers

19 Abortion rights

Congress believes that a woman's right to choose with regards to abortion is a fundamental right. Congress believes abortion should be legally available at the request of the woman and the requirement that two doctors agree to her decision should be ended.

Congress notes that the 1967 Abortion Act has saved the lives and health of thousands of women. Congress notes that research shows that 27 per cent of PCTs have delays beyond three weeks for abortion services due to under-funding in the NHS. Congress also notes that the Human Fertilisation and Embryology Bill currently in Parliament is subject to anti-abortion amendments to reduce the abortion time limit from 24 weeks and to impose a 'cooling off' period and compulsory counselling. Congress believes such measures would have appalling consequences for women seeking abortion and assume women are not capable of making their own decision.

Congress re-affirms its support for a woman's right to choose, and believes that the debate on abortion is dominated by sensationalist reporting in the media. Congress recognises that control over whether to have children, and when and how many, is crucial to every other aspect of a woman's life, and that three quarters of people in Britain support a woman's right to make her own decision. Congress believes the law should be modernised to allow women, not doctors, to make the abortion decision, like every other medical procedure.

Congress, therefore, opposes any attempt to restrict existing legal rights, and calls on the TUC Women's Committee to:

- i) campaign amongst affiliates, and with the Irish, Scottish and Welsh Women's Committees, to defend the current legal upper limit of 24 weeks and oppose any mandatory 'cooling-off' period and compulsory counselling;
- ii) work closely with Abortion Rights UK to defend the 24-week time limit and ensure pro-choice amendments are put forward to liberalise the current legislation;
- iii) campaign for the right of workers in sexual health and abortion services to be free to work without fear of abuse or attack;
- iv) call for the extension of the 1967 Act to Northern Ireland;
- v) call for any review of current provision to recognise the need for better access to family planning services, and for improved sex education in schools; and
- vi) publish guidance and support for trade unions on workplace issues relating to access to abortion and time off for treatment.

TUC Women's Conference

20 Reclaim the Night

Congress notes the London Feminist Network organises an annual march against rape and male violence named Reclaim the Night, the existence of which dates back to the 1970s. Reclaim the Night demands that women should have the right to use public spaces without fear, and demands justice for rape survivors.

A 2005 survey found that 95 per cent of women feel unsafe on the streets at night, 73 per cent worry about being raped and almost half say they sometimes don't want to go out because they fear for their own safety.

Many female workers, including musicians, must assess whether working at night is safe. Performers, often carrying valuable musical instruments, are required to travel back to their hotel or home by foot or by public transport after the performance, and are particularly vulnerable. In many cases, a female performer may turn down work due to the possibility or fear of assault because of the time of day that they have to work.

Congress is concerned that such women find themselves at a disadvantage and resolves to support Reclaim the Night's campaign. It asks the General Council to encourage affiliates to provide opportunities for all women workers, perhaps through unionlearn, to train in self-defence.

Musicians' Union

The following AMENDMENT was accepted

Paragraph 3, line 1, after 'musicians' insert 'performers and other entertainment workers'

Add new final paragraph:

'Congress further calls on the General Council to support the availability of safe and affordable transport at all times, particularly for women workers travelling to and from a range of different workplaces, including live entertainment venues.'

Equity

21 Closing the ethnic minority employment gap

Congress welcomes the report from the National Employment Panel on race equality in the workplace published in October 2007 - see www.nationalemploymentpanel.gov.uk/work/buscom.htm. Congress notes, in particular, the conclusion that discrimination by employers accounts for between one third and half of the ethnic minority employment gap. This means that around 250,000 black workers have been denied a job because of their colour.

Congress also welcomes the proposal to encourage employers to change their behaviour using a mix of public procurement policy and the Equality and Human Rights Commission reviews, backed up by the possibility of legislation if a voluntary approach has not clearly led to improvements in race equality in the workplace by 2012.

Congress recognises the vital and unique role that trade unions can play in challenging and eliminating discrimination in employment and urges all affiliates to review their bargaining work and priorities to reflect the urgent need to close the ethnic minority employment gap.

TUC Black Workers' Conference

23 Asylum seekers and employment

Congress continues to recognise the full range of benefits brought about by the presence of migrant workers, including refugees and asylum seekers, in our society and welcomes the diversity which they bring to this country.

Congress commends the work of the TUC General Council in recent years in providing assistance, advice and support to asylum seekers and refugees, particularly in relation to the provision of English as an Additional Language (EAL) courses and other courses aimed at providing some basic information about the world of work and the role of trade unions in the workplace. Further, Congress recognises the need to maintain and enhance levels of support, particularly in relation to the provision of EAL, for all migrant families including asylum seekers and refugees.

Congress, therefore, resolves that asylum seekers should have the right to seek employment while their application for refugee status is considered and instructs the General Council to organise a campaign to secure this objective.

The Educational Institute of Scotland

24 Access to work

Congress notes the Government's consultation paper Improving Specialist Employment Services. However, the Government's current proposals will mean that in future public sector employers will no longer be able to access central funding for the costs of paying for reasonable adjustments under the Access to Work Scheme. Transferring funding liability direct to public sector employers may create an unacceptable 'postcode lottery' where special adjustment outcomes for disabled people depend too much on the individual employer's financial security. For example, in the NHS, the proposals may generate unfortunate choices where the interests of the disabled worker are pitted against budget needs for medical expenditure.

Congress is concerned that such a move will therefore reduce disabled people's employment opportunities in the public sector.

Congress:

- i) calls on public sector unions to continue to work with the TUC to monitor the impact of these changes where they have already occurred in the central government ministries and assess their likely impact if extended to cover all public sector employers;
- ii) calls upon the TUC Disability Committee to co-ordinate a national campaign to defend Access to Work, to be launched at Congress 2008 and to include a lobby of Parliament;

iii) urges all affiliates to publicise the disastrous consequences for the employment of disabled people should Access to Work be removed from the public sector; and

iv) reminds affiliates of the importance of monitoring the level of compliance among public sector employers with their disability equality duties to remove the barriers to employment opportunities for disabled people and assist the TUC's lobbying.

Congress instructs the General Council to:

a) highlight to Government that small public sector employers are less able than large private sector ones to fund necessary adjustments; and

b) campaign to ensure that public service job opportunities are not denied to disabled people through lack of Access to Work funding.

TUC Disability Conference

25 The economy

Congress notes with concern the impact on working people of high energy, food and housing costs brought about by rising global commodity prices and reckless actions over past years by the global financial sector. Congress notes that working people bear the consequences whilst those responsible in the finance sector continue to receive obscene payoffs and oil and energy companies benefit from huge profits.

Congress rejects the idea that the most vulnerable in society should pay for the failings of corporate greed and re-asserts its determination to support fair rewards in both the private and public sectors.

The extended wealth gap presided over by a Labour government cannot be morally justified whilst child poverty, low pay and inequality remain prevalent across our society. City bonuses leading to short-termism and risk have been a major contributor to the credit crunch, which has fuelled the expanding wealth gap.

Congress demands that the General Council should campaign to bring about changes to the economic strategy of the Government based on the following principles:

i) increased regulation and transparency of all financial institutions including private equity firms;

ii) a windfall tax on the huge profits of energy companies;

iii) a progressive taxation regime;

iv) the protection of income of low and middle income earners; and

v) a strategic policy to bring about a redistribution of wealth.

Unite

The following AMENDMENT was accepted

In paragraph 2, line 2, after 'and' insert:

'inefficiency, as demonstrated by billion of pounds wasted by the Tube PPP and the collapse of Northern Rock, and'

Add new sub-paragraph vi):

'(vi) the economic, social and environmental case for public ownership of utilities and services, including water, gas, electricity, coal, oil and the transport sector, and a massive extension of council housing provision.'

RMT

26 Tax justice

Congress welcomes the publication of the TUC pamphlet *The Missing Billions*, which reveals that many companies and wealthy individuals are manipulating the tax system to avoid paying £25bn in tax each year.

Congress believes this undermines the development of a more equal society, both in the UK and globally, supported by properly resourced public services.

Congress agrees that the capacity of government to collect the taxes needed to fund our public services is being eroded by arbitrary staffing cuts and office closures across Her Majesty's Revenue and Customs.

Congress condemns the Government for presiding over a tax system that enables many rich individuals and multinational companies to avoid paying their fair share while poverty and inequality increases.

Congress instructs the General Council to:

- i) develop a campaign strategy to publicise and implement those measures outlined in the pamphlet which will contribute to closing the tax gap, including supporting a public meeting that will take place at the House of Commons later this year;
- ii) make clear in campaigning that a fair and effective taxation system requires adequate staffing and resources and that this is being undermined by the Government's current cuts programme in HMRC, and to give full support to those unions campaigning against the cuts in HMRC; and
- iii) support action to make multinational companies pay in full the taxes they owe on profits made around the world - including consideration of new taxes on foreign currency dealings to raise additional money for development, since 'global problems require public solutions'.

Public and Commercial Services Union

27 Greener pastures? Poverty and social exclusion in rural areas

Congress notes that tackling poverty has been among the Government's stated core priorities for nearly a decade and that educational qualifications are a key requirement for an individual's route out of poverty.

Congress also notes that government initiatives aimed at breaking the link between poverty and low educational outcomes are targeted at urban areas with high concentrations of deprived households. Research has shown, however, that these initiatives have had only a moderate impact, that the Government is not meeting its targets and that poverty is currently increasing.

Whilst poverty and deprivation are more prevalent and visible in urban areas, Congress recognises that one in five rural households in the UK, including 700,000 children, live below the official poverty line.

The isolation and invisibility of poor rural households is compounded by the Government's excessive focus on the social exclusion of individuals and families rather than on poverty as a result of structural discrimination based on social class.

Congress calls on the TUC and its affiliated unions to:

- i) press the Government to develop coherent and all-inclusive anti-poverty policies based on a focus on social class; and
- ii) lobby the Government to conduct a rigorous rural impact assessment of all its educational policies and initiatives.

Association of Teachers and Lecturers

28 Child poverty

Congress affirms that 'children are the aspiration of the world' and applauds the Government's target to reduce child poverty by 50 per cent by 2010. Congress notes that child poverty is a significant barrier to the cognitive, physical, emotional and social development of children. These barriers to development prevent many children from achieving by significantly reducing their life chances and by excluding them from opportunities open to others. Where pockets of child and family poverty exist, this has a further pervasive effect on children's and societal development and can lead to the creation of whole pockets of communities and society being excluded from the mainstream of social development and opportunity.

Congress also notes the recent evidence that suggests the Government may fail to reach its target for child poverty and other evidence that indicates there is a widening gap between the richest and poorest in our society. This is directly contrary to the aspirations of improving outcomes for children contained in the Government's strategy, Every Child Matters. Congress requests the General Council to engage in early discussions with the Government about measures to address the levels of child poverty in Britain.

Congress supports measures to tackle child poverty that will include:

- i) a review of direct and indirect taxation;
- ii) a revision of departmental spending priorities;
- iii) an obligation on local authorities to target their resources to areas of specific child poverty and need; and
- iv) development of social and learning opportunities to be available to those families living in poverty.

Association of Educational Psychologists

31 Science and engineering skills

Congress welcomes the TUC's report *Hybrid Cars and Shooting Stars*, and it endorses the report's conclusion that the trade union voice on the future of science must be heard more strongly.

Congress recognises that science, technology, engineering and mathematics (STEM) skills will have a key role in addressing economic and societal challenges. Priorities include combating illness and disease, responding to global warming, and ensuring adequate food supplies for a growing world population.

Congress celebrates the success of the UK's scientists and engineers to date, but is concerned that national capability is being lost as a result of funding cuts, workload pressures, and continuing barriers to the engagement of women and minority groups. For example:

- i) hundreds of jobs at the Science and Technology Facilities Council remain under threat;
- ii) career progression for young scientists often depends on working long hours of unpaid overtime;
- iii) three quarters of women who achieve STEM qualifications do not go into a STEM job;
- iv) yet 27 engineering occupations have been added to the national shortage list for work permits.

Congress calls on the General Council to lobby the Government to:

- a) ensure greater cross-departmental coherence on policies and decisions affecting investment in skills;
- b) call a halt to cost-driven proposals to cut research programmes and require future proposals to include a science impact assessment and full consultation with stakeholders; and
- c) work with unions to encourage greater take up of STEM courses at school and university and make science careers more attractive.

Prospect

35 Floodings

Congress notes the publication of the Pitt report into the major floods experienced in various parts of the country in 2007. These floods caused major damage to communities across large areas of Britain, from which many have still not recovered. The report addresses all aspects of flood management.

Although such individual events cannot be directly linked to climate change, extreme weather events such as the 2007 floods appear to be ever more likely according to climate change models. It is therefore essential that planning for such challenges is developed as part of a process of adaptation to a changing environment.

Congress notes the concerns raised within the Pitt review regarding the emergency response to the floods, in particular:

- i) a lack of clarity over responsibility for emergency response;
- ii) a lack of adequate equipment and training for responding to incidents on such a scale; and
- iii) the continued lack of adequate preparation one year after the 2007 floods.

Congress believes that these issues must be addressed as a matter of urgency and calls on the Government to put in place a fully funded national capability for flood rescue with fire and rescue services playing a leading role. This should be supported by placing a statutory duty on fire and rescue authorities to plan for such events. Any such development of responsibility must be backed by adequate and long-term adjustment to funding arrangements.

Fire Brigades' Union

The following AMENDMENT was accepted

Add at end of paragraph 2:

', and that key organisations, including the Environment Agency and Met Office, are fully resourced to carry out these functions.'

Add new paragraph at end:

'Congress also calls on the Government to work with the companies providing critical public services, such as electricity and water, to do more to protect these services from the consequences of flooding.'

Prospect

39 Defence expenditure

Congress is concerned that UK defence capability is at breaking point, with grave consequences for the armed forces and members working in the UK defence sector. Underfunding is driving the MoD to make flawed decisions damaging both the civil service and private sector manufacturing and support services. The promise of the Defence Industrial

Strategy (DIS) has given way to uncertainty with companies unable to maintain capacity, so destroying our future capability as skills and plant disappear.

Congress believes that unless this issue is addressed urgently, the damage will be irreversible. The DIS identified the vital contribution made by the private sector in meeting defence needs, but also that adequate resources were key to the MoD being an intelligent customer and undertaking activity that must remain in public control. On current plans, the MOD will, by 2011, employ 20,000 fewer staff than it did in 2005. Congress believes this puts UK defence capability 'from factory to foxhole' at risk as vital specialist and support functions are contracted out or cease altogether. In parallel, decision-making delays and blinkered cost cutting are eroding the assets and skills essential to private sector manufacturing, with inevitable impact on the quantity and quality of defence equipment. Without a government strategy that values 'onshore' capacity, the defence industrial base faces more devastating cuts once the current equipment programmes are completed.

Congress calls upon the General Council to raise this with the Government and to mount a public, high profile campaign to ensure a coherent strategy and adequate resources for defence.

Prospect

The following AMENDMENT was accepted

In existing final paragraph, line 2, after 'campaign' insert: "to oppose job cuts and privatisation and"

Add new final paragraph:

"Congress condemns the arbitrary cuts of 20,000 civil service jobs since 2004. This has had a devastating impact on morale. Privatisation of thousands more jobs has worsened services and wasted billions of pounds."

Public and Commercial Services Union

43 Transportation of musical instruments on planes

Congress notes that understandably, due to the continuing terrorist threat, all travellers face a high level of security checks, particularly when travelling by air. After evidence was uncovered of a new terrorist threat involving liquids being carried on board planes, a number of additional restrictions were imposed on hand baggage. Many of these have now been relaxed, but despite the Musicians' Union reaching agreement with the Department for Transport over the transportation by air of musical instruments, difficulties remain when taking a musical instrument into the cabin as hand baggage. This is partly because airlines appear to set their own rules arbitrarily and there is no cohesive policy across the aviation industry. Congress requests that the General Council lobby BAA, IATA and other appropriate aviation bodies with the intention of relaxing restrictions put upon the carrying of instruments as hand baggage and adhering to the agreed MU/Department for Transport guidelines.

Musicians' Union

44 Maritime security and shore leave/access for seafarers

Congress condemns the discrimination, persecution and hardship suffered by many seafarers as a result of the increasingly hardline approach being taken by many countries on maritime security issues. Congress notes with concern the new restrictions on seafarers' movements being introduced by countries such as the US and Australia, and the associated problems faced by maritime union officials and welfare representatives in gaining access to ships in many ports. Congress notes the International Labour Organisation's Convention 185 on Seafarers' Identity Documents, which was intended to address many of these problems and to create a globally applicable maritime security system that maintains seafarers' rights to shore leave. Congress further notes that this convention has so far fallen far short of the support it needs to come into effect. Congress therefore calls upon the TUC to work at international level to promote the adoption of the Convention and to press the UK Government to ratify the measure at the earliest possible opportunity.

Nautilus UK

45 National Identity Scheme

Congress notes that the Government proposes to require workers in aviation to enrol in the National Identity Scheme in 2009. Congress has deep concerns about the implications of the National Identity Scheme in general and the coercion of aviation workers into the scheme in particular. Congress sees absolutely no value in the scheme or in improvements to security that might flow from this exercise and feels that aviation workers are being used as pawns in a politically led process which might lead to individuals being denied the right to work because they are not registered or chose not to register in the scheme.

Congress pledges to resist this scheme with all means at its disposal, including consideration of legal action to uphold civil liberties.

British Air Line Pilots' Association

64 Regular foot health screening in schools

Congress believes that the provision of foot health education is of great importance to the entire population of the UK. Regular foot checks keep the public mobile and are a vital element in the assessment of good health.

Congress agrees that the foot health of children must be a fundamental part of school health assessment and care. In this respect Congress calls for a dedicated programme of regular foot health screening to be introduced in schools, delivered by registered podiatrists, to carry out annual foot checks and foot health education.

Society of Chiropodists and Podiatrists

67 Royal Mail

Congress notes the renewed threats to the privatisation of Royal Mail arising from submissions by Postcomm and Royal Mail management to the Hooper review on the liberalisation of Royal Mail.

Congress registers that the Labour Government's 2005 election manifesto ruled out the privatisation of Royal Mail. Congress therefore believes that it is vital that the Government delivers on its promise made to the electorate.

Congress recognises that liberalisation has severely unbalanced Royal Mail, and the Hooper review of postal liberalisation acknowledges that competition has worsened service provision for millions of business and domestic users, stifled product and service innovation and created a financial crisis for Royal Mail which has raised serious questions about the company's long-term commercial future and its ability to sustain the universal service.

Congress opposes the continued cut-back in the Post Office branch network, and the continued franchising of Crown Offices. A comprehensive system of Post Office branches is vital to provide the universal service, and to create community cohesion.

Congress views with alarm proposals made to the Hooper review to franchise out, split up, and separate parts of Royal Mail. Congress believes the integrity of Royal Mail is crucial in the delivery of an economic and efficient universal service.

Congress deplores the failure of Royal Mail to negotiate a pensions settlement which guarantees the final salary scheme, and supports the efforts of the affiliates to resolve the future of the pensions scheme.

Congress agrees to support the initiatives of the affiliated unions on these matters.

Communication Workers' Union

68 Ownership of news

Congress welcomes the House of Lords' report *Ownership of the News* which concludes that current media ownership rules have failed to ensure investment in newsgathering and the maintenance of a range of voices and high quality news provision. In the UK four companies control over 70 per cent of regional newspaper circulation. Just three companies produce all national television news. One company controls 35 per cent of the national newspaper market.

Congress believes public service broadcasting - at BBC, C4 and ITV - is central to ensuring high quality news.

Congress welcomes the report's opposition to top-slicing the licence fee and ITV's plans to reduce its local and regional programming. Congress shares concerns expressed at the fact that media companies have cut newsgathering resources so much they are often no longer able to provide quality news services. Congress reiterates its support for the NUJ's Journalism Matters campaign.

In particular, Congress welcomes the proposal that rules on media mergers should be changed to ensure the impact on newsgathering should be explicitly considered as part of a new public interest test, that the needs of citizens be put ahead of the needs of consumers and that Ofcom should monitor and check the resourcing of all commercial public service broadcasters to ensure they can maintain high quality news provision.

Congress urges the General Council to work with affiliates to lobby the Government for changes to media ownership rules to ensure a diversity of media voices, space for alternative and community media and a defence of public service broadcasting.

National Union of Journalists

69 Review of public service broadcasting

Congress notes that the six-year BBC licence fee settlement introduced in 2007 broke the longstanding link between the licence fee and inflation and has already resulted in significant budget reductions and job losses at the Corporation. Congress further notes that commercial public service broadcasting (PSB) - especially ITV and Channel 4 - faces a growing funding crisis in the face of increasing competition from non-PSB digital channels and that there are growing calls for this to be resolved by top-slicing or redistributing the BBC licence fee to commercial broadcasters.

Congress believes that the current PSB review being conducted by Ofcom and the subsequent policy debate in government and Parliament provide a platform for significant changes in broadcasting policy.

Congress therefore calls on the General Council to defend public service broadcasting in the UK by campaigning vigorously:

- i) for a review of BBC licence fee settlement with a view to achieving a necessary increase in BBC funding;
- ii) against any proposal to top-slice the BBC licence fee and redistribute licence fee funding to commercial broadcasters; and
- iii) for much-needed alternative funding measures for commercial PSB, such as a levy on non-PSB broadcasters, gifted spectrum and revenue from extra advertising minutage.

Broadcasting, Entertainment, Cinematograph and Theatre Union

70 Protecting the nation's film heritage

Congress notes that the nation's film heritage is held in a range of British film archives that preserve and restore filmed material from throughout the audiovisual history of the UK and without which such material would be lost or decay beyond recovery.

Congress is concerned at the lack of long-term and consistent public funding for our film archives - including not only the specialist buildings and equipment but also the skilled labour force engaged in archiving and film preservation. Congress believes that funding is too often dependent on private philanthropic sources or on uncertain lottery awards, and furthermore that commercial archives may be financially induced to sell off parts of their collections.

Congress therefore calls on the General Council to campaign for significant and designated long-term public funding for our film archives as part of a strategy for protecting, preserving and making available our unique film heritage for the benefit of future generations.

Broadcasting, Entertainment, Cinematograph and Theatre Union

71 Trade union recognition by the Co-operative Group

Congress condemns the board of the Co-operative Group for its anti-trade union actions in derecognising the GMB union and withdrawing from the collective bargaining and recognition agreement held with the GMB within the funeral care business of the Co-operative Group.

Congress recognises that trade union derecognition goes against all the values and principles of our movement and denies employees their fundamental right to be represented by an independent trade union.

Congress condemns the victimisation and harassment of GMB shop stewards working in Co-operative Funeral Care.

Congress applauds the decision taken by the South West TUC to refuse sponsorship and participation by the Co-operative Group at the recent Tolpuddle Martyrs festival.

Congress instructs the General Council to campaign for the re-recognition of the GMB in Co-operative Funeral Care, and instructs the TUC General Council to:

- i) call meetings involving all unions with a membership interest with the British co-operative movement to organise representation to the Board and Directors of the Co-operative Group;
- ii) invite all affiliates and trade councils to examine their financial arrangements with the Co-operative Bank and to alert their members to the current situation through their magazines or special mailings; and
- iii) request shareholders in Unity Bank to meet to discuss the future involvement of the Co-operative Group within the bank.

Furthermore, Congress agrees to impose a bar on all sponsorship or involvement by the Co-operative Group with TUC activities until such time as they re-recognise the GMB within Funeral Services.

GMB

72 Protection of employees in the betting industry

Congress recognises the wealth being generated by the betting industry in the UK and the thousands of jobs it creates. Congress is concerned about the negative effects that problem gambling and its associated anti-social behaviour can have on both betting shop employees and the wider community.

Congress draws attention to the continuing failure of employers in the industry to accept their responsibilities to protect their employees effectively in regard to shop safety, security and welfare, risks to which staff are exposed on a daily basis and the refusal of the employers to enter into meaningful dialogue on these issues with trade unions.

Congress calls on the UK Government to set enforceable, minimum standards to ensure every employee can work in an environment free from physical or verbal abuse and urges the provision of effective training for frontline staff in cash-handling, conflict management and managing problem gambling.

Community

76 Miami Five

Congress deplores the continued imprisonment of the Miami Five in the USA and notes the 2008 Amnesty International Report's condemnation of the appeal process and the denial of the human right of visitation rights to the families of the Miami Five.

The Miami Five are Cuban men who are in a US prison, serving four life sentences and 75 years collectively, after being wrongly convicted in a US federal court in Miami on 8 June 2001. The Five were involved in monitoring the actions of Miami-based terrorist groups, in order to prevent terrorist attacks on their country of Cuba and never directed action at the US government. For 40 years, anti-Cuba terrorist organisations based in Miami have engaged in terrorist activities against Cuba, resulting in more than 3,000 deaths of Cubans, with the knowledge and support of the FBI and CIA.

Congress acknowledges the work of the Cuba Solidarity Campaign in its defence of the Miami Five, urges support and calls for:

- i) a prompt retrial of the Five in any venue other than Miami;
- ii) full visiting rights for all of the families in the meanwhile; and
- iii) work with US unions to bring further pressure on the US administration.

Congress further calls on the General Council to support:

- a) an autumn campaign of action, to include national press adverts calling for freedom for the Five, to mark the 10th anniversary of their imprisonment.

Unite

77 Cuba

2009 marks the 50th anniversary of the Cuban Revolution and its achievements, including eradicating illiteracy, free education, plus greatly reduced infant mortality rates and increased life expectancy.

Congress expresses support for the right of Cuba to choose its own economic, social and political path and opposes the USA's illegal economic blockade. Congress applauds the 16th annual vote of the United Nations condemning the US trade embargo.

Congress recognises Cuba's international solidarity, with 37,000 Cuban medical professionals working for free in 79 countries; emergency aid in countries like Peru, Indonesia and Pakistan; Cuban medics restoring sight to a million Latin Americans previously suffering

from cataracts; and the provision of 30,000 free scholarships to students from 21 countries to study in Cuba.

Congress agrees to support the proposal of the Cuba Solidarity Campaign (CSC) to celebrate Cuba's achievements and agrees to provide publicity and support for events organised under the Cuba50 banner.

Congress agrees to:

- i) encourage affiliation to CSC; and
- ii) invite a CTC speaker to Congress 2009.

Congress calls upon the General Council to lobby the UK Government to:

- a) end its complicity with the US blockade and move to an independent policy respecting Cuban sovereignty;
- b) improve trade and bilateral relations with Cuba; and
- c) oppose all US extraterritorial threats against UK-based companies.

Congress further calls on the UK Government to send a high level delegation to Cuba, and invite a Parliamentary Ministerial delegation from Cuba to the UK to strengthen links and trade between our countries.

Fire Brigades' Union

78 European legislation

Congress recognises the many benefits to working people that have resulted from legislation developed by the European Parliament and Commission.

Congress also applauds the work of the ETUC in influencing economic and social policy making at the highest level, working with the EU Presidency, Council, Commission and Parliament.

However, Congress believes that insufficient attention is paid to partnership working in formulating new directives and legislation. Directives that reach approval for implementation without full appreciation of the wider implications are regrettable. They serve to undermine the good standing of the European legislative process and give fuel to anti-Europe apologists.

The Society of Radiographers, in partnership with clinical colleagues, medical charities and patient groups across Europe, highlights the EU Physical Agents Directive (Electromagnetic Fields) as an example of legislation that benefits the health and safety of workers in diverse industries but which, though a failure to consult widely during drafting, threatens to curtail vital magnetic resonance imaging (MRI) services across Europe.

Congress believes the health of hundreds of thousands of ordinary people is under threat from a directive that otherwise deserves the wholehearted support of all.

As the postponed implementation allows work to re-shape this directive, Congress calls upon the General Council to reinforce its stated position that the clinical MRI element should be dealt with separately.

Congress also calls on the General Council and the ETUC to seek more robust partnership working across all sectors so that future directives are fully informed and so that the progress of good legislation is not delayed.

Society of Radiographers

79 Apprentices

Congress notes that traditional craft-based apprenticeships are the most effective form of vocational training for many young workers.

Congress welcomes the Government's renewed commitment to ensure that apprenticeships are a key plank of skills training, which is underlined by their target of 500,000 apprenticeships being offered a year.

Unfortunately in many industries such as construction, employers have failed to value the training of apprentices and have failed to provide apprenticeships, despite the industry experiencing problems of an ageing workforce and growing skills gaps.

Congress welcomes the Government's stance that classroom-based programme-led apprentices are not an adequate alternative to craft apprenticeships and will not be counted in the target of 500,000 apprenticeships.

Congress further notes that the Government has a key strategic role in increasing the number of apprentices through procurement and could play a more proactive role in ensuring that high quality training occurs in many different industrial sectors.

Congress therefore calls upon the General Council to campaign:

- i) to ensure that all Government contracts include contract compliance clauses requiring the successful contractor to provide craft-based apprenticeships;
- ii) for the devolved administrations and local authorities to also provide contract compliance clauses for apprenticeships when awarding contracts;
- iii) to put further pressure on the Government to phase out programme-led apprentices, as they are an inferior form of training; and
- iv) to redress the existing imbalance of a far higher number of apprentices being offered in Northern England and Scotland compared to London and the South East.

Union of Construction, Allied Trades and Technicians

84 Paid time off for health screening

Congress supports the Government, the NHS and its staff, together with all those organisations and charities, in their continued endeavours to improve health services, as Congress is committed to maintaining and improving the health of workers.

Congress asks all unions to urge employers to provide paid time off for employees to attend screening appointments and to ensure that employees who are diagnosed with illnesses are fully supported during their treatment, and where appropriate, their return to work.

Accord

The following AMENDMENT was accepted

Add at end of paragraph 1:

'Congress also welcomes the work of unions in improving workers' health by tackling such issues as drug and alcohol misuse.'

Paragraph 2, line 2, after 'screening' insert 'or counselling'

Community

87 Participation of the Trades Union Councils' Conference at annual Congress

Congress notes the status, role and purpose of TUC-registered trades union councils, county trades councils and county associations are recognised under rules, including:

- i) bringing together local union branches to campaign around issues affecting working people;
- ii) following the programme of the Trades Union Councils' Joint Consultative Committee (TUCJCC), such as assisting in building local union membership;
- iii) being represented on the appropriate TUC Regional Council and at the TUCJCC and the Trades Union Councils' Conference; and
- iv) the Trades Union Councils' Conference can submit motions for consideration by the TUC General Council which are in line with existing TUC policy and be represented at annual Congress by a fraternal/sororal representative.

Congress also notes trades councils in Scotland and Wales are entitled to send motions and delegates to their respective national Congress.

Congress further notes the 2008 Trades Unions Councils' Conference passed a motion calling for the trades council movement to be given the right to send delegates and resolutions to annual Congress.

Congress believes trades councils should have a greater voice at annual Congress and therefore instructs the General Council, in consultation with the TUCJCC, to implement a

rule change which will have the effect of allowing the Trades Union Councils' Conference to submit one motion to annual Congress in similar way to the arrangements that exist for the equalities conferences.

Congress requests that this rule change take effect so that the Trades Union Councils' Conference will be able to submit a motion to the 2009 annual Congress.

National Union of Rail, Maritime and Transport Workers

Composite 1 Vulnerable workers

Congress welcomes improvements in employment rights for vulnerable workers such as the tripartite agreement on agency workers, the National Minimum Wage and the increase in the statutory holiday entitlement. However, without effective enforcement, new employment rights will fail to deliver for all workers.

Congress applauds the work of the Gangmasters' Licensing Authority and believes its remit should be extended to cover all agency labour providers.

Congress believes the work of the National Minimum Wage compliance officers and the Health and Safety Executive has been essential in enforcing the National Minimum Wage and health and safety regulations.

Workers and their trade union representatives have no enforcement route for many employment rights except by making an application to an employment tribunal or County Court.

Congress believes that strengthening employment rights' enforcement mechanisms should be a major priority for the trade union movement in the run up to the next general election.

Congress welcomes a number of the measures in the Government's Employment Bill to improve enforcement of the National Minimum Wage (NMW) and employment agency standards, including the introduction of penalties and greater powers for enforcement officers. However, the framework for supporting enforcement of employment rights is still deficient in a number of key areas.

Exploitation of workers must be tackled across all industries, including highly competitive and popular professions such as the media and performing arts, where bogus work experience and unpaid work is often offered to a vulnerable workforce.

Congress also supports efforts to tackle exploitation of workers in entertainment and modelling, which are the only sectors where agencies can still charge fees up-front to a workseeker, often reducing earnings to significantly less than the NMW.

Congress asks the General Council to support the following additional measures to support enforcement of employment rights and tackle exploitation.

Congress calls on the General Council to lobby for:

- i) a better resourced and more extensive pro-active enforcement strategy;

- ii) co-ordinated enforcement allowing the various enforcement agencies to share findings and work closely with each other;
- iii) a greater role for trade unions in the enforcement process;
- iv) a major government awareness and publicity campaign targeted at Britain's most vulnerable workers;
- v) a Fair Employment Commission to be established alongside existing enforcement agencies to provide for coordination of employment rights enforcement, as recommended by the TUC Commission on Vulnerable Employment;
- vi) measures to enable third parties, such as trade unions, to take an employer to an employment tribunal on behalf of a worker for breaches of the NMW Act, without the need to identify individual vulnerable workers;
- vii) a ban on agents charging workers upfront fees, so that all workers receive at least the NMW; and
- viii) clearer guidance for employers emphasising the limited exceptions to the NMW, including a reference to the fact that performers and television contestants may be classed as workers for these purposes.

Mover: Union of Shop, Distributive and Allied Workers

Secunder: Equity

Composite 2 Employment rights

Congress notes the steps proposed by the Government to increase the effectiveness of enforcement against employers who fail to apply existing individual and collective employment rights. However, Congress is dismayed by government comments expressing no need for further employment legislation. Congress notes that there remains on the statute book anti-trade union legislation from the 1980s and reiterates its calls for the restoration of trade union freedoms and workers rights to be restored.

This must include legislative provisions to ensure that lawful industrial action is not prevented on technical grounds where the majority of workers vote in favour, and that the right to take action will include supportive action across related employers and where disputes arise over the terms and conditions offered by future employers. Furthermore, Congress calls for a strengthening of legislation that protects from dismissal workers who take part in industrial action.

Congress also notes current balloting regulations for union recognition, which hold unions back from negotiating in new areas. Congress calls on the General Council to campaign against the provision for a 40% minimum level of participation in a bargaining unit, which employers are increasingly prepared to exploit to prevent union recognition.

Congress also notes that workers whose terms and conditions and job security are undermined following takeovers by private equity firms are offered no protection under

existing TUPE provisions. Congress calls for a full revision of the TUPE regulations, to include protection for workers employed or taken over by private equity companies by way of shared ownership or transfer of controlling influence. This will include all terms of employment including pensions.

Congress notes that trade unions remain the most restricted and regulated organisations in the UK. Congress recognises, once and for all, that until current anti-trade union legislation is removed from the statute book, there will be a continuation of the decline in active trade unionism - in other words, workers fighting for better working conditions for themselves and each other.

The passage of the Trade Union Freedom Bill is an essential first step towards enabling unions to advance the basic interests of our members.

Congress urges the General Council to provide greater support behind the campaign to repeal the current anti-trade union legislation.

Mover: Unite

Seconder: United Road Transport Union

Supporter: Communication Workers' Union

Composite 3 European Court of Justice decisions on collective bargaining and industrial action rights

Congress notes with dismay the decisions of the European Court of Justice in the cases of Viking, Laval, Rüffert and Luxembourg. These decisions have created a new approach to EU law subjugating fundamental collective rights, including collective bargaining and to take industrial action, to the rights of employers and business. Further, the Court held that collective action by trade unions may violate these provisions.

The decisions in the European Court of Justice are contrary to ILO conventions on free collective bargaining and will encourage employers to reduce wages and increase working hours. By putting market freedom above social and employment rights, these decisions could fundamentally weaken the rights of unions to defend their members' working conditions.

Whereas Congress welcomes the recent progress made on the Temporary Agency Workers Directive, Congress believes there is a danger that ECJ decisions will push the EU into a position where the market trumps social rights. Congress notes that, with the exception of the ECJ, other EU institutions' intention was that the operation of the single market and movement of goods and services should not affect the exercise of fundamental human rights and freedoms and collective rights as recognised in member states. The European trade union movement is actively pursuing strategies at EU level to remedy the consequences of the European Court's decisions. Congress resolves to work with the ETUC to ensure that the living standards of working people in the EU are not eroded.

Whilst the European Court of Justice declared that EC law protected the fundamental right to strike, as a strike conflicts with the economic freedom of employers its exercise requires justification. Action is justified only where there is a serious threat to jobs and conditions of employment but this is subject to a criterion of 'proportionality'. The uncertain criterion of

'proportionality' has caused great concern to trade unions. The ECJ's decisions appear to give employers' transnational economic freedoms priority over the fundamental right to collective action.

The matter is thus extremely serious. Employers are exploiting the uncertainty of EC law to raise the spectre of litigation in the British courts so that collective action becomes a huge risk. What is crucially needed is action at national level to prevent employers exploiting the uncertainty of EC law to undermine British industrial relations by resort to the courts.

Congress believes that every effort must be made to reverse the effects of these decisions and establish fundamental human rights for workers throughout the EU.

Congress calls for current EU treaties, directives and regulations to be revised and improved to ensure comprehensive protection for workers. Congress asserts that trade union rights and the equal treatment of migrant and posted workers must be comparable with those in the host nation.

Therefore, Congress calls on the General Council to:

- i) develop a strategy and take action to counter the impact of these decisions;
- ii) take urgent steps to meet with UK government ministers to obtain their support for legislative changes which ensure more comprehensive protection for social rights in Europe;
- iii) work with the ETUC to maintain pressure on the EU to bring about legislative change; and
- iv) organise a mass lobby of MEPs to secure support for legislative change.

Mover: Unite

Seconded: British Air Line Pilots' Association

Supporter: Nationwide Group Staff Union

Composite 4 Redundancy consultation and pay

Congress believes the current requirement on employers to consult unions in the event of redundancies is inadequate. Congress notes employers are often able to carry out redundancies before unions are able to complete a lawful ballot. Congress calls on the General Council to campaign to extend statutory minimum time limits.

Congress notes the redundancies at Lyndale Foods in June 2008 without consultation with unions and the loss of over 600 jobs. Congress deplores the practice of employers using security firms to escort workers off premises without a minute's warning. This policy of an employer declaring insolvency on the basis of business reconstruction and restarting trading with the same directors, whilst avoiding their liabilities, and making workers redundant and passing redundancy and pension loss cost on to the taxpayer, is unacceptable in modern Britain. Such practices clearly show the weakness of protective legislation in the UK where workers are left vulnerable to such disgraceful employer tactics.

Congress calls upon the General Council to press the Government to close this loophole in the law that allows employers to evade their legal and moral duties to consult, and to abandon their financial responsibilities to their staff and pass on their liabilities to the taxpayer in this way.

Congress believes that levels of statutory redundancy pay and levels of tribunal awards for unfair dismissal do not compensate sufficiently employees who lose their jobs.

Congress further believes that the statutory limits on payments used to calculate redundancy pay and awards for unfair dismissal are an underlying cause of this low level of compensation.

Congress therefore calls on the General Council to campaign for statutory limits on payments to be removed or, where appropriate, set at levels that fairly reflect an employee's actual wage rather than being capped at an arbitrary level.

Congress further believes that, in addition to lobbying for a substantial increase in Statutory Redundancy Pay, the General Council should also campaign for a review and increase in the level of the cap on preferential debts paid to employees after their company becomes insolvent.

Mover: Bakers, Food and Allied Workers' Union

Seconded: Association For College Management

Supporters: Union of Shop, Distributive and Allied Workers

National Union of Journalists

Composite 5 Young members

Congress reaffirms its belief in the importance of trade unionism as part of civic society but notes that most young people have little understanding of their employment rights or of the role of trade unions.

Congress notes that democratic participation among young people has also been in decline and that trade unions play an important role in engaging members with the political process. Congress also notes that in an era of falling union density and increasing disaffection among young people with the political process, some unions have been able to buck this trend through extending benefits and support mechanisms to some of the youngest workers in today's labour market.

Congress believes that support for young members is crucial to the future of the trade union movement. Addressing the lack of understanding of the role that trade unions play is vital if young people are to be properly protected at work. Following the report to the 2007 Congress, *Organising for the Future: Young Members and the Trade Union Movement*, which found that only a minority of unions had targeted recruitment activity towards young workers, Congress encourages unions to promote much greater recruitment and retention of young members by providing representation, benefits and initiatives that resonate far more coherently with young workers, thereby ensuring a lifelong trade union allegiance.

Membership of the PFA for instance is not only strong but also universal amongst all professional footballers, the PFA is therefore able to retain the support and backing of every footballer by consistently meeting their needs and requirements for life.

Congress supports the work of the TUC to raise the profile of trade unions among young people with its training and support materials for speakers in schools through the TUC trade unionists in the classroom programme. Congress also notes that, through the NUS-TUC Protocol, a number of unions have developed initiatives to support working students.

Congress recognises that a consequence of the 14-19 education and training reforms is more young people undertaking their learning in settings outside schools, including in the workplace. Congress, therefore, welcomes the TUC's Diploma Voice initiative, which aims to foster young people's active engagement in workplace trade union activity.

Congress therefore:

i) calls on the Government to increase opportunities to learn about trade unionism within the national curriculum, including specific reference to our contribution to the development of a civilised society and to all the improvements to the working conditions for millions of workers over past decades;

ii) agrees to review delivery and structure of the trade unionists in the classroom programme to identify where best practice exists, and to promote its adoption throughout the TUC and its regions and affiliates;

iii) agrees actively to explore the possibilities for employer and government support for trade union speakers going into schools and colleges to deliver the programme;

iv) calls on the General Council, through the Young Members Forum, to see how unions' experience of engaging young people can be best used for the benefit of the movement as a whole; and

v) agrees to publish a report on activity on the work undertaken in this area by Congress 2009.

Mover: Communication Workers' Union

Seconder: Professional Footballers' Association

Supporters: National Association of Schoolmasters Union of Women Teachers

Connect

Composite 6 The Equality Bill

Congress notes the publication, in June 2008, of proposals for an Equality Bill and the Government's commitment to work closely with stakeholders moving towards its publication.

Congress is, however, concerned at some aspects of the proposals, such as the concentration on the more traditional areas of sex, race and age at the expense of newer equality strands

such as those protecting against discrimination on the grounds of sexual orientation, transgender status and religion and belief, and the proposal that the new Equality Duty should only be apply in the public sector. Congress is also concerned that despite almost 40 years of equal pay legislation the gender pay gap continues to exist.

Congress therefore instructs the General Council, in co-operation with affiliated unions and other interested parties, to lobby the Government to ensure:

- i) the Equality Duty is extended to the private and voluntary sector;
- ii) all strands of equality protection are given equal status and that there is no hierarchy in which newer and more controversial strands such as sexual orientation, transgender status and religion and belief are given less weight;
- iii) the legislation places employers under a positive duty to conduct mandatory equal pay audits in all areas;
- iv) the gender pay gap is addressed through adequate public sector funding, changed legal processes to allow for trade union representative actions, hypothetical comparators and ending the artificial divide between contractual and non-contractual issues; and
- v) the resulting legislation is vigorously enforced.

Congress further instructs the TUC to support affiliates in ensuring:

- a) trade union involvement in the design of employer equality schemes;
- b) the introduction of meaningful equality impact assessments; and
- c) that employers provide leadership and top level commitment and training for employees in complying with equality duties.

Mover: FDA

Seconder: UNISON

Supporters: Union of Shop, Distributive and Allied Workers

Chartered Society of Physiotherapy

Composite 7 Community cohesion

Congress believes that a commitment to equality and diversity is the hallmark of civil society.

Congress recognises the value of community cohesion for the maintenance of democracy and social inclusion.

Congress welcomes evidence that demonstrates that the greatest barriers to a cohesive society are poverty, inequality and discrimination. Congress welcomes the Government's commitment to ending child poverty. However, Congress believes that a national target and

concerted action are needed to root out all forms of inequality and unlawful discrimination in economic and political life.

Congress deplores the right-wing political and media agenda that presents minority communities as a threat to the British way of life. Congress is dismayed by the Government's claim that so-called 'Islamist extremism' represents the biggest threat to British people. Congress believes that the agenda of preventing violent extremism plays into the hands of the BNP and other racists and fascists bent on attacking Britain's racial and religious minorities.

Congress calls on the General Council to lead a broad based campaign, involving Searchlight and other appropriate anti-fascist organisations, to tackle division and deprivation and build greater understanding within local communities. Congress believes that such activity should not be based solely around elections, but should be long term and sustainable.

Congress calls upon the Government to:

i) extend statutory duty on schools for the promotion of community cohesion to all public bodies and any other organisations that provide a public service;

ii) work with the TUC to develop a national strategy to tackle all forms of extremism, including racist and fascist extremism;

iii) prohibit members of racist and fascist organisations from holding public office;

iv) set targets for eliminating discrimination and inequality in access to employment and the political system;

v) implement strategies to ensure compliance with statutory provisions relating to equality, diversity and community cohesion; and

vi) act to counter racist myths and stereotypes and to tackle hate websites such as Redwatch, which target anti-racist and minority communities and seek to promote division and violence.

Mover: National Association of Schoolmasters Union of Women Teachers

Secunder: UNISON

Supporter: National Union of Journalists

Composite 8 Tax exempt mileage allowances

Congress notes that many unions have members who have to use their private car while travelling on official business, and members of all of our unions have been badly affected by the recent sharp rises in the cost of petrol and diesel.

However, the Government has maintained the rate of mileage allowance which is not subject to tax at 40p per mile since 2002. The cost of owning and operating a car has increased significantly in recent years, not only because of the recent severe rises in the price of fuel but also increases in road tax, insurance and servicing. The consequence of the Government's

current approach is that union members are, in effect, subsidising their employers by undertaking official duties in a private vehicle.

Congress also notes that the problem is exacerbated in the civil service because although departments may have the flexibility to pay rates above 40p per mile, they do not do so, given what they regard as the administrative burden of handling the taxable element that would be paid if the allowance is more than 40p.

Congress therefore calls on the General Council to raise this problem as a matter of urgency with the Government and HM Revenue & Customs, with a view to seeking a rise in the taxable allowance on mileage rates. Congress rejects the argument that the Government's refusal to raise the rate has environmental benefits given that these journeys are undertaken to fulfil the business requirements of the employer.

The continuing increase in the cost of petrol has a high financial impact on district nurses.

Congress believes CDNA members have no option but to subsidise the NHS to ensure patient care is not put at risk. Mileage allowances have remained unchanged since 2000 and only increased slightly this summer, even though petrol prices have increased dangerously, and nurses have to bear the brunt of this while carrying out their daily nursing duties.

Congress asks the TUC and affiliates to join the CDNA in urging the Government to recognise and address the financial impact this is having on all nurses working in the community.

Mover: FDA

Seconded: Community and District Nursing Association

Composite 9 Climate change

Congress welcomes the positive contribution of the recent TUC conference, A Just Transition, and its emphasis on the fairness to all workers involved in this transition to a low-carbon economy.

To provide for this, Congress urges further government policy in this area. In particular the UK Government should take the lead within the European Union to promote the development and implementation of an EU-wide import adjustment system for energy intensive industries that are exposed to international competition, thus avoiding the problem of 'carbon leakage' and the negative impact that foreseeable EU climate change mitigation policies, such as ETS in its current form, could have on the competitiveness of UK and EU industry.

Furthermore Congress supports the current UNFCCC discussion to move ETS to a 'sectoral approach' constructed around a 'benchmark' system of achievable targets for global industries and sectors, and requests the UK Government prioritise its adoption.

This would create a fairer and more equitable system of burden-sharing and would also assist in maintaining a sustainable UK and EU industrial base.

Congress also believes the role of trade union environmental reps would be essential for the success of any benchmarking system and urges the UK Government to take immediate steps to legislate for trade union environmental reps.

Thus the UK will be demonstrating its further commitment to the TUC 'just transition' model, to reducing global CO2 emissions, and to the protection and promotion of decent jobs and to greening the workplace.

Congress congratulates the TUC on the excellent Just Transition conference. Congress recognises that trade unions can play a major role in educating everyone about the causes of climate change, the likely impact and the need for a planned and just transition to a low-carbon economy that will see substantial changes from the nature and type of employment that currently exists.

Much remains to be done to ensure everyone understands the causes of climate change and the scale of changes that are required if we are to be able to grapple with it. High oil prices and an economic downturn underline the importance of investing in clean, renewable energy alternatives, energy use reduction measures and green transport. While this is an opportunity, the transition to a low-carbon economy must be managed in a just and equitable way, not simply left to the market.

Congress recognises that trade unions can play a major role in educating everyone about the causes of climate change, the likely impact and the need for a planned and just transition to a low-carbon economy that will see substantial changes from the nature and type of employment that currently exists.

Experience suggests that pursuing a green agenda within local workplaces engages a wider and different group of people, developing environment reps and bringing new opportunities for local organising campaigns and activities.

Congress notes the growing importance of the green agenda within our community. Domestically, individuals and families have begun to recognise the need to participate at local level through local authority schemes to recycle waste.

However it appears that within the NHS there is little national direction, and it is left up to individual NHS organisations to develop local initiatives. This lack of direction has resulted in great differences in the way the green agenda is prioritised at local level.

Congress believes that central government should be giving a lead, not only to the public sector but also the private sector, and should actively promote a green friendly environment within workplaces across the UK.

Congress believes this best achieved in partnership with the trade union movement and in this respect Congress calls on the General Council to lobby the Government for the introduction of workplace environmental reps who should have the same statutory rights as those currently enjoyed by accredited staff side reps, health and safety reps, and union learning reps.

Congress calls upon the Government to:

- i) establish a framework to involve all relevant stakeholders in developing a just transition strategy based on the principle of social justice;
- ii) increase massively the incentives to invest in clean energy production (including a renewable energy tariff in the Energy Bill), low energy housing and green transport;
- iii) make climate change mitigation and adaptation a statutory requirement for all public sector building projects;
- iv) develop with the TUC and affiliates a green jobs strategy across all industries, with appropriate funding for training and retraining CWU that gives real protection to workers during a prolonged period of transition;
- v) give statutory rights to workplace environment reps; and
- vi) develop and introduce with the TU movement and workers a coherent national strategy to substantially reduce workplace CO2 emissions.

Mover: Community

Secunder: Connect

Supporters: Society of Chiropodists and Podiatrists

National Union of Teachers

Communication Workers' Union

Composite 10 Security of energy supply

Congress demands that the General Council meet as a matter of urgency with the Labour Government to discuss the ever-increasing dependency on imported energy into the UK.

Congress shares the Government's energy objectives as set out in the May 2006 Energy White Paper (EWP): to secure sufficient energy from diverse sources on a sustainable basis and at an acceptable cost.

Congress agrees that the Coal Forum, established under the EWP, has undertaken robust and credible analysis of the likely need for new coal generating capacity as the plant which has not opted into the European Union's Large Combustion Plant Directive (LCPD) is decommissioned.

Congress has engaged with this work through its Clean Coal Task Group. Congress recognises the excellent work carried out by the TUC and affiliated unions in producing documentation, reports, technical data and evidence in support of the urgent need for indigenous clean coal power generation in the UK and in particular the CCTG document Clean Coal in the UK and European Electricity Mix Report established last March.

The report highlights real concern that there has been insufficient work done to ensure that such plants are built in time for the gap in generation anticipated in 2015/2016. It is now

urgent that the key recommendations of this report are acted upon. This includes developing clean coal technologies, such as Integrated Gasification Combined Cycle (IGCC) and Oxyfuel firing. In addition, investment is needed to build the pipeline infrastructure to deliver captured carbon to offshore gas and oil wells. Congress is asked to continue to press these issues with the Government.

Congress notes that global and domestic coal burn is on the increase. Almost 40 per cent of the world's electricity and at times 50 per cent of UK electricity is generated by coal burn. World energy analysts project a huge shortfall in generating capacity of around 11GW between 2008 and 2016 and provision must be made to bridge that alarming gap.

Carbon capture and storage can have a massive impact on reducing CO₂ levels into the atmosphere. Current CCS power plants are capable of reducing the emission levels by 85 to 95 per cent, yet little if any serious progress is being made by the Government, with one very small demonstration plant scheduled to be operating within the next seven years. While paying lip service to the UK coal industry, the Government has made little progress in the development of various types of CCS plants in the UK.

The UK has been blessed with massive indigenous energy reserves and it is time they were exploited by the people for the people of our nation. The continuing plan to import large amounts of gas, coal and oil from politically unstable countries places the UK in a very dangerous and unstable position in terms of security of supply. Geographically the UK is the last in the complex energy supply network leading from Europe and across the world.

Common sense suggests that a balanced, secure, diverse mixed energy policy should be a priority of this Government with our indigenous resources being exploited to the maximum. A clear commitment is required by the Government on the entire future of the UK coal industry.

Congress calls on the UK Government to act as a matter of urgency to secure the nation's energy needs for the future. This involves bringing forward detailed plans on the replacement plant required to avoid an energy meltdown.

Congress agrees that a more proactive approach to maintain and develop a skilled workforce is also critical to ensuring security of supply. This requires clear political leadership, effective coordination by the Commission for Employment and Skills, and a regulatory framework that gives due priority to investment in skills and safety.

Mover: National Union of Mineworkers

Secunder: British Association of Colliery Management - Technical, Energy and Administrative Management

Supporter: Prospect

Composite 11 Rail transport

Congress is appalled by the massive fare increases facing rail passengers, which demonstrates the impracticability of private ownership in a transport system where profit takes precedence over investment. The Government's failure to address the underlying problems of ownership

and fragmentation mean that the rail industry continues to be prevented from fulfilling its full social, economic and environmental potential.

Congress criticises the Government for actively encouraging above-inflation price increases for rail passengers that not only penalise the travelling public but, by discouraging rail use, act as an inducement to growing road and air travel with consequent environmental degradation, while also filling shareholders' pockets. Congress calls on the Government to oblige train operating companies to adopt a more transparent approach to the availability of the cheapest advertised rail fares which customers regularly struggle to purchase. Congress also calls on the Government to extend free concessionary travel for disabled people. Congress reiterates its support for a publicly owned and accountable railway.

Congress welcomes the completion of the high speed rail link between London St Pancras and the Channel Tunnel, but believes this compares adversely with other European countries such as Spain and calls for publicly owned and publicly accountable high speed links to be developed in the UK with an affordable fares structure to promote high usage.

Congress notes that:

- i) in the past ten years rail freight has grown by 66 per cent;
- ii) the average freight train can take 50 HGVs off the road with an aggregate train removing 120 HGVs;
- iii) per tonne carried, rail produces between five and ten times less emissions than road transport; and
- iv) congestion currently costs transport users and operators about £15 billion a year and this could double over the next decade.

Congress believes that:

- a) in the UK's struggle to reduce its carbon emissions, moving freight on to rail is an important tool;
- b) putting freight on to the rail system will not only help defeat global warming but will also reduce road congestion, which has economic benefits;
- c) in the current economic climate, the greater oil efficiency offered by rail makes it far more cost-efficient;
- d) in order to facilitate the movement of goods on to the railways, there must be substantial investment in rail freight infrastructure, including rail terminals at airports and ports nationwide; and
- e) only a fully integrated freight transport system can maximise the transportation of goods whilst lowering carbon emissions.

Congress notes that:

- 1) after negative reaction in the 2007 White Paper Delivering a Sustainable Railway, the Government now says it 'sees great potential for a rolling programme of electrification';
- 2) the UK came 24th out of 33 in terms of percentage of European track that was electrified at the end of 2005;
- 3) oil is believed to have already reached its peak production; and many experts believe oil will have run out completely 40 years from now; and
- 4) operators do not hold franchises long enough to invest for the long-term.

Congress believes that electrification of rail in the UK would:

- A) make for a railway that is cleaner for both driver and passenger;
- B) radically reduce emissions that cause global warming;
- C) by cutting reliance on oil, ensure a rail network will exist in the future; and
- D) bring long term savings - because there are fewer moving parts, train maintenance becomes simpler and cheaper, and because the vehicles vibrate less, electric traction trains have longer operational lives.

Further, Congress is convinced that the introduction of change on the scale it envisages will mean funding from central government. Congress therefore instructs the General Council to:

- i) support, publicise and lobby on behalf of the electrification of rail, seeking the broadest support from passengers, trade unionists, environmentalists and government; and
- ii) argue that nuclear power is not the best way to deliver the additional electricity that needs to be generated and call for a full government review of all alternatives.

Congress instructs the General Council to:

- a) support the construction of freight terminals to help the development of a fully integrated freight network;
- b) support the campaign to put more goods on the rail freight network in order to reduce the UK's carbon emissions and relieve road congestion; and
- c) examine the construction of freight-only railway lines to make transportation more efficient.

Congress welcomes recent announcements in respect of high-speed rail lines and rail electrification, but notes from Spain that long-term planning, public funding and political will are all prerequisites in delivering such projects. Congress calls on the Government to recognise the urgent need for these ingredients in the UK.

Mover: Transport Salaried Staffs' Association

Seconded: Associated Society of Locomotive Engineers and Firemen

Supporter: Community

Composite 12 Performance management systems

Congress notes that increasing numbers of our members are subject to performance management systems that determine their pay, job security and career prospects. Congress is concerned at the growing evidence that these systems are being abused in a way that lowers morale and commitment. Rather than improve performance, they are being used increasingly to drive down pay costs or drive employees out. The use of pay budgets which are set too low, forced distributions of performance markings and quotas for so-called underperformers mean that for too many employees, performance management systems work to their disadvantage. Moreover, the way that performance is managed puts individuals under pressure to work longer hours to avoid low performance assessments.

Properly applied, such systems can contribute positively to career development when used for appraisals in personal development planning. There is a link between good appraisals, personal development and job satisfaction.

There is also growing evidence of bias within performance markings on grounds of ethnicity, disability, part-time worker status and being lower in the organisational hierarchy. In other words, the higher you are in the organisation the higher your assessed level of performance. Where there is a link to pay these patterns of bias also contribute to the gender pay gap.

Congress also notes the misapplication of LEAN methodology and other process management tools in the public sector, as crude means of cutting jobs, deskilling and demotivating workers.

Congress urges the General Council to:

- i) highlight the way performance management systems are being corrupted by the use of restricted pay budgets and performance quotas;
- ii) highlight the need for greater transparency and openness in the way they operate;
- iii) convene a meeting of unions and other experts to encourage and share best practice in identifying and eliminating bias focusing in addition on the impact of process management tools such as LEAN; and
- iv) provide guidance to affiliates on personal development planning, including ensuring that performance management systems are subject to equality impact assessment.

Mover: Connect

Seconded: Public and Commercial Services Union

Supporter: FDA

Composite 13 Pension policy

Congress notes the many steps that have been taken by the Government in recent years in response to consistent campaigning from trade unions. However, there is still a long way to go before everyone can be confident of living with dignity and decency in retirement.

Congress further notes that many employers are rapidly moving to reduce benefits or close defined benefit occupational pension schemes to active members in respect of future accrual.

Congress calls on the General Council to campaign for government action to:

- i) immediately increase the basic state pension to at least £151.00, with indexation to the higher of average earnings or RPI;
- ii) remove limitations on National Insurance buy-back to allow people to buy back all their missing periods of National Insurance contributions;
- iii) bring pensions into the list of core issues for collective bargaining;
- iv) compel trust-based schemes to incorporate 50 per cent member-nominated trustees;
- v) introduce legislation to guarantee member involvement in the governance of contract-based occupational pension schemes;
- vi) make necessary regulatory reforms to ensure member involvement analogous to trustees in statutory pension schemes;
- vii) ensure that all employees working on public sector contracts have access to public sector pension schemes irrespective of employer;
- viii) ensure the pension protection on transfer is genuinely equivalent to the TUPE protections that apply to other terms and conditions by requiring transferors to provide employees with access to actuarially equivalent pension provision;
- ix) extend TUPE and pension-related legislation to cover share transfers and other changes in company control that negatively affect workers' remuneration, terms and conditions;
- x) review urgently the pension buy-out market that threatens to undermine occupational pension security;
- xi) ensure all falsely self-employed workers are automatically enrolled in the new personal pension accounts to be introduced in 2012 and for their 'employer' to be required to contribute towards their pension contributions;
- xii) provide active support and encouragement for defined benefit provision as the major vehicle for combating poverty in retirement, and provide greater protection for defined benefit schemes threatened by unilateral action by employers including closure or reduction/withdrawal of funding, with employers being made fully responsible for any additional costs attributable to such actions; and

xiii) restore provisions to enable occupational pension schemes to be made a condition of service.

Mover: GMB

Seconder: Union of Construction, Allied Trades and Technicians

Supporters: Transport Salaried Staffs' Association

Connect

Composite 14 Public services

Congress deplores the Government's continued privatisation of our public services and the increasing restrictions on spending and investment that are damaging staff morale and undermining service quality.

Congress condemns the cuts in public services which have arisen as a consequence of the 2007 Comprehensive Spending Review and which have affected both the devolved administrations and local authorities among other areas of provision within the public sector. Congress believes that these budget cuts will have a damaging impact on all public services including:

- i) job losses (including compulsory redundancies);
- ii) the erosion of employment opportunities;
- iii) cuts in staffing standards;
- iv) reductions in core funding for key public services; and
- v) diminution in quality service provision.

The day-to-day reality for too many public service workers is one of underfunding and understaffing, made worse by the increasing resort to private employers offering to cut costs by evading public sector standards of employment, accountability, and service quality.

Too often the Government has seemed more interested in responding to the demands of the 'public services industry' for more business, or pressure from the City for lower taxes, than listening to staff or meeting the needs of the public for essential services.

Congress notes that the market model of public service reform has led to degeneration in the quality of, and access to, public services for users, worsening employment conditions and the erosion of the public service ethos.

Congress rejects shared services models that further jeopardise public provision. Congress also condemns Government proposals of 10 June 2008 to threaten 638 secondary schools with closure and replacement by academies and trusts if they do not meet an arbitrary, one-size-fits-all exam target.

Congress rejects:

- a) top-up fees in higher education, cuts to entitlement and overall levels of provision in adult education and the conversion of education service users into paying customers;
- b) the conversion of government into a commissioning agent for a 'diverse provider base' that effectively promotes private sector providers and allows employers to control the level, content and form of educational provision;
- c) the overt privatisation of support services and, increasingly, core educational provision;
- d) the restructuring of funding which promotes an unstable, damaging, competitive environment, leading to the erosion of capacity, deskilling, casualisation, discrimination, redundancy and constant restructuring of staff. Specific examples include equivalent and lower qualifications funding, offender education and ESOL provision, where often the most vulnerable are put at risk; and
- e) the argument that the UK cannot afford further investment in public services. The recent TUC pamphlet *The Missing Billions* highlights significant sources of potential funding for our public services.

Congress recognises that this is why the TUC needs to re-double its efforts to defend the principles of the public sector.

Congress, therefore, calls on the General Council to campaign through the Public Services Liaison Group and the Public Services Forum to put pressure on the Government to:

- 1) bring privatised services back in-house and rebuild the role of the public sector as a guarantor and leading provider of innovative, responsive, high quality public services;
- 2) review the effect of 'efficiency' programmes on the quality and availability of services to the public, act to secure adequate funding to meet individual and social needs, and a moratorium on further cuts in public services;
- 3) inform and involve public service workers, trade unions and communities in all service reviews, efficiency programmes, commissioning and procurement processes;
- 4) take steps necessary to fulfil its commitment to eradicate the two-tier workforce, ensure provision of adequate staffing standards to maintain the quality of public service provision, and that the outsourcing of services is not at the expense of staff terms and conditions;
- 5) commit to provide sufficient core funding to protect all public services;
- 6) increase investment in the skills of public sector workers;
- 7) set up an independent review to examine whether there is any true value for money delivered by the reported £130bn+ of taxpayers' money spent buying goods and services from the private sector and to examine the scope to save money by providing the services in-house; and

8) ensure a more progressive and equitable tax system that also addresses the current widespread practice of tax avoidance and evasion.

Congress welcomes the TUC's Speak Up for Public Services campaign and the work of the PSLG in providing positive alternatives to the Government's attempts to privatise public services. Congress congratulates the TUC on the publication of its public value pamphlet.

Congress believes it is vital to promote the benefits of union membership to existing members, potential members and employers and commends those employers who recognise the value that unions bring to their organisations, including the growing skills dividend from the work of union learning reps and the ground-breaking partnerships with learning providers brokered by unions.

Congress believes further that it is vital for the TUC and its affiliates to support industrial action by, and show solidarity with, workers in public services who are threatened with a change of employer, closure of provision or with punitive inspections.

Congress strongly opposes private sponsorship of public education services and deplores those sponsors of academies that have refused to recognise unions. Congress welcomes the approach by affiliates under which unions jointly apply for recognition in academies and set the agenda for bargaining on terms and conditions in such establishments.

Congress believes that there is insufficient control over which private organisations are involved in delivering public services and that any such organisations should meet a 'fit and proper' standard. Congress strongly condemns any employers who resort to so-called 'union-busting' techniques to bully and frighten members and potential members from participating in union activities.

Congress calls on the General Council to monitor and defeat any growth in the use of these anti-union techniques and calls upon the Government to ensure that all organisations that deliver public services, whether privately or publicly owned, recognise independent trade unions.

Congress notes that increasingly the activities of local authorities and other public sector bodies are being directed to becoming commissioners and inspectors of commissioned services rather than providers of services. This year proposals have been put in place to make commissioning the key activity of Children's Trusts. Explicit in those proposals are the extension of the activities of the voluntary sector and implicitly the move to a business unit concept for local authority services - essentially a backdoor privatisation of the work of local authorities.

Congress notes that commissioning of services has been taken forward with undue enthusiasm by some local authorities, such as Manchester City Council, where the process of commissioning appears to take precedence over the most effective delivery of services to children. One effect of this exuberant race to change is that the continuation of equitable educational psychology services to children in that authority are seriously threatened and are unlikely to be able to respond efficiently to needs of the city's most vulnerable children.

Commissioning as a blanket approach creates values that operate directly against the declared governmental policy, for example joined-up work based on responding to need.

Commissioning specifically threatens small services within local authorities that provide developmental and across-authority initiatives.

Congress recognises that it is vital that the TUC gives the highest priority to campaigning to protect public services, particularly in the run-up to the next general election.

Accordingly, Congress instructs the General Council to:

A) construct a publicly accessible campaign to protect our services from privatisation;

B) develop a strategy for engagement with all members of TUC-affiliated unions and parliamentary parties in promoting its campaign;

C) convene a representative group of affiliates, including affiliates on the PSLG, to advise on the direction of the campaign;

D) continue the research on public value, including further research and action on developing democratic models of delivery with public sector unions, employees and users in local communities;

E) publish new 'best practice guidance' on campaigning and bargaining to halt and reverse marketisation;

F) research the effects of commissioning across all local authority services and children's services;

G) support trade unions in their effort to defend and develop local services and to campaign actively against commissioning models that increase private sector involvement;

H) highlight the resulting democratic deficit from private sector involvement;

I) organise a high profile public conference which develops and affirms a vision of education as a public service, free and accessible to all; and

J) affiliate to the Anti-Academies Alliance.

Mover: UNISON

Seconder: National Union of Teachers

Supporters: Association of Teachers and Lecturers

University and College Union

Educational Institute of Scotland

Association of Educational Psychologists

GMB

Fire Brigades' Union

Composite 15 Public sector pay

Congress reaffirms its support and respect for all public sector workers in health, education, transport, security, local government, civil service, justice and the emergency services. Our members make Britain work.

Congress condemns the Government's continued pursuit of a pay policy across the public sector of 2 per cent annual rises, within a tight spending review to 2010, despite rapidly rising inflation.

Congress notes that this is based on a false premise that public sector pay drives inflation. Evidence shows that inflationary pressures are linked to the global slowdown and rising food, energy and housing costs. Cuts in public sector pay mean cuts in living standards, causing more fuel poverty and housing difficulties, and further contract the economy. Congress welcomes the fact that the view of successive governments that public sector pay restraint can be used as a measure to control inflation has now been discredited.

Congress notes that since declaring its opposition to the Government's 2 per cent limit on public sector pay increases in 2007, matters have got worse.

Inflation has risen dramatically despite this limit, leading to a significant fall in public sector workers' living standards - they are the victims, not the cause, of inflation. This has a particular impact on BME, disabled and women workers who are disproportionately represented in the lower grades of the public sector workforce. Current government policy will undermine attempts to address the gender pay gap across the economy.

Congress believes that the attempts to restrict public sector pay awards at levels below the rate of inflation are unfair, based on questionable assumptions and must be revised urgently. Continuous, real-term cuts in public sector pay undermine the quality of public services and damage the morale and motivation of public sector workers.

This restrictive pay policy is unfair and unjust and is penalising workers already suffering from economic uncertainty and rising prices. Congress therefore believes that the recent attempts by the Treasury to impose an arbitrary limit on public sector pay increases are unacceptable, counterproductive and impede the effective delivery of essential public services. Congress further asserts that a continuation of these policies is having a detrimental effect on recruitment, retention and morale of key public service workers.

Congress believes public sector workers are entitled to pay and conditions that adequately reflect their contribution to society and should not be used to pay the price for economic policies over which they have no control.

Congress also rejects the use of the Consumer Prices Index, which specifically excludes housing costs, as the Government's preferred measure of inflation. Congress further deplors the Government's reliance on the Consumer Prices Index to justify its 2 per cent pay policy, while at the same time using the Index of Retail Prices to determine the rate on interest payable on student loans, thus cutting still further the real income of young teachers and other recent and newly qualified graduates. Congress asserts that the use of the Consumer Prices

Index as an inflationary measure further disadvantages low-paid public service workers and increases the pay differentials between the public and private sector. Congress reaffirms that RPI is a better measure of workers' cost of living increases than CPI, and calls upon the Government to recognise this.

Congress recognises that incremental pay scales are common in the public sector, that increments represent commitments given to staff in recognition of increased experience in post, and that they should not therefore be considered as part of any cost of living increase. Congress further recognises that civil service bonuses represent money stolen from junior staff salaries in order to boost the earnings of the most senior.

Congress calls upon the Government to recognise and address the fundamental incompatibility of its commitment to high quality public services and its imposition of below-inflation pay increases upon public sector workers which has:

- i) cut their living standards;
- ii) reduced their real and relative pay; and
- iii) damaged the ability of vital services, on which the whole population depends, to recruit, retain and motivate staff.

Congress calls upon the Government to engage in constructive dialogue with the General Council to:

- a) review the key worker housing scheme;
- b) examine the merits of multi-year pay awards as part of a package of improvements in pay and conditions of service;
- c) secure effective re-opener mechanisms to maintain confidence in multi-year awards; and
- d) consider the impact of independent review bodies on pay levels.

The Government's steadfast refusal to tackle boardroom greed and spiralling city bonuses further exacerbates the unfairness. Congress notes that there is no restriction on boardroom pay or share dividends.

Congress believes that the Bank of England has concentrated too narrowly on inflation, and neglects employment at its peril. Congress believes that a change in Government economic priorities is necessary and action must be taken to implement them.

Congress believes that with sufficient political will funds can be found to protect living standards and pay public sector workers fairly. The TUC report *The Missing Billions* illustrates how this can be achieved.

Congress notes the continued attacks on public sector workers, and the increased cost of living; we believe that the attacks on the ethos of public work through privatisation, marketisation and hardline industrial relations make mutual support regardless of sector or job or union essential.

Congress condemns the below-inflation pay policy of government and employers and reaffirms its support for workers seeking a fair wage. Congress applauds those unions and members who have taken action on pay.

Congress congratulates the General Council on organising the 9 June rally and lobby of Parliament and for supporting unions campaigning for fair pay across the public sector, including equality in the workplace.

Congress instructs the General Council to coordinate a major campaign on public sector pay. Congress demands that the General Council:

- 1) prioritises its Speak Up for Public Services campaign;
- 2) co-ordinates the public sector unions on pay;
- 3) encourages local, regional and national joint campaigning coordinating industrial action amongst those unions in dispute over pay, and giving full support to such action;
- 4) opposes costly and wasteful reliance upon flawed and failed private sector 'solutions';
- 5) campaigns to ensure all political parties are committed to properly government-funded - not privatised or marketised - public services;
- 6) continues to make a robust case for fairer and more equitable taxation solutions and campaign for a fairer, progressive system of taxation to fund public services;
- 7) support unions when 're-opener clauses' clauses in multi-year deals are reneged upon, to provide safeguards against rising inflation;
- 8) assist unions engaged in campaigning on behalf of their members through the production of appropriate briefing materials, promoting the union case to both government and the media, and supporting joint union activity; and
- 9) organises days of action including a major national demonstration against the Government's pay policy.

Mover: UNISON

Seconder: Public and Commercial Services Union

Supporters: National Union of Teachers

National Association of Schoolmasters Union of Women Teachers

University and College Union

Chartered Society of Physiotherapy

Unite

The following AMENDMENT was lost following a card vote

In sub-paragraph 9), after 'of' insert 'strike'.

POA

Composite 16 The National Health Service

Congress calls on all affiliates to celebrate the 60th anniversary of the NHS and the enormous benefits to the health of the population that have been seen during this time, delivered through the hard work and dedication of its staff.

Congress recognises that political devolution means the NHS at 60 is now effectively four separate systems.

Congress believes that NHS core values of equity, universality and care free at the point of need must not be compromised and that our staff uphold these values.

Major reforms currently underway in the NHS will have a long-term impact on service users and staff. These include the Darzi Next Stage review, the Carol Black review of the health of the working age population, and the introduction of an NHS constitution to name but a few.

There is much to welcome within these reforms. However, Congress is mindful of the importance of ensuring that the NHS keeps faith with its core principle of being free at the point of need, and does not jeopardise its future through fragmentation and privatisation of services.

Congress recognises the many continuing dangers from the Darzi reform agenda, including:

- i) the introduction of multinationals to the primary care sector;
- ii) the extension of market incentives through expanded patient choice and the continuation of the payment by results system;
- iii) greater encouragement for staff to break away from the NHS to form social enterprises; and
- iv) the adoption of personal budget pilots which could be a first step towards bringing means-testing to the NHS.

Congress notes that meaningful trade union engagement secured positive outcomes in education and training and in the NHS constitution which should ensure the future of the service.

Congress recognises issues around the EU directive on cross-border healthcare that would increase inequality and potentially mean the UK NHS paying for private treatment abroad.

Further, Congress recognises the challenges presented by the review into co-payments.

Congress calls on the General Council to:

- a) campaign for reforms to be underpinned by robust protective regulation on all employment rights;
- b) continue opposing marketisation;
- c) call for a proper analysis of the impact of personal budgets on the NHS before extending it;
- d) resist any future initiatives around co-payments that would damage NHS values;
- e) resist the imposition of European plans for healthcare;
- f) support affiliated health unions in their efforts to ensure that members working in the NHS are able to contribute their expertise and be genuinely involved in future decisions on healthcare delivery, through effective partnership working at national, regional and local level; and
- g) stimulate a debate among the wider trade union movement about what the latest reforms will mean for the health of workers and their families, with the aim of producing an authoritative TUC position paper on the NHS, to be published as part of the TUC's current series of Touchstone pamphlets.

Mover: UNISON

Seconded: Chartered Society of Physiotherapy

Composite 17 The prison system and imprisonment

Congress recognises the effects of crime on society in general and demands that the justice system address the needs of those directly affected by crime. Society as a whole must have confidence in the system to ensure that offenders are not only caught, but punished appropriately and then rehabilitated to reduce the risk of re-offending.

With the prison population expected to reach 100,000 Congress expresses grave concern at the failures of the Government in their approach to crime, punishment and imprisonment. Congress views with great concern the Government's stated commitment to a significant growth in the prison estate. The United Kingdom already has the highest prison population in the European Union. Even though the Government has accepted the serious underlying issues surrounding crime they have failed to deliver real end-to-end justice in which society as a whole can have confidence.

The Government is committing this country to the building of huge privatised 'Titan' prisons, whose record in other countries is, at best, debatable. These human warehouses are to be located in three regions, drawing their inmates from large catchment areas. The plan to extend this folly is both economic madness and completely illogical in the face of Government evidence of falling crime rates.

Congress accepts that prison officers are at the sharp end when the failures of the current policy result in custodial sentences.

The Government itself acknowledges that ideally, prisoners should be located locally so as to maintain community ties and enhance employment and accommodation prospects - all of which are the factors most strongly linked to reduction in potential re-offending rates. Congress further recognises the importance to rehabilitation of providing from public funds a properly resourced and professionally staffed offender learning service and notes the recent failures in privatised provision. Congress celebrates the work of prison educators in reducing re-offending.

Congress supports the need for all key stakeholders to be engaged in establishing policies that are fully resourced and deliver a system that society can trust and in which the workers are paid accordingly for the work they perform, and commits to campaign against inappropriate imprisonment with the aim of reducing the prison population to a humane and manageable level over the next five years.

Mover: POA

Secunder: Napo

Supporter: University and College Union

Composite 18 Human rights

Congress notes that in the 60th anniversary year of the Universal Declaration of Human Rights (UDHR), the abuse of human rights continues to be widespread.

Congress notes that the UDHR includes social, cultural and economic rights that are indivisible from civil and political rights.

Congress recognises the role that unions can play in helping build strong institutions of civil society and in promoting participation in governance and citizenship, as well as in community life, giving voice to people's needs and concerns and giving people the confidence to exercise fully their human rights.

Congress notes that trade unionists are often in the frontline of the defence of human rights and are, therefore, also often particularly at risk from despotic regimes or discriminatory employers. Congress notes that ILO core labour standards (including the right to join a trade union and bargain collectively) are human rights too.

Congress re-affirms its commitment to the human rights of workers nationally and internationally. Respect for human rights must begin with basic labour standards and conditions.

The human rights of workers must also incorporate freedom of expression, including the inalienable right to freedom of artistic expression. Artistic freedom in the media and live performance can enrich communities and cultures, while the freedom to perform in their chosen profession provides artists and performers with employment and income.

Yet professional performers and artists from around the world often face severe restrictions on their freedom to carry out their work, which can lead to censorship, exile, persecution,

imprisonment, torture or even death because of the nature of their work and the response of authoritarian regimes.

Congress applauds the work of Amnesty International to campaign for and defend all the human rights contained in the UDHR.

Congress welcomes the growing collaboration between Amnesty International and the ITUC and the Global Unions and welcomes the decision of Amnesty in the UK to expand significantly its activism, engagement and campaigning with union branches, trades councils and with the TUC regions.

Congress supports the work of Amnesty International, Liberty and International PEN and similar organisations in defending freedom of expression. It also commends the work of Equity's International Committee for Artists' Freedom in working with these bodies to highlight the plight of artists, performers and creative workers whose human rights are curtailed and abused in this way.

Congress calls on the General Council to continue to work closely with these and other external bodies, so the TUC is able to act as an effective link between dedicated human rights organisations and the relevant occupational areas of the trade union movement.

Congress further calls on affiliated trade unions, trades councils and union members to:

- i) continue to place the struggle for human rights at the heart of solidarity work;
- ii) recognise that human rights need to be won and defended at home as well as abroad; and
- iii) work with Amnesty International to advance and support the full range of rights contained within the UDHR.

Congress further calls on the General Council to intensify its collaboration with Amnesty on shared human rights objectives.

Mover: Equity

Secunder: Accord

Supporters: FDA

Composite 19 Colombia

Congress is outraged by the 89 per cent increase in assassinations of trade unionists in Colombia during the first period of 2008 and notes that Colombia remains the most dangerous place in the world to be a trade unionist.

Congress deplores violence, illegality and kidnapping; the Colombian Government's disrespect for its ILO obligations, including the 2006 tripartite accord; and the impunity that allows the killers of trade unionists to escape punishment.

Congress remains concerned by the refusal of the UK Government to acknowledge the responsibility of the Colombian state in carrying out systematic human rights abuses against trade unionists and others in Colombia and is appalled by the UK Government's ongoing political, diplomatic and military support for such an abusive regime. More specifically, Congress is angered that the UK continues to provide military aid to Colombian army units that assassinate trade unionists whilst at the same time providing no visible support for a Humanitarian Exchange.

Congress applauds the work of Justice for Colombia (JFC) to raise awareness about the situation in Colombia and to provide concrete support to trade unions in Colombia that are operating in such a harsh environment.

Congress calls on the General Council to:

- i) strongly oppose ongoing UK military aid to Colombia;
- ii) pressure the Government to use resources currently devoted to the Colombian security forces instead for social development, human rights and other projects that would benefit the Colombian people;
- iii) continue to support the Colombian trade union movement's calls for the development of social justice and collective bargaining;
- iv) call on the Government to follow the example of other countries such as France in making clear their support for a Humanitarian Exchange in Colombia as a first step towards a negotiated settlement;
- v) commit to continuing financial and political support for the work of JFC; and
- vi) organise, in co-operation with JFC, a major international conference designed to raise awareness of the situation in Colombia.

Mover: Transport Salaried Staffs' Association

Secunder: Unite

Supporter: Association of Teachers and Lecturers

Composite 20 Training in the public sector and machinery of government

Congress notes with concern that cuts in public sector funding arising from the current Comprehensive Spending Review are undermining the Government's commitment to the Leitch Review recommendations to enable the UK to become a world leader in skills by 2020.

Congress notes that despite the increased skills required in many public sector areas such as the probation service, training provisions are under threat along with threats to jobs, pay and professional standards.

Congress notes that one of the characteristics of societies with successful post-16 education and training provision, such as Finland, is the stability of the national and sub-national infrastructure which supports this service. Yet in England we seem to be in a constant state of flux in this regard, and this uncertainty inevitably distracts colleges and providers from their core work of educating young people and adults.

Congress agrees to:

- i) support union campaigns to oppose attempts to reduce the quality of training and professional development and to campaign for the provision of higher skills for all staff; and
- ii) call on the Government to create effective, transparent and workable arrangements fit for a long-term settlement for post-16 education and training in England.

Mover: Napo

Seconded: Association for College Management

Composite 21 Health and safety at work

Congress notes that 228 people were killed at work in 2007/08. Congress further notes that prosecutions by the Health and Safety Executive dropped by 43 per cent since 2001/02, immediate prohibition notices decreased by 31 per cent and enforcement notices fell by 27 per cent during this time.

Since 2002 the HSE has experienced year-on-year real term budget cuts and it faces further cuts in future. The cuts have led to fewer inspectors and inspections.

Congress notes the inquiry into death in the construction industry proposed by the Government and reasserts that only when statutory health and safety duties are placed on individual directors will this catastrophic level of deaths be reduced.

Congress notes with dismay that the HSE has adopted the discredited policy of self-regulation and the belief that business must regulate itself. This policy has been an abject failure and has needlessly endangered the lives of workers, particularly in safety-critical industries such as construction and agriculture.

Congress believes that only by introducing a high profile regime of regular inspections, supported by the maximum level of enforcement action, will workplace deaths be reduced.

Congress calls upon the General Council to mount a vigorous campaign to:

- i) transform the ethos of the HSE from an organisation that offers advice to an organisation that maximises its resources in conducting inspections and prosecuting companies that break health and safety laws;
- ii) replace the existing members of the HSE board who remain wedded to the failed theory of self-regulation;

iii) lobby the Government to increase dramatically the funding of the HSE with additional monies spent on frontline services;

iv) ensure the HSE recognises that a culture of transparency and openness is paramount when reducing fatalities in the workplace;

and for:

v) statutory health and safety duties for company directors;

vi) legislation reversing the House of Lords Pleural Plaques decision and funding for compensation at pre-2007 levels;

vii) dedicated research on asbestos-related conditions; and

viii) statutory requirements upon employers to provide risk assessment findings, and to respond formally to safety representatives.

Mover: Union of Construction, Allied Trades and Technicians

Secunder: Unite

Supporter: GMB

Composite 22 Workers' Memorial Day

Congress notes with regret that, since 1999, when the TUC first adopted Workers' Memorial Day on 28th April, over 2,000 workers have been killed at work and tens of thousands have been seriously injured.

Congress agrees to lobby the Government to commemorate Workers' Memorial Day and to lobby for an October bank holiday identified to encourage volunteering and community service.

Mover: Bakers, Food and Allied Workers Union

Secunder: Union of Construction, Allied Trades and Technicians

Supporter: Association of Educational Psychologists

Composite 23 Violence at work

Congress recognises the legal duty that employers have to provide a safe place of work and notes the vital role trade unions provide in supporting their members to improve workplace design and facilities.

Congress acknowledges that official figures from the British Crime Survey suggest that violence at work has fallen in recent years and while Congress welcomes this fall it needs to appreciate that surveys in the public sector demonstrate that this is still very much a key issue that continues to affect thousands of workers and members.

While Congress acknowledges that health and safety legislation offers some protection from violence for workers it is saddened that there continues to be no legal prohibition on lone working.

Current guidance reinforces the need to prevent violence happening in the first place by having good staffing levels and systems to alert staff to potential threats, but in the NHS union members continue to work alone without support or contact with someone for long periods of time. Similarly, workers in transport industries are regularly rostered to work alone, especially at night, in stations or on trains and buses, where they are extremely vulnerable to - and frequently suffer from - physical and verbal attack.

Congress recognises the potential danger faced by community and district nursing staff when making patient visits alone.

Although there is a focus on safety for such high profile areas as accident and emergency departments, the CDNA's concern is for its members.

Community and district nurses are providing nursing care 24 hours a day, 365 days of the year. While out on their travels they make visits alone within inner cities, urban and rural areas and many of our members' cars have been damaged whilst on visits. Although modern technology provides mobile phones a clear signal is not always guaranteed, which is no good should they need to raise an alarm.

Congress asks that the TUC and fellow affiliates support the CDNA in urging NHS Trusts to address the safety of union members before any further tragedies happen.

Congress values the safety of members and the service they provide, and it calls upon individual employers and the Public Service Forum to insist that this issue remains high on the health and safety agenda to reduce violence at work and introduce legal safeguards to protect members.

Congress calls on the General Council to campaign for the adoption of a 'passport scheme' for staff training in conflict management, similar to that in Wales, and also for robust ring-fencing of the £97m announced by the Secretary of State to be injected into the NHS for staff protection.

Mover: Society of Radiographers

Seconder: Community and District Nursing Association

Supporters: Chartered Society of Physiotherapy

Transport Salaried Staffs' Association

Composite 24 Education workforce development

Congress recognises the commitment and achievements of the education sector, at all levels, and the continuing importance of ongoing professional learning to the education sector workforce itself, and appreciates the growing body of available research evidence underlining the significance of this factor to overall educational advance. This evidence includes the work

of such internationally respected educationalists as Professor Michael Fullan in promoting the continuing professional development of education professionals at the national level, local authority and individual school levels. Educational improvement and the future prosperity of the UK economy require a well-educated and increasingly skilled national labour force.

Congress recognises that the development of a highly skilled education team is essential to meeting the needs of every child and young person. Congress therefore welcomes the renewed attention to the issue of teachers' professional development in England now emerging within broader government educational improvement policies. Congress urges the Government to act on the current English National Curriculum testing system. Congress acknowledges the value of evaluation that supports, not damages, school communities, children's learning and staff morale.

Congress also supports efforts to improve access for school support staff to high quality training and career development opportunities. It further notes the contribution of the school workforce social partnership to this agenda through revised performance management arrangements which require a discussion of continuing professional development (CPD) needs and its detailed work with the Training and Development Agency on the supply of CPD. Congress believes that future high-quality CPD should be an entitlement across the entire sector for all teaching and education professionals, including those in management or support roles, and should be:

- i) enabling and formative in nature;
- ii) supported by appropriate staff facilities and sabbaticals to ensure effective participation;
- iii) duly co-ordinated by local authorities to secure consistency of quality within local provision;
- iv) accompanied by dedicated funding provision; and
- v) recognised and accepted throughout the UK.

Mover: Association of Professionals in Education and Children's Trusts

Seconder: National Union of Teachers

Supporters: National Association of Schoolmasters Union of Women Teachers

Association of Teachers and Lecturers

Association for College Management

Emergency 1 Welfare Green Paper

Congress notes with alarm the Green Paper on welfare reform, published on 21 July, consultation on which ends on 22 October.

The Green Paper, which was welcomed by both the Conservative front bench and UKIP, implements all the proposals made by David Freud in 2007. Congress reaffirms its support for the TUC's key points, made at the time in opposing Freud's proposals:

- i) The vast majority of people excluded from the labour market are victims of economic forces beyond their control - they need support to get jobs, not penalties.
- ii) There is no need for privatisation or contracting out. We need a strong and compassionate public employment service to help those who find it difficult to get jobs.

Congress also opposes the proposals for:

- a) abolition of income support;
- b) introducing obligations to work benefits;
- c) compulsory training;
- d) contractors' 'right to bid';
- e) cutting benefits to single parents and those with long-term illness;
- f) requiring all parents of young children to seek work; and
- g) privatisation of the employment service.

Congress therefore instructs the General Council to respond to consultation in the strongest possible terms, opposing these elements of the Green Paper's proposals, and to support PCS' campaign against privatisation of existing Jobcentre staff's work.

Congress also instructs the General Council to organise the widest possible opposition to the Green Paper, with affiliated unions, campaign and user groups. The campaign should include a national conference, lobby of parliament, and rallies against the proposals in every TUC region.

Mover: Public and Commercial Services Union

Seconded: GMB

Emergency 2 The failing energy market

Congress notes that the Prime Minister, in his speech of 4 September, ruled out financial assistance for households struggling to meet their energy bills, in favour of help with home insulation. Congress believes this is an inadequate response to the current energy crisis.

Congress also notes that the 'big six' energy suppliers had profits last year of £1.635 billion, whilst the average household fuel bill has risen by 42 per cent in 2008. Congress condemns the actions of these suppliers, and the phony competition between the energy companies.

Congress further condemns the failure of the Government and Ofgem to take any action to properly regulate the energy market, and curb the excessive price rises being imposed on hard-pressed consumers. Congress considers Ofgem to be inadequate, more concerned with raiding workers' pension schemes than tackling the greedy utilities companies or standing up for consumers.

Congress believes that 'heating or eating' is not a choice which the poor and elderly should be forced to make. Congress calls upon the Government to take urgent action on rising fuel bills by levying a windfall tax on energy companies and use this revenue to provide financial assistance to the neediest households. In addition a coherent energy policy with Government rather than market control is required.

Mover: GMB

Second: National Union of Mineworkers

Emergency 3 Associated Train Crew Union

Congress notes that on 4 September 2008, Tube Lines, the London Underground maintenance company, was formally approached by the non-TUC affiliated Associated Train Crew Union (ATCU) to seek recognition with the company.

Congress further notes that ATCU is a breakaway union that represents a divisive attempt to undermine the efforts of the recognised rail unions to protect and advance the interests of rail workers.

Congress further notes that ATCU has publicly stated its aspiration to affiliate to the TUC and Congress requests that the General Council must refuse any request from ATCU for affiliation to the TUC.

Mover: Associated Society of Locomotive Engineers and Firemen

Second: National Union of Rail, Maritime and Transport Workers

Supporter: Transport Salaried Staffs' Association

Motions Lost

5 Trade union freedom

Congress recognises the level of work carried out by the General Council in an attempt to progress the Congress resolutions that called for a more modern, fair and appropriate approach to trades union rights in our country.

Further, Congress places on record its appreciation to all those academic lawyers and MPs who sought to take the Trade Union Freedom Bill through the Parliamentary process, but expresses its disbelief at the Labour Government which chose to talk the Bill out of time, in order to ensure that the Bill fell. This act of 'political sabotage' is unworthy of any Government, but particularly a Labour Government.

Congress recognises that the actions of the TUC and affiliated unions have had no success to date in persuading the Government to amend legislation to return the fundamental rights of all workers. In fact, Government has taken even more draconian legislative action to stifle trade unions.

Therefore, Congress instructs the TUC to organise a series of one-day general strikes until such time as the Government removes the restrictive anti-trade union legislation from statute.

POA

Motion withdrawn

46 Transport

Congress urges the General Council to convene a meeting urgently with government ministers to press home the need to address the widespread flouting of legislation, designed to improve health and safety, in relation to working time for mobile workers and the use of 'periods of availability' to circumvent the legally permissible maximum working hours per week.

Despite written requests from the TUC to address this lacuna in the legislation, through a meeting with government ministers, its requests have simply been ignored, without even the courtesy of a response. Over 80 deaths of professional drivers occurred on United Kingdom roads during 2007. Congress believes this is unacceptable. Anything that can reduce this shameful loss of life must be grasped.

Restricting the use of 'periods of availability' to extend the working week will, Congress suggests, result in a concomitant reduction in accidents involving professional LGV drivers. Such mortality figures would not be acceptable to society on the railway, at sea or in aviation. Why should it therefore be acceptable on the roads of the United Kingdom?

United Road Transport Union

The following AMENDMENT fell

In paragraph 3, line 2, after 'drivers.' insert:

'To achieve this will require the proper funding of the Vehicle and Operators Services Agency so that there are sufficient inspectors to enforce the existing legislation.'

Unite

General Council Statement

General Council statement on the economy

The world economy is in a downturn. The roots of the crisis do not lie in the UK, but we are not immune. Ordinary working people are already paying higher energy and food prices, suffering from growing job insecurity and finding their wages are not keeping up with the cost of living.

The Government's top priority must be to mitigate the impact of the worldwide slowdown. This means giving priority to growth and maintaining confidence in the future of the economy so that we do not talk ourselves into a downturn deeper than necessary.

There are two main causes for this slowdown.

First the lack of proper regulation of the finance sector has had the inevitable consequence of an unsustainable boom and subsequent bust. This has led to the world-wide credit crunch in which banks no longer trust even each other. The Government itself has acknowledged this problem through its current review of financial sector regulation and the TUC looks forward to rigorous and comprehensive proposals arising from this.

Second the growth of demand for oil and other natural resources, possibly aided by speculation, has led to substantial price rises particularly for everyday essentials.

It is important to understand this inflationary threat. Getting this wrong will lead to policy errors that will make the slowdown longer and deeper.

Trade unions are not soft on inflation. We do not want to see hard-won pay settlements wiped out by price rises. Living standards are already being eroded by inflation, and inflation rates are higher for those on low and middle incomes as essentials such as food and energy make up a greater proportion of their household bills. High petrol and diesel prices, in particular, are significantly raising the cost of getting to and from work. Those who use their vehicles for work are finding this price rise particularly difficult to accommodate.

But current inflationary pressures are external. Most experts expect them to ease over the next two years. Depressing the UK economy needlessly to eliminate non-existent domestic inflationary pressures would be economic masochism.

In particular, there is no evidence that UK pay increases are driving UK inflation. There are no signs of a damaging wage/price spiral. Indeed neither public nor private sector pay rises are keeping up with the cost of living, and the consequent depressed demand will do nothing to counter the downturn.

The Government's two per cent target for public sector pay increases does not help deal with inflation. Public sector pay is not driving inflation, nor will holding it back reduce it. Forcing a nurse in Bradford or a driving test examiner in Swansea to suffer a cut in their standard of living will not reduce the price of a barrel of oil, but will slow the economy at a time that we need growth. In addition, public sector pay restraint is leading to a widening gap between private and public sector earnings while damaging recruitment, retention and staff morale. The policy threatens relations between the Government, staff and trade unions, impairs the independence of pay review bodies and prevents constructive negotiations on pay awards and pay structures. It is important to respect the integrity of pay determination machinery, including the need to pay proper attention to equalities and the need for realistic pay structures. These should provide for appropriate recognition and reward as set out in the public sector pay principles agreed between the Government and unions through the Public Services Forum.

Low inflation is undoubtedly desirable, but so is growth and employment. Attempting the impossible - dampening external inflation by driving the UK economy into recession - would be an approach driven by economic dogma, not today's economic imperatives.

While we cannot insulate ourselves from the world economy, the major challenge for the Government must be to show that it is on the side of ordinary working people by ensuring the costs of the slowdown are borne by those who can most afford it. This is a fundamental test of the Government's commitment to fairness. It must protect those least able to bear the costs of the slowdown. And it must make those who have done best from the boom years make a fair contribution to the cost of recovery from a downturn at least partly caused by the bonus-driven risk taking that lies behind the credit crunch.

We therefore need a new economic programme from Government and economic policy makers. It needs to be made up of short, medium and long term elements that provide immediate help to those most affected by the downturn, action to ensure the slowdown is no deeper or longer than necessary and helps to build the future strength of the UK economy.

In the short term we need a package to help those facing most difficulty from the downturn - particularly the growing numbers facing fuel poverty, including pensioners, and those suffering from the difficulties in the housing market and construction sectors.

The TUC calls for the following.

Mandatory social tariffs for energy providers - it cannot be right that the poorest, who pay for their energy via pre-pay meters are faced with higher bills than those who can afford to pay by direct debit.

An increase in the Winter Fuel Allowance to bring it up to one third of the average fuel bill, as was the case when it was first introduced. This and other measures to help those facing fuel poverty can be funded through an immediate windfall tax on the huge profits being generated in the gas, electricity and oil industries. Making such profits at a time when household energy bills are being raised so rapidly and forcing thousands into fuel poverty is unjustifiable. The Government must step in and ensure that these profits are used for long-term investment in skills and energy infrastructure and to help those most at need rather than being directed into the pockets of shareholders through higher dividends.

Ministers to scrap the arbitrary public sector pay target which is imposing real terms pay cuts on millions of low and middle income workers delivering vital public services. The TUC calls for genuine dialogue to secure fair pay and good employment conditions for all public sector staff.

The Government and Financial Services Authority to ensure that repossessions are kept to an absolute minimum.

A significant cut in VAT on property renovation to boost the home improvement market and provide greater job opportunities for those facing job loss in the construction sector.

In the medium term the Government needs a determinedly pro-growth strategy which should be reinforced by the Bank of England in line with its mandate to 'support the Government's economic objectives including those for growth and employment'.

1. A smart fiscal package

With ordinary working people facing cuts in their living standards there is a need to put more money into peoples' pockets to stimulate economic activity and growth. This will be best achieved by rebalancing the tax system to help low and middle income tax-payers while making the super-rich and big companies pay a fairer share. This requires cutting down on the tax avoidance that the TUC has already exposed. The tax system has become less and less progressive in recent years and it is time once again to make the case for fair taxation.

There are various ways to help ordinary people through targeted tax cuts. The key way would be to cut income tax by reducing rates at the bottom or by raising allowances so that the low paid and middle earners receive a greater part of their pay tax free.

There is also a case for targeted reductions in VAT on goods and services that are essential to ordinary life such as energy - possibly time limited or replaced with a gradual phasing in of a more environmentally sensitive energy tax regime. Indirect taxes are the least progressive element in the tax system. Cuts in VAT have the added benefit of reducing prices and thus reducing inflation. However, the potential for cuts in VAT are seriously constrained by European Union rules which require a standard rate of 15 per cent with relatively few exceptions. As such, this may be the time for the Government to open an EU-wide debate about whether these rules should be temporarily loosened.

We note that the Government has already made some moves towards fiscal stimulus in the wake of the abolition of the 10p tax rate. This will amount to an extra £120 for those earning between £6,035 and £40,835 over the next six months. However, compared to the fiscal stimulus package announced in the United States which provided between £160 and £1,000 (or more for those with more than two children) in the form of a one-off rebate cheque to taxpayers, this is unlikely to act as a sufficient stimulus. It is notable that growth figures for the last quarter in the USA were much healthier than had been expected.

TUC research shows that very considerable funds are available to the Treasury to pay for such a package, and the short-term measures outlined above, through a comprehensive crackdown on tax avoidance, tax evasion and excessive tax planning by the wealthiest individuals and corporations. That is why we call for a minimum tax rate for earnings over £100,000 to pay for such a package. The current effective rate for earnings above that level is now only 30.8 per cent, as opposed to the actual 40 per cent rate which usually applies, once the wide use of allowances and reliefs is taken into account. A minimum tax rate of 32 per cent for earnings over £100,000, 37 per cent over £150,000 and 40 per cent over £200,000 would raise approximately £5 billion of extra revenue for the Treasury.

If some of the package of measures presented in this section and throughout the paper also needs to be funded through a short-term increase in government borrowing, then so be it. It is precisely at times of economic slowdown that governments should borrow to stimulate the economy, and if applied effectively will result in greater economic growth and tax income that can be used to reduce that borrowing as can further long-term measures to end tax avoidance and evasion. In this context, we welcome the Government's decision to review its fiscal rules which have limited borrowing to no more than 40 per cent of GDP.

2. Lower interest rates

The Bank's remit is to limit inflation, but it is supposed to achieve this commensurate with healthy growth and employment and support the Government's wider economic policy objectives. But the danger is always that the Bank will err on the side of caution and set interest rates that are unnecessarily high, particularly at a time when inflationary pressures are external and not domestic. It is clear that the MPC is holding rates at their current comparatively high level to dampen inflationary expectations, not with any belief that they will reduce current inflation levels. The Bank says these will remain high until the higher oil and commodity prices begin to weaken in response to the global economic slowdown.

This is why the Bank should recognise that there are no significant signs of inflation taking off in the UK and that the real danger is the growing recessionary expectations that threaten to push the UK economy into a deeper and more prolonged slowdown than needed. Of course the Bank must keep a weather eye on domestic inflation, but a steady series of cuts in interest rates would help boost confidence. Lower interest rates would also ease the financial burden on those struggling to meet increased mortgage payments imposed on them through no fault of their own as a result of the credit crunch.

The Bank must remain aware that a severe drop in growth and employment would not only cause serious damage to the livelihoods of hundreds of thousands of British people and the future of the UK economy but could also lead to a new problem of deflation rather than inflation.

3. Regulation of the energy industry

As was stated above, a windfall tax on the profits of the energy industry is justified as a measure to address those facing fuel poverty in the short term. However, the TUC does not believe that a windfall tax alone will address the long-term problems caused for consumers by the energy market in the UK. Government action is required to ensure that the long-term public interest predominates over short term business priorities in this sector which is so crucial to domestic households and the success of the UK economy. It is vital that the Government and the regulator work together to bring order to this market by developing more effective regulation to provide affordable, sustainable and secure energy for domestic and individual consumers. In addition, a detailed Government review of the way the energy market and Ofgem operates and their capacity to deliver consumer satisfaction, meet the public interest and help limit climate change is overdue. This should be done in close consultation with the TUC, industry and other stakeholders.

The Government should also undertake an urgent inquiry into speculation within the oil industry to understand the extent to which this has driven up energy prices and caused damage to the UK economy and to bring forward proposals to limit such activity.

For those who claim that the energy industry is being unfairly targeted and that investment in the sector will be damaged by a windfall tax, it should be kept in mind that the energy industry is due to enjoy a further £9 billion effective windfall hand-out between 2008 and 2012 as a result of the European Union Emissions Trading Scheme. Energy companies will make vast profits by passing the cost of having to pay for the right to emit carbon on to the consumer. However, they will not take into account the fact that a fair proportion of their carbon allocation will be given to them for free.

4. International co-operation on the global economy

The TUC believes that the response to the economic crisis needs to be co-ordinated at an international level. The slowdown is affecting every major European economy as well as the United States. There can be little optimism for the UK economy if its main trading partners fail to grow. The British Government must work closely with European Union and G8 members to identify policies that can be used to restart growth across the world and ensure that current EU agreements on growth and stability do not impede economic recovery. This is particularly important to ensure that the close economic ties developed over recent years are not undermined by a retreat into isolation and protectionism as governments seek to respond to their economic problems.

Furthermore, given that this crisis has its origins in irresponsible practices on the global capital markets and the banking sector, the time is ripe for the advanced economies to develop a co-ordinated response for the regulation of these markets to ensure that the world does not find itself in the same situation again some years hence.

There is also a very strong case for much greater international action to combat tax haven abuse and 'tax competition' where business places pressure on governments to reduce business taxes under threat that they will relocate to lower tax territories if their demands are not met. These activities continue to weaken tax revenues across the world including in the UK and the developing world and make it harder for governments to respond to economic downturns or to grow their economies. However, no government can act alone on this: challenging tax competition and ending haven abuse will require concerted multilateral action.

The TUC believes the British Government has a crucial role to play in such action as one of the largest economies, as one of the leading centres of financial trading and expertise, and as a country with close constitutional links to some of the most active tax havens.

5. Early response rescue for 'at risk' workers

A rise in unemployment will damage the economy and act as an untimely drain on public finances. The Government should ensure that employment and training services are fit to respond rapidly and fully to support employees who have lost their job or are at risk of losing their job. This will mean ensuring that adequate resources are in place to allow these services to take urgent action to support individual workers and groups of workers as necessary.

6. Help for construction and housing

The UK housing market undoubtedly overheated in the years of easy credit. While there was significantly less sub-prime lending than in the US, there was undoubtedly some irresponsible lending. Not enough houses have been built - particularly ones that low and medium income households can afford to rent or buy. This asset inflation has also encouraged speculation in property - often with undesirable effects on local communities that end up with high proportions of buy-to-let housing. The result has been house prices beyond the reach of first-time buyers, and now an inevitable burst of the bubble with a particular impact on those who have bought recently.

The credit crunch has further led to a severe shortage of available mortgage finance making it extremely difficult for first time buyers to take advantage of more realistic property prices.

Given these conditions, the TUC warmly welcomes the package recently announced by the Government to help those at risk of repossession. In addition, the Financial Services Authority should ensure that all lenders are abiding by the Mortgage Conduct of Business rules to prevent lenders moving to court action without giving the borrower a fair chance to pay their arrears.

The decision to bring forward the plans for social housing construction is also important given the long-term problems of supply in the housing market which has affected those on low and middle incomes particularly hard. The Government needs to take all necessary steps to ensure that all those involved in the construction sector, including developers and builders, are actively supporting the target of three million new homes by 2020. Given the current problems, achievement of this target may require a very considerable expansion of social and council housing.

The extra help announced for first time buyers is also welcome but the TUC believes the Government should, as a matter of urgency, work with local authorities to make it easier for them to provide mortgage finance at a competitive rate and to build new council homes.

The General Council notes that the Chancellor is considering options for reviving the mortgage lending market. The TUC does not believe that measures which risk creating a new asset price bubble in the housing market are beneficial. There is a need for house prices to return to levels that first time buyers can afford. The Government should take measures designed to make mortgages more easily available on a responsible basis, such as encouraging local authorities to lend and through measures that may be included in Sir James Crosby's review to underwrite lenders. But such help should avoid any attempt to prop up unrealistic house prices and should be accompanied by a tighter regulatory environment for mortgage marketing and provision.

In the long term the Government must do more to build the strength of the UK economy. This will require it to intensify some of its existing activities such as investment in skills, but also rethink some other aspects of its economic approach.

The UK has privileged City financial institutions at the expense of the rest of the economy through a lenient tax regime and light regulation. Yet we cannot rely on the next City or asset bubble to drive growth. As a recent Financial Times editorial noted: 'investment banking has occupied an outsized role in western economies in the past decade ... its tendency to make losses every few years, make it an unreliable financial partner'. Current events show the truth of this observation which is reflected in the extent to which our economy has been left dangerously exposed by the reliance on the City.

Instead, the Government must identify the sectors, whether in manufacturing, services or other parts of the economy, that are able to generate growth in the next decade. These will be the sectors that will lift us out of the current slowdown in a sustainable fashion, in every sense of that word. The Government's role is to provide the right policy and legislative framework and the right incentives and supports to allow those sectors to flourish. In particular, the Government must learn from countries such as Germany and Denmark where environmental enterprise has been positively encouraged leading the 'green economy' in those nations to become highly profitable sectors that employ thousands massively outstripping the UK's much smaller efforts in this area.

The TUC will produce two detailed reports on this pro-active approach to generating growth in the autumn.

This is not an old-fashioned attempt to pick winning companies and favour those over others, but a sensible assessment of the sectors in which the UK already does well but could do better. Yet even this common sense approach remains anathema to the Department for Business, Enterprise and Regulatory Reform (BERR) and it is increasingly clear that the creation of this new department with its distinctive built-in neo-liberal approach was a substantial mistake. Far from the dangers of excessive regulation, the world economy is facing a damaging downturn because of a lack of effective regulation.

After a decade of economic success in which the UK economy has proved more resilient than many to external shocks, we now face very different circumstances and require a different kind of response from the Government. If it is to show that it is on the side of ordinary working people and committed to fairness it needs to adopt the kind of realistic pro-growth strategy detailed here. This will ensure that the downturn is no deeper nor longer than necessary and that the UK emerges as a stronger and fairer country.

Adopted 9 September 2008.

General Council and General Purposes Committee Nominations and election results

General Council

Section A

(Unions with more than 200,000 members)

Unite

(ten members)

Tony Burke

Gail Cartmail

Martin Mayer

Len McCluskey

Dougie Rooney

Derek Simpson

Pat Stuart

Paul Talbot

Tony Woodhouse

Tony Woodley

UNISON

(seven members)

Bob Abberley

Jane Carolan

Gerry Gallagher

Dave Prentis

Alison Shepherd

Eleanor Smith

Liz Snape

GMB

(three members)

Sheila Bearcroft

Allan Garley

Paul Kenny

Communication Workers Union

(two members)

Billy Hayes

Tony Kearns

National Association of Schoolmasters Union of Women Teachers

(two members)

Chris Keates

Sue Rogers

National Union of Teachers

(two members)

Christine Blower

Dave Harvey

Public and Commercial Services Union

(two members)

Janice Godrich

Mark Serwotka

Union of Shop, Distributive and Allied Workers

(two members)

John Hannett

Fiona Wilson

Section B

Unions with between 100,000 and 200,000 members

Association of Teachers and Lecturers

Mary Bousted

Prospect

Paul Noon

University and College Union

Sally Hunt

Union of Construction, Allied Trades and Technicians

Alan Ritchie

Section C

Unions with fewer than 100,000 members

(eleven to be elected)

Name Union Votes

Jonathan Baume* FDA 474,000

Brian Caton * POA 363,000

Bob Crow RMT 278,000

Jeremy Dear * NUJ 437,000

Gerry Doherty* TSSA 587,000

Michael Leahy* Community 396,000

Jonathan Ledgernapo 179,000

Joe Marino BFAWU 218,000

Robert Monks URTU 20,000

Ged Nichols * Accord 473,000

Brian Orrell * NUMAST 475,000

Christine Payne* Equity 300,000

Tim Poil * NGSU 437,000

John Smith* MU 560,000

Matt Wrack * FBU 411,000

Section D

Women from unions with fewer than 200,000 members

(four to be elected - no contest)

Sue Ferns -Prospect

Anita Halpin - National Union of Journalists

Lesley Mercer - Chartered Society of Physiotherapy

Julia Neal, Association of Teachers and Lecturers

Section E

Member representing black workers from unions with more than 200,000 members

Mohammed Taj - Unite

Section F

Member representing black workers from unions with fewer than 200,000 members

Name Union Votes

Leslie Manasseh* - Connect 698,000

Colin Moses - POA 482,000

Section G

Member representing black women

Gloria Mills -UNISON

Section H

Member representing disabled workers

Mark Fysh UNISON

Section I

Member representing Lesbian, Gay, Bisexual and Transgender Workers

Maria Exall - Communication Workers Union

Section J

Member representing young workers

John Walsh - Unite

General Purposes Committee

(Five to be elected)

Name Union Votes

Andy Ballard ATL 989,000

Phil Davies* GMB 6,142,000

Peter Hall* RMT 5,821,000

Alastair Hunter* UCU 5,792,000

Linda McCulloch* Unite 6,189,000

Annette

Mansell-Green* UNISON 6,266,000

Report

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