

**TUC  
Black Workers'  
Conference  
2010**

**Race Relations Committee  
Report**



***TUC BLACK WORKERS' CONFERENCE 2010***

BT Convention Centre, Liverpool L3 4FP

Friday, 23 April 14.00 to 17.30

Saturday 24 April 09.30 to 17.30

Sunday 25 April from 09.15



## CONTENTS

	<i>Page</i>
1 <i>Race Relations Committee</i>	5
2 <i>Black workers and the labour market</i>	6-7
3 <i>Tackling racial inequalities strategy</i>	7-8
4 <i>Stephn Lawrence - ten years after</i>	8-9
5 <i>Tackling racism in the workplace</i>	9
6 <i>Equality and Human Rights Commission</i>	10
7 <i>Equality Act 2010</i>	10-12
8 <i>Pensions</i>	12-13
9 <i>Migrant workers</i>	13-14
10 <i>Let Them Work campaign</i>	14-16
11 <i>Asylum seekers and deportation</i>	16-17
12 <i>Citizenship</i>	17-18
13 <i>Campaigning against the far right</i>	18-20
14 <i>Public services and membership of racist organisations</i>	20-21
15 <i>UN Durban Review Conference</i>	22-23
16 <i>Haiti</i>	23
17 <i>Palestine</i>	23-24
18 <i>Committee attendance</i>	25



**1 RACE RELATIONS COMMITTEE**

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

Brian Caton	Leslie Manasseh	Eleanor Smith
Mark Dickinson	Gloria Mills	John Smith
John Hannett	Tim Poil	Mohammad Taj
Billy Hayes.		

Members elected to serve on the Race Relations Committee at the 2009 Conference were:

Dotun Alade-Odumosu	GMB
Pauline Anderson	National Association of Probation Officers
Mohamed Benkharmaz	Unite
Indira Bhansali	Society of Radiographers
Gargi Bhattacharyya	Association of University Teachers
Freddie Brown	Prospect
Lorna Campbell	Public and Commercial Services Union
Mark Clifford	Unison
Collette Cork-Hurst	Unite the Union
Jitu Depala	Community
Floyd Doyle	Associated Society of Locomotive Engineers and Fireman
Zita Holbourne	Public and Commercial Services Union
Roger King	National Union of Teachers
Michael Nicholas	Fire Brigades' Union
Phyllis Opoku-Gyimah	Public and Commercial Services Union
Harish Patel	Unite the Union
Rajinder Sagoo	Community
Ian Taylor	Communication Workers' Union
Maureen Williams	Union of Shop, Distributive and Allied Workers
*Sarah Guerea	FDA

\* Co-opted to the Committee to fill the vacant Section B seat following a request to affiliates for nominations.

Gloria Mills was elected as Chair and Sarah Veale, Head of the Equality and Employment Rights Department, served as Secretary. Members of the Equality and Employment Rights Department working with the Committee during the year were Wilf Sullivan, TUC Race Equality Officer, Carol Ferguson Departmental Secretary and Jane Cook and Julie Lawrence, Administrative Assistants.



## **2 BLACK WORKERS AND THE LABOUR MARKET**

The TUC has continued to lobby the Government through the Ethnic Minority Employment Taskforce (EMETF) for more proactive actions that tackle the employment gap between black and white workers.

The TUC has continued to have concerns about the lack of effectiveness and stability of the EMETF because of continued ministerial changes. The current Chair, Jim Knight, is the seventh chair of the Taskforce since its inception in the autumn of 2003 and there have also been numerous changes of Ministers representing the departments that make up the EMETF.

The TUC has continued to press the Taskforce to take a more robust attitude to tackling racism in the workplace especially in the light of the recommendations made by the NEP Business Commission that the Government should set an overarching goal of halving the ethnic minority employment gap by 12 percent by 2015; and that if insufficient progress is made in the private sector to introduce legislation which obliges private sector employers to promote workplace race equality, tougher legislation should be introduced.

Whilst the Government has accepted many of the recommendations in the NEP Business Commission report, and has brought it within the remit of the EMETF, there has been a reluctance to set targets for the private sector or to take further legislative or enforcement measures that are aimed at employers as they are seen as a “burden on business”.

The TUC, through the Ethnic Minority Advisory Committee and discussions on Government procurement strategy, has continued to lobby for procurement to be used as a lever to improve race equality practice in the labour market.

The TUC welcomed the latest statistics from the labour force survey which show that the ethnic minority employment gap has reduced to 12.9 per cent from 15.9 per cent at the beginning of 2007. Whilst this represents a continuing downward trend in the gap, the TUC is concerned that the progress made in reducing the gap may be reversed because of the current economic recession. Current figures have indicated that the recession has not disproportionately affected workers from black and minority ethnic communities. However the effects of job losses in finance, retail and distribution, hotels and restaurants - all sectors where black workers are over-represented - have not yet fed through into the unemployment figures. Currently unemployment in black communities is at least twice the rate of the majority population and any disproportionate effect on employment because of the recession will increase the problems of poverty in black communities.

The TUC is particularly concerned about how the recession will impact on black communities. A special recession report in 2009 highlighted the danger of large scale public sector cuts on employment in black communities given the disproportionately high level of black workers that are employed in the public sector. There is also concern about the level of unemployment among young black workers which was highlighted in an Institute of Public Policy research report that showed that almost half of black people aged between 16 and 24 are unemployed, compared with 20 per cent of white people of the same age.

The TUC will continue to lobby Government to take measures that improve race equality

in the workplace and to take urgent action to address the problem of youth under-employment in the black community. The TUC is also urging affiliates to ensure that when dealing with redundancies, they ensure that discriminatory criteria or practices that may be used in redundancy situation are resisted.



### **3 TACKLING RACIAL INEQUALITIES STRATEGY**

In March 2009 the Communities and Local Government Department (CLGC) issued a consultation document seeking views on priorities for its future work and strategy to tackle race inequalities. The consultation, which was completed in May 2009, sought written responses to a discussion document and consisted of a number of consultation meetings held in different parts of the country.

The TUC in its response to the document welcomed the fact that the Government was looking to further develop its strategic approach towards race equality. A previous strategy, 'Improving Opportunity and Strengthening Society' produced in 2005, had dealt almost exclusively with issues relating to community cohesion. In its response to the 2005 strategy the TUC had pointed out that race equality and community cohesion are essentially different issues and require different approaches and strategies.

The TUC and the Race Relations Committee were concerned about the open nature of the consultation and the lack of indication of any strategy and wrote to the Government asking what action would be taken as a result of the consultation. A meeting took place between the TUC Race Equality Officer and civil servants from the CLG Tackling Race Inequalities Team in November 2009, where it was clarified that the Government would be identifying a number of priorities on race work in their response.

In January 2010 the Communities and Local Government Department launched the results of their consultation 'Tackling Race inequality: A Statement on Race' at a meeting addressed by the Rt. Hon John Denham, the Secretary of State for Communities and Local Government and Simon Woolley, newly appointed Commissioner with the responsibility for race at the Equalities and Human Rights Commission.

The launch of the Tackling Race Inequality statement attracted a lot of press attention because of the way that the media interpreted the speech of John Denham. His speech and the document make reference to the Government's belief that class is a factor which affects the life chances of black communities, and that there are greater similarities between black and white children from working class families than between working class and middle class children from the same ethnic group. This was interpreted by the press as the Government making an appeal to white working class voters in an attempt to counter the influence of the British National Party.

Whatever the motivation from Government, the statement has changed the emphasis of Government policy from one of community cohesion to one of race inequality and recognised that there is still more that the Government must do.

Whilst the statement was not the cross Governmental-strategy that was expected, it nevertheless set out a number of areas where the Government intended to take action. These fell into three elements:

- enforcing the legal framework;
- ensuring that work on race equality is a feature of all government departments and that all public services continue to tackle race inequalities; and
- targeted work to address support particular groups to overcome specific challenges where needed.

The most interesting of the areas of work that the Government made commitments to in the document were enforcement and employment. On enforcement the Equality and Human Rights Commission (EHRC) were committed to:

- undertake at least 100 legal actions within their remit and intervene in at least 70 cases annually to strengthen the protection available to individuals;
- improve the data which is publically available so that organisations can see how their performance compares with others; and
- work with the DCLG and the Government Equalities Office to make sure that public sector bodies are adopting best practice in areas such as positive action and procurement.

These commitments will allow the TUC to engage with the EHRC on its future enforcement strategy, on improving the level and transparency of data race monitoring especially in the private sector, and put pressure on it to pursue the work of the former Commission for Race Equality on improving compliance with the general and specific duties in the Race Relations Act in central government departments.

In the area of employment there was a particular focus on the use of procurement as a lever to improve equality practice and a focus on learning English. These commitments will give the TUC the opportunity to pressure the Government to ensure that the regulations that are put in place as a result of the procurement section in the Equality Act 2010 are effective, and to campaign to widen the access for free ESOL to those that are in need but currently excluded in black communities.

Whilst the statement is not a comprehensive strategy on race equality it does present the TUC with an opportunity to pressure the Government and the EHRC on some areas that we believe are important to improving racial equality in the workplace. However it should be recognised that the focus of the statement relates to the Government's fairness agenda and that this is not an agenda that includes the kind of anti-discrimination policies that the TUC has consistently lobbied for and would like to see taken, especially in relation to the private sector which is the largest part of the labour market.

The document can be found on the Communities and Local Government website at [www.communities.gov.uk/documents/communities/pdf/1432344.pdf](http://www.communities.gov.uk/documents/communities/pdf/1432344.pdf)



#### **4 *STEPHEN LAWRENCE TEN YEARS AFTER***

In November 2010 the TUC held a conference titled "Stephen Lawrence - Ten Years After". The conference was held to mark ten years since the publication of the Stephen Lawrence Inquiry report which was a watershed in UK race relations as it encouraged organisations to tackle institutional racism.

The conference looked at the way that the report had impacted on public policy and campaigning on tackling racism in the workplace over the last ten years and examined the lesson for the future.

The conference consisted of two plenary sessions and number of workshops. Speakers at the first plenary that dealt with public policy issues were Doreen Lawrence, Rt. Hon Dr Rob Berkeley Director of the Runnymede Trust and Alan Christie from the Equality and Human Rights Commission. The key note speaker on the day was John Denham MP (Secretary of State for the Department of Community and Local Government). Speakers at the second plenary which dealt with anti-racist campaigning and the black community were Pragna Patel (Chair Southall Black Sisters), Liz Fekete (Institute of Race Relations) and Kamaljeet Jandu (Head of Equality, GMB).

There were three workshops run at the conference. These were 'Tackling Racism in the Workplace' which provided an opportunity for delegates to explore how trade unions can become proactive in identifying and tackling issues that affect black workers in general, rather than focusing solely on individual concerns; 'Promoting Race Equality in the Trade Union Movement', which allowed delegates to discuss what future initiatives trade unions need to take to promote anti-racism equality and anti-discrimination and 'Race Equality and the Law', which gave delegates an opportunity to explore the implications of the proposals in the current equality bill and how they impact on current race equality law.

Rather than publish the results of the conference as a written report, the TUC videoed the Conference and have put it on the internet through YouTube at <http://www.youtube.com/watch?v=g364AQX-GoQ>



## **5 TACKLING RACISM IN THE WORKPLACE**

A resolution at the TUC Black Workers' Conference 2009 called on the TUC to produce a toolkit for affiliates to become involved in negotiating collective workplace agreements on race equality. The TUC and the Race Relations Committee has made it a priority for a number of years to promote collective bargaining on race equality in the workplace.

In 2008 the TUC worked with the Commission for Racial Equality on a project to produce an initial collective bargaining guide aimed at reps to give guidance on how to negotiate with employers on race equality in the workplace. The TUC followed this by commissioning some research on race equality policy and practice in the private sector which was carried out by the Labour Research Department. This research was commissioned to see whether any good practice had been developed in the private sector which could be disseminated by the TUC, and also to explore whether there were specific sector-based problems that unions could be encouraged to work on together. It became clear that whilst there was some activity in the private sector it was not comprehensive and that there was a need for further guidance for negotiators.

As part of the work carried out to commemorate the tenth anniversary of the publication of the Stephen Lawrence report the TUC published an updated negotiators' guide on 'Tackling Racism in the Workplace'.



## **6 EQUALITY AND HUMAN RIGHTS COMMISSION**

The Commission for Racial Equality, Disability Rights Commission and the Equal Opportunities Commission ceased to exist and were replaced by the Equality and Human Rights Commission (EHRC) in October 2007. The EHRC became fully operational in April 2008. Trevor Phillips is Chair of the new Commission and Baroness Prosser is Deputy Chair. Kay Carberry, TUC Assistant General Secretary, is also a Commissioner.

In 2009, the TUC has further developed its links with the Commission. It has responded to consultations on the EHRC's three-year strategic plan and on the guidance that the EHRC should be producing to ensure compliance with the Equality Bill in line with Composite 6. In addition, it has helped facilitate and participated in meetings between the EHRC and trade unions on the Equality Bill, equal pay and LGBT issues.

The TUC is represented on the external reference group for the EHRC's Working Better programme of work, which is conducting research and making recommendations on work-life balance policies and how work should adapt to respond to significant demographic and social change.

The Race Relations Committee have continued to make the argument for the establishment of a liaison committee similar to that TUC/CRE liaison committee where joint concerns could be discussed and a joint work programme pursued. The Committee has also been concerned about the lack of enforcement of the public sector duties in the race Relations Act. The Commission has recently appointed new Commissioner Simon Woolley to take a lead on race equality and it is hoped that this may provide an opportunity for a renewed focus in the EHRC on race equality.

Each of the TUC equality committees and the half-yearly equality officers' briefings have received regular updates on the development and work of the EHRC, and their views have been conveyed back to the Commission. One particular union priority that has been emphasised is the need for the EHRC to pursue a vigorous compliance and enforcement regime around the public sector duties.



## **7 EQUALITY ACT 2010**

The TUC has campaigned for some years for the introduction of a single equality bill to ensure greater clarity in discrimination law and comprehensive protection across all the discrimination grounds. Following the Green Paper consultation, the Government reconsidered its proposals and in June 2008 it published the White Paper, *A Framework for a Fairer Future*, which indicated that the new equality bill would include improvements to discrimination law as well as consolidating all the existing laws.

The TUC broadly welcomed the White Paper and said it looked forward to seeing the detail of the final Bill. Sarah Veale, the Head of Equality and Employment Rights at the TUC, was invited to join the Senior Stakeholder Group for the Bill which the Government Equalities Office established, along with Liane Venner from Unison, Diana Holland from Unite, equality organisations and employer bodies. Through this and other forums, the TUC continued to argue for stronger measures in its priority areas: equal pay, the statutory equality duties, procurement, and enforcement and compliance, in line with Composite Resolutions 1 and 2.

In April 2009, the Equality Bill was finally published and introduced into Parliament. The General Council broadly welcomed the Bill and the overall approach that was taken. However, it expressed disappointment that it did not significantly reform equal pay law or provide for statutory rights for trade union equality representatives. Among the new measures the Bill included were: a new duty on some public bodies to consider the need to reduce socio-economic inequality when making strategic decisions; levelling up and harmonisation across the protected characteristics where appropriate (*eg* indirect discrimination would now apply to gender re-assignment and disability); a new provision on discrimination arising from disability which addressed the gap in disability discrimination law that was created by the House of Lords' ruling in *Lewisham Borough Council v Malcolm*; the ability to bring discrimination claims where an individual had been wrongly perceived to possess a protected characteristic or where they associated with someone who had such a characteristic (*eg* carers of disabled people could bring disability discrimination claims); a new public sector equality duty that applied to all the main protected characteristics and would replace the current race, disability and gender duties; powers to place specific duties on public bodies setting out how they should take equality into consideration in procurement; new powers for employment tribunals to make recommendations that employers amend their policies or practices to prevent discrimination arising in the future; and powers to extend the prohibition on age discrimination to goods, facilities and services provision.

The TUC circulated parliamentary briefings for the second reading debate in the House of Commons which took place in May 2009 and for the Public Bill Committee which began its consideration of the Bill in June 2009. The briefings were generally supportive of the Bill, while raising concerns with some of the drafting and the lack of effective measures on equal pay and lack of statutory rights for union equality representatives, in line with Composite Resolution 2. In addition, the TUC gave evidence to the Public Bill Committee on the 9 June in a session with employer bodies (CBI, CIPD, the Federation of Small Businesses and the Association of British Insurers). Baroness Anne Gibson moved an amendment in the House of Lords which sought to give union equality reps time off rights but the Government did not accept the amendment.

One issue that the TUC raised in its parliamentary briefings and in its contacts with Ministers and the Government Equalities Office was the new wording of the pregnancy and maternity discrimination clauses in the Bill. The Bill had adapted the current wording of the Sex Discrimination Act, which provides that such discrimination occurs where there is 'less favourable treatment' on grounds of pregnancy and maternity, by adding that such discrimination occurs where there is 'less favourable treatment than is reasonable'. This wrongly introduced a reasonableness defence for employers. The TUC noted that this would be regressive and was not permitted by European law. The Government accepted amendments laid in the Public Bill Committee which removed this reasonableness defence and amended the clause to 'unfavourable treatment' because of pregnancy and maternity.

Although the Bill brought together all the existing discrimination law, nothing in the original draft of the Bill enabled an individual who had experienced discrimination because of a combination of protected characteristics to bring a claim. A black woman who was treated less favourably than a white man would have to bring separate claims of race and sex discrimination. In response to a consultation published in April 2009 by the Government Equalities Office, the TUC argued in favour of provisions that would allow for individuals to combine and pursue claims on multiple grounds. In July 2009, a new provision was announced and incorporated into the Bill permitting claimants to pursue a

claim of direct discrimination based on any two of the following protected characteristics: age, disability, race, gender, sexual orientation, gender re-assignment and religion or belief.

The TUC also welcomed improvements made to the Bill during the House of Commons Third Reading and Report Stage on 2 December 2009, including the extension of the public sector socio-economic duty to Scotland, and provisions which limited a prospective employer's ability to ask pre-employment disability and health questions of job applicants.

The TUC argued that other than in specified circumstances, employers should not be permitted to ask whether a job applicant is disabled before that person has, based on their ability to do the job, successfully passed the interview stage of the recruitment process. Pre-interview disability enquiries might be appropriate where, for example, a disabled job applicant would not be able to attend the interview without reasonable adjustments first being made to accommodate their disability. Similarly, where asking health related questions would assist the employer to monitor diversity in applications for jobs or where the employer sought to take positive action in employment for disabled people, it would be appropriate.

The TUC was concerned by the apparent lack of detail in the clauses of the Bill setting out what the extended public sector duties would entail. Whilst supportive of the four principles identified by the GEO's consultation paper on the specific duties - namely use of evidence, consultation and involvement, transparency and capability - the TUC was not convinced that current proposals for the specific duties would mean that these principles would be put into practice. Since the introduction of the race, gender and disability duties, trade unions have played a vital role in raising awareness of them within public bodies by providing information on inequalities that need to be addressed and by seeking enforcement of the duties where there has been a clear violation of them. The TUC had argued that the Bill should, as a minimum requirement, include an express duty to: consult trade unions on all equality strands; involve users of services in the development of equality schemes; carry out Equality Impact Assessments across all equality strands; provide training to staff on the general and specific duties; and consider the need for objectives to address the causes of the gender pay gap.

On 8 April the Bill received royal assent and became law. However the Race Relations Committee continues to remain concerned about the lack of detail in the Act on the public duties and is worried that regulations that the Secretary of State may lay before Parliament at some point after the election will be regressive

Between 2010 and 2012 the EHRC will publish at least four Statutory Codes of Practice. Alongside these Codes, the Commission expects to produce an additional seven pieces of non-statutory guidance. Draft Codes of Practice for Employment, Equal Pay and Services and Public Functions were published on 12 January 2010 and the first of the draft non-statutory guidance were published on 18 January 2010. The TUC is actively involved in all of the consultations which are expected to run until early 2011.



## **8 PENSIONS**

The TUC has continued to campaign for good workplace pensions, which alongside state pension provision, is the best way to provide security in retirement. The TUC

continues to be key stakeholder in shaping the implementation of the Turner Report pensions settlement. The Pensions Act 2008, alongside the Pensions Act 2007, provides the architecture for a radical transformation of the pensions system. The Acts provide for auto-enrolment, employer pensions contributions, re-linking of the state retirement pension to earnings and measures to give a fairer deal - changes which represent a major success for union campaigning. This year we have contributed to consultations on the regulations arising from the Pensions Act 2008. Auto-enrolment and employer pension contributions will to be introduced in 2012 and are expected to benefit between seven and ten million people who currently do not have access to a workplace pension scheme.

The Turner Commission has also resulted in other reforms to the pensions system which will help women. From 6 April 2010, the number of years needed to qualify for a full basic state pension will be reduced to 30 for both men and women, as a further step towards better state pensions.

However, the TUC remains concerned that some women over the age of 45 will still not qualify for a full basic state pension despite the reduction in the number of qualifying years. While the TUC supported the amendment to the Pensions Act 2008 to allow women to buy back up to nine years of national insurance contributions from any part of their working life, we continue to push for the removal of all limitations on buy-backs. This is especially important for black women who have worked part-time or spent periods out of the labour market.

The TUC continues to press for an immediate increase in the basic state pension to £151 per week (for a single person) and for up-rating of the basic state pension in line with earnings or prices (whichever is higher) to be restored.

During the year the TUC has worked to defend public sector pensions, concentrating on rebutting inaccurate or misleading attacks made on them. Contrary to claims, they are affordable and future spending is not out of control. Generally, modest pensions paid to people who have served their communities are entirely defensible - what should be open for debate is the huge amount of tax relief given to the pension contributions of the super-rich and the amount spent providing means-tested benefits to the retired staff of employers who provided no pension.

The attack on the public sector has the potential to have a disproportionate effect on black communities as black workers are over-represented in the public sector. There is already growing pensioner poverty in the black community as the number of pensioners who worked in private service sector jobs without a pension and who rely on the state pension increases. This is a problem that is likely to get worse in the future if the trend to individual pension provision continues. Whilst the Government's Personal accounts system provides a base pension provision there is concern about how effective this will be in providing decent pension provision for low paid black workers in the private sector.



## **9 MIGRANT WORKERS**

The TUC has continued to be concerned about the impact of the Government's points-based system on migrant workers from Africa, Asia and South America. The failure of the Government to implement tier 3 of the scheme, which provides for low-paid workers to

work in the UK, has created real problems in the care sector where senior care workers who have been working in the sector for years have been faced with the choice of leaving the country or remaining to work on an undocumented basis. In the catering sector, Chinese and Indian Restaurateurs have been told that they should get or train UK or Eastern European workers to work in their kitchens.

The TUC has also been concerned about the introduction of the new penalties regime on employers which now means that employers can be issued with a penalty fine of £10,000 for each undocumented migrant if they have not carried out the relevant checks. The new regime has resulted in an increased number of workplace raids, especially in the black community on businesses such as restaurants where UK Borders have often brought the press to demonstrate that they are cracking down on undocumented workers. The high level of fines obviously has the potential to put many black establishments out of business.

These developments present trade unionists with a number of challenges to ensure employers do not use these regulations to divide and rule workers and exploit those who are the most vulnerable. The TUC is concerned that workers who are suspected of being undocumented are not harassed and discriminated against and that as trade unionists we are fulfilling our responsibility to protect the dignity and rights of all workers.

The regime has had the effect of creating an internal border, and problems have already emerged with employers using the document checks to get rid of activists who have been fighting for a living wage. An example of this was at the London University School of Oriental and African Studies where cleaning activists were called to a meeting under false pretences only to find that UK Borders officials had been called. A number were deported as a result. Document checks have also had effect in higher and further education where staff are expected to monitor overseas students and report them to immigration officers if they appear not to be undertaking their studies.

The TUC has collaborated with the Migrants' Right Network - sponsored by Unite, UNISON and the GMB - in producing a Negotiators Guide to give trade unionists practical advice on how to deal with document checks and workplace raids and deal with these new challenges through negotiation and collective bargaining.



## **10 LET THEM WORK CAMPAIGN**

As part of its work on asylum and refugee issues the TUC has continued to work with the Refugee Council, trade unions and other organisations to develop a campaign for the entitlement of asylum seekers to work.

The campaign objective is for the Government to remove the bar denying asylum seekers the ability to legally work. Recent changes in provision for ESOL have presented an opportunity to argue that the Government should adopt a provision that after six months asylum seekers have access to ESOL if their case has not been decided. Asylum seekers would then have permission to work if their case has not been decided after six months. It also gives an opportunity to make the case that people eligible and granted Section 4 support should also have the choice to work.

The first part of the campaign focused on engaging trade unions with the campaign and with drawing together asylum and refugee organisations on a regional basis. As part of this activity a pledge was drawn up. This was signed by 21 unions at the 2008 TUC Congress, committing them to supporting the campaign.

A Campaign Co-ordinating Committee which has been hosted by the TUC was established and has been regularly attended by the Refugee Council, who are the TUC's main co-partners in the campaign, along with a number of trade unions and other campaign organisations including Barnardos, Student Action for Refugees, Still Human Still Here, Migrants' Rights Network and the Zimbabwe Association.

TUC Regions have been working with refugee and asylum groups on promoting the campaign. In the Northern Region a regional campaign group is very active in promoting the campaign and supporting local asylum seekers to run the campaign. The region has also provided activist training for asylum seekers active in the campaign. In Yorkshire and Humberside the campaign has been incorporated in the region's work on vulnerable workers and in the North West it has featured as part of May Day activities and had a real presence at this year's regional conference. Unfortunately it has been more difficult in some of the other regions to find activists willing to play a key role in co-ordinating campaign activities in their area.

The TUC produced three leaflets for the campaign and some campaign stickers which have been directed at trade unionists and members of the public. The TUC also helped to fund leaflets for Student Action for Refugees in order to promote the campaign amongst students.

In January 2009 the Campaign Co-ordinating Committee started to implement a parliamentary strategy whose purpose was to get MPs, institutions and sympathetic government departments to put pressure on the Secretary of State for a policy change.

Much of the initial activity focussed on getting MPs to sign Early Day Motion (EDM) 960 and plans were put in place for trying to get a debate in the House of Commons and support in the House of Lords. Unfortunately the expenses scandal caused significant problems for the development of the strategy with Parliamentarians. However 105 MPs did sign the EDM and have recently been written to task them to sign the campaign pledge which is on the Refugee Council website.

There has also been an effort to get local institutions such as local authorities, Universities, Chambers of Commerce etc, to sign up to the campaign as a way of countering the Government's worries about negative public opinion. Opinion polls and experience in the campaign so far have shown that there is a great deal of support for the aims of the campaign. Sheffield City Council, as part of their City Sanctuary programme, have signed up to the campaign and it is hoped to get other authorities to do so, but this will depend on the involvement of local campaigners and trade unionists, who are key to this. The Archbishop's Council of the Church of England has also signed up to the campaign.

A meeting also took place between the TUC, Refugee Council, Still Human Still Here and the Confederation for British Industry (CBI) to see if the CBI would be willing to support the campaign. Whilst they were nervous about public support for the campaign, they accepted the argument that asylum seekers should be allowed to work and offered to use

their political influence to push the current Government and opposition policy in this direction. They subsequently spoke at a reception in December hosted by Lord Morris in the House of Lords. Gloria Mills spoke for the TUC.

A recent appraisal of the strategy by the Co-ordinating Committee came to the conclusion that not much progress could be made with MPs or the Government in the run up to the General Election. Indeed there was a risk that pushing the issue with Ministers or other parties may have a negative consequence given the general anti-immigrant atmosphere that pervades media reporting about issues of asylum and immigration. However the Committee did identify the need to target likely new MPs to start to educate them about the issues, as such a large proportion of MPs in the House of Commons after the election will be new.

Organisations involved in the campaign have produced a number of pieces of research that have been useful to the campaign. These have included research by the Zimbabwe Association on why people have sought refuge in the UK, research by Barnardos which covers the effect of asylum seeker destitution and poverty on families, and children and the Refugee Council which is currently doing some research on the costs to the taxpayer of the current system and the cost benefits for the exchequer if asylum seekers were allowed to work.

The campaign represents an opportunity for black workers' groups to engage on campaigning issues with new black communities, as most of the asylum seekers affected by this issue are from Africa and the Middle East. In order to help support the campaign there is a need for black workers to:

- work with their union's parliamentary officer to encourage union supported MPs to support the campaign;
- invite asylum seekers linked to the campaign to speak at their black workers' conferences;
- encourage their unions to highlight the campaign at their 2010 national union Conferences; and
- publicise the campaign among trade union black worker networks.



## **11 ASYLUM SEEKERS AND DEPORTATION**

In March 2009 the Race Relations Committee met with the National Coalition of Anti-Deportation Campaigns (NCADC) which is the only national voluntary organisation that provides practical help and advice to people facing deportation on how to launch and run anti-deportation campaigns, and has played an important role in being an information source on the campaigns that are taking place. The meeting was promoted by concern at the TUC Black Workers' Conference 2009 about the need to counter the continued demonisation of asylum seekers and migrant workers and the campaign and resultant deportation of some of the cleaners at the School of Oriental and African Studies at the University of London following a workplace raid by the UK Borders Agency in which the contractor and the University colluded.

Whilst the TUC is not in a position to run anti-deportation campaigns, national trade unions and trade union branches can play a valuable role in supporting NCADC and

working with local anti- deportation campaigns. Simple actions such as e-mailing or faxing the Immigration Minister or airlines when people are under threat of deportation can make a real difference to whether a deportation takes place. Involvement in campaigns is also a way of educating trade unionists about the issues affecting asylum seekers and more specifically issues around detention and deportations.

In order to encourage trade unions to take a more active role in campaigns, the TUC has published a joint Anti Deportation Campaign guide with NCADC.



## **12 CITIZENSHIP**

The TUC has campaigned against and continues to be concerned by the Government's efforts to enforce citizenship on those wishing to remain in the UK.

The TUC responded to the Governments consultation on proposals to introduce a new points test for citizenship. The test applies to those people who had acquired enough points to qualify as probationary citizens under the new Borders Citizenship and Immigration Act 2009. The TUC sought views from affiliates and the Race Relations Committee on the proposals to inform its response to the consultation.

In its response the TUC pointed out the system constructs what is in effect a pointless architecture onto an already complex system, as criteria are already in place controlling who is in a position to qualify to apply for citizenship. The Government's determination to create a system based on attributes on the basis of British values is subjective and risks minority communities more generally not being seen as British and the proposal being seen by them as assimilation rather integration measures.

As part of its response the TUC commented on a number of issues. These included concerns about the fact that:

- the process did not take account of the reality that some groups will not seek permanent residence and not under any circumstances apply for citizenship because of problems of dual passport-holding or questions of identity - the proposals in effect indirectly discriminate against people in such categories by leaving them in an insecure position and subject to secondary rights status for ten years;
- if at the point of probationary citizenship, people are considered not to be in a skilled job shortage area and denied the chance to progress, they will have been disadvantaged in the process as it is not clear whether the original criteria or later criteria would apply;
- that added barriers or penalties should not be added to the process of citizenship by deducting points - this would introduce double jeopardy, given the current regime around penalties for criminal convictions;
- the proposals for volunteering were in effect coercive as those that do not demonstrate active citizenship will be penalised by having to spend longer going through the process - given that already over 70 percent of migrants are involved in volunteering activity, such a criterion seemed superfluous;
- English language skills are already a requirement for obtaining tiers one or two and further requirements at the probationary stage when applicants have already been

in the country five years appear onerous - the cost of ESOL for overseas students is high and Government should consider designating spouses as home students so that English language education can be affordable.

The TUC is concerned that the terminology, especially as it relates to probationary citizenship, may well result in discrimination against those seeking citizenship as it suggests that they may not be permanent residents in the UK.



### **13 CAMPAIGNING AGAINST THE FAR RIGHT**

A resolution at the TUC Black Workers' Conference 2009 called on the TUC to continue to organise against the threat of the BNP and other far right groups.

The 2009 European Elections presented a formidable challenge in combating the far right and the fight to stop the British National Party (BNP) making electoral progress, with their best chances for success being in the North West, Yorkshire and Humberside and the West Midlands. At the elections the British National Party (BNP) managed to secure a seat in the North West through polling only 8 per cent of the vote and a seat in Yorkshire and Humberside with as little as 9.8 per cent of the vote. The BNP success in securing two seats was not as a result of increased voting, as in both areas they polled fewer votes than in 2004, but because of the failure of the other parties to turn out voters.

The most significant failure was the drop in the Labour Party vote, which fell from 413,213 in 2004 to 230,009 in Yorkshire and Humberside and from 576,388 to 336,831 in the North West. This allowed Andrew Brons in Yorkshire and Humberside and Nick Griffin in the North West to gain just enough of the share of the vote to gain seats. Whilst they managed to poll 8.6 per cent of the votes in the West Midlands and 8.7 per cent in the East Midlands the BNP were a long way from securing enough votes to secure a Midlands seat, and in other areas of the UK did badly.

A YouGov Poll conducted between the 29 May and 4 June 2009 gave an interesting insight into those electors that voted for far right parties in that it identified racism and anti-immigration sentiments featuring strongly as major issues for both BNP and UKIP voters. Voters for both parties identified immigration as the number one political issue and, just as worryingly, significant numbers did not think that non-white British citizens who are born in this country are as British as white citizens and thought that there was a difference in intelligence between black and white Britons. Over 85 per cent of both parties thought that all further immigration in the UK should be stopped.

Whilst there is some debate over whether UKIP and the BNP are picking up votes from former Conservative or Labour voters it is clear that they have gained from disaffected and insecure working class voters who have been convinced by media stories and populist pronouncements by politicians that immigration is a direct threat to their ability to access services and to their economic prospects.

The TUC strategy on combating the far right has been built around three elements - building an activist base, encouraging unity and more recently strengthening regional co-ordination of workplace based trade union campaigning.

In order to assist affiliates to build an activist base the TUC developed two campaigning handbooks. The first, a TUC/Searchlight 'Organising against Racism and Fascism' handbook aimed at giving activists ideas and strategies to campaign in the community, was written with Searchlight and was used in a number of training and organising sessions run by TUC regions in areas where the BNP were active. The second more recent publication called 'Organising against Fascism in the Workplace' focuses on what activists could do to campaign in the workplace.

An online course, 'Countering the Far Right', has been developed and run by **unionlearn** as a means to educate union activists about issues on race, immigration and asylum so that they are equipped to campaign against the far right in workplaces. A poster and leaflet developed for unions to badge and use during election campaigns or more generally in the workplace was also produced. Whilst this part of the strategy has provided some focus for work in the regions it has not addressed the issue of campaigning in workplaces among trade union members or resulted in a focussed strategy that has resulted in the building of regional or national networks of trade union activists who are involved in campaigning against the far right.

Although the TUC has centrally developed the course and other materials to help affiliates capacity-build activists, the take up of centrally produced resources has been very low. The online course for example has only run twice in two years with 35 activists being trained and the leaflet and poster that was produced in a way that could be badged and used by unions was not used.

Larger affiliates have produced their own materials to assist with the campaigns that they have undertaken against the BNP and have also worked with Searchlight to produce materials for members. TUC Regions have also produced myth-busting material which has been more widely used in regions.

The TUC strategy around building unity across the anti-racist/fascist movement arose because of concerns about the problems of duplication of campaigning efforts by the main anti-racist/fascist groups. This led to the creation of the Unite Against Fascism Coalition (UAF) in February 2004 as an initiative to bring the trade union movement and different anti-fascist and anti-racist groups under one umbrella and was an attempt to address the problems of fragmented campaigning.

The tensions within the coalition that resulted as rival organisations were brought together led to Searchlight leaving the UAF coalition, as a result of different political approaches to campaigning against the BNP. More recently these tensions threatened to develop into a damaging public dispute. The TUC organised a meeting involving representatives of UAF and Searchlight and secured sign-up to a written declaration setting out how the two organisations would relate to each other during the run up to the General Election. It is hoped that this will allow for a more constructive working relationship between the organisations in the coming period.

The TUC is committed to working with both Searchlight and the UAF in line with our Congress policy. However it is recognised that whilst the agreement at national level will hopefully improve relationships there may still be tension regionally and in some local areas.

Searchlight is running its *Hope Not Hate* tour of Britain in conjunction with the Daily

Mirror for the third year in a row. The organisation has also drawn up a campaign strategy with three national days of action for activists on Saturday 6 March, Saturday/Sunday 17/18 April and Saturday 1 May. They are prioritising activity in Barking and Dagenham - where they have set up a campaign centre - and Stoke on Trent as the two areas where there is the biggest threat of the BNP winning a parliamentary seat, and are working with TULO and a range of unions in other areas across the country where there are BNP Target seats.

UAF have also prioritised Barking and Dagenham and are working in the Barking constituency with the Margaret Hodge Campaign. They are also working closely with LMHR and a number of unions and are planning festivals in Barking and Manchester on the weekend of 1 -3 May 2010.

Given the poor turnout in the European Elections the challenge for the General Election will be to get working people to turn out and vote against the far right. Key to this will be challenging the myths about immigration asylum and race. The trade union movement has an opportunity to influence this through pro-active workplace campaigning which is organised on a regional basis so that unions in appropriate areas can share good practice and also link into regional and localised events.

In order to facilitate further the development of a co-ordinated trade-union led, national and regional campaign against the far right, the TUC is working with affiliates to make better use of their current materials by reprinting and promoting the 'Organising against Fascism in the Workplace' and 'Organising Against Racism and Fascism' handbooks and working with **unionlearn** and affiliates to increase the numbers of activists that are trained to undertake anti racist/fascist campaigning.

The TUC is also producing an advice booklet for trade unions and trade union branches with and without a political fund, on how they can consistently campaign effectively and legally outside and during election periods and looking at ways to more effectively publicise regionally based anti-far right events.



#### **14 PUBLIC SERVICES AND MEMBERSHIP OF RACIST ORGANISATIONS**

A resolution at the TUC Black Workers Conference 2009 urged the TUC to campaign for BNP membership to be deemed incompatible with public service employment. The issue has been the cause of much debate over the last year in relation to teaching.

In September 2009 the Secretary of State for Education Ed Balls announced that he had appointed Maurice Smith to review racist activities in schools and in particular whether membership of an organisation that promotes racism is compatible with the duties and behaviour expected of teachers.

The Review took place between October 2009 and January 2010 and took both oral and written evidence from interested parties. A number of unions that represented teachers and that had members working in education gave oral evidence and sent in written evidence to the review. The TUC sent a letter from the General Secretary Brendan Barber into the review outlining its views in particular that:

- membership of a far right political party or organisation that promotes racism and believes in only representing the interests of one part of the community is incompatible with the duties and behaviours expected of public servants, and that it is essential that political and institutional leadership is demonstrable if we are to deal with problems of racial discrimination;
- it is important that public institutions and organisations that provide services to the public take all possible measures to combat institutional racism as a means to ensuring that all sections of the community can have confidence that they will receive a fair and equitable service;
- the general duties in the Race Relations (Amendment) Act 2000 place public services, and as a consequence public servants, under a duty to eliminate race discrimination and to promote equality of opportunity and good relations between people of different groups in carrying out their functions; and that it is not possible for those that have taken the step of joining a political party or an organisation that promotes a racist ideology to protect children and young people from discrimination and political doctrines that advocate racism;
- whilst we believe that the concept of community cohesion goes beyond the concept of race equality we believe that a strong and effective race equality strategy is a key requirement and should underpin the government's approach to a community cohesion strategy - schools have an important role to play in promoting community cohesion and citizenship which we believe can be undermined if the teaching profession contains members who are in a position to promote explicitly or implicitly racist ideologies; and
- the TUC believes that in order to comply with these provisions it is important for the teaching profession to ensure that those responsible for the teaching and guidance of young people are not members of racist parties or organisations like the BNP.

In March 2010 Maurice Smith published the results of his view and unfortunately reached the conclusion that he did not believe that barring teachers or other members of the wider school workforce from membership of legitimate organisations which may promote racism is necessary at present, although it should be kept under active review. He based this on the belief that the existing measures in place to protect children and young people from discrimination or political indoctrination are well-grounded and comprehensive enough to mitigate the risk; in addition to the argument that a ban would be disproportionate, there are other difficulties.

In a TUC press release published on the day the Ed Balls the Secretary of State for Education accepted Maurice White's recommendations, Brendan Barber said "*This is deeply disappointing and I hope Ministers will not close the door to this common-sense policy. The Race Relations Act (2000) places public services, and therefore public servants, under a duty to eliminate race discrimination and to promote equality of opportunity. We simply do not believe that it is possible for those who have joined a political party that promotes racism to protect young people from discrimination.*"

The TUC will continue to lobby for members of far right racist organisations to be barred from teaching in schools.



## **15 UN DURBAN REVIEW CONFERENCES**

In 2001, the United Nations organized the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in Durban, South Africa. The Conference, attended by more than 10.000 people from all regions of the world, adopted by consensus the Durban Declaration and Programme of Action, which remains the most important framework to date for the combat against racism and racial discrimination.

The UN organised a Durban Review Conference which took place from 20-24 April 2009 in Geneva. The conferences aim was to evaluate the implementation of the Final Declaration and Action Programme adopted in Durban is being held in Geneva in April 2009.

The TUC was concerned that there was been no indication from the Government about how it would engage with the Durban Review Conference or any indication of whether it planned to engage with NGOs during the preparatory stage or during the conference itself. A letter expressing TUC concerns was sent to the Government.

The International Trade Union Confederation (ITUC) also closely monitored the preparatory process, which was very complex. A number of issues sparked off very controversial, lengthy debates and regularly risked sinking the whole process. Indeed a number of countries threatened to abandon the preparatory process and the conference itself. Problems arose with reaching a consensus on issues such as homosexuality, the conflicts in the Middle East, inclusion of the notion of slandering of religions within the definition of racism, freedom of expression and the issue of reparations for the slavery practiced in former times by certain European countries.

One month before the conference, the European Union submitted a new draft of the final declaration which was adopted and constituted a basis for the continuation of negotiations. This new draft left out the controversial issues, thereby raising hopes that the boycott threats by Western countries would be withdrawn. However despite this a number of countries including Australia, Canada, Germany, Italy, the Netherlands, and New Zealand who had signed the original declarations and programmes of action did not attend.

The ITUC established a working group to explore the themes relevant to trade unions, establish lobbying priorities for the trade union delegations at the conference and co-ordinate the registration process. The working group includes the ETUC, PSI, Education International and a small number of European trade union federations including the TUC.

The working party drafted a trade union declaration which was used as the basis for trade union lobbying at the conference in Geneva. An important part of the declaration and amendments that the ITUC lobbied for was the inclusion of the role of trade unions into the text, the highlighting of the need for decent work and the inclusion of a gender dimension in all the main themes of the Governmental declaration to highlight multiple discrimination suffered by women.

Whilst the conference proved to be extremely controversial, countries that attended signed up to the declaration that had been put forward by the European Union. The ITUC

was not able to amend the text as no amendments were taken to the declaration because of the sensitive political position. The ITUC has however drafted an action plan for trade unions to use in order to tackle racism and xenophobia which can be found on the ITU website at [www.ituc-csi.org/IMG/pdf/Racial\\_Discrimination\\_ANG\\_web.pdf](http://www.ituc-csi.org/IMG/pdf/Racial_Discrimination_ANG_web.pdf).



## **16 HAITI**

In the wake of the earthquake in Haiti, the International Trade Union Confederation (ITUC) launched a trade union appeal for humanitarian support for the victims in cooperation with its regional organisation for the Americas, TUCA. Funds raised under the appeal are primarily being used to supply humanitarian assistance to the ITUC's Haitian affiliate, the CTH, via its affiliates in the Dominican Republic, CASC, CNTD and CNUS. Trade unions around the world are also organising campaigns to raise funds for Haiti, including the TUC.

A disaster monitoring committee set up by the three Dominican trade union centres worked to co-ordinate the transportation of food, water and medical equipment. These trade unions were met and assisted by Haitian trade unionists that helped to utilise medical personnel and volunteers.

The TUC established a Haiti Earthquake Appeal through TUC Aid with funds being forwarded through the ITUC appeal to make sure Haitian trade unions can play a major part in the reconstruction effort. Philosophy Football also created an 'Aidez Haiti' t-shirt with profits going to the appeal launched by the TUC towards emergency relief and long-term rehabilitation of the victims of the earthquake. The Aidez Haiti shirt is available from [www.philosophyfootball.com/view\\_item.php?pid=570](http://www.philosophyfootball.com/view_item.php?pid=570).

The TUC in conjunction with the Cuban Solidarity Campaign also organised a successful fund-raising Concert for Haiti with performances from a range of artists including Billy Bragg and Benjamin Zephaniah, Jean Binta Breeze, Frances de la Tour and Alan Rickman



## **17 PALESTINE**

A resolution at the TUC Black Workers' Conference 2009 called on the TUC to make representations to the British Government to play an active and balanced role in resolving the conflict. A further resolution at TUC Congress that called on the General Council to encourage trade unionists to boycott Israeli goods, especially agricultural products that have been produced in the illegal settlements and encourage campaigns of disinvestment from companies associated with the occupation.

As a result of these resolutions the TUC has joined with the Palestine Solidarity Campaign and established a campaign of boycotting goods from Israeli settlements under the slogan 'Would you buy stolen Goods', based on the illegality of the settlements. By ending economic support for the settlements, the aim is to increase pressure upon the Israeli Government to abide by international law, dismantle its settlements and end its occupation. A briefing has been produced for affiliates and a leaflet for members.

However the TUC is making it clear that this is not a call for a general boycott of Israeli goods and services which would hit ordinary Palestinian and Israeli workers. Nor should workers in Britain put their own jobs at risk by refusing to deal with goods from the settlements. Instead, it's an attempt to establish a campaign for targeted, consumer-led sanctions to send a clear message against the settlements.



## 18 COMMITTEE ATTENDANCE 2009-2010

Name	16/06/09	07/10/09	28/01/10	18/03/10
Dotun Alade-Odumodu	✓	✓	✓	✓
Pauline Anderson	✓	✓	✓	✓
Mohammed Benkharmaz	✓	x	x	x
Indira Bhansali	✓	✓	✓	✓
Gargi Bhattacharyya	✓	✓	✓	✓
Freddie Brown	✓	x	✓	✓
Lorna Campbell	x	✓	x	x
Brian Caton	x	x	x	x
Mark Clifford	x	x	✓	✓
Collette Cork-Hurst	x	✓	✓	✓
Jitu Depala	✓	✓	x	x
Mark Dickinson	n/a	x	x	x
Floyd Doyle	✓	✓	✓	✓
Sarah Guerra	n/a	✓	✓	✓
John Hannett	x	x	x	x
Billy Hayes	x	x	x	x
Zita Holbourne	✓	✓	x	✓
Roger King	x	x	✓	x
Leslie Manasseh	✓	✓	x	x
Gloria Mills	x	✓	✓	x
Michael Nicholas	✓	✓	✓	x
Phyllis Opoku-Gyimah	✓	x	✓	x
Harish Patel	x	x	x	x
Tim Poil	x	x	x	x
Rajinder Sagoo	x	✓	✓	✓
Eleanor Smith	x	x	✓	✓
John Smith	x	x	x	x
Mohammad Taj	x	✓	x	✓
Ian Taylor	x	✓	✓	x
Maureen Williams	✓	✓	✓	✓

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

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







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Enquiries concerning the TUC Black Workers' Conference 2010 should be directed to the TUC Equality and Employment Rights Department on 020 7467 1260.