

144th ANNUAL TRADES UNION CONGRESS

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Held at:

**The Brighton Centre,
Brighton**

on

**Sunday, 9th September 2012
Monday, 10th September 2012
Tuesday, 11th September 2012
and
Wednesday, 12th September 2012**

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Congress President:

PAUL KENNY

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**PROCEEDINGS – DAY ONE
(Sunday, 9th September 2012)**

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**Conference reported by:
Marten Walsh Cherer Limited,
1st Floor, Quality House,
6-9 Quality Court, Chancery Lane,
London WC2A 1HP.
email: info@martenwalshcherer.com**

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FIRST DAY: SUNDAY, SEPTEMBER 9

(Congress assembled at 4.00 p.m.)

The President (*Paul Kenny*): Good afternoon, colleagues. I call you to order. Please take your seats.

Congress, I have great pleasure in opening this, the TUC's 144th Congress and the first ever session to be held on a Sunday afternoon. I hope you are delighted.

(Laughter) I would warmly welcome all delegates and visitors to the hall. You are very welcome. I hope you have a great Conference.

The programme of music this week has been put together by *Music for Youth*. I ask all of us to put our hands together for *The Original Base People*, who have been playing for us this afternoon. *(Applause)*

Appointment of Tellers and Scrutineers

The President: The first formal item of business is to ask Congress to approve the tellers and scrutineers as set out on page 8 of the General Purposes Committee Report booklet. Is that agreed? *(Agreed)* Thank you. If any teller has not yet met Ben Louvre of the TUC staff, will they please come to the staff table located along the wall to my left now.

Colleagues, may I remind everyone in the hall to switch off their mobile phones. Please make yourselves aware of the emergency procedures for the Brighton Centre.

These are on display throughout the building. If you have a mobility disability, please make yourself aware of the nearest refuge points. If there is an emergency, I will give further instructions. There are no fire alarm tests scheduled, so if you hear the alarm, it is for real. If any delegate requires first aid, in the first instance, please ask a Brighton Centre steward for assistance.

Welcome to Sororal and Fraternal Delegates

The President: Congress, I would now like to welcome Sororal and Fraternal delegates and visitors to Congress, who are seated at the front of the hall. From the European Trade Union Confederation, we have General Secretary Bernadette Segol, along with her colleague, Tom Jenkins. *(Applause)* Bernadette will be addressing Congress tomorrow afternoon. You are welcome.

We have John Evans from the Trade Union Advisory Committee of the OECD. Welcome, John. *(Applause)* We have Stan Junan from the ILO Workers' Bureau. *(Applause)* We have John Hyatt from the AFL-CIO. *(Applause)* Other international guests will be joining us later in the week including, Hirauki Nagaumo and Turio Ikusawa from the Japanese TUC, RENGO; Sharan Burrows, the General Secretary of the International Trade Union Confederation, and Judith Curtain-Darling from the European Trade Union Confederation. Phil Jennings, known to many of us from the UNI-Global Union and Eugene McGlone and Peter Bunting from the Irish Congress of Trade Unions; Stan Smith from the International Labour Organisation and Tina Frank from DGB Germany. We will also be welcoming Michael Cashman MEP, fraternal delegate from the Labour Party, who will be addressing Congress on

Monday afternoon. There will be a number of other representatives from global union federations, individual union representatives and foreign visitors here this week. They are all most welcome.

This year's delegate from the Trades Union Council's Conference is Charles Cottin. Welcome, Charles.

Obituary

The President: Colleagues, we now come to the Obituary section of the General Council's Report from page 147, when we remember our trade union colleagues have died during the past year. You can read more about the contribution that these colleagues made to the trade union Movement in the General Council Report. In our Report, we list Lord Brett, who was general secretary of IPMS and member of the TUC General Council from 1989 to 1999; Ray Boyfield, the head of the TUC's Organisation Department from 1949 until 1965; Marge Carey MBE, President of USDAW from 1997 to 2006, and a member of the TUC General Council from 1998 to 2006; Campbell Christie CBE, general secretary of the STUC from 1986 to 1998; Stan Greaves, who worked for the TUC Education Service from 1968 until early retirement in 1993; Eric Hoyes, who worked for the TUC Education Service for 23 years, retiring in 1993; Tom Jenkins CBE, former general secretary of the Transport Salaried Staffs Association; Martin Jenkinson, a freelance photographer, who captured some of the most iconic and enduring images of the 1984-85 miners' strike, and many of those images will be fresh with you; Dipak Ray, a family doctor, trade unionist and principled campaigner for the NHS; Danny Sergeant, general president of SOGAT and vice-president of the GPMU; Mick Shaw, who held numerous

positions in the FBU before being elected president, a position he held from 2007 to 2011; Jonathan Stephenson, a former member of the TUC's press office, and Lord Wedderburn, a major influence on trade union thinking about the role of the law in industrial relations over the past half century.

Congress, in asking you to remember these former colleagues, I ask you also to remember other trade union colleagues who have died in the past year, both here and around the world. At this time, I am sure our thoughts are also with all those who have suffered loss through war and the natural disasters of the past year. Let us also remember the 96 victims of the Hillsborough disaster in the week when their families hope to hear the truth, at long last.

Let us re-commit ourselves to the cause of world peace and justice. Can those who are able, please, now stand for two minutes quiet reflection.

(The Congress stood in silent tribute)

Report of the General Purposes Committee

The President: Congress, I now call upon Peter Hall, chair of the General Purposes Committee, to report to us on the progress of business and other Congress arrangements. Peter.

Peter Hall (*Chair, General Purposes Committee*): Good afternoon, Congress. The General Purposes Committee has approved 16 composite motions. Composite Motions 1 – 16 are included in section 3 of the GPC Report and in the Composite

Motions booklet that you have all received. Also included in the booklet is the General Council's Statement on Banking Reform. On behalf of the GPC, I would like to thank all those unions that have co-operated and worked together to reach agreement on the composite motions.

Congress, please be reminded that only materials approved by the GPC may be distributed in the hall. Let me also remind delegates that the mover of each motion may speak for up to five minutes and other speakers for up to three minutes. Thank you for your co-operation. I will report further to you on the progress of business and other GPC decisions when necessary throughout Congress.

The President: Thank you, Peter. Congress, can I invite you, formally, to receive the GPC's Report? Can we agree? *(Agreed)*

TUC Organisation

The President: Delegates, we now turn to Chapter 10 of the General Council Report, TUC Organisation, from page 141. I will call paragraph 10.4, the rule change, agreed by the General Council in December 2011, which confirms the new timings for Congress, including allowing us to start on Sunday afternoon. Can we agree that, Congress, please? *(Agreed)*

Delegates, we now turn to Chapter 2 of the General Council: Organising and rights at work, and to the section on employment rights from page 11. I call paragraphs 2.1 to 2.15 and Composite Motion no. 3: Trade unions and employment rights. The General Council supports the composite motion.

Trade union and employment rights

Len McCluskey (*Unite*) moved Composite Motion 3.

He said: Thank you, President, and good afternoon, Congress. Conference, in the midst of the worst economic crisis of our lifetimes the mask of new Toryism is slipping, and the Conservative dog is returning to its vomit. It's incentives for the rich with tax cuts and the stick for the rest of us, including new measures against trade unions – the historic voice of working people. The Tory rights are on the move again. They have formed the Trade Union Reform Group – can you believe? – and who are its leading lights. There is Aidan Burley, last seen picking up the tab for a stag party where the Third Reich was toasted and Nazi uniforms worn, and last heard attacking the Olympic opening ceremony as “too multi cultural”. What about “pretty Patel”? What a specimen she is. Before, during and, no doubt, after her Parliamentary career, a PR spokesperson for the murderous dictatorship in Bahrain.

Let me tell them that British workers need no lectures on democracy and freedom from people of their dubious backgrounds. Also we don't need to be told to work harder by the likes of Dominic Raab MP, who does not know what the real world is like. He has never had to hold down two jobs to make ends meet, or work a night shift. I don't they had them in the City law firm which was his pre-Parliamentary job.

Cameron's reshuffle is all about placating right wingers, like Burley, Patel and Raab, and it is more than likely that he will throw them an anti-union bone, which will include further attacks on facility time and denying workers access to justice at

employment tribunals, on top of what already is being proposed – the sackers’ charter, Beecroft’s proposals, that even Vince Cable said were bonkers. This Congress must send loud and clear our message that we will fight this reactionary agenda and trade unions will not allow our human rights to be trampled on.

As the composite says, this Government is able to build on the betrayal of Labour, which failed to deal with the crisis in trade union rights in any serious way in their 13 years in power. This is a stain on the Labour Party, and this Movement cannot and will not accept that again. (*Applause*) It’s quite simple, Comrades. The Labour Party must stand for the rights of Labour or it will be part of the problem instead of part of the solution. Congress, we need to campaign in a new way on this issue, not just shout about the repeal of anti-union laws, but develop a new language of fairness, fairness in the 21st century, one that learns from the experience of other European countries. There are no off-the-shelf answers, and we need to develop our model on trade union rights, but it is certainly worth looking at countries where collective bargaining coverage extends well beyond our reach here in Britain. We must constantly ask the question: Why should the British working class, the backbone of the fight against Fascism 70 years ago, the class which stood up for democracy when the ruling elite was prepared to pander to Hitler, accept fewer rights today than our German, Italian, Spanish and French brothers and sisters? (*Applause*)

Conference, how can it be right that the very nation that gave Europe the freedoms that they currently enjoy be bottom of the pile? Colleagues, it is no good trying to deal with the legal chains that bind us with leaflets and hope for a different government in the future alone. As the composite says, more can and should be done.

Trade unionists have had enough. People understand that the things they least like about modern Britain – widening inequalities and the arrogance of the rich elite – have gone hand-in-hand with the undermining of trade union strength over the last generation. That’s why when we campaign honestly we will have more public backing than we think. As we defend our rights and our communities, we are not going to break the law just as a gesture, but we are no longer going to let the law paralyse us when it comes to supporting our members when they fight for justice at their workplace. Judges’ rulings have left the right to strike hanging by a thread. If we continue to acquiesce we risk irrelevance.

So I give this Government, bad employers and judges fair notice. If you come for Unite with the law, don’t assume that we are going to run. Push us outside the law, and you will be responsible for the consequences. Colleagues, let me make this point. We can win. Unite has proved it. We fought Willy Walsh and won; we fought the construction bosses and won and we have taken on the London privateers and won. We can take this Government on. I ask: Is this Conference by the media relevant? Let us say, loudly, “Yes, it is.” It is for us to give the confidence to working people so that we can rise like lions and let our roar be heard! Thank you. (*Applause*)

The President: Look, colleagues, what I am going to say now has come slightly earlier than I had anticipated, but let me say this. If you run over like that, and Len is passionate about his speech, as all delegates are, irrespective of their status, that was more than a minute over the qualified time. If you take longer than your qualified time, you are taking time off other people later in the week, so please stick to the lights. Please respect the lights. They may not be easy to see, but with green you will

get a minute before it goes to amber, and when red comes on please finish as fast as you can. They are all round you like disco lights. Please stick to your times.

Gordon McKay (*UNISON*) seconded the Composite 3.

He said: Conference, two men above all others reflect the views of the Tory Party on employment law. The first is Reich Fuhrer Aidan Burley, a man who 70 years ago would have been auditioning for a real-life role in the *Odessa File* and seeking political asylum in Paraguay. Paraguay has moved on but not Tory MP Aidan Burley, a Tory MP comfortable with his French addresses and Nazis who should “Seig Heil” during toasts to the Fuhrer. Burley and his friends claim that huge sums of public money have been spent in supporting trade unions – famous trade unions, such as the General Medical Council, the National Farmers’ Union and the National Midwifery Council, and I am disappointed that they are not here in the hall today.

For those with an historical bent, it is good to see that, apparently, ASTMS, the AEEU and MSF are all still trade unions that get public money. The *Daily Mail* continues to ensure that a story is never spoiled by the truth. The reality is that for every pound decent employers invest in trade union facility time, they receive up to five pounds back in increased efficiencies. The more traditional view is espoused by Adrian Beecroft. Beecroft, courageously chosen by David Cameron as an independent mind to look at employment law, an independence enhanced by his background as an asset-stripping venture capitalist who donated half-a-million pounds to the Tory Party since Cameron became leader. Remember Beecroft’s recommendations: de-registering child labour, cutting redundancy notice periods by two-thirds, ending the requirement to advertise jobs in Job Centres before bringing in

overseas workers, and no. 1 in Beecroft's list is sacking workers simply because the employer didn't like them.

Beecroft's response to all of this would tilt the employment relationship even further in favour of employers was well-known because employees would not be forced to take the job. The Tories never change. They want to make people frightened, frightened for their jobs, frightened for their homes and frightened for their families, but to frighten them you have to take away hope and the Tories know that people's hope lies in their trade union. Job security, pay, better promotion of trade unions and less workplace injuries for those with trade union representation.

Public service workers protect the old, the sick and the vulnerable. UNISON will defend those who provide those services. We won't stand by and see people, families and communities tossed aside as part of a plan to privatise services. In Scotland, Comrades, all Tories are known as a "Bees". Our message to Burley and Beecroft is to bugger off! (*Applause*)

The President: URTU, the United Road Transport Union, are formally moving their part, so we will move to Accord, followed by CWU and then USDAW.

John Boyle (*Accord*): Good afternoon, Conference. This is my first time at the TUC Congress. (*Applause*) It is made so much easier by seeing a wave of friendly faces. I'll buy you all a pint later. In a speech to CBI Scotland last week the Chancellor of the Exchequer said, "We are already reducing regulatory burdens on reforming employment law with an extension of the qualifying period for unfair dismissal from

one year to two years, and the introduction of fees for employment tribunals. But now, in all these areas and more, I am determined that we will go further, deliver more and make our competitive edge even sharper. This is precisely what the Scottish economy needs in order to deliver prosperity for the Scottish people.”

Another icon of Scotland, Rab C. Nesbit, replied: “He may have received a better reception at CBI Scotland than he received at the Olympic Stadium, but that does not alter the fact that there is no evidence that such measures will create a single job or stimulate the economy in Scotland or elsewhere in the UK.” The driving force, colleagues, of this misguided ideology is Adrian Beecroft, who, when not admiring his collection of Aston Martin motor cars, prays on the poor and vulnerable in our society by charging over 4,000% interest per year on so-called ‘pay day loans’ through Wonga.com. I know that there will be some banker bashing at Congress, but even the most outrageous of Britain’s shamed bankers would never dream of charging anything like those charged by Wonga and the like.

The OECD says: “There appears to be little or no association between employment protection legislation strictness and overall unemployment.” As Ed Miliband pointed out at a recent speech about rebuilding Britain’s banks, “There are hundreds of thousands of decent people working for UK banks.” I, colleagues, am one of them. We are not fat cats and we are not responsible for the banking crisis, yet like so many others across the country tens of thousands have paid with their jobs for the reckless greed, incompetence and sometimes dishonesty of others. Now the Government want to cheat those who do not lose their jobs of two months pay by reducing the consultative period for collective redundancies. Banks in the UK remain

impressively unionised and bank employees trust their unions to deliver on job security when possible and appropriate compensation on those occasions when redundancies are unavoidable. Unions have assured banking job losses have, generally, been handled in a decent way, with compulsory redundancies minimised. Unions share the aspiration to improve the quality of consultation and collective redundancy, but we know that consultation arrangements are most effective when employees are represented by independent trade unions ----

The President: Colleague, please wind up.

John Boyle: I beg your pardon. ---- who seek to minimise forced redundancies through retaining, reducing overtime and finding alternative savings so that skilled and experienced staff can be retained to serve businesses and their customers better. The requirement ----

The President: Colleague, please.

John Boyle: Okay, Chair. ---- for consultation periods and collective redundancies is not broken but it does not need fixing. The Government should not focus on dismantling employment rights but it should focus on rebuilding the economy. Thank you very much.

The President: Are you sure that you're a first-time delegate? (*Applause*)

Andy Kerr (*The Communications Union*) spoke in support of Composite Motion 3.

He said: President and Congress, I am speaking wholeheartedly in support of Composite 3, which includes our amendment on Agency Workers' Rights. The CWU and its TUC affiliated trade unions have campaigned for equal rights for the agency workers for many years, and in 2008 the EU Temporary Agency Workers Directive was finally adopted. Since then the Agency Workers' Regulations 2010 sought to implement the directive within the UK. They were implemented on 1st October 2011 for England, Wales and Scotland and in Northern Ireland on 1st December 2011. This created new rights for agency workers. Those included equal treatment after 12 weeks work on pay, holidays and working time as compared with staff employed directly by the user/employer, equal access to collective facilities and amenities, such as canteens, transport services and childcare from day one of an assignment. However, thousands of agency workers across the UK still face discrimination at work because of the loophole known as the "Swedish Derogation". Workers on permanent contracts and in receipt of pay between assignments are exempt from receiving pay under the regulations. These workers' contracts need only guarantee one hour a week's work for them to qualify for the exemption. Between or after assignments, for up to four weeks, they are entitled to 50% of their pay or minimum wage, if it is higher, and it most likely is. As a consequence when working, they can remain indefinitely on inferior rates of pay.

In order to avoid paying agency workers equally with permanent employees, agencies can, in applying this tactic, by simply ensuring that their workers are on permanent contracts within pay between assignments. The Swedish Derogation was originally introduced in Sweden as a protective measure for temporary workers, rather than a device to avoid paying equal pay. The UK Government have cynically used two

delegations to allow agencies to avoid equal pay, undermining the spirit and purpose of the regulations. As a result, a number of major UK employers have insisted that their temporary workers sign contracts making themselves full-time employees of their agency. At Tesco, through a mainstream agency, a major supplier of agency truck drivers, some four hundred drivers would have enjoyed about £150 extra a week in their pay packets, but have now, instead, had to sign contracts waiving their rights.

Staffline switched eight thousand of its temporary agency workers on to permanent contracts. Another agency, Per Temp Recruitment, employs drivers working at Marks & Spencers' depots, who were denied a 21% - 40% pay rise to bring them in line with the full-time staff. Instead, there were given a new contract guaranteeing them just four hours work a week anywhere within four hours of their local office. This type of contract is being rolled out across the company. We must stop this unfair treatment of agency workers, and the CWU is fully committed to this aim.

Following on from our successful campaign *Justice for Agency Workers*, we have recently launched another campaign. The CWU is totally opposed to any delegation for workers in permanent, open-ended contracts. Equal treatment must be consistent and in full after a 12 week qualifying period. Agency workers must be given equal entitlement in all forms of pay and should have transparent information on pay and conditions. The CWU's new campaign, which we have called *Closing the Loopholes*, has the following aims and objectives: "To expose and ultimately close clever legal loopholes that are being used by employers to deny a new generation of agency workers' hard won rights to equal treatment." Really, we are calling on the TUC to launch a campaign to press the Coalition Government to amend the regulations. I will

not abuse the lights, Paul. Congress, I ask you to support this composite and support the agency workers. Thank you. (*Applause*)

The President: I am going to ask the staff to look at the lights because there is, obviously confusion that people cannot see them when they are standing at the rostrum. The rest of the audience can see them change, but I think the speakers cannot see them.

Andy Kerr: I'm colour blind, Paul.

The President: Okay. That is one answer.

Paddy Lillis (*Union of Shop, Distributive and Allied Workers*) spoke in support of Composite 3.

He said: Congress, workers' employment rights are under attack. Through the Beecroft report and the *Red Tape Challenge*, the Tories have, openly, declared their aim, which is to erode workers' rights, roll back employment laws and undermine the position of trade unions in the workplace. The Tories say that workers' rights and employment laws stand in the way of economic recovery. The truth is that economic mismanagement by the banks caused the crisis and Government policies are stopping the recovery. Congress, the Tories, through Beecroft, have shown us that they can think the unthinkable. Even Boris Johnson has got into the so-called "blue-sky thinking" with his comments about restricting the right to strike.

Congress, we need to concentrate on the real threats that are being imposed by the Government. We need to respond to the attacks on workers' rights that have been carried out by the Government today. The Coalition has already extended the qualifying period for unfair dismissal from one year to two years. Fees for employment tribunals have been introduced that will restrict workers' access to justice. The Government are proposing to reduce consultation rights over collective redundancies. These are just some of the attacks that the Tories and their Lib-Dem friends are making on long-won workplace employment rights.

Congress, defending and extending employment rights in the workplace is a key issue for the trade union Movement. It must be a campaigning priority for the TUC. Usdaw welcomes the TUC's work in launching the *Employee Rights' Campaign*. This work must continue and it must focus on the real immediate threats that have been made by the Government to workers' rights. This work must focus on campaigning against Government proposals to erode and undermine employment rights. We need to make the case to the public why employment rights are important and we need to show why the Government's proposals would be a step backwards for all workers. Workers need employment rights and we need the campaign to protect and extend the rights. On behalf of Usdaw, I urge the Congress to support the Trade union and employment rights composite. Thank you. (*Applause*)

Jerry Glazier (*National Union of Teachers*) spoke in support of Composite Motion 3.

Congress, the NUT is pleased to be associated with this important composite and pledges its full support. Attacks on workers on many fronts have gathered pace since the last Congress and the reshuffle lurch does not bode well for the second half of this Government.

The Government want to condemn workers to an increasingly neo-liberal deregulated employment environment. This will result in significant reduced safeguards and protections for workers. This will result in a cost-of-everything and value-of-nothing view of workers, who are seen by this Government as little more than a commodity. This will result in an additional significant risk to workers while in the workplace. The Government want to do this by further attacking the rights of workers and the rights of their trade unions to represent and defend members. The right wing of the Tory Party is making its intentions clear and upping the pressures on David Cameron to conform to their policies. Meanwhile, the erosion of trade union facility time is part of the Government's attack. Yet, at the same time, while not wanting to recognise that safe, secure and protected employees are likely to be more effective, healthy and, yes, more productive. Part of the deregulated environment is a dismal dismantling of the health, safety and discrimination law protections. This is what the NUT wanted to see added to the original motion, and I am pleased to see it is there. This will result in workers being more vulnerable as a result of health issues, undermining their secure employment.

Tampering with legislation is not only short sighted, ideologically motivated and backward looking, but it will also result in unfairness, damaged lives and the undermining of motivation and morale of workers both individually and collectively.

We should re-double our efforts and implement without delay the plan of action in this composite and give a clear and unequivocal message to the Government that we will not stand by and let this happen. Please unanimously support the composite.

(Applause)

The President: I have one other delegate who has indicated that they want to speak, which is PCS. Does anybody wish to speak against the composite? I have to ask. *(No response)*

Gordon Rowntree *(Public and Commercial Services Union)* spoke in support of Composite Motion 3.

He said: Let's be clear, Comrades, this is an ideological attack on trade unions, driven by a hatred of this Movement and all that it stands for. They believe that workers should know their place, do as they are told, not answer back and be grateful for what they get. In other words, we should be seen and not heard.

PCS has seen some of the extremes of previous anti-union legislation when our members in GCHQ had the right to strike withdrawn from them. This Government now want to place the same restrictions on our members in SOCA, the Serious Organised Crime Agency. These attacks, bearing in mind that this country has the most restrictive labour laws in Europe, as mentioned by Len, are promoted by groups such as the Trade Union Reform Campaign, led by an MP, who at his mate's stag party, toasted the Nazis dressed in a Gestapo uniform. Adrian Beecroft himself is a venture capitalist, a private equity fund boss and, as has been mentioned as well, a major Tory Party donor. These are the people want to attack our reps' facility time.

Our reps are the backbone of the trade union movement, and the Tories know that. Our reps deal with members' grievances, negotiate with employers, represent our members facing disciplinary issues and the many other things that they do during the week. Rather than cost millions, as the Tories and the right-wing press would have us believe, facilities time is actually a huge benefit to the UK economy, with overall productivity gains worth between £4 billion to £12 billion a year, savings of at least £19 million as a result of reducing dismissals, and savings to employers of between £82 million and £143 million, and recruitment costs as a result of reducing early exit schemes.

Finally, I would like to make reference to what it says in the composite about the frustration that the anti-union legislation was not repealed by 13 years of a Labour Government. I don't think we should be frustrated. I think we should be angry. If a major Tory Party donor, such as Beecroft, is writing Tory employment-right policies, then, surely, Labour employment-right policies should be written by their major donors?

In conclusion, to all of you who are going for your pheasant and chips, or whatever they are going to be serving at the dinner tomorrow with Ed Miliband, challenge him to give a clear commitment that what the next Labour Party manifesto will not only include any anti-union laws but reverse those that this Government have introduced, but make sure we will see the repealing of all anti-union laws introduced by the previous Thatcher regime. Thank you. Please support the motion.

The President: Colleagues, no one has indicated to speak against. I do not think there is any right of reply, Len. Sorry. I will move to the vote on Composite Motion no. 3. All those in favour please show? All those against?

* *Composite Motion 3 was CARRIED.*

The President: Congress, I call paragraph 2.6 and Composite Motion 4: Illegal corporate bullying. The General Council recommends support for this composite motion.

Illegal corporate bullying

Justin Bowden (*GMB*) moved Composite Motion 4.

He said: Congress, in 2009 the ICO raided the headquarters of the mysterious named “Consulting Association” and seized a secret blacklist of 3,200 names. Most on the list were construction workers. Over 40 of the largest companies in the industry were engaged in corporate bullying on an industrial scale, household names like Carillion, Costain, Balfour Beatty, Mowlem and Laing O’Rourke. However, the blacklist did not just contain names. The information seized included National Insurance numbers, dates of birth and other sensitive and personal information about individuals, variously labelled as troublemakers, bad news, militants and a raft of other inaccurate and unsubstantiated comments. Many were blacklisted, simply for raising health and safety issues. In the most deadly industry in the country, those who had the temerity to raise concerns about asbestos, to query a guard rail on a scaffold or even just to

complain about overflowing toilets, were punished with blacklisting and deprived of work.

The link between blacklisting and high levels of death and injury in construction is obvious. Blacklisting not only removed active safety reps from building sites, but it had a wider intimidatory effect, as others saw what happened to those who raised health and safety concerns and stayed silent. Between 2007 – 2011, 294 construction workers were killed. In March this year, Costain was fined £250,000 following the death of a man from Kent, who was reversed over by a lorry. In June Amec was one of two firms issued with over £630,000 of fines and costs for the death of a 25 year old from Manchester who dragged over a scaffolding platform guard rail. Just this week, GMB took the *Grim Reaper* to Swansea Crown Court as the HSE brought a case against Carillion over the death of 40-year old, father of two, Russell Samuel, who fell 62 feet.

The initial response to the ICO's raid was congratulatory, but the onus was on anyone who suspected that they were blacklisted to contact them for further information. Over three years on, the scandalous reality of this approach is that just 194 on the blacklist have received their files, and three thousand workers, whose lives and livelihoods were blighted, have yet to be told why. The ICO claims that its investigation at the time was complex and thorough, and it took the firmest possible action against Ian Kerr and the construction companies. Ian Kerr was fined a paltry five grand, and he had his files returned. The companies got off scot free.

In July, Liberty dubbed the ICO's actions as "limited and inadequate", and called on it to pursue the companies for conspiracy, incitement and encouraging or assisting an offence. Two weeks ago the ICO replied, saying that seeking to prosecute the construction companies would not be in the public interest. It would not be in whose interest? The ICO is the cork in the blacklisting bottle that needs to be popped. As a state regulator, it has the information about these illegal activities and who carried them out. It has the powers to investigate and to pursue those responsible. Will it act for the multi-national companies that broke the law or on behalf of the victims? The ICO must write to all those on the blacklist informing them of their rights. If it can be done for phone-hacked celebrities, why not for illegally blacklisted construction workers? The law must be changed to make blacklisting a criminal offence, punishable by imprisonment and with unlimited fines. Companies guilty of blacklisting, already in receipt of tens of billions of pounds of public money, should get no more public work until they apologise to and compensate those they blacklisted and the families they hurt.

For too long, vested interests have sought to ignore the discriminatory activities of the blacklisters. It is time that they were brought out into the light and held to account. Only with a public inquiry, on a par with that into phone hacking, could the real extent of blacklisting be revealed and justice be done. Like cowboys in the wild west, the construction industry kings have ridden roughshod over the rights and lives of ordinary people. In secret and with contempt, they committed the worst human rights abuse against workers in the UK in 50 years, people whose only crime was to raise health and safety concerns or to organise the union. That is no more than anyone in this hall has done many times before. Please support. (*Applause*)

Gail Cartmail (*Unite*) seconded Composite Motion 4.

She said: Conference, last week Unite gave evidence to the Scottish Affairs Committee inquiry into blacklisting in employment. Within Parliamentary privilege, we named a contractor operating in Scotland and named a senior HR director, who we know has form. The firm subscribed to the consultancy/agency and the HR director had to admit, within an employment tribunal and under oath, to his leading role.

We asked the Scottish Affairs Committee to consider the case of one of our stewards working at Grangemouth for Balfour Beatty, who was personally interviewed and selected for redundancy by the name who was spy-in-chief for the company. This was despite electricians being taken on the books.

Thanks to our members' and stewards' actions and solidarity within the client company, Ilios, and our construction sector activists, our member will be back at work on Monday but, delegates, this case is just the tip of an iceberg and one more laid-off person in the waiting wings of future blacklists. I have *here* unredacted files that someone disclosed to us – a concerned third party. *Here* they are, and they read like a low-budget spy file script, using codes and cross references. But, Congress, we had to write to the many members named to tell them that they were blacklisted. That cannot be right. We must have this full disclosure.

Unite asked the Scottish Affairs Committee to call for evidence from companies with form on blacklisting. They should be questioned about what measures they have in place to end the culture of spying and denying decent people work, how they have

cleaned up recruitment and what training do they have for those who hire and fire? That should tell us how seriously blacklisting companies take the slap on the wrist from the ICO.

The mover of the motion has set out explicitly what is needed, including a day of action to highlight the issue and galvanise support for our demands. Mention should be made of the terrific work by the Blacklist Support Group. Congress, *these* are just a handful of files, but each name is a person, a family, a life ruined. Congress, you are going to support this composite – I am certain of that – but what is important are the actions we take from this day forward. Thank you very much. (*Applause*)

The President: I call next UCATT. Whilst the speaker is coming to the rostrum, I think the whole Movement owes a debt of gratitude to UCATT for bringing this matter to our attention during the past couple of years. It's been a great bit of work and congratulations. (*Applause*)

Sean Vernell (*Union of Construction, Allied Trades and Technicians*) spoke in support of Composite 4.

He said: Conference, I support the composite motion on Illegal corporate bullying or, as has already been said, as construction workers know it, blacklisting. UCATT is passionate about stamping out blacklisting once and for all. Far too many of our members have had their lives ruined by this disgusting, deceitful and cowardly practice. Many of those involved in the Shrewsbury pickets were blacklisted. It is the 40th anniversary this year, and UCATT has been fighting blacklisting since then.

It is always a mystery why highly-skilled workers struggle to find work. The evidence is now clear. There was systematic organised blacklisting of workers by most major construction companies. UCATT's document, *Ruined Lives*, described the human cost of blacklisting and how justice could be achieved, and we have heard that by previous speakers, yet these multi-million pound construction companies have so far escaped with barely a slap on the wrist. It is crucial that we not only support the composite but that it is properly acted upon, building on the original TUC resolution from two years ago. The labour Movement needs to demonstrate that the blacklisting scandal has not gone away, that more needs to be done, because we believe that the Consulting Association was not the only organisation involved in blacklisting. It is now clear that construction was not the only industry where blacklisting occurred.

There are blacklisting battles to be fought on several fronts. Firstly, justice for the workers who were blacklisted by the Consultancy Association. That is why it is important that the ICO finally reveals all the information it has in order to find out who was involved and who knew what, and for the blacklisted victims to understand who tried to wreck their lives. Sadly, the British justice system has failed to deliver justice for blacklisted victims. Employment tribunals have rejected many cases, while other blacklisted workers saw their cases fail as they were never directly employed by the companies concerned, instead working via agencies who did the employers' dirty work for them.

The failure to win justice here is why UCATT has taken the fight to the European Court of Human Rights. The failure of the British Government to outlaw blacklisting

damaged workers' human rights. The wheels of European justice move slowly. It will be a long fight but it is a battle that we are determined to win. With the united union Movement behind us, the battle will be far easier. Congress, this is not an historical battle. We have to ensure that the disgusting practice of blacklisting is never allowed to return, that bosses never, ever think of blacklisting workers and trade unionists. Let us end this practice for ever. Please support the composite. (*Applause*)

Mick Carney (*Transport Salaried Staffs' Association*) spoke in support of Composite Motion 4.

He said: Congress, I would like to thank the speakers who have just been at the rostrum and have pretty much taken all of my speech, so this contribution could be quite quick.

A new rep, Rebecca Barnes, came to our conference. It was the first time that she had stood up in front of an audience and she spoke on the illegal blacklisting. She was shocked to realise that simply for being prepared to stand up that she could be victimised in the workplace. In the rail industry we are going through the possibility of job losses in the near future, and some of us are quite worried that we are actually going to get work again for being prepared to stand up for our members, but there you go.

The worst offenders have been mentioned, namely, Balfour Beatty, McAlpine and Carillion. They are active in the railways and in the Health Service. It is not just the building industry. They could be doing this in your industries as well. The worst bit about it is that it tends to be the health and safety reps who they are attacking, people

who are raising concerns over asbestos and electrics, the very people who save life. By cutting out the health and safety reps, attacking and victimising them, they are costing lives in the building industry and they are costing lives in the rail industry. It is an absolute outrage.

There has been a totally unlawful conspiracy taken to the High Court, and we really have a duty in the TUC to be supporting this case. Quite simply, our health and safety reps and our staff reps should be proud to be health and safety reps, prepared to stand up. They should not be victimised just by being prepared to stand up. That is pretty much all I have got left to say, so I will leave the rostrum. *(Applause)*

The President: Does anybody wish to speak against Composite Motion 4? *(No response)* I do not think there is any right of reply under that circumstances. Let us move to the vote, colleagues.

* *Composite Motion 4 was CARRIED.*

The President: I would like to call Motion 16 – Hidden courts. The General Council also supports this motion.

Hidden courts

Alex Gordon *(National Union of Rail, Maritime and Transport Workers)* moved Motion 16.

He said: Congress, if I was to describe to you, delegates, a country somewhere in the world that allowed a government to hold trials in secret, where only that government would only be able to control what information you heard coming out of that trial, a government that could access your emails, your social media, records of your internet use, and tap your phone even easier than the Murdoch empire hacked Bob Crow's phone, a country that is allowing the CIA and its own security services to have a say in how that country's legislation is drawn up, you would probably imagine that that country is deep in the throws of a military coup or a dictatorship. Of course, it is neither of those. Delegates, that country is right here and right now it is the UK, because that is what is being proposed in these secret courts.

If the Coalition Government's new Justice and Security Bill is passed in Parliament and made law, then overnight Britain will become a substantially less free country. This Bill is amongst the most insidious and serious threats to freedom proposed anywhere in a democratic world. It competes with the very worst of the last Labour government's authoritarian and morbid obsession with personal information. Those promoting the Justice and Security Bill insist that the state only wants to know who is calling whom. That is all they want to know. They are not bothered about the contents of the messages – of course they are not – and emails and texts will private, so they tell us. I think we know in this room how we are going to deal with those assurances – to be polite – with the greatest possible scepticism, and we should dismiss those assurances for two reasons. One is the law of functional creep. That means that oppressive measures passed to address terrorism in crime are invariably deployed in a much less threatening context; for example, the spread of surveillance under the last government's regulation of the Investigatory Powers Act, which ended up with local

councils using counter-terrorism and methods to mount undercover operations against fly tippers, and even against those suspected on their applications for school entry when trying to get their kids a decent education. Believe me, once they get these powers, they are not going to let go of them. How long before messages between trade unionists, or anyone, legitimately engaged in some form of protest, just because it troubles the state, they start looking at those issues?

The hypocrisy of this Tory Government – let’s face it, that’s what they are – knows no bounds. Home Secretary, Teresa May, the very same person who sat at a Liberty conference a few years ago, attacked Labour’s policies and record on civil liberties, and Ken Clarke, who talked to Parliamentary Joint Committees on human rights about the balance between liberty and security. These very same people are now proposing a Bill to Parliament that lets ministers close courts and inquests to the public, and allows evidence to be heard in the absence of one party and their lawyers so they cannot even hear it. In other words, it is secret justice Coalition style. It is one of the little commented-on mysteries of last week’s Cabinet reshuffle that Ken Clarke will continue to be responsible for the Justice and Security Bill as a minister without portfolio, despite no longer being in the Ministry of Justice, because this never really was about justice. This is a Bill from the secret state, from people who do not want to be accountable to public scrutiny.

I am minded of the comments of Lord MacDonal QC, the former Director of Public Prosecutions, who said, “I don’t think that we should allow foreign intelligence agencies to dictate how we organise our judicial system.” But, delegates, this is what

is happening right now unless we put a stop to it. Closed material procedures are being introduced as new rules of court in these hidden courts.

I will finish on this point, President. When last April Parliament's Human Rights Committee condemned secret courts as unnecessary and, potentially, damaging to public confidence, the Committee chair, Hal Francis MP, said he and many others saw the plans as a radical departure from our long-standing traditions of open justice and fairness. He was troubled that Ken Clarke did not appear to see this.

The last word needs to go to Shami Chakrabarti, the Director of Liberty, who said: "First, they want private chats with judges to replace open justice. Then total access to all our internet browsing and communications." No scrutiny for them; no privacy for us. It is time to ask who runs Britain, and trade unionists have been asking that question for more than 200 years? It is time we gave our answer here today. We do not want an unelected Securitate, and not with this Bill. Please support the motion.
(Applause)

Malcolm Sage (*GMB*) seconded Motion 16.

He said: President, Congress, the Justice and Security Bill aims to introduce closed ministerial procedures into all civil proceedings. This is unfair, unnecessary and unjustified. It is unfair because the Bill will allow the Government to restrictively control the handling of information in cases against them where it is asserted that national security issues arise.

The Bill proposed that in such cases, the claimant, their lawyers, the public and the press will be excluded while the Government talk to the judge in private. This is contrary to the centuries-old principles of justice and fair procedure. As the GMB understands it, the majority of special advocates who will be at the centre of such a system also do not believe that the proposed system is fair. It is unnecessary because we already have a system for dealing with the protection of national security sensitive information.

The present system of public interest immunity allows a judge to weigh competing public interests in open justice, with transparency and accountability. It is unjustified, as we have seen so often with this Coalition Government, and there is no evidence to support the case for such a drastic move. There is no evidence that the present system has damaged the public interest.

The Bill has provoked widespread criticism across the political spectrum. The Joint Committee on Human Rights has commented that the Government's case is based on vague predictions and spurious assertions. The Bill also proposes to remove the jurisdiction of the courts to order disclosure of information held by intelligence agencies in cases where the UK is shown to be involved in wrongdoing.

Congress, no one can understate the importance of the work of our security services or the pressures that are placed upon them. However, the proposals in the Bill are a disproportionate response to a limited number of cases where allegations of human rights abuse involving the UK security services has arisen.

Congress, on behalf of the GMB, I second Motion 16 and urge you to support our proud tradition of fair trial.

Pat Stuart (*Unite The union*) spoke in support of Motion 16.

She said: President, Congress, we live in a state which not only claims to be a democracy, but claims to be the very model of democracy with the Mother of Parliaments. However, too many of our politicians need to be taught that being allowed out every five years to work for a pitifully limited choice of parties is not enough to make a state a democracy.

This state is already failing on a number of fronts. If the Con-Dems go ahead with this Justice and Security Bill, destroying more of the privacy and rights to which people are entitled, we will have speeded a rush down that dangerous road where the legitimate rights of citizens are seen as nothing but a hindrance to strong government.

Theresa May has said that the plans were vital to catch paedophiles, terrorists and other criminals. In an article in *The Sun*, the Home Secretary said that ordinary people had nothing to fear from the proposals. I think it was Oscar Wilde who said that patriotism is the last refuge of a scoundrel. I believe that the second last refuge of a scoundrel of the calibre of Mrs. May is that if you have nothing to hide then you have nothing to fear from yet another assault on privacy or liberty. It is a deeply dishonest argument.

Paedophiles, terrorists and other criminals would inevitably expand exponentially to include very trivial suspected misdemeanours indeed. If anything, our citizens need

more, not less, protection from the prying of the state, big business and our courts are pushed enough to ensure justice. We have just seen the policeman who almost certainly killed Ian Tomlinson acquitted after the police refused to hand over the history of complaints against him, a history as long as your arm with some very serious complaints of assault. Where is the justice in this? This is without secret courts, brothers and sisters.

Miscarriages of justice are not new to us either. I am old enough to remember campaigning for the release of the Birmingham Six, the Guildford Four and the Maguire Seven. I remember the night in 1989 when the news showed the release of Gerry Conlon. I was in Derry that night in the home of Irish friends and his words were electrifying. Conlon had seen his father die in prison for nothing, with his own life blighted for ever. Giuseppe came across to organise legal assistance for his son when he was in prison and he was thrown in jail for good measure. He had one lung, emphysema and had just undergone a course of chemotherapy. The only medication he received in prison was Benylin cough mixture. When he died, his widow was charged £1,000 by the British state to release his body. I never forget these things.

I also remember from time to time the strong grounds for suspicion in the following years. Its sources in the police and the Home Office continued to cast doubt over the innocence of all those people. Think how much more scope there would be for such a character assassination if we set up secret courts again.

Comrades, this is not a state which can afford to give greater powers to pry into the lives of citizens and to try them in secret. Please support the motion. *(Applause)*

The President: Does anybody wish to speak in opposition? (*No response*) I do not think there is a right of reply so we will move to the vote.

* *Motion 16 was CARRIED*

President's address and vote of thanks

Michael Leahy OBE (*Community*): It is now my great pleasure to introduce Paul Kenny, President of the TUC, to address conference. (*Applause*)

The President: I extend a warm welcome to delegates, visitors, guests and others. I am incredibly proud and honoured to address this 144th Congress of the TUC as President. The past year has flown by, a year in which our trade union Movement mobilised millions of people into campaigning for pensions justice. The biggest demonstration of civil and political defiance in living memory brought home to politicians and pundits that trade unionism was alive, well and kicking.

The Prime Minister called last November's demonstrations "a damp squib". The sounds of laughter over his ill-advised remarks and his refusal to acknowledge the two million plus people taking action could be heard from Glasgow to Gloucester and Cardiff to Carlisle. It seems that predictions of our demise as a Movement were again somewhat premature.

One hundred years ago in Newport, the TUC held its 1912 Conference. The President that year was a young, good-looking man (much like me) called Will Thorne, acknowledged as the founding figure of the Gas Workers' Union, which today has become the GMB. Thorne was from that new breed of trade unionism — gas workers, labourers, dockers and general workers — whose struggles culminated in the formation of new unionism, which by 1912 had come of age.

I looked at what Thorne said to the Conference and I found it very interesting. In 1912, he said that you cannot trust the Liberals or the Tories to advance the interests of working people. Some things never change. He also said that what was needed was a party to represent the interests of citizens over privilege and labour over capital. Public good over exploitation was the void that needed to be filled. Perhaps, colleagues, we could call that “work still in progress”.

The TUC met in 1912 in great heart. Membership was up by just under 350,000 to two million, a staggering increase in just a year. It was said in the years up to that milestone that trade unions were spent, a thing of the past and they were a dying breed.

Will Thorne, Ben Tillet and others did not buy into that defeatist propaganda of 100 years ago and we reject those same arguments and attacks today. Two million became 12 million and today we stand above six million. The challenge to us all, with all of the physical, financial and organisational assets that the Movement possesses, is to recreate the energy, vision and political will to define ourselves clearly again.

Our Movement can be proud of what it has achieved for both the prosperity and people of our nation. Many things taken for granted in today's society did not land courtesy of politicians' slumbers. They came from the passion for social justice which has been at the forefront of our Movement for the last 100 years and beyond.

I do not know about you, but I have never been lucky enough to work for any employer who came in on a Monday morning and confessed that they had been unable to sleep for the whole weekend worrying about whether I had enough pay, holiday, sick pay, pension benefits or respect at work. I am sure there are colleagues from the teaching unions and from UCU who look forward to the day when Michael Gove pops in for a cup of tea because he is worried about their terms and conditions. It is unlikely to happen.

The truth is that those values are the values of our Movement. It is what we stand up for. It has been trade union collective bargaining and action which has secured work and social benefits upon which so many people in our country rely today. It is easy to remember how, just a few short years ago, trade union voices which called for equality in our society were rounded on, and how trade union campaigns for gender, race and sexual orientation rights, and an end to the discrimination endured by so many, were attacked as political correctness gone mad or just plain loony Left grandstanding. Who today would take anything other than pride for the changes in attitude and process achieved by those campaigns?

But I have a word of caution. Standing back and admiring what we have achieved must never be allowed to slide into a failure of purpose over that which is still to be gained. It is also clear, as we know only too well, that hard-won advances and rights through industrial and political actions have to be defended, particularly where such advantages edge over into the power of vested interests as those belonging to employers and politicians who argue for a “no rights culture” of exploitation, insecurity and social conflict.

This year’s Congress badge, on which the President gets the luxury of determining the words, has a very simple message. It says, “Union and Proud”. This is because we should be. What working people have created by way of social change through their membership of trade unions is truly remarkable and deserves celebration. As trade unionists, we are a particular type of human being represented by our values of fighting injustice, campaigning for others, and our vision of a society based on equality of opportunity which drives our agendas.

That is why so many politicians in governments do not get us. That is why the CBI or the Institute of Directors do not understand what makes us tick. It is because their values are based upon individual wealth-gathering and free market exploitation, with a bit of lip service to the deserving poor chucked in for good measure.

Every essential requirement of a modern democracy is seen as a business opportunity to be exploited and ransacked, irrespective of the long-term costs to the economy or its citizens. The destruction of social housing, energy policy, rail and transport infrastructure were all carried through for reasons of commercial exploitation. Those

basic tenets of a planned economy, which require long-term planning and investment, were swept away in favour of the quick buck.

Congress, I think you are being a bit quiet and I am not used to that. I like a bit of interaction. I want to know you are alive out there. I am going to see if you can guess the answers to these questions. Who was it who warned successive governments about the disasters of some of their policies? Who do you think said that PFI would be a financial disaster? (*Shouts of "The TUC!"*) You are right, it was the trade unionists. You will get in the swing of it after a bit.

Who do you think said that a culture of bankers' bonuses was wrong and dangerous? (*Shouts of "The TUC!"*) You are getting the hang of this.

Who do you think said that billions of pounds paid to private landlords in their back pockets instead of building affordable, decent social housing was absolute nonsense? (*Shouts of "We did!"*) We did.

Who said that if you do not carry out maintenance on our railways, safety for passengers and staff will be compromised, and were we right? (*Shouts of "Bob Crow" and "The TUC!"*) Who for years has demanded action over tax avoidance and evasion schemes? (*Shouts of "We did!"*) It was us. Being serious for a moment, who has led the charge for action on the scandal of over a million young people who are victims of this Government's economic experiments? Who would be leading it? It is us.

On jobs, public services, welfare and so much more, it has been the trade union Movement, centre stage, and sometimes the only and lonely voice. Who has been solid through the years in demanding decent pensions for all? It has been the trade union Movement.

Our Movement's gains on health and safety in the workplace did not land from outer space. They arrived by way of a road built with the blood and broken bones of thousands of victims of avoidable accidents, employer negligence and political indifference, which we continue to campaign against. Trade unions are often the only course of support that a person has when it comes to defending themselves against bullying at work or when seeking training, parental leave or just plain old-fashioned respect from their employer.

Trade unions are the largest collective body for good and social justice in the world and if, as a Movement, we do not stand for social justice, then we stand for nothing. We had better have a challenge and that challenge is to grow. It is to organise those industries and workers which in some cases we have avoided, perhaps because of the difficulty of the task.

In the run-up to the Pensions Day of Action, some unions discovered what others had forgotten. People had joined the union Movement in their tens of thousands because we were seen to both speak up for their interests and we organised on a scale we had not done for a long while.

This historic year for the TUC has culminated in the election of Frances O'Grady (*applause and cheers*), the first woman to occupy the office of TUC General Secretary. I offer congratulations and best wishes to Frances for the future. However, I have a hope for the future. It is that one day soon the election of a woman to the leadership will create little interest, comment or surprise because it will have become a far more frequent event in all walks of life. (*Applause*)

Now, a brief word of thanks to Brendan Barber. History will show that a transformation took place under his time in office. Brendan leaves with the respect and thanks from all of us for his contribution and help. Thank you, Brendan. (*Applause*) There is absolutely no truth in the fact that he announced his retirement after spending 22 hours in a plane with me en route to Australia. It was purely coincidental.

There is a big thank you from all of us to the staff at Congress House and in the regions for their dedicated work on our behalf. We truly have some very talented, principled and passionate people. (*Applause*)

To my own union, the GMB, thank you for giving me the support to carry out at least parts of the duties of President this year. It has been a fantastic, wonderful, uplifting and enlightening experience.

Finally, thank you very much to Pat, my wife and partner, the love of my life. We have been married for 43 years. I do not know how she puts up with it! She took a disproportionate amount of responsibility for raising and shaping our family, Warren

and Alex, and helping with our grandchildren. She is a great trade unionist in her own right and from the moment she was able to, she went off and got the union organised in the first place of work she took up after the kids started school. She is a great person. (*Applause*)

I end this address with a single message. Our trade union movement has so much to be proud of. We do not need to hide or apologise for who we are or what we do. We are trade unionists, we do great things and we do them for the good of all. We do not do this for self-advancement or a quick buck. We do it because we care about changing society for the better. Are trade unions a vested interest? You had better believe it, we are, but for a better, more equal society. Thank you and enjoy Congress. (*Applause*)

Michael Leahy OBE (*Community*): Thank you, President, for that excellent address. I now call upon Gail Carpmail of Unite to move the vote of thanks on behalf of the President.

Gail Carpmail (*Unite The union*): Thank you very much. I will tell you a little bit about Paul. Paul Kenny was born in Hammersmith, West London, as Britain emerged from post-war austerity. There were no sweets for the young Kenny as rationing was still a feature of everyday life.

At 15, Paul took up his first job at Fuller, Smith & Turner's Brewery, perhaps a case of "start as you mean to go on". Anyway, anecdotes about the President do seem to feature food and drink and the GMB had proudly fought the cause for free school

meals long before it was taken up by celebrity chefs. Well done, Mary. I was not surprised to arrive and discover that this weekend is the Brighton & Hove Food and Drink Festival.

Paul's greatest love is Pat. She is the love of his life and they have been married for 43 years. Pat, you get less than that for manslaughter! He is also very proud of his two sons and his grandchildren. There is also the love that he has for his trade union and Fulham Football Club. I asked my football expert at home about Fulham and he was strangely reluctant to comment.

Knowing absolutely nothing about the game, I looked Fulham up on Wikipedia. It started well. The year in which Paul was born, Fulham was promoted to the top tier of English football. Sadly, things seem to have gone downhill and by the 1951-52 season, Fulham finished rock bottom of the league. Apparently, the club was to have its lowest ebb in the mid-1990s, but then came along the Al-Fayed revolution, which is why Paul Kenny, a comrade of the Left, has been seen clutching Harrods carrier bags. *(Laughter)*

One of Paul's comrades dared to suggest that there is a link between his love of Fulham FC and his interest in antique auctions. He questioned whether he might find a Fulham trophy during this search for collectibles. The class warrior is never far from the surface and I am sure that Paul will identify with the assessment of the rich by United States satirist, Dorothy Parker. She said, "If you want to know what God thinks of money, just look at the people he gave it to."

Some say that, politically speaking, Paul is probably the most adept ducker and diver in the trade union Movement and that is saying something given the competition. I have even heard him described affectionately as “The Godfather”. Paul would agree in part with Don Corleone when he said, “The rich will stay rich by the crimes they commit.” However, I think Paul would part company with him when he said, “And the poor will stay poor by watching them” because Paul is not an observer. He is a campaigner. He has campaigned against the demutualization of the AA — the Automobile Association unless you were worried! He is a stalwart of Remploy. Frankly, he has been seriously enraged that as Team GB scoops up medals in the Paralympics, Remploy factories are being closed around us. (*Applause*)

Paul may have been the only trade union leader to have been supported by the Taxpayers’ Alliance when, in 2006, he spoke out against MPs awarding themselves a 66% pay rise. His credibility, however, was restored as Michael Portillo launched the Tory counterattack.

Not everyone knows this – I am sorry, Paul, they will now – but in his year as President, Paul has embraced IT. He now has his very own iPad. I understand that he is on a bit of a learning curve. Talking of entering the 21st century, Paul has taken great pride that it is during his presidency that the TUC has elected our first woman General Secretary. He commented to me, “We don’t like to rush things.”

Paul has been shamelessly willing to take the credit for that wonderful step so it is only right that the last word should go to the sisters. I asked around. One said, “I rate and love him. I would never work for him. That is how much I rate him.” Another

comment was on aftershave: “It is the best in the business. I actively hug him to have a sniff.” Another sister said, “It is probably his wit, warmth and common touch which stick most in the mind.”

In conclusion, in my vote of thanks, we are in good and fragrant hands. Paul will do his best by you, Congress, and he will do his best by his class to get rid of this dreadful austerity-addicted Government. I say, Paul, “Sweeties for all.” Thank you.
(Applause)

Michael Leahy OBE *(Community)*: I would now like to call upon that famous raconteur and orator of the trade union movement, Bob Crow, to second the vote of thanks on behalf of the President.

Bob Crow *(National Union of Rail, Maritime and Transport Workers)*: President, Vice-President and Congress, it is an absolute honour to come up here to second Paul Kenny. When Gail made her fantastic contribution, she said that when Paul was young, there was rationing and he did not have any sweets. He has certainly made up for it over the last 40 odd years, that is for sure!

I have spoken to his lovely wife, Pat, and she is not just a lovely-looking woman but a warm person as well. She reminds me of my own mum and grandmother. I hope you do not mind me saying that, Pat. I asked her, “What was Paul actually like as a young lad? He now wears all this posh *Old Spice* and *Brut*, all the deep aftershaves that women go mad for.” She said that he had a figure like a Greek god. I said, “How come that 43 years later, he has got a figure like a God-damn Greek?”

Gail said that she does not know much about football. You do not have to know much about football to go to Fulham, Gail. The reality is that they have been wannabes for a long period of time.

On a serious note, Paul is the ambassador for the trade union Movement for this year. Paul is a bit like a godfather in the sense of the word. He is not like Don Corleone, but a godfather who oversees the work that is going on in his union. I understand, Paul, that you now have an iPad and you are moving up in the technical world. You told me years ago that you did not do emails as you were more into blackmail!
(Laughter)

The reality is that Paul has been a tremendous ambassador. Yes, he is a ducker and diver, there is no doubt about it. I do not want to get into any controversial debates here, but how can there be a vote of 16:16 to be General Secretary and you do not put a casting vote in? That is being a real ducker and diver. Either Brendan was going to be his mate or the other side of the trade union Movement was going to be his mate. We will cross that bridge when we come to it tomorrow morning at the General Council. I am sure that with Paul being an opportunist, whichever way the wind is blowing, he will jump on the bandwagon and vote accordingly.

Paul, not only have you been a tremendous ambassador to the trade union Movement and not only have you gone out there and kept the values of what we represent (not just in this country but worldwide), but you stand for social justice, peace and better lives for people. However, more importantly, it is not just what you do for the trade

union Movement, but the fact that you are a decent bloke. That is what you are — a decent bloke. If I was one of your two boys, I would be extremely proud to have a father like you. I am extremely proud that I am a friend of yours and that I am seconding the resolution to thank Paul Kenny on his presidential position.

Paul, I wish you and Pat all the best going forward in the future. You have made a contribution to the trade union Movement year in and year out. As far as I am concerned, while we have people like Paul Kenny at the top of the trade union Movement, it will go from strength to strength. I wish you all the very best, Paul.

(Applause)

The President: Thank you, Gail and Bob. As someone one said, “It is good to keep your enemies close”!

Congress, we now turn to Chapter 7 of the General Council Report, Protecting People at Work from page 120. I will call paragraphs 7.1 to 7.7, paragraph 7.9 and Composite Motion 16, Health and safety. The General Council support the composite motion.

Health and safety at work

Steve Murphy (*Union of Construction, Allied Trades and Technicians*) moved Composite Motion 16.

He said: Congress, I am angry and UCATT is angry. A year after UCATT moved the motion on safety at the TUC Congress, we are back today at the rostrum. We are

here because we have to be *here*. We have had a further 12 months of Government attacks on safety led by Cameron, who sunk to a new low when he called health and safety “a monster”. He said that he wanted to kill off the health and safety culture for good. Perhaps Cameron should try telling that to the families of the 173 people killed at work last year.

Deaths can easily be reduced. In my industry, over half the 49 fatal accidents last year were caused by falls from height. These deaths, with a few basic safety measures, could easily have been prevented. In many hazardous industries, it is a complete lie to suggest that there are too many safety laws and that red tape stifles business. The opposite is true.

Safety laws are often ignored. A construction worker is only likely to ever see a HSE inspector if there has been a fatality or a major accident on their site. The situation is far worse in other industries such as quarrying and agriculture where this Government has ended unannounced inspections altogether.

In the last 12 months, we have seen the publication of the Lofstedt Report, which has been ruthlessly used to slash existing regulations. In construction, the tower crane registration and the head protection regulations are both to be scrapped. Shamefully, the HSE board, apart from our union colleagues, supported the ending of these vital safety regulations and that is just what the Tories want. They want the HSE to be fearful of its own future rather than doing its job properly. It meekly accepts what the Government says to protect its own interests. It is a short-sighted strategy because this Government has complete contempt for both the HSE and working people.

But worse is yet to come. The composite is right to focus on issues about the self-employed. It is clear that they plan to remove the self-employed from safety laws, adding confusion to an already muddled system where vulnerable workers are left without legal or physical protection. They clearly do not know and do not care about the reality of the workplace. There are a growing number of fully self-employed workers, mainly in construction but increasingly in other industries. To all intents and purposes, they will be abandoned and safety laws will not apply. It does not matter what a 200-page official document says as that will be the message they are given.

Make no mistake, dangerous working practices, accidents and deaths will increase and it will not stop there. As this Government flounders and we sink further into economic misery, they will use the mantra of freeing business from red tape for further attacks on safety. This Government is prepared to risk workers' lives to win cheap headlines. That is why we must say, "Enough is enough." We need to fight for workers' safety. We must fight to overturn the planned cuts to the HSE so that the body which is meant to keep workers safe can do its job.

The TUC and the union Movement must lead the fight for safety at work. No one else will. It is our responsibility to keep workers safe. Protecting workers' lives is a fight that we have fought before and we must fight these battles again. Please support the composite. I move.

Philip Mills (*Broadcasting, Entertainment, Cinematograph and Theatre Union*)
seconded Composite Motion 16.

He said: Congress, this is my first time here and I found out that I was seconding this at about half-past three this afternoon, so please bear with me. (*Applause*) I am just going to talk a little bit about a couple of the details and then urge you to support the motion.

It is proposed that self-employed workers might be exempt from health and safety legislation if they pose no risk to others at any time. This means that people will be potentially exempt from legislation one moment and then subject to it the next. That will be no way to run a job, let us face it.

There has just been a reference to people being killed by falls when they are working at height. My background is theatre and we do a lot of working at height, as do people in film, television and the various music industries. We also have very tight daily deadlines when we need to put shows on or let the public into an auditorium. That is going to put pressure on people to cut corners and so on.

Another aspect of this is that it is going to change the nature in which people are employed. Employers are going to take the people who are self-employed, they will make people self-employed and they will make jobs self-employed in order to get around health and safety. That is something we need to fight against.

Finally, this could potentially end up being changed through a regulatory reform order rather than by an amendment to the 1974 Act. This means that there will be no debate in Parliament necessarily and these changes would go straight through without us being able to fight for them. Therefore, I think that it is essential that we send a

strong message both to the current Government and to Labour (hopefully our next government) that this needs to be fought as it is important to everybody's lives. I urge you to support the motion.

The President: Phil, very well done as a first-time delegate.

Ronnie Draper (*Bakers, Food and Allied Workers' Union*) supported Composite Motion 16.

He said: Speaking on the section referring, in particular, to the cuts to the Health and Safety Executive, the 35% cuts in the budget is just a headline as the devil is in the detail. It forms part of a systematic dismantling of the Health and Safety Executive by successive governments so Labour has nothing to be proud of in this.

It is said that the Health and Safety Executive was born to die. If you take a Utopian view, that is right. From its inception in 1975, the belief has always been that the more successful it was, the less need there would be for it. That is more of a hope than a wish. The reality is somewhat different.

Removal of protective legislation, reduction in enforcement officers and fewer and fewer prosecutions for health and safety breaches is the real health and safety world in which we operate. Unscrupulous employers are prepared to cut corners to gain a competitive edge. I suppose it begs this question: what would health and safety statistics be if it was not for the army of trade union health and safety reps who help to keep the workplace safe? How many more families would be grieving the loss of a loved one?

From the way in which Tweedlecam and Tweedleclegg and their empty-headed minister, Chris Grayling, have been trivialising health and safety, the inevitable consequences are that we are going to have more and more accidents. Conker fights and donkey rides never killed anybody, but trivialising health and safety legislation most certainly will lead to people losing their lives at work.

Health and safety legislation is not a burden on business. It is not a monster created to shackle employers. It is an absolute lifesaver. It is a pity the Government did not pay as much lip service to the bankers, who have caused the problems we now have.

I will give you an example of Tory thinking. Tory councillor, Martyn Cox, from Westhoughton, Bolton compared the deaths of 171 people at work last year to the 500,000 people who lose their lives every year. He said that there was more chance of winning £1 million on the Lottery than losing your life at work. That is exactly how the Tories feel about it. We all know the real statistics.

If the Tories really want to boost the economy of this country, they will forget about the 35% cuts to HSE and look at stronger investment in health and safety laws that will keep people safe at work. The Tories are turning health and safety into a class issue. While their kids become merchant bankers, judges, diplomats or office-based members of the military who remain safe, they are protected by the silver spoon, unlike our kids, who have to go out and do the dirty work.

We have campaigned for years for a strong Health and Safety Executive. It is not trade unionists looking after trade unionists, but trade unionists looking after working people in this country. We have to make sure that we have this on the manifesto of a Labour government in future and that we campaign through our Parliamentary groups to get a “Yes” vote on putting more money into the Health and Safety Executive. I move. (*Applause*)

Sue Ferns (*Prospect*) spoke in support of Composite Motion 16.

She said: Congress, we all know that deregulation is central to the Government’s agenda for the public sector. The attack on health and safety regulation is particularly aggressive, led by the Prime Minister himself, against all the evidence, of which there is plenty.

There have been four reviews in the last seven years including two by the current Government. There was Lord Young’s Review in 2010 and Professor Lofstedt’s Review last year. It is important to emphasise that while we do have some beefs with his report, Lofstedt concluded that the Health and Safety Executive provides a vital service and that health and safety law is fit for purpose. The Government accepted his findings in full and yet still the Prime Minister, untroubled by the facts, launched his public attack by pledging to tackle “a health and safety monster”. It is no wonder that Professor Lofstedt subsequently expressed concern that his report could be misused for political purposes.

Here are three more facts: (1) HSE has been subject to a 25% spending cut and required to reduce active inspections for high hazard sectors by one-third; (2) most

SMEs can expect to see an HSE inspector once every 15 years, but the average lifespan of a small business is just seven years; and (3) over two million people suffer from some sort of occupational ill-health with estimates of between 12,000-18,000 deaths each year as a result of workers' exposure to hazards. Around 8,000 of these are due to cancers with around 13,500 new cases every year. However, now there are just three occupational health doctors in the HSE and 18 occupational health inspectors. Changes to the RIDOR regulations will exacerbate this decline.

We do have something to learn from the way in which ministers and others spin health and safety stories to the media and that is why Prospect has been promoting "40@40: voices from the frontline", our celebration of 40 years of the groundbreaking Robens Report telling the true stories of HSE inspectors. They share how their professional application of health and safety law enables companies to operate successfully, how joint work with industry and workforce representatives ensures the adoption of informed, practical solutions to dangers, and how efforts to secure justice are appreciated by victims and their families.

We have been tweeting one story every day and today's debate just happens to coincide with our 40th and final tweet telling the story of construction workers risking their lives, literally up to their knees in raw sewage, for £25.00 a day. This is a true story of the value of the HSE. Inspections and enforcement saves lives. Help us spread the word today and use the hash tag 40@40 to get it trending.

On the final day of the Paralympics, it is also worth noting that London 2012 has showcased an unprecedented health and safety success, the construction of an

Olympic park on schedule and without a single workplace death. Let us learn from this and make sure that better health and safety is an Olympic legacy too. (*Applause*)

Tam McFarlane (*Fire Brigades' Union*) supported Composite Motion 16.

He said: Congress, we all know that the attack on the health and safety legislation led by David Cameron, the Tories and the right wing media is based purely on political ideology. In the same way that austerity is about a zeal to shrink the role of the state with no care for the vulnerable in society, so the attack on health and safety comes from a passion to deregulate, even when doing so destroys legislation developed and designed to protect workers from harm, injury and even death.

Deregulation is not okay. It is not safe. How can you deny the need for proper regulation when you get Government ministers popping up on the TV giving idiotic and dangerous advice about keeping jerry cans of petrol about the house? This is a classic example of the Government posturing when it should have been listening.

Congress, no matter the ridiculous spin being peddled. We know what health and safety is and what it is not. Health and safety is not unnecessary red tape. It is the lessons of past injuries, deaths and disasters, designed to make sure that they are not repeated. Health and safety is not a burden to business. It is a protection for workers to ensure that safety is valued as highly as profit or finance.

To deny the need for strong and effective legislation is to deny the lessons of the past and the facts of the present. The facts are that 21 firefighters died on duty between 2003 and 2007, the worse five-year period in more than 30 years. Hundreds more

were seriously injured, burned or damaged while doing their job. Since then, a further eight firefighters have died on duty. The death of four fire fighters in a fire in Warwickshire in 2007 was the worst incident of multiple firefighter fatalities in the UK.

The Fire Brigades' Union is absolutely clear. One firefighter death is one death too many. In our report "In the line of duty", the union was the only body in the fire service to make a comprehensive attempt to analyse these trends and to put them in context. What we found was an alarming upturn in on-duty deaths at the very time that the service was being fragmented, national standards and policy boards were being scrapped and policy vacuums were occurring.

Despite the rhetoric of modernisation, there are aspects of firefighter safety today which have not improved over the last decade and, with a notable absence of substantial guidance emanating from the Government and a lack of essential policy drive, firefighters are left with the impression that those in power simply do not care. All of this is against a background of cut resources to the HSE and a Government for whom health and safety is a dirty word.

Congress, we know that the trade union Movement is the best guarantor of worker safety. For generations, we have fought for laws on prevention and compensation. Our message is this. Unions will stand up for health and safety. No worker in any industry goes to work to die. Support the composite. *(Applause)*

Mick Lyons (*NASUWT, The Teachers' Union*) supported Composition Motion 16.

He said: The Prime Minister has repeatedly signalled his determination to scrap vital protections which play a critical role in keeping millions of ordinary workers safe and has told business leaders that health and safety laws are hampering the economy and stifling business. He stated that he wants 2012 to be the year when pointless time-wasting of health and safety regulations is scrapped.

The Chancellor, George Osborne, announced that 84% of health and safety regulations are to be scrapped or reformed and that the Health and Safety Executive is to be tasked with pressing the European Commission to water down its health and safety regulations for small and medium sized businesses.

The NASUWT completely rejects the Prime Minister's comments as it believes that workers need greater protection from illness and injury at work and not less. Mr. Cameron appears determined to prioritise the spurious grumbles of the business lobby over the protection of millions of ordinary workers. The Coalition's reforms will prevent workers receiving justice for injuries received at work and will enable negligent employers to continue to put workers' health and wellbeing at risk.

The reality is that the average business spends a pitifully low time of about 20 hours annually on the administration of health and safety compliance and the number of health and safety regulations was halved since the Health and Safety at Work Act was introduced in 1974. Figures show that at least 250,000 workers are injured at work each year and that 20,000 people die of work-related illnesses. This costs the British economy over £30 billion a year. The NASUWT predicts that the UK will pay a huge financial and human cost as a result of the Government's shameful failure to protect

workers' health and safety. Congress must do all it can to fight against the demolition of these critical protections.

The NASUWT is concerned that the premise of the view — indeed the Coalition Government's whole approach to health and safety legislation — appears to be predicated towards the belief that health and safety legislation is burdensome and should be simplified. Congress, this is the wrong approach. From the perspective of the school environment, the existing School Premises Regulations and Guidance have been developed to ensure that all school premises are safe and fit for purpose, providing good-quality learning environments for pupils.

The DfE has failed to provide any evidence that there is a need to make the proposed changes or to remove the guidance referred to in the consultation paper. Your children and grandchildren are being put at risk by these proposals. The proposed changes to the regulations and removal of the guidance will result in deterioration in the quality of the learning environments which will, in turn, impact negatively on pupils' educational attainment.

Health and safety regulations were hard fought for and we need to fight equally hard to retain them. They have been demonised by the Government and its supporters through a campaign of misinformation in the right wing press showing health and safety to be a product of the nanny state with ludicrous rules and regulations. The General Council must mount a vigorous political and public campaign to prevent the weakening of health and safety laws by this Government and their supporters. Please support the composite. (*Applause*)

Paula Brown (*Public and Commercial Services Union*) spoke in support of Composite Motion 16.

She said: You may know that I work at the Health and Safety Executive and every day I can see the consequences of years of funding cuts and what they have done to our health and safety system in Britain.

In HSE, staffing levels have dropped to a new low. In May, we were down to about 2,896 staff. That is down from 4,282 staff eight years ago. HSE does not have its own dedicated legal team any more. Policy work faces yet another governmental review. Last year, the HSE info line closed and HSE decided not to replace that with a dedicated helpline. Instead, we have a small complaints handling team staffed by PCS members who are struggling to cope with the volume of calls.

HSE continues to review its estate and the programme of office relocations or closures continues with possibly either the Edinburgh or Glasgow office facing closure next year. We have yet to discuss that in detail with management, but you can see the massive impact that is going to have.

More and more often, HSE PCS members tell me that they believe that our long-term future is under threat. They cite the Government's use, or misuse, of the Lofstedt Review and the current RIDDOR Review, which points to a watering down of the legislation, and of course the introduction of "Fee for fault", the principle of charging for an inspection where a business is found to be at fault.

Our members worry that businesses will stop looking upon HSE with such support and instead will see inspections as a means to raise funds. PCS is in the difficult position of having about 400 of our members' jobs dependent upon the income from "Fee for fault" and yet nobody knows exactly how much is going to be raised, when that money will come in or how much we are going to be able to keep. We did have a deal with the last minister, but who knows what the new one, Mark Hoban, will actually agree to.

If we want a future that works, we need proper systems in place to protect our workers. Safety is not a "techy" topic, only of interest to a few or to claims companies. Last year, around 1.9 million people suffered from a work-related health problem, 4,000 with breast cancer related to shift working and 4,000 related to asbestosis. That is why it is so important that we keep up the pressure on the Government and not let the Health & Safety Executive fall into the desperate position that the Equality and Human Rights Commission faces.

So, please, keep up the campaigning. Ask your MP to sign Early Day Motion 339, respond to the RIDDOR consultation and do not let the Tories turn back the clock on our health and safety. (*Applause*)

Sarah Brown (*Unison*) supported Composite Motion 16.

She said: Since the election of this Coalition Government, workers' safety and welfare has been under constant attack from both the Government and parts of the tabloid press. Between them, they have conjured up a cauldron of lies that health and safety enforcement is all an unnecessary diversion and laws essential to the health and

safety of our members are somehow responsible for job losses rather than the government cuts and irresponsible negligence of their friends in the banking sector.

The Government have set up a series of reviews asking their own friends, such as Lord Young and Professor Lofstedt, to do a hatchet job on health and safety and each time these servants have failed to do their master's bidding, concluding that health and safety legislation is fit for purpose. However, this has not stopped the Government from pushing ahead with cuts to the HSE, ends to proactive inspections and preventative campaigns, and proposals to reduce the number of injuries reportable under RIDDOR.

The human cost of failings in health and safety can be seen only too clearly as the 20,000 workers who continue to lose their lives unnecessarily through their jobs. Ask the friends and families of these victims whether health and safety is a burden. Ask the friends and families of the school caretaker and father of two from Blackpool, who died in 2010 of mesothelioma, whose family has only just received a compensation award of £248,000 for their loss. It was only the actions of Unison which won this award, but even this amount is scant consolation for the loss of a husband and father. Health and safety is not the burden. The burden is the grief and sense of loss that these families will carry with them for the rest of their lives.

Unison will support any action organised by our colleagues in the TUC and our sister unions in our fight to protect and improve the health and safety regulatory framework. Ultimately, of course, it is the actions of health and safety reps in the workplace

which can best protect the health and safety brand by ensuring that both employers and our members understand that health and safety matters to them.

This is one of the reasons that Unison is making the recruitment of more safety reps our number one health and safety priority. The cuts to the HSE make the role of Unison safety reps even more important and we must fight to preserve the facility time of our safety reps. These are the eyes and ears of the workforce.

The cuts inflicted on the HSE mean that there is a vacuum which only our safety reps can fill. If the HSE is not going to do any more proactive inspections, our safety reps must provide them with the evidence so that they are forced to act. Every year, Hazards award an “Alan” in memory of Alan J.P. Dalton, who died in December 2003, to the Hazards Troublemaker of the Year, someone who has been the most Alan-like. In other words, it is someone who has been the most effective in stirring up trouble for complacent governments and employers in order to make their workplaces safer and healthier. Here’s to the troublemakers! Support this composite. *(Applause)*

* *Composite Motion 16 was CARRIED.*

The President: I am now going to call paragraphs 7 and 8, and Motion 82, the CICA Scheme. The General Council is supporting the motion.

CICA Scheme

Paddy Lillis (*Union of Shop, Distributive and Allied Workers*) moved Motion 82.

He said: Congress, the Tory-led Government are radically overhauling the Criminal Injuries Compensation Scheme, thereby slashing the funding for victims of violent crime. Colleagues, this Movement has a proud tradition of standing up for its members, especially when they are injured. Sadly, in one of the sectors we organise in retail thousands of shopworkers are attacked every year by violent criminals. Our members rely on the Criminal Injuries Compensation Scheme to obtain some money to help them deal with the necessary time off work and the trauma the incident caused. However, the scheme is under threat from a government that knows the cost of everything and the value of nothing. They intend scrapping all compensation for almost half of victims, cutting the payments of another third of the victims by 60%, and slashing the payments for loss of earnings by an average £10,000.

Congress, these changes are a second attack on innocent victims of crime who have already suffered enough. The government claims the savings are necessary as part of the austerity cuts. However, their own impact assessment demonstrates that the current compensation scheme is both stable and sustainable. The projected £50m savings will have almost no impact on the nation's finances but the impact on the victims of crime and their families will be devastating. Colleagues, 48% of the victims of serious crime who are currently eligible for compensation would receive nothing.

Victims like Simon, who works in a convenience store, risked his own safety when he disarmed a man who was attempting to rob the shop where he worked. The attacker was waving an axe and threatening other staff. Simon wrestled the man for the axe and restrained him until the police arrived. During the time he was bitten, punched

and kicked. Simon received £1,250 for the injuries and the mental trauma he suffered but the changes will mean that in the future someone finding themselves in a similar situation will receive nothing, and a further 35% of victims who are most seriously injured will have their compensation significantly reduced.

There are innocent people like Frankie, the father of a young baby, who was attacked whilst walking to work at a supermarket in Glasgow. One of Frankie's attackers held him down whilst the others stabbed him twice before robbing him. Like many violent criminals his attackers were never caught but the assault turned Frankie's world upside down. He had to take nearly a year off work and as well as trying to get over the trauma of what had happened he worried about paying the bills. He told us that life was made a little easier knowing that he was going to get some compensation. He received £2,500 which helped to pay off the debts he had accumulated whilst off work recovering from the attack. Under the Government's new scheme he would only have received £1,000 and would have lost his home.

The Government claim they are focusing the scheme on the most seriously injured but even they are being attacked with the compensation for loss of earnings sliced by £10,000. Instead of their average earnings only the level of statutory sick pay will be paid to those unable to work again. To prove that no one is safe from this uncaring government, even the dependants of those who have been killed by criminals will see their compensation cut as well.

Congress, it is not just shopworkers and their families who will lose out, it is anyone who is injured by someone committing a crime of violence who currently qualifies for

compensation. If you are assaulted by a burglar in your own home, mugged in the street, injured whilst trying to stop a thief stealing your car, then the coalition Government intends to take compensation away from you.

Congress, support this motion, give a voice to the victims of serious crime, and together we can help oppose these devastating cuts. Thank you. (*Applause*)

Mark Daniels (*Associated Society of Locomotive Engineers and Firemen*) seconded the motion.

He said: This is my first time at Congress so please be gentle. (*Applause*) Congress, let me tell you a story. Six years ago I got up, said goodbye to my wife, kissed my three daughters, and left for work. Whilst carrying out my duties someone stepped in front of my train. At the time I struggled to return to work. I went through counselling having suffered mood swings and depression. It was not my intention to cause this tragic event on that particular day and it took many years to get my compensation for the perpetrator's actions on that day. It was the only redress that I could find.

It is not about the money but the recognition for the time off and the loss of earnings, and the difficulty that it brought to my family. This is not the first time that we have fought against these proposals. Let us hope it is not the last. With the money that I did receive from that scheme, £1,000, I gave it to my children because it was they who suffered the most. Support this motion and ASLEF's amendment. Thank you, Congress. (*Applause*)

Chris Davidson (*National Union of Rail, Maritime and Transport Workers*)

supported the motion.

He said: This seems to be a bit of a day for Congress virgins. As the other speakers have said, this is just another attack on the most vulnerable people in the workplace, people that are often on low wages, on the front line, on the receiving end. We cannot let this Government get away with another attack. Our brothers and sisters risk their lives and limbs when they go to work. We have the scaling down of the health and safety laws and the sheer incompetency of managers to provide a health and safety workplace, and now they are on about taking away what little they do give us when something goes wrong. It is not just about the individuals, it is about the devastating effect it has on the family and the person who is injured not being able to provide for his family, only in receipt of supplementary sick pay.

What is it all for? We are told it is because we have to make cuts. We are told, “We have no other choice.” I am afraid there is a choice. What we need to do is not attack the vulnerable but to attack the bankers who are responsible for putting us in this mess in the first place. I urge you to support. (*Applause*)

* *Motion 82 was CARRIED*

The President: We now come to a very important part of today’s agenda and we welcome Carmen Mayusa, General Secretary of Anthoc Health Workers’ Union, Colombia, and also known to many of us is Mariela Kohon from Justice for Colombia, who will be translating for Carmen.

In 1992, Carmen's younger brother, Solomon, disappeared. In 2003, her uncle and her niece and nephew were murdered. Later that year, on November 26th, her other younger brother also disappeared and his body was subsequently found at Bogota Airport. In May 2006, Carmen and her sister, Nieves Mayusa, also a trade union activist, were arrested and thrown in gaol by the Colombian authorities. They were never convicted of any crime and in June 2008 they were finally released after a long campaign by Justice for Colombia and British trade unions. On 8th August 2008, Carmen and Nieves's older brother, Luis Mayusa, a well-known trade union leader and community activist, was assassinated. Then on 31st December 2010, their older brother, Jose Mayusa, was also assassinated.

Despite this almost unimaginable list of violence, Carmen is with us today to tell Congress how the struggle for justice in Colombia goes on. Carmen, you are very welcome and I invite you with great humility to address Congress. (*Applause*)

Address by Carmen Mayusa, General Secretary, Anthoc Health Workers' Union, Colombia

Carmen Mayusa (via interpreter): Thank you. Thank you to the TUC. Thank you to all of you, the entire UK Trade Union Movement and Justice for Colombia, for giving me this opportunity today. I am Carmen Mayusa, trade union activist and General Secretary of Anthoc, the Colombian Health Workers Union. I am one of many victims in the trade union movement in Colombia which has suffered the extermination of many trade unionists in reaction to our campaigns for fair wages and against the Free Trade Agreements of Colombia.

To date this year we have had 19 trade union colleagues assassinated and hundreds have received death threats and have been forced to flee their homes. I continue to struggle in memory and in honour of all my relatives who have been assassinated in the trade union movement. I have had four brothers killed, three nephews killed, two of them disappeared, one of them murdered, and my uncle and all his children were assassinated and my sister now has psychiatric problems because her children were never found.

In 2006, I was imprisoned alongside my sister and her 18-month old baby and we were accused of rebellion, kept in prison for over two years and finally absolved. We were freed thanks to the UK Trade Union Movement. I want to thank you for the campaigns that you led for my freedom, particularly thank Unite, Unison, and Thompsons, and all of you who campaigned, as well as all the Labour MPs that supported the JFC campaign.

Today it is an historic moment in Colombia with peace talks being announced between the government and the FARC. The trade union movement wholeheartedly supports any peace process and what we hope it will achieve is that our rights are guaranteed as part of that process, and we are able to oppose the government without fear of assassination.

We will not be able to achieve peace with social justice without the international community and without your support. We will not be able to achieve this reality unless people around the world support our dream of peace. JFC is leading the work

in the UK and around many places in the world to try to mobilise the international community.

The trade union movement has created a new political movement in Colombia, The Patriotic March, and we are trying to defend the peace process and achieve social justice, but whether we succeed or fail depends largely on how much support we have from the international community. We do not want to see a repetition of what happened in the 1980s in a previous attempt at peace when there was political genocide of an entire political movement, The Patriotic Union.

Thank you once again to the UK Trade Union Movement. Our failure or our success largely depends on your support. We in Colombia are ready to give up our lives to achieve peace and social justice and if we can give up our lives we hope we can count on you for some support. Thank you. (*Standing ovation*)

The President: Carmen, I just want to say that I think everybody is just amazed and proud to be in your presence, and very humbled by your courage. It is a fantastic, fantastic, feeling to listen to you just now. I am sorry that trade unionists in Colombia have to fight for basic rights that our people take for granted but the solidarity of the British Trade Union Movement will be with you until justice for Colombia is achieved. We are proud to be alongside you. (*Applause*)

Carmen Mayusa: *Muchas gracias.* Your support helps strengthen us. We go back to Colombia motivated to continue our struggle and to lift up the flag of struggle. (*Applause*)

The President: Thank you, Carmen. If anyone comes to me tonight and tells me how hard it is in the British Trade Union Movement they may get a mouthful!

Congress, that completes our business for this afternoon. Could I remind delegates there are various meetings taking place. Details of the meetings are going to be displayed on the screen and also are found on page 11 of the Congress Guide, or in the leaflets included in your Congress wallets.

Congress is now adjourned until 9.30 tomorrow morning. I know many of you are rushing off to libraries and other such events. Thank you very much. Have a good evening.

Conference adjourned at 6.20 p.m.