



Congress Decisions 2012

Listed below are the decisions taken by the 2012 Trades Union Congress on the motions and amendments.

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

This document also includes the statements on Banking and on Solidarity with South African Miners and the result of nominations and elections to the General Council and General Purposes Committee for the Congress Year 2012 – 2013 and the election of general secretary.

Resolutions Carried

5 Resisting austerity measures

Congress welcomes the Future that Works demonstration on 20 October 2012 and recognises this as being an effective platform and foundation to resist the damaging austerity measures that are damaging the very fabric of our society in Great Britain.

Further, Congress recognises that after the demonstration there needs to be a strong voice from all TUC affiliated unions to protect public and private sector workers, the unemployed, our children, the elderly and all those in our society who are vulnerable.

Congress accepts that the trade union movement must continue leading from the front against this uncaring government with a coalition of resistance taking coordinated action where possible with far reaching campaigns including the consideration and practicalities of a general strike.

POA

7 Vulnerable workers

Congress notes the increasing degree of reliance among employers upon agency workers, the self-employed, and casual staff. It also notes the growing reliance upon, and exploitation of, unpaid internships and bogus 'volunteers' as a means of entry into many professions.

Internships often close the door to employment for young workers without the family support that would be needed in order to work for low/no wages.

Congress notes that this shift in employment patterns harms individual and collective employment rights. Insecure employment reduces workers' ability to assert their rights and it reduces their bargaining power.

The precarious nature of employment for new entrants often results in them feeling forced to accept poor conditions and dissuades them from challenging law-breaking employers for fear of being labelled as 'trouble-makers'.

Congress is concerned that unacceptable risks around training and career development are being shifted onto workers to the long-term detriment of the economy.

Congress is concerned at the poor statutory position that unions have in organising these workers. It recognises that these workers often find it difficult to receive the kind of representation that workers in traditional employment receive. Unions often have to intervene to ensure that interns receive the National Minimum Wage, and that casual and self-employed

workers receive protection against premature termination of contracts or the holiday provisions of the Working Time Directive.

Congress calls upon the General Council to convene a campaign for new employment rights that tackle and discourage these abuses suffered by vulnerable workers.

Broadcasting, Entertainment, Cinematograph and Theatre Union

The following amendment was ACCEPTED by the mover

In paragraph 5, add at end after “economy”:

“With the rise in tuition fees, funding cuts to humanities subjects and the lack of fairly paid opportunities for young people starting out, we risk losing a whole generation of talent and face the prospect of limiting access to jobs in media and the arts.”

Equity

8 You don't know what you've got until it's gone

Congress believes that a significant proportion of young people are unaware of how:

- i unions have delivered key victories through local and national agreements
- ii labour movement campaigning has delivered vital legislation
- iii these have contributed to substantial health, welfare and socio-economic advances for society as a whole – advances that are now being eroded and reversed
- iv such advances have impacted positively on working people around the world.

Examples of significant workplace achievements include:

- a laws on the national minimum wage, equal pay, working hours limits and holiday entitlements, pensions, health and safety, equality, parental/carers leave, unfair dismissal, and redundancy payments
- b decent pay and premium payments
- c progression, training and development
- d safer and healthier places of work and compensation payments.

These are huge achievements. They are the heritage the labour movement has striven to pass on, building on them for each successive generation.

Congress believes that without an awareness of these achievements and how they were won, through trade union organisation, they will not be sufficiently valued or defended.

Congress also believes that educating young people about the practical and positive work of unions in the workplace, such as lifelong learning and representation, is vital to tackle the negative view of unions in the media.

Congress calls on the TUC to:

- 1 develop a programme of political education for young workers that explicitly addresses how trade union activity has delivered essential workers rights and has benefited society and demonstrates the positive and practical workplace benefits of union membership for young people
- 2 consider how this can be developed for young people who are in education and/or are members of young people's campaigning organisations
- 3 develop a positive media campaign about the value of trade union membership and participation.

TUC Young Members' Conference

9 Organising in the fashion industry

Congress notes that many models working in the fashion industry in the UK and abroad can experience long working hours, lack of breaks, healthy eating/body image issues and a range of other health and safety concerns.

Congress further notes that enforcement of basic employment rights including the National Minimum Wage can be difficult for models taking part in catwalk and photographic shoots or other work which they hope will help to build their portfolio.

Currently models often start out in the adult fashion industry aged 14, 15, or even as young as 13. Models often travel and live alone or with other young people in substandard accommodation while sourcing work abroad.

London Fashion Week recommends that designers only use healthy models aged over 16. However, beyond areas of best practice, there are huge disparities between the protections afforded to models, particularly compared to other young performers.

Congress resolves to support Equity's efforts to organise models, to improve working conditions, remove inappropriate sexual attention and harassment, and most particularly to prevent child models under the age of 16 being used as adult models.

Equity

16 Hidden courts

Congress is deeply concerned at proposals contained in the Justice and Security Bill to allow "hidden courts."

Congress notes the government proposals would create a new generation of secret courts that would extend the powers of the intelligence agencies to monitor the public's emails, telephone calls and social media communications and which would allow ministers to decide what materials are to be concealed from the public.

Congress believes that the introduction of such laws would prevent evidence from coming to light that would highlight government interference in cases such as Guantanamo, when the Labour government of the day had instructed MI5 and MI6 to become closely involved in the abduction and torture of terrorism suspects after 9/11.

Congress is totally opposed to these secret courts and also notes the concerns of Liberty that the government's proposals:

- i are attempting to set the government above ordinary people and the law
- ii will fundamentally damage our centuries-old system of fair trials
- iii are not only dangerous, but unnecessary
- iv represent a serious threat to freedom of speech and the media's ability to report on government actions
- v pose a significant threat to public scrutiny and accountability.

Congress requests that the General Council helps raise awareness of these proposals in the trade union and labour movement and also holds discussions with Liberty to discuss joint campaigning against this aspect of the Justice and Security Bill.

National Union of Rail, Maritime and Transport Workers

17 Equality and human rights cuts

Congress recognises that the government's spending cuts are hitting some of society's most vulnerable people hardest. The government's actions demonstrate a lack of commitment to tackling discrimination and promoting equality.

Congress deplores the attacks on equalities and human rights represented by the severe cuts to the Equality and Human Rights Commission and proposed changes to its duties, which will amount to the closure of the EHRC as we know it.

The EHRC plays an important role in enforcing equality legislation on gender, race, disability, sexual orientation, gender identity, age, and religion or belief. It also has a key role to play in promoting human rights, providing legal assistance and information and advice, conducting inquiries and the provision of grants to charities and community organisations.

These cuts will mean fewer people having access to equalities and human rights support and will strip further the ability of community groups and agencies to respond to the recession at a

time when its services are increasingly in demand. The slashing of its functions will affect all workers and communities, but disadvantaged communities will be particularly hit.

Congress therefore calls on the General Council to campaign against the drastic cuts to the EHRC and for a ‘future-proofed’ commission, independent of government, able to properly fulfil its statutory duties as directed by Parliament and relevant EU directives.

Unite

The following amendment was ACCEPTED by the mover

Add to end of motion:

“Congress also calls on the EHRC to carry out a full consultation with its stakeholders on the impact of the closure of its regional offices and the cuts to staffing, particularly to lower grade posts. This must include a full and thorough equality impact assessment.”

Chartered Society of Physiotherapy

18 Public Sector Equality Duty Codes of Practice

Congress notes with extreme concern the coalition government’s decision not to proceed with the planned statutory Codes of Practice for the Public Sector Equality Duty (PSED).

Congress deplores the coalition government’s ideologically driven obsession with ‘removing red tape’ which is really an attempt to deny protections for workers and vulnerable groups in society.

Congress asserts that statutory codes have a valuable role to play in ensuring that employers comply with their duties to eliminate unlawful discrimination and advance equality of opportunity.

Congress applauds the efforts of TUC affiliates in pressing for equality impact assessments to thwart attempts by the coalition to dilute workers’ rights.

Congress believes that the scrapping of statutory codes will significantly undermine the power of the Equality Act 2010 and moreover removes an important sanction for applying the law.

Congress calls on the TUC to mount a vigorous campaign against the coalition government’s relentless attacks on equalities by:

- i exploring legal avenues to block attempts to water down the Equality Act 2010
- ii campaigning for the publication of statutory codes of practice for the PSED
- iii opposing cuts to the budget of the Equality and Human Rights Commission, its staffing and powers of statutory enforcement.

NASUWT

The following amendment was ACCEPTED by the mover

At the end of paragraph 1 add:

“Congress also notes the intention to review the PSED including the general duty.”

At the end of the motion add new sub-paragraphs iv and v:

“iv ensuring that the public sector unions are involved in the review of the PSED

“v reinvigorating equality as a mainstream collective bargaining issue and providing guidance and advice to affiliates.”

University and College Union

19 Government attacks on the Equality Act and EHRC

In response to the Red Tape Challenge, the government proposes removing from the Equality Act 2010:

- i protection from repeated third party harassment
- ii new powers for tribunals to make recommendations to employers
- iii the statutory discrimination questionnaires that victims of discrimination have long relied upon to seek information from employers.

It will carry out a review of the public sector equality duty by April 2013, having already refused to implement the statutory Code of Practice and diluted the specific duties that support it.

It will go ahead with plans to weaken the EHRC, remove its helpline function and grants programmes and cut its budget by 60 per cent by 2014/15. It proposes to carry out another review of the equality body in autumn 2013, threatening more substantial reforms and possible transfer of its functions to other bodies. Plans to introduce tribunal fees will mean victims of discrimination having to pay around £600–£1,500 to lodge a claim from 2013/14.

Congress calls upon the TUC to raise awareness of the impact these changes will have on access to justice and campaign to defend hard-won legal protections that have only recently been extended to lesbian, gay, bisexual or transgender individuals.

TUC Lesbian, Gay, Bisexual and Transgender Conference

20 Women hit hardest

Congress condemns the government's attacks on jobs, pay, pensions and public services, which are impacting hardest on low paid women workers and their families. In particular, Congress deplores:

- i the cuts to local authority funding for community projects providing life saving help for women: children's centres, women's advice centres, rape crisis centres and refuges for women facing domestic abuse – many are now forced to close their doors or drastic reduce their services
- ii plans to close the EHRC grants programme, which currently distributes grants to hundreds of community groups tackling discrimination
- iii the Chancellor's decision to further restrict public sector pay rises to just one per cent over the next two years which, together with the drive towards local and regional pay, will further exacerbate financial hardship and inequality.

Congress condemns the government's reckless disregard of deepening inequality, and re-affirms its belief that there is an alternative, including the collection of £120bn of avoided, evaded and uncollected tax from wealthy individuals and companies.

Congress further deplores the demonisation of public sector workers and the continuing pay freeze, which will cause untold hardship to public sector workers and their families and to local economies as disposable income is reduced and money which would have been spent in the private sector, supporting local business, is diverted into meeting ever-increasing household bills.

As the attacks are driven by ideology rather than economic necessity, Congress agrees to oppose all these cuts as unnecessary, unjust and economically damaging, and calls on the General Council to:

- a use the media to dispel the myths portraying such cuts as necessary
- b step up its promotion of the economic alternatives to the government's cuts agenda
- c insist that the government complies with its legal duty to advance gender equality.

TUC Women's Conference

The following amendment was REMITTED

Insert new paragraph 4:

"Cuts also impact on senior women managers, and Congress deplores the decline in the proportion of women in senior civil service jobs over the past 12 months."

Insert new sub-paragraph c, and re-number subsequently:

"c highlight the effect of austerity measures, including pay freezes and pension changes, on women at all levels, including senior public service managers."

FDA

21 Equal rights

Congress condemns the government's changes to tax credits at a time when there are 2.6 million unemployed and many workers are facing cuts to hours and overtime. Congress notes that a record 1.4 million people are working part-time because they are unable to find full-time jobs.

Congress notes that women are far more likely to be employed part-time than men and is deeply concerned by the impact that the Tory-led Coalition's changes to benefits and tax credits has on women and their families, particularly those on low incomes.

Congress notes that over 200,000 couples with 449,000 children have lost up to £73 per week in Working Tax Credit because they have been unable to increase the number of hours they work. The majority of families with children affected by the changes are already struggling to make ends meet and the loss of Working Tax Credit has cut their incomes by over 20 per cent.

Congress further notes that until the introduction of the Universal Credit in 2013, the change in the hours rule to qualify for Working Tax Credit will create untold misery for hundreds of thousands of women, their families and their children.

Congress resolves to:

- i campaign to reverse the cuts to Working Tax Credits
- ii continue to campaign to highlight the impact that the recession and the Tory-led Coalition's cuts has had, particularly on women
- iii support affiliates in their work to support women and families to tackle in-work poverty at a time of increased financial hardship.

Union of Shop, Distributive and Allied Workers

22 Saving lives, supporting women

Congress notes with concern the devastating impact of spending cuts on women's services. TUC and False Economy research in 2011 found that 31 per cent of local authority funding to the domestic violence and sexual abuse sector was cut between 2010/11 and 2011/12.

Labour's Everywoman Safe Everywhere Commission found that cuts were having a detrimental effect on women's safety. The report found that welfare reform, legal aid cuts, street lights being turned off to save money, transport staffing cuts, all equate to cuts to women's safety. Furthermore, the report notes the link between economic hardship and increased domestic violence.

Changes locally, including new Police and Crime Commissioners, pose further challenges for the funding of victim services and policing of violence against women.

Violence against women is never justified and yet our society seems to tolerate it. It is time to say loudly and clearly that enough is enough and to ensure that ending violence against women is a central theme of our work in the union movement.

Congress calls on the General Council to:

- i lobby the government and opposition parties to gain commitment to policies that protect women now
- ii work with unions, employers and all political parties to change societal attitudes to violence against women and ensure a better future
- iii work with unions and employers to ensure that women's safety is considered as part of every change consultation
- iv support organisations that campaign to end violence against women.

Accord

23 Stephen Lawrence's legacy

Congress welcomes the convictions of Gary Dobson and David Norris for the murder of Stephen Lawrence and acknowledges the verdicts are no cause for celebration as others remain free. Congress welcomes the police efforts to finally secure these convictions.

The key findings of the Macpherson Inquiry highlighted not only direct and indirect race discrimination but cultures of discrimination in institutions. The Race Relations Amendment Act required public authorities to systematically challenge racism and promote race equality. Many employers established culture change programmes to raise awareness of institutional racism. In recent years there has been a 'backlash' against these changes.

Congress agrees that much has changed; however some things remain the same, including:

- i unemployment levels experienced by Black communities still remain stubbornly at two and half times the national average
- ii workplace harassment and lack of career progression
- iii stop and search of African-Caribbean people is 27 times more likely than white people
- iv young African-Caribbean boys are disproportionately likely to be excluded from schools.

Congress calls on the General Council to:

- a re-invigorate the work with affiliates to challenge institutional discrimination at work
- b re-establish the Stephen Lawrence Task Force with specific resources.

TUC Black Workers' Conference

24 The continuing fight against racism

Congress calls on the General Council to continue to work tirelessly in its efforts to eradicate racism in our society and create an equal and discrimination-free Britain.

Racism has reared its ugly head within football this past season despite the many years of pioneering work by the PFA to combat abuse of this nature in our national game. In response to this, the PFA has been at the forefront in condemning this behaviour and has called for the strongest possible punishments for anyone found guilty in this regard.

Congress believes a strong and unequivocal reaction from the trade union movement to all acts of racism is vital but believes that the fight to kick racism out of football is particularly important as the game has the power to reach all corners of our society and shape minds and attitudes in the process. There will be many new challenges in the fight against racism as austerity bites and the swingeing cuts continue. The far-right will be looking to exploit this situation and will try to foment conflict in our cities. Congress believes in standing up to this challenge and asks that the movement redoubles its efforts and takes the lead in attacking racism wherever it appears.

Professional Footballers' Association

The following amendment was CARRIED

In paragraph 3, line 4, insert after "process.":

"Increasing racist language and attitudes in football is a reflection of the attack on equality in our workplaces and communities by the government."

Add new final paragraph:

"Congress calls for full funding of the Equality and Human Rights Commission to conduct an inquiry into the impact of racism on football and the wider community."

UNISON

The following amendment was ACCEPTED by the mover

Add new paragraph at end:

"To this end, Congress calls upon the General Council to organise an inclusive national event, alongside campaigns such as One Society Many Cultures, UAF, etc. The event will aim to expose the far right and promote campaigns in defence of multi-culturalism and against the threats posed by racist organisations."

Communication Workers' Union

25 Disability hate crime

Congress is very concerned at the recent increase in much of the press and media in their portrayal of disabled people, labelling them as “scroungers” and “workshy”.

This has been highlighted further by the recent comments made by Philip Davies, MP for Shipley, in a House of Commons debate, stating that “disabled people should work for below the minimum wage”.

Congress opposes any under-funding which has a serious impact of the service provided to disabled people. These types of comments are particularly unhelpful in the current economic climate where disabled people are bearing the brunt of the Condem cuts agenda.

Congress believes disability hate crime must have a much higher priority and we must work to end the discrimination faced by disabled people.

Congress calls and campaigns for:

- i challenges to the right-wing media attacks against disabled people at all levels in society
- ii more protection for disabled people in relation to their portrayal in the media
- iii a properly funded hate crime programme provided by the public sector
- iv appropriate disability training of all such staff carrying out the tasks
- v the government to honour its hate crime commitment and not force disabled people to face unsafe circumstances.

Congress believes that the prevention of disability hate crime can only be achieved through education, including education about the human rights of disabled children and adults.

Congress endorses the aims of Disability History Month and calls on affiliates to use Disability History Month and the social model of disability to challenge the attitudes about disabled people that generate hate crime.

TUC Disabled Workers’ Conference

The following amendment was CARRIED

In paragraph 4, line 1, after “and” insert:

“believes the EHRC report *Hidden in Plain Sight* highlights the institutional failures that are preventing this issue from being tackled effectively; therefore”

Add at end of sub-paragraph v:

“and to act upon the recommendations contained in the EHRC report.”

Communication Workers’ Union

The following amendment was CARRIED

In paragraph 5, sub-paragraph iii, delete the current wording and replace with:

“iii a properly funded programme against hate crime provided by the public sector”

Broadcasting, Entertainment, Cinematograph and Theatre Union

26 Fair and just taxation

Congress condemns the Coalition’s continuing failure to address the exploitation by the wealthy of tax loopholes. These loopholes must be eliminated.

Congress notes that the government cuts the top rate of tax for high earners while comedians laugh all the way to the tax haven, and telephone companies collude with the Treasury to avoid billions of tax.

Whilst the Prime Minister jumps on the bandwagon to condemn “some” tax avoidance schemes as “morally wrong” it is clear that a cabinet of millionaires, many of whom have personally benefited from creative tax avoidance schemes, have no interest in addressing this issue.

Wealthy individuals paid hundreds of times more than their workers avoid their obligation to contribute to society and reap the rewards from tax avoidance loop-holes, while low-paid workers and the most vulnerable in our society bear the brunt of the austerity measures. The cuts to benefits paid to working families, sick and disabled people and vulnerable young and unemployed people provide a fraction of the monies that are morally due to be paid in taxation by tax avoiders.

Congress demands an end to offshore tax free status for those seeking to buy into PFI projects such as hospitals and schools. Congress commends the work of the TUC in its principled fight for a morally just fair taxation system, which ensures that the wealth created by the people of this country benefits our public services and our people and not the lifestyles of billionaires who exploit loop-holes.

GMB

The following amendment was ACCEPTED by the mover

Insert new paragraph 5:

“Congress notes that 30,000 jobs have been cut in HM Revenue & Customs, with further cuts planned. Congress calls on the General Council to campaign to reverse these cuts to close the £120bn tax gap, and to campaign for the Tax Justice Network’s recommendations on tackling abuse by tax havens.”

Public and Commercial Services Union

27 Public ownership of the banks

Congress notes the disastrous role of the banks over the past five years.

Congress condemns the scandalous levels of pay and bonuses for senior bankers, while workers are expected to pay for the economic crisis.

Congress condemns the interest rate-fixing by Barclays and other banks, which demonstrates again that the banking industry fails to operate in the interests of the majority of people.

Congress notes that despite the tax payer funded bail-outs and quantitative easing, the banks have failed to provide adequate lending and investment to assist economic growth and the creation of jobs.

Congress calls on the TUC to organise a thorough inquiry into the banking crisis. This should involve finance experts, trade unionists working within the sector and representatives of mortgage holders, small businesses and others affected by the crisis.

Congress believes that the de-regulated, free market model that has dominated for the past three decades has been exposed as a failure; a major change of direction is needed.

Congress believes the economic chaos and devastation sparked by the major banks and financial institutions should be ended through full public ownership of the sector and the creation of a publicly owned banking service, democratically and accountably managed.

Congress believes that the banking and finance industry should be developed as a key public service. This new form of banking could play a central role in building a sustainable economy, investing in transport, green industries, housing, creating jobs and assisting the recovery in the interests of working people.

Fire Brigades’ Union

30 Industrial infrastructure

Congress supports the continuing trade union campaign by former Thamesteel workers, who were made redundant in January when the company went into administration, to secure a future for steel production in Kent. Congress recognises that if the Sheerness steel works does not open up again, this will be yet another loss to the UK industrial infrastructure. Congress notes that major industrial infrastructure sites are crucial to local economies and local jobs in many areas that face rising unemployment.

Congress recognises that there can be a future for UK heavy industry and welcomes the restart of the Redcar blast furnace following investment by Thai steelmaker SSI and an unprecedented trade union-led campaign that brought steel making back to Teesside.

However, Congress notes, given the continuing challenges faced by UK heavy industry, this requires an active industrial policy from government, effective investment and certainty about the economic and regulatory framework in which UK manufacturing operates, which is lacking in current government policy.

Congress welcomes the work by the TUC to promote an active industrial policy in the UK and the reports produced with the Energy Intensive Users Group that highlight the importance of UK heavy industry and the challenges presented by government policy on energy and environment.

Therefore, Congress calls on the TUC to continue to campaign for industrial activism and calls on the government to develop and invest in an effective, active industrial policy to create sustainable UK industrial infrastructure that creates jobs and growth.

Community

32 Power of the supermarkets

Congress calls on the General Council to support the monitoring of the power that supermarkets have over manufacturers. Without doubt, the insistence of these massive corporations on having huge discounts has cost industry thousands of jobs. Congress believes the government-proposed ombudsman must have the teeth to bring a degree of restraint.

Bakers, Food and Allied Workers' Union

The following amendment was ACCEPTED by the mover

In line 2, replace “manufacturers” with:

“food manufacturing and supply”

In line 3, after “jobs” insert:

“and led to increased casualisation and pressure to reduce the terms and conditions of agricultural as well as food manufacturing and supply chain workers.”

Delete final sentence and replace with:

“Congress believes that the Grocery Code Adjudicator Bill must give the Adjudicator the ability to prevent transferring excessive risk and unexpected costs downstream.”

Unite

40 Child poverty

Congress condemns the Secretary of State for Education for dismissing any explanations of educational performance that include the economic and social backgrounds of learners. Michael Gove’s assertion that those who make this case are the “enemies of promise” is a flagrant attempt to close down debate and excuse the government’s regressive policies, which are leading to further increases in inequality with consequences for inequality in pupil performance. Congress also condemns the Secretary of State for Work and Pensions for suggesting a wider definition of poverty which could deflect attention from inadequate wages and benefits.

Congress maintains that the statistical blip of a decrease in child poverty is temporary and repeats its call for the government to publish a detailed plan on how it will meet its stated 2020 child poverty target.

Association of Teachers and Lecturers

42 Housing

Over five million people are currently on social housing waiting lists and 1.6 million children live in overcrowded, temporary or run-down accommodation.

Congress notes that an individual's life chances, including their health, education and employment prospects, are seriously diminished if denied a decent home.

Congress notes with dismay that since the election of the Conservative-led government, the number of affordable housing starts has fallen by 68 per cent, the number of families accepted as statutory homeless has increased by 14 per cent in 12 months and the number of families in bed and breakfast accommodation has risen by 44 per cent.

Congress believes that the extension of the Right to Buy and increasing the level of social rents to 80 per cent of market values will further decrease the availability of social housing for rent at rates working families can afford.

Congress calls on the General Council to campaign for:

- i a massive increase in social house building to alleviate the growing housing crisis, reinvigorate the construction industry and kick-start the economy
- ii increased investment in green building technologies, sustainable materials and carbon neutral housing
- iii an end to the Right to Buy which further diminishes existing social housing stock
- iv a reversal of the policy of linking rents to market levels replaced by social rents set at a rate that allows families to work and avoid dependency on benefits
- v all new social house building to be linked to strict procurement rules requiring companies to train apprentices and directly employ workers under terms that guarantee industry employment standards.

Union of Construction, Allied Trades and Technicians

43 'Greenwash' and the sustainable production of energy

Congress notes the worrying developments in the field of so-called alternative energies to fossil fuels. On 29 March 2012, the government won a Court of Appeal challenge against a quashed decision to grant permission for a new energy-from-waste incinerator at St Dennis in Cornwall, operated by company SITA, which will burn 240,000 tons of waste each year to produce electricity. And on 17 April 2012, an experts' report on shale gas extraction (fracking) commissioned by the Department of Energy and Climate Change went out for a six-week consultation before regulations are issued. This report recognised that fracking caused small earthquakes in Blackpool area but should nevertheless continue.

As fossil fuels such as gas, coal and oil are being exhausted, industries are turning to other types of energy production with so-called 'green' or 'environmentally friendly' energy sources being pushed forward. There is a danger that some alternatives are neither green, environmentally friendly nor sustainable; this is 'greenwash'.

Congress agrees:

- i The principle of precaution should be applied when developing new energies and the health of people and the environment should be put before profit.
- ii The alternative energies that should be pursued are real "green" and "environmentally friendly" energies, i.e. renewable, that do not rely on finite resources.
- iii The fracking method of gas extraction should be condemned unless proven harmless for people and the environment. This type of energy production is not sustainable as it relies on a limited resource. Until now, there is evidence that it causes earthquakes and water pollution and further investigation should be carried out before any expansion.
- iv The energy-from-waste method of energy production should be condemned in its incineration form as it encourages the consumption society, emits more CO₂ than gas plants and potentially creates new types of pollution. Waste incineration may divert from reducing waste and recycling and is therefore not sustainable.

Furthermore, Congress recommends that:

- a the TUC JCC encourage all Trades Union Councils to elect Green Officers

- b the TUC JCC and Trades Union Councils respond to the fracking consultation document, support campaigns against fracking and incineration and link up with local campaigners
- c Trades Union Councils seek to lobby their Regional TUC to encourage the creation of Green Reps networks and green conferences in the regions.

TUC Trades Union Councils' Conference

48 Maritime policy

Congress registers its concern that, remarkably, this island nation has no defined maritime policy and that there is no industrial strategy in place for a sector that includes more than 5,000 companies and employs around 90,000 people. Congress notes the lack of coherent approach to the maritime sector from the various government departments that have interests in the area, sometimes resulting in damaging actions in which core Department for Transport policies to promote UK shipping and seafarer training have been undermined.

Congress therefore calls for the TUC to lobby ministers and MPs on the urgent need to introduce defined and coherent policies for the UK maritime sector, including defined targets for recruitment, training and employment of UK maritime professionals and coherent cross-departmental policies that will provide a strong foundation for the nation's maritime future.

Nautilus International

49 Aviation policy

Congress believes it is critical for our nation to have a clear, rational and objective strategy on aviation that enjoys cross-party support as well as support across government departments.

Congress believes it is time governments stopped seeing flying as a sin to be disapproved of (like drinking and smoking) and rather as a 'great' Great British Industry that if allowed to grow would help this country move towards economic recovery. Congress recognises that without such a long-term aviation strategy we will continue to suffer and will lose out to our near neighbours and relegate ourselves as an economic 'also ran'.

Congress believes that trade unions can play a key part in developing a progressive aviation strategy that will:

- i create jobs in areas such as infrastructure projects, manufacturing and tourism and help rebuild our reputation for high-tech engineering
- ii ensure that growth is achieved in a way consistent with environmental and climate change strategies
- iii overturn our reputation as the most heavily taxed country for air passengers in the world; a fact that falls unevenly on those we represent and is increasingly preventing them from the opportunity to travel.

Congress resolves to develop a policy framework for aviation and to press this on all political parties with the aim of creating a clear and rational consensus for sustainable growth. Congress resolves that this is done with the utmost speed so as to shape the government's current consultation.

British Air Line Pilots' Association

53 Regional pay

The spectre of regional pay in the health service is a matter of great concern to Congress. The emergence of a pay cartel in South West England is the latest attack on terms and conditions from employers in the NHS set on raiding the pay of healthcare workers, including hospital consultants. Regional pay drives down pay, threatens existing national collective bargaining and damages local communities and their economies. It creates an environment where staff feel insecure and reduces their morale to rock bottom.

Congress believes the NHS is about developing the best possible healthcare workforce providing the best care for patients, not placing the workforce in a vulnerable position whereby they fear for their jobs, careers and livelihoods. So regional pay is not wanted and not necessary and Congress therefore agrees to strongly resist any proposals to introduce regional pay in the NHS and other parts of the public sector.

Hospital Consultants and Specialists Association

The following amendment was ACCEPTED by the mover

Add at end of paragraph 1:

“Regional pay is a ‘Trojan Horse’ using the public sector as a wedge to drive down wages throughout the economy and undermine the foundations of equal pay. Ultimately the same arguments will be made to dilute private sector pay, with disastrous consequences for individuals, families and struggling local economies.”

GMB

54 Stop the cuts

Congress notes that David Cameron promised before the 2010 general election to protect frontline public services from austerity.

Congress condemns the savage cuts imposed by the coalition government on public services, including the fire and rescue service, since 2010.

Congress notes that cuts in central government grants combined with council tax freezes have had a terrible impact on local authority budgets, have put the public at risk and have devastated jobs in the public services.

Congress condemns the coalition government for cutting over a thousand frontline firefighter jobs in its first year and a further fifteen hundred firefighter jobs in its second year.

Congress notes the estimates made by chief fire officers in the six metropolitan fire and rescue services that they plan to cut a further 2,000 firefighters’ jobs, close 50 fire stations and remove 100 appliances.

Congress believes that these cuts put public safety and firefighters’ safety at risk.

Congress notes that the second local government settlement will be determined this autumn, affecting local authority budgets for the next two years.

Congress calls on the TUC, with affiliates, to:

- i campaign for a fully funded and professional fire and rescue service, alongside other public services
- ii lobby MPs, councillors and other elected representatives, including in the devolved administrations, to make a robust case for public services
- iii support local anti-cuts campaigns that involve trades councils and local trade unionists allying with their communities to defend public services
- iv support the Fire Brigades’ Union’s campaign to defend the fire and rescue service.

Fire Brigades’ Union

56 Mental health diversion service

Congress welcomes the announcement that the Ministry of Justice with the Department of Health will invest £50m by 2014 in establishing a liaison and diversion service, prison service, police stations and courts, to ensure that people who should more appropriately be treated in the health service do not go to prison.

This investment comes on the back of the Lord Bradley report when he published the findings in April 2009 of his government-commissioned review of diversion services for offenders with mental health problems or learning disabilities.

Congress notes the difficulties within the NHS and Ministry of Justice with budget cuts and therefore requests that the General Council review periodically the impact, if any, of this

investment into the diversion service, so that resources are utilised to assist those with the problems outlined.

POA

57 Multiple Sclerosis Society – end of care crisis

Congress applauds the petition delivered by the Multiple Sclerosis (MS) Society to 10 Downing Street on 15 May. This petition is supported by the Care and Support Alliance.

Congress notes the mention in the Queen's Speech of care and support, but believes that the current ringfenced budget of £2bn is simply inadequate.

Too many people with MS are isolated and at risk because they do not get the care they need. This is a national disgrace and has no place in a civilised society.

Congress believes the case for reform to be overwhelming and unanswerable.

Congress calls on government to honour its promise and as a matter of urgency publish sustainable plans to implement funding reform and commit to legislation.

Congress further calls on the TUC to:

- i support the MS Society's campaign for better social care
- ii support the recommendations of the Dilnot Commission on funding of care and support
- iii campaign and lobby the government to reform the confusing and contradictory patchwork of social care legislation through full implementation of the Law Commission's recommendations.

Society of Radiographers

58 Diabetic care

Diabetes is a condition that most people have heard about but unfortunately very few fully understand. A growing proportion of the population is classified as overweight or obese. This makes diabetes a ticking time bomb that will put huge pressure on an already overstretched NHS to educate and treat this illness.

According to Diabetes UK, worldwide diabetes-related complications result in the amputation of a lower limb every 30 seconds. It is also estimated that people with diabetes are up to 30 times more likely to have an amputation compared to the general population, at a cost to the NHS of between £600–£700m per year in England alone. The likelihood of death within five years following amputation or foot ulcers is greater than that faced by colon, prostate and breast cancer sufferers.

These conditions rightly attract huge publicity and public finance to increase awareness and fund treatment but unfortunately diabetes does not.

The effects of this illness on employment can also be devastating. People with diabetes can face discrimination in the workplace and live under the constant fear of losing their livelihood especially if an amputation has occurred. Employers are often unsympathetic to the treatment regime, which further puts diabetes sufferers at risk.

Congress calls on the TUC to campaign to increase awareness of diabetes and to campaign to stop funding cuts in the NHS that will put many thousands of people at risk.

Society of Chiropodists and Podiatrists

59 Mind the Hunger Gap campaign

Congress is shocked to learn that an estimated one million older people in the UK eat less than one meal a day.

This scandalous 'hunger gap' contributes to the massive problem of malnutrition that impacts on people regardless of age, gender or race, costing the NHS over £13bn – twice the financial burden of obesity.

The British Dietetic Association's Mind the Hunger Gap campaign highlights this major public health issue and will focus particularly on the plight of older people living in the community.

Poverty, social isolation and fragmented services have left many older people excluded and invisible.

Dietitians, the only qualified health professionals that assess, diagnose and treat nutrition problems, have the expertise to lead the nutrition pathway across the health and social care system.

With social care budgets being devolved for local implementation, there is now an important opportunity to plan collaborative solutions to protect and enhance current services.

Congress notes that dietitians will engage with key policy-makers and unions to raise the importance of malnutrition and asks the General Council to call on politicians to protect at least one meal a day by ring-fencing funding to ensure that meal provision continues to lie at the heart of community care.

British Dietetic Association

63 Music hubs

Following recommendations in Darren Henley's review of music education in England (*The Importance of Music*), Arts Council England has awarded funding to 122 music hubs. In most cases the hubs are led by existing local authority music services. However, many local authorities are reducing their contributions to the new hubs and this, combined with a significant reduction in central government funding, is inevitably leading to cuts in specialist music education.

Congress notes that the MU is working closely with the hubs to ensure that music instrumental teachers and music education in general does not suffer during this transition period. It is also calling for every Hub Advisory Board to include an instrumental teacher.

It is of great concern that many hubs are now revising terms and conditions which will mean that, in many cases, instrumental teachers who were previously employed will be forced to become self-employed and will consequently suffer a reduced income as well as a total lack of employment protection.

Congress agrees with the principle of the national plan that all children and young people should have access to high quality music education. For this to be achieved music instrument tuition must be delivered by a skilled and well resourced workforce.

Congress calls upon the General Council to lobby the government for terms and conditions to be standardised across the music hubs, so ensuring that instrumental music teachers are fairly treated during this time of transition.

Musicians' Union

64 For profit, post-16 education

Congress notes the coalition government's attempts to de-regulate the further and higher education sectors in favour of private and for-profit providers, including private equity funds, which have included:

- i enabling private providers an increased access to publicly subsidised student loans
- ii promoting policies that would make it easier for private equity firms to buy into or take over colleges and universities and take control of their assets, as in the Education Act 2011
- iii holding discussions with private equity firms and supporting initiatives like the recent sale of the College of Law to Montagu Private Equity and Barnfield College's discussions with private equity firms
- iv attempting to pursue its de-regulatory policies in higher education – policies that would favour private providers – through non-legislative means, which effectively avoids all parliamentary scrutiny and democratic oversight.

Congress reasserts its belief in a publicly funded accountable education system, with free access for all who wish to pursue education.

Congress calls on the General Council to support campaigns to ensure:

- a public funding and subsidies are granted only to institutions with a primary obligation to education and not to shareholders' profits
- b the protection of the public interest against asset-stripping private equity firms, through the extension of 'trust-style' locking to college and university assets that have been acquired over time through the provision of public funds
- c the restoration of access to democratically controlled and funded public education and for wealth and income redistribution to restore public investment in education and other public services.

University and College Union

67 Homophobic bullying in schools

Congress notes with concern research from Stonewall indicating that around 65 per cent of young gay, lesbian and bisexual people experience homophobic bullying in schools in the UK. However, only a quarter of schools say that homophobic bullying is an issue that needs addressing. This is irrespective of evidence that shows that schools that use intervention and address concerns that pupils and students have about homophobic bullying have seen the risk of homophobic bullying drop by 60 per cent.

Congress believes that bullying of any kind is unacceptable, but it is especially worrying when the vulnerable are subjected to homophobic bullying.

Congress calls on the TUC to work with campaigning organisations like Stonewall, who have highlighted this risk, and encourage all education authorities to take action to eradicate homophobic bullying in schools.

Society of Radiographers

The following amendment was ACCEPTED by the mover

In paragraph 3, line 1, after "with" insert:

"the education unions and"

In line 1, replace "like" with:

"including"

In line 1, after "Stonewall" insert:

"Schools Out, the Cutting Edge Consortium, and other community-based groups"

Accord

68 Future psychiatric diagnosis in children and young people

Congress notes, with concern, recent studies that have highlighted the increased numbers of children and young people reported to have mental health difficulties. These studies also underline the link between social and family difficulties and emotional distress and anxiety within children and young people.

Congress further notes the general increase of awareness of mental health issues within British society. It welcomes government announcements to provide support for children and young people through the funding to increase access to psychological and talking therapies and its acknowledgement of the effective work carried out by educational psychologists within schools.

Congress is concerned that the new edition of the internationally recognised diagnostic manual, DSM5, which is due to be used in the UK from May 2013, may lead to more children and young people being diagnosed with psychiatric disorders. It is further concerned that these diagnoses of psychiatric disorder will consequently lead to treatment via drugs, rather than recognising that, in many situations, the children's observed and reported symptoms are a transient reaction to stress within their environments. Alleviating the child's difficulties may be

more effectively helped by changes to the environment rather than by the prescription of drugs.

Congress calls upon NICE, supported by the DoH, to express its concern about some of the changes included within DSM5 and issue clear guidance to all health practitioners about its limitations when presented with children and young people with mental health difficulties.

Association of Educational Psychologists

69 LASPO – call for reform

Congress believes the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) excludes large sections of the population from publically funded legal assistance at the time of relationship breakdown or other family crises. It is ill-considered, fundamentally unjust, and offends against basic principles of fairness.

The reputation of the UK's legal system is built on adherence to the rule of law and ensuring equal access to justice between people who wish to bring disputes before the court. Respect for the courts from parents involved in family proceedings, for example, is based on the understanding that access to justice is not dependent on who they are, or what they earn.

Congress further believes that key elements of the LASPO Act are neither child centred nor family friendly, and do not recognise the impact on children caught in the middle of their parents' disputes and their rights under the UNCRC, the ECHR and the Human Rights Act 1998. It fails to recognise the impact on people having to represent themselves in proceedings and ignores the impact on victims of domestic abuse.

The government has ignored the reasoned concerns of a range of stakeholders on the family-related aspects of the Act. Additionally, some 5,000 people responded to the initial consultation paper and over 90 per cent opposed the proposals.

LASPO is a fundamentally flawed piece of legislation, which will cause immense harm to parents and children who are involved in Family Court proceedings. Congress calls for an urgent review of its provisions in relation to the courts and legal aid.

Napo

70 Resisting the threat to probation

In March 2012 the government published two consultation papers addressing the future of probation work and community sentences. This included proposals to potentially outsource up to 60 per cent of the probation service's budgeted work.

In its response Napo highlighted the review's muddled approach to professional tasks. For example, its attempt to segregate risk assessments of criminal behaviour into 'higher' and 'lower' categories, in order to assist the introduction of competition, ignores the reality that risk assessment is an ongoing process and that individual offending behaviour can change from day to day.

Napo believes that the government's stubborn desire to create a competitive market threatens the fragmentation and destruction of the probation service, a service with values founded on altruism, fairness and cooperation. The costs and consequence of privatisation will fall on communities, victims and offenders alike.

Congress expresses its full support for Napo's campaign of resistance to this attack on the probation service. It calls on the General Council to make representations to the government on behalf of the probation service in line with the union's campaigning action.

Napo

71 Leveson Inquiry

Congress welcomes the Leveson Inquiry into the culture and ethics of the press and its intended aim of raising the standards of press journalism in the UK.

Congress believes that an investigation into a press culture that invades privacy and presents a distorted view of working life in the UK is long overdue and expresses its shock at some of the outrageous behaviour revealed at the inquiry.

Leveson has heard much evidence of bullying and intimidation pressing journalists to behave unethically in order to pursue stories that are designed to raise circulation and thus profits rather than inform, educate and entertain readers and Congress condemns these newsroom employment practices.

Congress calls for the introduction of a conscience clause into journalists' contracts of employment, which will allow journalists to refuse unethical assignments. Congress further demands that the right for workers to be represented in their workplaces is vital, as this is the only way to ensure that bullying and threats do not lead to unethical behaviour whether in the press or elsewhere.

Congress further calls on the government to change the system of regulation of the press to ensure that it ceases to be the plaything of media barons and that all stakeholders, including the public and journalists, are able to play a full part in ensuring higher standards of the press by holding newspapers that behave badly to account.

National Union of Journalists

72 BBC cuts

Congress notes the appointment of George Entwistle as the new director general of the BBC, at a time when the cuts programme, the so-called Delivering Quality First initiative, is being felt by journalists and programme makers across the corporation.

Congress believes that the deal, leading to 20 per cent cuts and 2,000 job losses, compromises quality, following the loss of more than 7,000 jobs since 2004. Congress condemns this assault on frontline journalism and programming and the assault on pay, terms and conditions and pension provision for its employees.

Congress notes that Thompson's deal, struck in October 2010, has led to the BBC taking on an extra £340m in spending commitments, including the funding of the World Service, local TV and the rollout of fast broadband, opening up the once-ringfenced income of our public service broadcaster for future governments to plunder.

Congress notes the deal was struck in the political context of significant pressure from News Corporation and that therefore the licence fee deal should be reopened and conducted with genuine transparency and consultation.

Congress notes the research commissioned by the Federation of Entertainment Unions shows the impact cuts will have on the whole of the creative sector and will undermine the delivery of the BBC's wider social objectives.

Congress calls on the BBC and its new director general to establish a new plan for the future of the BBC, calls on government to stop using the BBC as a cash cow and ensure that the future of quality public service broadcasting is protected.

National Union of Journalists

73 Work not play

Congress notes that last year the MU asked Congress to highlight the fact that musicians can often be emotionally blackmailed into working for no fee at charity events. This is particularly unjust when others associated with the event are being paid.

This summer's Olympic Games brought the issue back to the fore. Despite the agreement between LOCOG and the TUC regarding fair terms and conditions and undertakings from LOCOG to the MU that professional musicians would be paid for their services, the MU uncovered countless examples of its members being asked to perform for no payment at events connected with the Games.

Congress believes that too many people seem to think that music and entertainment are a hobby rather than a career, and are unaware of the years of training and hard work that it

takes to become a professional performer. This leads to performers being asked or expected to work for free in far too many instances.

Congress notes it is difficult enough to earn a decent living as a professional musician these days and, headline artists aside, it is not a highly paid profession. The MU is looking to challenge the idea that musicians should be happy to work for free – who else would be?

Congress calls upon the TUC to support the MU in a campaign to raise awareness of this issue and ensure that all professional performers are paid fairly in all circumstances.

Musicians' Union

74 Freedom of expression

Congress notes that, across the world, artists continue to face censorship, enforced exile, imprisonment, torture and even death. Despite hardship and persecution, many artists living in repressive regimes continue to create great art and fight for the right to work and earn a living.

Congress welcomes the release of Burmese comedian and Equity member Zarganar from prison in Kachin state on 12 October 2011. His release followed intense campaigning led by entertainment unions and human rights organisations. Zarganar is now using his freedom to draw attention to the exploitation of Burmese migrant workers and to the continuing incarceration of political prisoners.

Congress reaffirms its support for ongoing campaigns against attacks on artists and other workers in Burma and resolves to support campaigning efforts directed at other states that do not respect the right to freedom of expression, including Belarus.

Equity

75 Colombia

Congress notes that the killing of Colombian trade unionists continues, with 29 killed in 2011 and 12 in the first six months of 2012. Our colleagues are also being imprisoned, threatened or forced into exile.

Congress congratulates the new movement, the Patriotic March, for their mobilisations in the face of smear tactics by the Colombian administration and a sharp rise in threats against those campaigning for peace.

Congress notes that despite a sophisticated PR campaign by the Colombian government, the situation on the ground remains severe and our own government remains too silent on the abuses.

Congress notes that despite conditions agreed for the various Free Trade Agreements with Colombia, impunity for trade union killings remains at over 95 per cent.

Congress recognises the successful work of Justice for Colombia (JfC) in exposing the reality of the situation, building the peace campaign and leading campaigns to secure the release of political prisoners such as Liliany Obando.

Congress notes that the armed conflict continues and agrees with Colombian trade unions that the abuses will only stop when there is peace with social justice.

Congress calls on the General Council to:

- i support the JfC campaign for a peace process, and work to get the issue onto the international political agenda
- ii continue to campaign in opposition to the EU-Colombia Free Trade Agreement
- iii press the UK government and main parties to be more vocal on the abuses and support civil society efforts for peace
- iv support the work of JfC politically and financially.

Chartered Society of Physiotherapy

The following amendment was ACCEPTED by the mover

In paragraph 1, line 1, replace “notes that the” with:
“deplores the continued”

In line 1 delete:

“continues”

Insert new paragraph 6:

“Congress applauds the work of affiliates in campaigning to secure the release of many other victims of repression, including jailed teacher Omar Alfonso Combata.”

NASUWT

76 Palestine – blockade of Gaza

Congress registers that the blockade of Gaza by the government of Israel is now in its 6th year. On 14 June this year, 50 international charities and United Nations Agencies called for an immediate end to the blockade. They noted that violation of international law, affecting 1.6 million people, over half of whom are children. UN Under-Secretary for Humanitarian Affairs, Valerie Amos, pointed out that more than 80 per cent of families in Gaza are dependent upon humanitarian aid. She stated, “This amounts to collective punishment of all those living in Gaza, and is a denial of basic human rights in contravention of international law.”

Congress also registers that calls for an immediate opening have been made by the diplomatic Quartet (UN, EU, Russia and the US). The UK government has also called for an end to the siege.

Congress welcomes the easing of access to Gaza promoted by the Egyptian authorities, following the ousting of the previous government by the popular uprising. In these conditions, Congress instructs the General Council to organise a delegation to Gaza, in conjunction with the Palestine Solidarity Campaign, to determine how the TUC may most effectively contribute to the end of the blockade.

Congress reaffirms its support for an inclusive peace process in the region, and supports efforts to resume all-party negotiations.

Communication Workers’ Union

78 Social progress clause

Congress is pleased that the European Commission’s proposal for a Council Regulation on the exercise of the right to take collective action – the “Monti II” Regulation – failed to secure the necessary support. The proposal not only failed adequately to address the problems brought about by the Viking and Laval judgments, it actually confirmed the courts’ decisions. In addition, it failed to provide certainty to unions as to what action, if any, would be deemed ‘proportionate’, leaving them at significant risk of unlimited damages.

Congress declares that the right to strike is enshrined in ILO Convention No. 87, which has been signed by all EU Member States, and agrees that the TUC should press for a clear EU Regulation (a Social Progress Clause) which provides that where there is a conflict between fundamental social rights (including the right to strike) and economic freedoms (including the provision of services across borders and the right to establishment in another EU Member State) fundamental social rights will take precedence.

Congress agrees to work with the ETUC for a legislative response to *Viking* and *Laval* at EU level that fully takes into account the obligations of Member States under ratified ILO Conventions.

British Air Line Pilots’ Association

82 CICA scheme

Congress is deeply concerned by the Tory-led Coalition’s proposal to cut the compensation available through the Criminal Injuries Compensation Authority (CICA). Congress notes that the CICA scheme is typically the only source of much needed compensation for individuals who have been innocent victims of criminal assault. The CICA scheme provides a valuable

lifeline to working people who have been forced to take time off work and lose wages as a result of criminal assault.

Congress is firmly opposed to the complete removal of the first five bands of compensation under the scheme and to the substantial reductions to the value of awards in bands 6 to 12. This is a severe attack on all workers who come into contact with the public and will remove an invaluable protection when individuals have been assaulted in the course of their work.

Congress notes that the £50m savings available through the proposed cuts to the CICA scheme will not assist in reducing the deficit and believes that the proposed cuts are part of a wider government strategy to remove access to justice.

Congress calls upon the General Council and all affiliates to raise awareness of the cuts proposed by the Tory-led Coalition. Furthermore, Congress calls upon the General Council to campaign publicly against the proposals and to oppose any detrimental changes to the CICA scheme.

Union of Shop, Distributive and Allied Workers

The following amendment was ACCEPTED by the mover

Insert new paragraph 2:

“Congress also recognises that the CICA scheme is the only recourse for workers pursuing a compensation claim for personal injury in circumstances when a perpetrator cannot be found or is no longer alive.”

Associated Society of Locomotive Engineers and Firemen

Composite 1 A Future That Works campaign

Congress rejects this government’s economic programme of austerity, which has caused a double-dip recession and a stagnant economy leading to the deterioration of living standards for ordinary people.

The austerity programme has been challenged by a number of eminent economists and concerns about prospects for UK growth have been expressed by the Bank of England, as well as the IMF and OECD.

Congress notes that since the coalition government came to power unemployment is higher, growth lower, and living standards are falling.

Congress believes that increasing unemployment, and particularly youth unemployment, is a deliberate policy aim of this government, as evidenced by the record number of public sector job losses, at 730,000 double the initial 2010 coalition prediction.

Budget cuts, job losses, regional pay and privatisation will add to unemployment and weaken the prospects for economic recovery; they will prevent the public from accessing the services and infrastructure this country needs for a future that works for everyone.

Congress rejects the idea that the UK public sector had in recent years become “too big” or inflated with unproductive “non-jobs”. Congress deplores the Coalition’s ideological attempts to reduce the size of the state. These are replacing collectivist responses to people’s needs, based on ensuring that basic rights are met as summed up by Beveridge in 1944, with a backward philosophy that sees no role for society. Congress utterly rejects such an approach that is based on further enshrining inequality within the UK and ignoring the needs of the majority. Congress believes that cuts in public spending make no economic sense. Congress therefore opposes all cuts to public services, jobs, pensions and pay.

Congress believes that a balanced, prosperous and sustainable economy must include all citizens, and that to ensure everyone has a stake, public investment and employment to deliver essential infrastructure and high quality services are essential. Congress recognises that the government’s austerity policies are making the UK economic situation worse.

Congress condemns the government for the hardship suffered by millions of people losing their jobs, local services or receiving cuts in their pay, pensions or benefits, and for deepening inequality in our society. Congress believes that the scale of the cuts and increased privatisation will fundamentally undermine our public services.

Congress is also alarmed at the slump in the UK's manufacturing output with new orders having fallen at their fastest level since 2009 – clear evidence of the failure of the UK government's economic policies, and a clear indication that the private sector will not provide jobs for those made redundant due to cuts in the public sector. The decline reflects a sharp weakening in domestic orders, with export orders also falling.

Congress condemns the UK 'ConDem' government's policies of austerity and cuts, and further condemns the fact that UK businesses are effectively engaged in an 'investment strike', stockpiling cash equivalent to 50 per cent of GDP.

We support campaigning activity for an alternative to austerity. Congress also condemns the government policies that have resulted in the 'take home' pay of workers falling in real terms, rising unemployment, and 'hidden' unemployment as the number of workers seeking full-time employment but in part-time jobs has grown dramatically.

Congress congratulates trade unionists on strike action over public sector pensions on 30 November and 10 May. Congress believes that coordinated action is necessary to win concessions from the government.

Congress reaffirms its support for the principles outlined in the People's Charter and Women's Charter and calls for all affiliates to build support in workplaces, communities and within trades councils.

Congress calls for an alternative economic strategy that provides for growth, jobs and fairness. Congress instructs the General Council to continue to argue the case for an alternative to the economics of cuts and austerity, and do all it can to ensure the maximum turnout on the demonstration called by the TUC on 20 October 2012. Congress calls on the Labour Party leadership to support our campaigns and specifically to reverse its misguided support for the government's public sector pay policy.

Congress supports the TUC's A Future that Works campaign and calls on the General Council to campaign vigorously for an alternative to austerity that delivers jobs, homes and a decent standard of living for working people. Congress recognises the role of government in delivering an economy that works for ordinary people and serves society.

This shall include:

- i. campaigning vigorously for its economic alternative
- ii. prioritising building for the 20 October demonstration – to make it the largest anti-cuts protest in UK history
- iii. fully defending public services and rejecting the privatisation agenda
- iv. an end to the cuts that are sucking demand out of the economy
- v. sectoral and regional re-balancing of the economy
- vi. an active industrial policy that supports manufacturing, makes strategic use of government procurement and helps develop a greener and more sustainable economy
- vii. strengthening manufacturing policy
- viii. investment in infrastructure including affordable and social housing, transport and energy
- ix. preservation of the welfare state
- x. reform of the banking sector to work for the real economy, greater democratic control of financial institutions and the establishment of a National Investment Bank
- xi. tax justice, ensuring the rich pay their fair share through clampdowns on tax avoidance and evasion and the introduction of a Financial Transactions Tax
- xii. endorsing progressive taxation and all measures against tax avoidance and evasion
- xiii. promoting fair pay and decent employment
- xiv. giving full support to all groups of workers in the private or public sector who take industrial action against cuts or attacks on pay, jobs, pensions or conditions of service and coordinating unions taking strike action
- xv. stepping up the campaign for an economic alternative based on growth, investment, redistribution of wealth and fair taxation

- xvi. supporting campaigning groups taking action against cuts, including UK Uncut, Disabled People Against Cuts and the Occupy movement as well as supporting the role of local trades councils in building anti-cuts campaigns among local communities.

Mover: UNISON
Seconder: Unite
Supporters: Public and Commercial Services Union
Transport Salaried Staffs' Association
University and College Union
Fire Brigades' Union

Composite 2 The private sector

Congress notes with concern that only one in seven workers in the private sector is a trade union member and that just 16.7 per cent of private sector employees are covered by a collective agreement. Congress further notes that trade union density is particularly low among part-time workers and in roles such as sales and customer service, in which young people are likely to have their first experiences of work.

Congress also recognises that as the public sector diversifies and private industry begins to assume responsibility for services, there is likely to be more fragmentation of collective bargaining and attempts to freeze out union involvement and membership.

Congress believes that extending union membership and influence in the private sector is one of the key challenges facing the trade union movement, and it recognises that innovative approaches are urgently required to address this challenge.

There is no one size-fits-all solution, but more agile responses to changes in the economy and employment patterns are required.

Congress agrees that the future of the trade union movement depends on widening our appeal to reach out to workers in unorganised groups, sectors and companies. Increasing trade union membership and influence in the private sector is vital given the current density is only 14 per cent.

Maximising membership and promoting 100% unionism in workplaces where there is already recognition builds strong well organised workplaces where trade unionism counts.

Congress calls on the General Council to support unions in making the case for collective representation and bargaining across the private sector, by:

- i. demonstrating unions are the best route to fairness at work and that collective bargaining underpins fair treatment in competitive markets
- ii. emphasising unions are for those who want to get on at work and that participating in union activities supports career aspirations, for instance through development of transferable skills
- iii. making it easier for people to join and get involved gradually, recognising that many private sector workers have no knowledge or experience of unions
- iv. doing more to communicate through language and media that are widely accessed by non-members
- v. promoting the organisation and development of a new sectoral bargaining model, extending coverage and scope of employer associations and unions
- vi. encouraging engagement between trade unions and local communities
- vii. working with constructive, unionised, private sector employers to promote the economic and productivity benefits of trade unionism more widely within the private sector.

Mover: Prospect
Seconder: Unite
Supporters: Union of Shop, Distributive and Allied Workers
Community
Society of Radiographers

Composite 3 Trade union and employment rights

Congress is appalled that the UK remains the country with some of the weakest employment laws and the most restrictive trade union rights in the developed world. Anti-trade union laws continue to restrict trade union freedom and current government plans will further destroy workers' rights, making employment more insecure.

Congress reiterates its frustration that the Tory anti-trade union legislation was not repealed during 13 years of Labour government and that current protection offered through the EU is itself under attack, under the agenda of "freeing up labour markets".

Congress is also appalled at the latest attempts by the CON-DEM government to further weaken trade union and employment rights. Those attempts are inspired by the Beecroft Report and are championed by the far right ideologues of the Tory Party's 'Trade Union Reform Campaign'. These are clear and severe attacks on the rights of workers and the ability of trade unions to represent and defend their members. These attacks only underline the vital importance of union membership and activism.

So far government proposals have included:

- i attacks on employment tribunals that include the introduction of employment tribunal fees to deter employees exercising their statutory rights and single-judge only hearings
- ii proposals for 'no fault dismissals' that will allow arbitrary dismissals by employers
- iii an extension of the qualifying period for unfair dismissal from one to two years of employment
- iv attacks on equality legislation
- v dismantling of health and safety protections.

These proposals all point to a government which continues to protect big business and investment banks by failing to regulate against them, instead choosing to target vulnerable employees.

Congress notes the BIS consultation on collective redundancies that closes on 19 September 2012 and the moves to reduce the consultation period from 90 to 30 days in cases of mass redundancies.

Congress shares the aspiration to improve the quality of consultation on collective redundancies but believes that the arrangements are most effective when employees are represented by independent trade unions. Since the financial crisis of 2008 and subsequent scandals that have rocked the banking industry, there has been a seismic level of job losses as ordinary workers have paid with their jobs for the recklessness, greed, incompetence and sometimes dishonesty of others. Despite this, UK banks remain impressively unionised and bank employees trust their unions to deliver on job security when possible and appropriate compensation on the occasions when redundancies are unavoidable.

Employees, unions and employers want to retain the 90-day consultation period, not reduce it as the government proposes. Congress is asked to oppose any reduction in the consultation period as part of its wider resistance to deregulation of employment legislation.

Congress believes that local lay trade union representatives are the life blood of unions, representing staff and creating better workplaces through collective bargaining. Coalition policy places such representatives under unprecedented assault, attacking their role in the workplace and undermining their rights. Congress deplores current political attacks on negotiated lay facility time, which ignore the evidence of the value added by union representatives to public sector organisations through improving services, preventing problems and saving jobs. This agenda is linked to a plan to reduce wages, make public service cuts and privatise services.

Congress entirely rejects the idea that weakening union and employment rights will help economic recovery, and pledges to resist the proposed changes with all means at its disposal.

Congress welcomes the mobilisation of affiliates on 20 October 2012 but more can and should be done to demonstrate to our current government that working class trade unionists have had enough.

Congress believes it is incumbent upon the General Council to ensure that individual and collective employment rights are improved, if trade unionists are to ensure safer workplaces, securer communities and reduced inequality.

To this end, Congress calls on General Council to:

- a. step up the new Employee Rights Stop Employment Wrongs campaign launched in May 2012 to promote workers' rights against government proposals to erode rights at work
- b. defend TUPE and collective redundancy rights to preserve jobs and services
- c. promote the value of facility time and collective bargaining with all political parties
- d. campaign for fairer industrial action laws and the repeal of current legislation
- e. develop coherent proposals for a new approach to trade union and employment rights in the UK, based on ILO and European standards
- f. work to secure full commitment to this programme from a future Labour government.
- g. campaign actively at the European Elections for the protection of current employment rights against the European austerity agenda.

Congress acknowledges the successful campaigning of affiliated unions that led to the implementation of the Agency Worker Regulations on 1 October 2011. New rights have been secured for thousands of agency workers.

Yet the Agency Worker Regulations have created a major loop-hole in the provision of equal pay. Agency workers who are on a 'Pay Between Assignment contract' are exempt from equal pay. In many areas of UK business this form of contract is becoming standard.

Congress directs the General Council to launch a campaign to press the coalition government to amend the Regulations, and thus properly implement the government's obligation under EU law to oversee the principle of equal treatment.

Mover: Unite
Seconder: UNISON
Supporters: United Road Transport Union
Accord
Communication Workers' Union
Union of Shop, Distributive and Allied Workers
National Union of Teachers

Composite 4 Illegal corporate bullying

Congress agrees the maintenance of secret lists of individuals or groups, (so-called "blacklisting"), is illegal corporate bullying causing misery for individuals and their families.

Congress:

- i condemns activities exposed in 2009 when the Information Commissioner's Office raided the Consulting Association, which maintained records on behalf of over 40 UK companies including Carillion, Balfour Beatty, Mowlem, Laing O'Rourke and Wimpey, and on trade unionists, politicians, journalists, lawyers and academics
- ii agrees with Keith Ewing this was "the worst human rights abuse in relation to workers" in the UK in 50 years
- iii is alarmed that only a fraction of the 3,213 listed are aware of their inclusion
- iv believes the ICO list is evidence of an endemic, systemic and deep-rooted culture
- v agrees the level of wrong-doing and abuse exposed in the construction industry is equivalent to newspaper phone-hacking
- vi welcomes assurances won by Labour MEPs from the European Commission on "blacklisting" of trade union activists

- vii welcomes the attempt by Liberty to get the ICO to reopen an investigation into the construction companies involved in blacklisting. This could lead to criminal prosecutions, fines and enforcement notices
- viii welcomes and supports those blacklisted workers who have recently commenced legal action for damages against industry giant Sir Robert McAlpine.

Building on the resolution agreed by Congress 2010, Congress instructs the General Council to:

- a campaign to expose these illegal activities including a day of action
- b campaign for stronger legal protection, including for agency workers and to enable the ICO to reveal the names of the known victims of the Consulting Association
- c call on politicians to bring social justice for the victims and their families
- d encourage public bodies to review whether public contracts be awarded to companies involved in such activities
- e call for a public enquiry on a par with the Leveson Inquiry and changes in the law to make “blacklisting” an imprisonable offence with unlimited fines for damages
- f support a complaint to the European Court of Human Rights on behalf of blacklisted workers in respect of a breach of their Convention rights – Article 8 on privacy and Article 11 on freedom of association

Mover: GMB

Seconder: Unite

Supporters: Union of Construction, Allied Trades and Technicians
Transport Salaried Staffs’ Association

Composite 5 Youth unemployment

Congress is deeply concerned by the ever-escalating level of youth unemployment in the UK, especially in areas of social deprivation and among the most disadvantaged young people, including ethnic minorities and disabled young people.

Congress condemns attacks on young people through ‘austerity measures’. Congress is concerned particularly that existing income inequalities will be exacerbated as education becomes increasingly reliant on ability to pay and employment experience upon ability to take up unpaid internships.

Congress condemns the political and economic response to the problem from the Tory-Liberal coalition government, including misguided and ineffective work experience programmes and a ‘youth contract’ which will provide support for very few young people.

Congress acknowledges that June 2012’s unemployment figures showed that there were 1.01 million unemployed 16- to 24-year-olds, a rate of 21.9 per cent, and further notes that the long-term unemployment rate has increased by 874 per cent since 2000, a figure which has risen by 264 per cent in the last year alone.

Congress believes that the government’s disastrous economic policies and politically driven cuts to the public sector are disproportionately affecting young people and threaten irrevocably to damage their longterm earning and employment prospects.

Congress additionally deplores government plans to force older people to work until the age of 68, which will prevent younger workers from entering the labour market and entrench the cycle of long-term youth unemployment, depressed wages and restricted career progression.

Congress commends the work done so far by the TUC to address the issue of youth unemployment and urges the General Council to continue its campaign against the government’s cuts agenda with renewed fervour and to continue to make the case for an investment and growth-based economic policy that emphasises jobs.

Congress instructs the General Council to ensure that youth unemployment has the highest priority through campaigns with affiliates, trades councils and campaign groups for:

- i. i the restoration of EMA, the eradication of higher education tuition fees, and the restoration of careers education and independent careers information, advice and guidance

- ii. ii increased public spending to create jobs, and to create incentives for employers, where appropriate, to offer apprenticeship places and acceptable employment contracts with remuneration at least to the minimum wage
- iii. iii a welfare model that does not require any recipient of benefits to work without a wage, and the eradication of unpaid internships
- iv. iv an increased supply of apprenticeship places, with all apprenticeships to pay at least the minimum wage, to lead to guaranteed employment on completion, and to be of high quality and workplace-based
- v. v minimum quotas for apprenticeship places and the employment of appropriately skilled young people in any public works commissioned and procured from public funds
- vi. vi youth employment programmes that reflect strategies to include underrepresented groups, including ethnic minorities and disabled young people.

Mover: National Union of Teachers

Second: Associated Society of Locomotive Engineers and Firemen

Composite 6 Effective procurement

Congress notes government spending across the UK on public procurement continues to exceed £80bn per annum. Congress recognises the opportunities such spending could provide to UK industry and business. However, Congress is concerned by recent failures to effectively support UK economic development through procurement, such as the Forth Replacement Crossing or renewable energy supply chains, where UK manufacturing has missed out on significant opportunities to supply to major infrastructure projects.

Congress condemns the government for ignoring public opinion and the sound socio-economic case and failing to ensure that the £1.4bn Thameslink contract was awarded to a UK-based train manufacturer. Indeed this debacle continues as the government forges ahead with the contract awarded to Siemens being finalised this autumn possibly. Congress also acknowledges that the procurement of new rolling stock for both Merseyrail and Crossrail is soon to take place and believes these contracts should be awarded to companies who commit to building and not merely assembling the trains in Britain.

Congress supports the approach taken by the Welsh Assembly government, which puts greater emphasis on community benefit clauses in its procurement policy. Congress recognises that procurement policy should not focus on cost alone but also the economic and social impact that it can have, such as in the development of skills and the creation of jobs.

Congress notes the continuing failure of the UK government to effectively address the ongoing problems with public procurement and the missed opportunity to promote community benefit clauses within procurement policy. Furthermore, Congress notes the failure to adequately deploy and promote Article 19 provisions, which were won by the efforts of trade unions pushing for changes in procurement rules. These would provide greater opportunities to businesses employing significant numbers of disabled people, at a crucial time when supported employment is under threat. The failure to exploit public procurement opportunities contributed to the shameful destruction of Remploy.

Congress believes that this government is neglecting massive growth opportunities that public procurement offers to support British industry and British jobs.

Therefore, Congress calls on the TUC to campaign for improvements to public procurement policy to maximise employment creation and to support UK economic growth.

Mover: Community

Second: GMB

Supporters: Transport Salaried Staffs' Association
Associated Society of Locomotive Engineers and Firemen

Composite 7 Pensions

Congress notes the attacks on pay, pensions and jobs driven by unacceptable austerity policies.

Congress congratulates unions on their campaigns in defence of pensions since Congress 2011. Congress recognises the united position within the movement protected members in 2005-06 and secured limited concessions from government after the joint action in 2011. The joint campaign on pay, pensions and conditions has to continue.

Congress deplores the fact that many workers have suffered actual pay cuts due to pay freezes and higher pension contributions; and rejects the prospects of further pay restraint, further contribution increases, attacks on national agreements and local pay.

Congress therefore affirms the need for maximum unity in action against these attacks on pay, pensions, and working conditions.

Congress further recognises that life expectancy is most slowly increasing for manual workers; that as physically demanding work takes its toll on the body, it becomes harder to undertake; and that increases in state and occupational pension ages result in fewer workers enjoying a healthy retirement.

The state pension age is set to increase to 68 by 2046, with government moving forward its plans to increase the state pension age for women to 65 and, for both men and women, to 66 or 67. Many working people who had planned to retire will have to change their plans as they will no longer receive a state, company or public sector pension until much later.

The fact that the public sector pensions discussions that have been taking place over the past 18 months have had at their core the insistence by government that working people should accept the necessity of working longer and have linked receiving a public sector pension to the same age as receiving the state pension, clearly demonstrates this principle.

Current plans will see younger workers, born after 5 April 1977, having to work until 68 in order to receive their state pension. Congress fears this age will increase, as indications from government show its intention is to move the state retirement age upwards.

This will have the effect of compelling workers in the public and private sector to work longer and is, Congress believes, a backward step which will have detrimental consequences for those forced to work longer.

Congress calls on the General Council to:

- i. maintain a sustained campaign for decent pensions for all and in particular to support the 68 is Too Late campaign, which opposes unacceptable increases in occupational pension ages, making this a focus of 20 October
- ii. lobby political parties to commit to lower state and public sector pension ages, which reflect the challenges of workers' jobs and rejection of automatic links between pensions and life expectancy
- iii. continue to support affiliated unions in dispute and co-ordinate campaigns against attempts to cut pensions, undermine national structures and agreements, restrict public sector pay, and impose local pay
- iv. campaign to raise awareness and counter the media and government's message that working longer is inevitable and to commission research into this issue that can be used to demonstrate that working longer means living less.

Whilst recognising and welcoming the fact that average life expectancy in the UK is increasing, Congress is concerned that the process and methodology for setting the SPA currently lacks any transparency and that changes to the SPA are determined solely by ministers. Congress also notes that many workers have been hit by recent increases to the early retirement age but there are still inconsistencies across schemes according to different occupations or scheme rules. This is significant for working people across all sectors of the economy given the increasing relevance of the SPA and early retirement rules to a range of aspects of employment, and in particular the pension age in employer schemes in both the public and private sectors where people have access to one. Moreover, given the virtual abandonment of decent occupational pension provision in much of the private sector, the SPA has a major impact on life patterns for a large percentage of the population, with a disproportionate impact on women of a higher SPA, as recent figures show that already the majority of workers over SPA are women.

Congress calls on the General Council to campaign for the establishment of an independent commission which would include union representation and have the statutory responsibility for determining the SPA and early retirement age based on clear criteria including occupational effects, such as shift-working, on longevity, the open collection of evidence and public consultation, with the objective of sharing the proceeds of economic growth fairly among those of working-age and retired individuals.

Since pensions deregulation in the 1980s, successive governments have passed policies detrimental to sustaining the occupational pensions sector. Such pensions represent the best way of delivering meaningful pensions at least expense to the public purse.

Money Purchase Schemes have failed to measure up to the mark with the result that future generations will be burdened with providing supplementary pensions for the older generation.

Changes in the pensions tax regime by the last government have only compounded these problems.

Congress calls for a radical reshaping of occupational pensions to address this crisis for the longer term.

With 21 million working people now not saving into a pension, Congress further calls on the TUC and affiliated unions to continue campaigning for trust to be restored to the pensions industry by tackling excessive and often hidden charging in all its forms.

Mover: National Union of Teachers

Seconder: FDA

Supporters: Society of Chiropodists and Podiatrists

BACM-TEAM

Association of Teachers and Lecturers

Union of Construction, Allied Trades and Technicians

Community

Chartered Society of Physiotherapy

Composite 8 Welfare state

Congress is proud of the role trade unions played in founding the welfare state as a social insurance from each according to their means, to each according to their needs.

Congress notes, with concern, the clear rise in levels of deprivation since May 2010. New inequalities having a deleterious impact upon the lives of vulnerable people are increasingly obvious to all those working in the public and voluntary sectors. Services are becoming ever more fragmented, leading to wide variations in access across geographical areas of the UK. Vulnerable groups are experiencing increased poverty and lack of support as a direct result of government policy specifically designed to promote this same fragmentation of services to susceptible groups including children, the elderly and the disabled.

Congress further notes several aspects of government policy that will lead to additional destruction of the security of vulnerable groups. Proposed moves such as the regionalisation of pay will lead to further attacks on the support for those groups in society that have the fewest defences of their own.

Congress notes that around £30bn of welfare cuts have been announced by the government.

Congress condemns the campaign of vilification by this government and right-wing tabloids to denigrate the welfare state and to demonise those without work or unable to work, and young people, migrants and the disabled. Congress is appalled that disability hate crime has soared to record levels.

On behalf of these groups Congress calls for:

- i a reiteration of the principle of fair and equal pay and the maintenance of equity in pay for all workers in the public sector, wherever they work
- ii a re-instatement of the services and resources necessary to support vulnerable groups
- iii a determined and robust opposition to the threats being posed to those in society who have the fewest defences.

Congress re-iterates its commitment to the pursuance of equalities in society.

Congress further notes that millions of people are barely surviving on poverty-level benefits or need tax credits to subsidise low wages. Congress believes we have a responsibility to support Unemployed Workers Centres which provide assistance for job searching and benefit advice.

Congress condemns ‘workfare’ policies that compel the unemployed to work for their benefits and calls on the government to make work experience schemes optional and paid.

Congress is deeply concerned that the high number of people who were eligible for Incapacity Benefit, having been assessed under the Work Capability Assessment, are declared to have a limited capability for work and moved onto Employment and Support Allowance.

Congress notes that MIND, the charity for better mental health, has described the Work Capability Assessment as not fit for purpose.

Congress believes that there are many thousands of people in the UK being put under undue pressure by a government welfare reform programme that does not work and that the reasoning of the government’s welfare reform is to cut the amount of money paid out in benefits.

Congress therefore demands that the discredited Work Capability Assessment is itself reassessed. The government say they want to focus on what people can do, rather than on what they cannot do. This is fundamentally flawed – what people can do on the day of assessment by an “occupational health service provider” does not indicate fact. The fact is the government pay a private firm over £100m a year to carry out assessments that it has seen fit to introduce.

Congress agrees that time has come to call a halt in the reassessment process until real changes are made. It’s damaging people’s lives. It’s costing us a fortune and it certainly isn’t fulfilling its purpose of supporting people with health problems on their journey back to work. Congress asks the General Council to give this issue priority on its agenda of work following this Congress.

Congress instructs the General Council to:

- i co-ordinate the development of a campaign to defend and rebuild the welfare state, based on:
 - a full employment
 - b universal benefits
 - c publicly delivered welfare services and programmes
 - d a substantial increase in benefit levels
 - e dignity and support for those unable to work
- ii work with welfare campaigners and disability campaign groups to develop this campaign
- iii establish a fund to support ‘Trade Union and Unemployed Workers Centres’ in communities where local unions and trades councils identify a need for them.

Mover: Public and Commercial Services Union

Seconder: National Union of Mineworkers

Supporter: Association of Educational Psychologists

Composite 9 Exploitation of foreign seafarers in UK waters

Congress condemns all exploitation and the frequent appalling cases of foreign seafarers suffering substandard pay and conditions on ships operating in UK waters.

Congress notes with alarm evidence suggesting that these problems are on the increase as a result of the economic downturn and the negative impact on global maritime trade.

Congress also expresses concern at the apparent legal confusion, lack of resources, absence of legislation and political will to enforce such measures as work permits and national minimum wage requirements. It is a national disgrace that government policy excludes foreign

seafarers and offshore workers from the full protections of the Equality Act and employment tribunals and Congress agrees to campaign vigorously to change this.

Congress calls for the TUC to strongly lobby the government to discharge its moral, social and legal responsibilities to protect this most vulnerable group of workers – not least by rapid ratification and enforcement of the Maritime Labour Convention 2006.

Mover: Nautilus International

Seconded: National Union of Rail, Maritime and Transport Workers

Composite 10 Coal is vital to the energy mix

Congress congratulates the TUC's Clean Coal Task Group for the sterling work that they have done in promoting clean coal technology and carbon capture and storage as a viable approach to both reducing the carbon emissions of the UK and maintaining an indigenous source of energy to ensure a secure source of supply and guard against profiteering by international energy companies and foreign governments should it be the case that this nation becomes totally dependent on imports for our energy needs.

Congress re-affirms its commitment to the CCTG and commits to publicising that the government and successive governments are shirking their responsibility to this nation by producing an energy policy which is biased against coal and indigenous coal, thereby hoping to complete the total destruction of coal mining, its communities and the NUM started by Thatcher in the 1980s.

Congress endorses the Road Map for Coal drawn up by the Clean Coal Task Group. The Road Map sets out a sensible approach for indigenous coal to continue to contribute substantially to a balanced energy policy. Coal is a versatile fuel that continues to contribute between 40 and 50 per cent of electricity peak demand in both winter and summer. The government is urged to accept the recommendations in the Road Map.

Congress welcomes the current competition for government-backed CCS projects. However, it is essential that a number of projects are agreed, with at least two testing the different CCS technologies for coal.

Other planks of the government's energy proposals set out in the Energy Bill need to be reviewed. In particular, the Emission Performance Standard (EPS) of 450 grams per tonne of CO₂ will effectively block commercial CCS while allowing a new 'dash for gas' with no carbon abatement. Inevitably, this will lock in CO₂ emissions until 2044 and hinder achieving the government's longer term targets for CO₂ as well as undermining diversity of fuel supply for electricity generation.

In addition, the detail of any capacity payment regime needs to be clarified. Government must quickly provide answers on funding and pricing arrangements and specify the terms of secondary legislation that will determine operational arrangements.

Congress believes the imperative now is for decisions that provide certainty, stability and deliver investment. The TUC is instructed to campaign accordingly.

Mover: National Union of Mineworkers

Seconded: BACM-TEAM

Supporter: Prospect

Composite 11 Action for Rail

Congress reaffirms its rejection of the flawed McNulty Rail Value for Money Study published in May 2011. Congress also rejects the government's response to McNulty in its Command Paper published in March 2012 that has nothing positive to offer passengers or the industry's workforce. Congress is concerned that the means by which the government has chosen to implement its policy bypasses the democratic process because it denies elected Members of Parliament the opportunity to endorse or reject the most radical proposals for the industry in generations. These proposals include huge fare increases, more commercial freedom and longer contracts for private train operators, more fragmentation, the possible privatisation of infrastructure operator Network Rail and the loss of over 20,000 railway jobs.

Congress reiterates its support for re-nationalisation of the railways. Congress believes that there is a real alternative based on a publicly owned, reunified rail industry that is run in the public interest and not for private profit that has seen the industry haemorrhage billions of pounds since privatisation. Congress notes that the next few years will have a significant impact on the future direction of the railway with 11 rail franchises due to be renewed before 2015 under the new, commercially favourable arrangements which will entrench the privatisation agenda for decades to come.

Congress congratulates the constructive part played by the rail unions in building the sound (economic, environmental, political and social) case for this alternative and endorses the important contribution of the *Rebuilding Rail* report produced by Transport for Quality of Life to this debate. Congress particularly welcomes the ability to cut fares under the model proposed in *Rebuilding Rail*.

Congress welcomes Action for Rail, the campaign for a better future for the UK's railway, and applauds the input and support from the TUC and Britain's rail transport unions ASLEF, RMT, TSSA and Unite.

Congress acknowledges Action for Rail has had a number of successful weeks of action with events, public meetings and leafleting sessions across the UK that have raised public and media awareness of the campaign's alternative vision for the railway, integrated under public ownership. Congress also endorses the establishment of the Action for Rail website, a major campaigning interface of information, resources and interactive tools.

Congress instructs the General Council to continue to work with the rail unions, the Labour Party other affiliates and communities in opposing cuts in the rail industry and making the positive case for the return to public ownership of the railways, including considering the options set out in *Rebuilding Rail*.

Congress calls on the General Council to:

- i continue to support Action for Rail and promote the campaign among the wider trade union movement
- ii encourage TUC regions to take a more active role in mobilising around specific franchises
- iii broaden the campaign's support base nationally and regionally among passenger groups and other organisations.
- iv campaign against the EU rail liberalisation directives.

Mover: Transport Salaried Staffs' Association

Seconder: Associated Society of Locomotive Engineers and Firemen

Supporters: National Union of Rail, Maritime and Transport Workers

Composite 12 Austerity, pay and public service reform

Congress condemns the prolonged pay freezes and punitive pay caps that mean public sector workers have had their real terms pay cut dramatically in recent years.

Congress notes that there has been no real protection for the lowest paid, many of whom have not even had the promised £250 pay rise, and further notes UNISON's 2012 Austerity Report showing increasing personal debt and disastrous falls in living standards.

Congress believes that depressing workers' living standards in a recession is counterproductive and contributes to economic stagnation, and that fighting this incomes policy will contribute to defeating the government's austerity programme.

Congress rejects entirely government proposals for regional pay and moves toward local pay bargaining that would lead to many of the poorest workers losing even more. Proposals to introduce regional pay were based on flimsy evidence and ideological misrepresentation of public and private sector pay comparisons. Despite being forced to recognise the unpopularity and impracticality of these proposals, the government has failed to come forward with any alternative vision for pay that accounts for impacts on equality and on the supply of professional and specialist skills. IDS have demonstrated that the private sector regards regional pay as counter-productive, inefficient and unfair.

The government has emboldened some employers, such as NHS trusts, to attempt to break from national pay bargaining

The government's plan for civil service reform is similarly based on a crude preference for outsourcing and fails to value the contribution and public service ethos and ethics of its own workforce. The reality is that the civil service has lost more jobs than any other part of the public sector in the last two years and is the only major service not to have had its pay systems reformed in the last 20 years. Civil service employment is at its lowest level since the Second World War and predicted to shrink a further 10 per cent by 2015. The government's obsession with cost-cutting precludes any genuine programme of reform.

Congress recognises the increasing demands being made on public servants to deliver services of ever increasing quality with ever decreasing resources. High quality services can only be built on enhanced professionalism and better co-ordination across government.

Managers in the civil service have been given an almost impossible task of maintaining and improving public services, at the same time as managing significant workforce reductions. They perform an essential role in protecting the funding of public services, safeguarding law, order, justice and national security, promoting health well-being and education, protecting and promoting the UK's culture and heritage and advancing the UK's values and interests around the world.

At the same time their pay has been frozen, a pension levy imposed and their pension devalued. This has worsened the already substantial gap between the reward package for senior managers and professionals with those on offer for comparable roles outside the civil service.

On top of all of this the persistent and unjustified attacks on the value and competence of public service managers by politicians and the media have further undermined morale.

Congress calls on the government to recognise the value committed public service managers and professionals make to the development, functioning and protection of the UK's civil society and in delivering effective and coherent government. That value should be recognised for all public servants through a fair and competitive reward package and with opportunities for career and professional development.

Congress calls on the General Council to:

- i. co-ordinate unions' efforts to break the pay freeze and end punitive pay caps, to the benefit of both public and private sectors, rejecting attempts to turn unions against one another
- ii. continue to campaign against the government's attempts to impose regional or local pay in public services
- iii. promote a "living wage" to prevent in-work poverty and secure adequate living standards without a dependence on in-work benefits
- iv. use the 20 October demo to draw attention to the economic consequences of this disastrous pay policy.
- v. campaign for fair and transparent pay systems
- vi. co-ordinate unions which take strike action to challenge austerity policies that are loading the costs of the crisis onto workers in both the public and private sectors, while government cuts taxes for the rich
- vii. ensure that there is an effective skills strategy to underpin delivery of high quality public services and advice to government
- viii. promote a positive vision for public service provision in the interests of all citizens.

Mover: UNISON

Seconder: Prospect

Supporters: FDA

Public and Commercial Services Union

NHS staff feel passionate about their patients. Every day staff deliver excellent care, stretching themselves ever thinner to try to cope with financial cutbacks across the UK, constant reorganisation and the profoundly destabilising and damaging impact of competition in England.

With the Health & Social Care Act in England now passed, health staff have to work with the new commissioners of their services in the best interests of patients, while at the same time keeping alive the vision of a publicly funded, publicly provided national health service based on the principle of co-operation and not competition.

Congress calls on the TUC to build on the campaigning work to date by:

- i. highlighting the strengths and achievements of the NHS at every opportunity
- ii. emphasising the critical role of staff engagement and partnership working in improving patient outcomes and achieving value for money
- iii. supporting local community-based campaigning to protect the quality of patient services, ensuring that the patient voices are heard
- iv. promoting credible alternative policies to keep the NHS safe for future generations.
- v. monitoring and highlighting the devastating impact of the reforms resulting from the Health and Social Care Act
- vi. continuing and intensifying the All Together for the NHS campaign against the Health and Social Care Act and its impact.

Congress believes these alternative policies must have at their heart the need to reward NHS staff fairly for the valuable work they do to involve them in decisions about service design and delivery, and to invest in their skills development for the benefit of patients. We also need to see an end to short-sighted political fixes for the NHS based on yet further structural reform. These simply eat up precious time and money, sap staff morale and do nothing to address the considerable challenges facing the NHS arising from an ageing population and the increasing rate of chronic health conditions.

Mover: Chartered Society of Physiotherapy

Second: UNISON

Supporter: FDA

Composite 14 Education for all

Congress congratulates teachers, lecturers and education support staff for their continuing commitment to transforming the life chances of all children and young people. Congress applauds the work of schools and colleges in ensuring that record numbers of young people from all socio-economic backgrounds are achieving record levels of qualifications. Congress deplores the constant denigration of the efforts and achievements of teachers and students by many coalition government MPs and some sections of the media.

Congress condemns the coalition government's austerity programme that means many young people now face a difficult and uncertain future, with spiralling levels of youth unemployment and access to education based upon ability to pay. Congress deplores the attack on aspiration and entitlement of working class children and young people brought about by the coalition government's ideological programme of cuts, privatisation, and the return to a 1950s' two-tier system of education for the haves and have-nots.

Congress asserts that educational opportunity should be a right for all and must not be the preserve of the rich. Congress continues to be concerned at the effects of social and economic deprivation on the educational achievement and attainment of young people across the United Kingdom. Despite the numerous initiatives and programmes developed by governments, little has been achieved in terms of counteracting the educational barriers that are directly associated with the poverty that blights the lives of at least 10 per cent of our young people.

Congress expresses its grave concern that the government has approved the first taxpayer-funded school to be managed by a profit-making firm and deplores the stated intention of the Secretary of State to open to profit the whole of state funded education.

Congress continues to oppose the academies programme as a stepping-stone to privatisation and notes that despite coercion almost 90 per cent of England's schools have not applied to

become academies. Congress opposes the forced conversion of schools against the wishes of parents, staff and governors.

Disregarding parents is the antithesis of the government's claim to empower them and these tactics are profoundly undemocratic. Academies lack democratic accountability to their local communities, one outcome of which is an increased potential for fraudulent use of funds provided by taxpayers.

Congress urges all education unions to work ever more closely together by all means necessary to oppose and defeat the process of opening up schools for profit.

Congress believes that education is a right for all young people in our society regardless of socio-economic status and calls on all governments to ensure that:

- i targeted expenditure is provided to address specific issues of poverty
- ii detailed research is carried out on the social contexts of schools in order to develop clear and coherent anti-poverty strategies at school and local authority level
- iii teachers are provided with a clear understanding of the nature and impact of poverty as part of initial teacher education and continuing professional development
- iv maintained nursery school provision is protected from marketisation; school food meets nutritional standards; free school meals are expanded not cut under Universal Credit; specialist local authority education staff are retained; face to face careers guidance is a right; an education maintenance allowance boosts 16–19 participation and higher education cuts reversed.

Congress, therefore, calls on the General Council to campaign publicly for additional resources, planning and coordination to be made available to tackle the educational inequalities that continue to be directly linked to poverty in order that all of our young people can benefit from the opportunities provided by the education services and not have their life chances blighted by the economic conditions in which they start their lives.

Congress endorses industrial action by unions in defending education and standing up for high standards of educational entitlement as a right for all children and young people.

Mover: NASUWT
Seconder: Association of Teachers and Lecturers
Supporters: Educational Institute of Scotland
UNISON

Composite 15 Valuing further education

Congress notes the coalition government attacks on further education, which include:

- i. a 25 per cent cut to the FE budget over the period of the spending review, which will lead to course closures and fewer opportunities for students
- ii. the £390m cut in the grant for poorer students through axing EMAs, which has already deterred many students from continuing their education
- iii. the introduction of loans for 24+ learners taking A-level or above courses, which the Department has calculated will result in over 100,000 lost college places when it is introduced in 2013–14 – this will lead to course closures and job cuts with student choice severely limited if they want to attend their local college
- iv. the increasing number of changes to contracts, which include reduced terms and conditions and pay reductions, alongside attacks on professionalism in FE with draconian lesson observations.
- v. the cuts in further education funding planned by the Scottish government covering the five-year period 2010–2015. The proposed cuts will amount to over 19 per cent in cash terms over the five years and will cost the sector more than £113m.

Congress condemns the decision to impose such deep and wide-ranging cuts at a time of unprecedented reform of both the structure and governance of further education colleges.

Congress believes:

- a Further education is a vital gateway to education and work that fulfils individuals, promotes social mobility and drives economic growth.
- b Many of our health and social care workforce begin their professional development through further education. Reduction of further education provision will mean fewer young people, especially from disadvantaged socio-economic backgrounds, entering the health and social care professions, leading to workforce shortages and a workforce that is not reflective of the UK demographic.
- c By removing funding and access for young people and adults needing a second chance, the government is condemning a generation to unemployment and benefit dependency.

Congress condemns this reduction in FE provision at a time when unemployment levels within the 16–24 age group are expected to remain high and when the demand for high level skills development within the wider economy could scarcely be greater.

Congress calls on the General Council to:

- 1 support the joint union campaign by UCU, ATL and UNISON with NUS and to assist in the coordination of campaigning activity amongst affiliates, calling on the government to halt the introduction of FE loans and restore public funding for these students
- 2 support calls for the government to increase public funding for the FE sector and promote access to education as a lever to social mobility and economic growth.
- 3 to communicate to the Scottish government the opposition of the trade union movement to these cuts in such a vital public service.

Mover: University and College Union
Seconder: Educational Institute of Scotland
Supporters: Association of Teachers and Lecturers
Society of Radiographers

Composite 16 Health and safety at work

Congress notes that the government has continued with its onslaught on the health and safety of workers, with the Prime Minister calling health and safety a “monster” and wishing to “kill off the health and safety culture for good”.

Congress is worried about the implications of the Löfstedt review of health and safety legislation published in November last year. Inspections save lives, as shown by Prospect’s celebration of the 40th anniversary of the Robens report *40@40: health and safety stories from the frontline*.

Congress is alarmed by the HSE’s move to abolish the tower crane register, as recommended by the Löfstedt report. The register has only been in place for two years and is low-cost. Since the register was set up, there have been no more fatalities in relation to assisted-erected tower cranes, the only type of crane the register covers.

Congress believes that austerity and de-regulation will undermine the protection of workers – particularly in hazardous sectors. In this regard, Congress notes that UK fire services have failed to address the lessons identified from recent firefighter fatalities and that the UK government completely abdicates all responsibility for this appalling failure.

Congress condemns the HSE’s move to repeal the Construction (Head Protection) Regulations. Löfstedt recommended repealing these Regulations only if their revocation would not result in reduced protection and if the awareness for head protection is maintained. Congress holds the view that the Regulations have been the key driver to bringing down the number of head injuries and fatalities and that their repeal would without doubt lead to reduced protection and less awareness.

Congress condemns the exemption of self-employed workers from health and safety laws if they “pose no potential risk of harm to others”, as recommended in the Löfstedt Report *Reclaiming Health & Safety for All*.

Despite finding the UK’s safety regulations to be “broadly fit for purpose”, the report singled out the self-employed – a growing but vulnerable proportion of the UK workforce who already suffer intimidation, and even blacklisting, when they try to exercise their employment rights.

Congress believes that this exemption will be widely abused, leading to self-employed workers being expected to take ever-greater risks. Each year there are 1.2 fatalities per 100,000 self-employed, a death rate more than twice as high as the permanently employed, yet unions continue to face major obstacles nominating safety representatives from casual and atypical workforces.

Congress rejects the government’s pursuit of a weakened health and safety regime in which workers can be denied full protection depending on their employment status, or the arbitrary definition of their workplaces as “low” or “high” risk.

Congress asserts that the coalition government’s assault on health and safety laws puts profit before workers’ safety, will increase social and economic costs and is a massively retrograde step and calls on the TUC General Council to actively oppose all current and future moves by the coalition government, in particular those arising from the Löfstedt report, that lead to a deterioration in the protection and health and safety of workers. Congress also notes that Löfstedt himself expressed concerns over misuse of his report for political purposes and resolves to guard against this in the imminent implementation review.

Congress therefore calls on the General Council to:

- i. mount a vigorous political, public and industrial campaign to prevent the weakening of health and safety laws and to support the right of all workers to enjoy effective health and safety protection, regardless of their employment status or workplace
- ii. support a lobby of the government to review and revise the decision to cut the Health and Safety Executive budget by 35 per cent. Undertaking action to reverse this trend would be in the best interests of both employees and employers. Congress rejects claims that health and safety is a burden on workplaces as there cannot be a price put on saving lives. Everyone should be entitled to the dignity of the safest workplace possible.
- iii. register opposition to the self-employed safety exemption with government, and directly with Professor Löfstedt before he presents a follow-up report to the DWP in January 2013
- iv. promote an extension of Section 8 of the Safety Representatives’ Regulations 1977 to create more safety representatives among self-employed and freelance workers.

Mover : Union of Construction, Allied Trades and Technicians

Seconder: Broadcasting, Entertainment, Cinematograph and Theatre Union

Supporters: Bakers, Food and Allied Workers’ Union

Prospect

Fire Brigades’ Union

NASUWT

Emergency 1 London Met

Congress notes:

- i. the decision by the UK Border Agency to revoke the Tier 4 licence of London Metropolitan University
- ii. the potential deportation of around of 2,500 international students
- iii. the leaking of this story to the *Sunday Times* during a bank holiday weekend before staff, students or even university management were informed.

Congress believes:

- a. granting an amnesty will allow London Met non-EU international students to complete their current courses at London Met
- b. we should welcome international students not only for their great contribution to our economy but also because society benefits from the diversity and multiculturalism that they bring.

Congress resolves to:

1. call upon the TUC to support an immediate amnesty for all London Met non-EU international students in order to complete their studies
2. support the call made by UCU, UNISON, the NUS, UUK, the Public Accounts Committee and the Business, Innovation and Skills Select Committee that international students are removed from immigration statistics as permanent migrants.
3. call upon affiliated unions to encourage members to sign the Number 10 e-petition (<http://epetitions.direct.gov.uk/petitions/37954>).

Mover: University and College Union

Second: UNISON

Emergency 2 Legal action in respect of West Coast Mainline

Congress notes the government statement of 3 September 2012 that Virgin Trains' legal challenge delayed the signing of the West Coast Mainline contract. Virgin claim First Group's bid is undeliverable and based on unattainable assumptions such as a doubling of passenger numbers.

This whole fiasco demonstrates a flawed approach to the provision of rail services and a repeat of the debacle when the government accepted successive undeliverable private bids for the East Coast mainline resulting in the service having to be nationalised. The exorbitant cost of privatisation has again been highlighted with news the Southern rail franchise will need extra taxpayer support.

Corporate propaganda surrounding railway finances implies private train companies provide a net financial gain for the government when the reality is this is only possible because of massive taxpayer subsidy for railway infrastructure. Once the profiteering of the likes of Virgin or First is taken into account the taxpayer is worse off than if the service was run in public ownership.

Congress is alarmed that nearly all railway franchises are to be renewed by 2015 with passengers facing the prospect of years of litigation, uncertainty and confusion, while the need to make profits out of the railway will mean ever-increasing fares and staff and service cuts.

Congress calls for the interests of passengers and the taxpayer to be protected by:

- i. the nationalisation of West Coast Mainline
- ii. the retention of East Coast mainline in public ownership
- iii. returning all passenger services to public ownership.

Mover: Associated Society of Locomotive Engineers and Firemen

Second: National Union of Rail, Maritime and Transport Workers

Emergency 3 GCSEs

Congress is appalled at the treatment young people who sat GCSE English this summer have received from Ofqual and the government.

Since GCSEs were introduced, teachers and students have worked hard to achieve a steady and increasing success rate.

This summer has seen the first fall in the numbers achieving A*-C grades. This has coincided with Michael Gove, precipitately and without consultation, moving the arbitrarily determined floor targets from 35 per cent to 40 per cent. This is the level below which the Secretary of State will seek to force a school to become an academy.

Congress condemns the consequences of the changes in grade boundaries resulting in thousands of students receiving a D rather than the C they expected. As a result, many have lost college places or apprenticeships and may be left without access to education or training.

Congress echoes the views of many teachers and head teachers who have described this as morally indefensible.

Congress notes the contradiction in the requirement placed on schools to achieve 40 per cent A*-C grades and Ofqual's stated intention of 'stabilising' the number of C grades. Congress condemns the fact that this must mean that schools can only 'improve' their results, if results in other schools fall.

Congress calls on the General Council to:

- i. work with parents and students to press for an objective, robust and independent investigation into the circumstances surrounding GCSE English examinations this summer, and its impact.
- ii. campaign for students to be graded fairly.

Mover: National Union of Teachers

Seconder: University and College Union

Motion lost

77 Trade union rights and UK membership of the EU

Congress reiterates its call for repeal of the anti-trade union laws.

Congress is appalled at the 'EU Monti II' proposal which would give the anti-union *Viking* and *Laval* judgements of the European Court of Justice (ECJ) the force of statutory regulation to attack collective agreements and usher in social dumping.

Congress notes that under the proposals national courts must enforce the 'economic freedom' of big business in cross-border trade where business interests conflict with national collective bargaining, statutory employment standards and trade union rights. This means multinational firms will be able to rely on court orders to tear up collective agreements where they employ a workforce to work across borders, or bid for contracts to provide services in other EU member states.

Congress further notes 'Monti II' reinforces 'proportionality' which gives the ECJ and national judges the power to rule strike action is disproportionate. This means a British judge may decide strike action is 'disproportionate' and can rule the strike action illegal under EU law, with unlimited liability on the trade union for compensation.

Congress requests that the General Council launch a high profile campaign to raise awareness of this new wave of anti-trade union legislation.

Congress believes the 'Monti II' proposals coupled with the pro-privatisation, pro-austerity policies of the European Commission confirms that the EU is now fundamentally against the interests of working people and supports calls for a referendum on UK's membership of the EU and for the UK to withdraw from the EU.

National Union of Rail, Maritime and Transport Workers

General Council statements

Banking Reform 2012

Introduction

A banking and financial crisis that began in 2007 led to the largest global recession since the 1930s. It plunged the UK into an economic crisis from which it has still not recovered. Four years on from the recession that began in the financial system, GDP is still well below peak, unemployment and under-employment have soared, living standards have been squeezed

and the UK is faced with a budget deficit that is due in large part to excessive risk taking in our banks.

The economy remains fundamentally unbalanced with an over-dependence upon finance, huge regional inequalities, a low level of investment and the share of the economy going to wages depressed.

The banking system lies at the heart of both the crisis and the unbalancing of the UK economy, and its reform is a necessary step towards building a new economy where rewards are more equally shared, growth is more balanced and the UK is less marked by regional inequalities.

Banking policy – the major issues

The TUC believes that there are three major issues that public policy on banking must address: financial stability and avoiding a repeat of the crash of 2008; excessive remuneration in the sector; and the vital question of how banks can be made to support the real economy. A comprehensive banking policy could address all three challenges and support a move to a more stable economy where growth is more sustainable and less marked by inequality.

The long-running problems of the banking sector cannot be addressed by changes in taxation and regulation alone (although reforms to both are needed) but will require reform of the entire structure of banking in the UK. The current institutions, and their system of corporate governance, are simply not fit for purpose. Of the £1.3 trillion lent by the banking system to the UK economy between 1997 and 2007, around 85 per cent went to either financial companies or into the property market. If banks are to better support the real economy, lending needs to be better balanced.

A successful banking sector would help alleviate four challenges facing the UK economy: the low level of business investment; the lack of support to help SMEs grow; the sectoral and regional imbalances across the UK; and the need for greener, more environmentally sustainable growth. It would be marked by a focus on the building of long-term, real economy value rather than on short-term high risk/high reward speculative activity.

The Independent Commission on Banking

The TUC welcomed the establishment of the Independent Commission on Banking (ICB). However, it believes that the mandate given to the Commission was far too narrow. The inquiry focussed almost entirely on the question of how to make the banks safer and on some issues around competition in the sector – the larger questions identified above were excluded from its terms of reference.

The TUC believes that the ICB recommendations are, despite the limited mandate, a step in the right direction. They should be implemented, in full, without further delay. The TUC is very concerned that the government is already trying to water down the recommendations, for example by allowing complex investment banking products to be sold by ‘retail’ banks. Such moves also suggest that the proposed ‘firewall’ between retail and investment banks may not be strong enough, especially as it is likely that banks will be able to find ways to circumvent it with new products and services. It may be the case that only full separation will be able to truly ring-fence retail deposits and the payment system from speculative ‘casino’ banking.

The TUC is equally concerned that the ICB recommendations will not fundamentally alter the structure of the banking system in the UK. Given the above, the TUC calls for a broader mandate to be given a new independent commission enabling a more thorough inquiry into failings of the sector. Such a comprehensive inquiry should involve finance experts, trade unionists, mortgage holders, SMEs and other interested parties affected.

State Investment Bank

The current UK banks have failed to support long-term investment and failed to help enough SMEs to grow. Whilst both problems have become worse since the crash, these are long-term issues that predate 2008. The UK’s level of investment has been lower than that of other major

economies for several decades. The lack of growth capital for SMEs (the so-called ‘Macmillan Gap’) was first identified in 1931.

The TUC supports the creation of a State Investment Bank to address these issues. The UK is the only one of the G7 economies not to have a publically owned credit provider that supports the real economy.

Such a bank would issue bonds, guaranteed by the government, and offer long-term finance to infrastructure projects and SMEs. The mandate of such a bank could explicitly encourage both sectoral and regional rebalancing. Many successful examples of such banks can be found in other developed economies. As such a bank would have an explicit remit to support the real economy and could begin to address the issue of credit misallocation that characterised UK bank lending in the years before the crash.

As setting up such a bank could take several years, the TUC would support the use of RBS as a quasi-state investment bank in the short run. Whilst this is not an ideal solution, as RBS still faces severe problems, it could be a way of supporting the economy more immediately. While the government already has effective control of RBS should it have the political will to exercise it, the buying out the remaining 15 per cent of RBS shares not held by the government would place RBS in full state control. The remit of the bank could then be changed from maximising short-term shareholder value (and consequently shrinking its balance sheet) to supporting long-term growth by putting its balance sheet to work backing UK companies with longer term finance.

In the event of full public ownership the terms and conditions, pay and employment of frontline staff could be better protected.

This would provide for the creation of a publicly owned banking service, democratically and accountably managed and playing a central role in building a sustainable economy; investing in transport, green industries, and housing; creating jobs; and assisting the recovery in the interests of working people.

Green Investment Bank

The TUC has welcomed the establishment of the Green Investment Bank; however, it is very concerned about the limits placed on the Bank’s operations.

The case for a GIB, a state investment bank focused on the ‘green economy’, is compelling. There is an obvious market failure in the UK banking sector’s reluctance to support green projects that must be addressed.

However, under the current proposals, the GIB will not in fact operate as a bank. As the GIB will be constrained for borrowing it will instead act as a fund with only a limited amount of cash to deploy.

The TUC believes that the GIB must be allowed to function as a bank as soon as it is operational, as it needs borrowing powers so that it can raise funds to support growth in the low-carbon sector.

The existence of the GIB does not prohibit the development of a wider state investment bank. The TUC believes that the GIB has scope to play an important role as a dedicated institution to help deliver the UK’s low-carbon future.

However, should the government establish a fully operational State Investment Bank there could be a case, some way in the future, for considering integration of such a bank with the GIB, particularly if a state investment bank was required to assume a green mandate, or adopt other means to support investment in a low-carbon economy. But in the immediate term the TUC believe the focus has to be on lifting the GIB’s funding restrictions to enable it to play a serious role in boosting low-carbon growth.

Funding for lending

The government has tried to address some of the concerns around ensuring banks support the real economy through both the Funding for Lending Scheme (FLS) and its predecessor, the National Loan Guarantees Scheme. The TUC welcomes any initiative that might increase lending to the real economy but has several concerns about the current scheme.

The design of FLS, as the Bank of England has argued in its most recent Inflation Report, means that it would be entirely possible that banks could take advantage of the cheap funding offered by the government and could use it simply to boost their own profits, rather than to lower the borrowing costs of consumers. While those that do not use it to grow their lending will have to pay more, this will still be at less than the market price.

Another problem is that the blanket nature of the FLS makes it much harder for the government to ensure that the funds are going where they would be the most useful. At least one bank is, for example, already using the FLS to lower the cost of buy-to-let mortgages.

Using a State Investment Bank, rather than the current banking system to address the problems of SME access to finance and infrastructure financing, would avoid such drawbacks.

Too big to fail

The UK currently has one of the most concentrated banking sectors in the developed world. The 'big five' retail banks dominate the consumer and SME lending market. The existence of such large banks leads to the 'too big to fail' problem. Before the crash several UK banks had grown to such an extent that their failure would have had catastrophic consequences for the UK economy. The markets, sensing that such a bank would always be bailed out by the government, were prepared to lend to such banks at much lower interest rates than otherwise would have been the case. In effect larger banks enjoyed (and continue to enjoy) an implicit subsidy from the state. This subsidy could be worth up to £100bn a year in lower borrowing costs, according to research from the Bank of England.

This would be less of a problem if the banks passed on the subsidy to borrowers, including productive businesses in vital need of capital, but there is no evidence that this occurred before the crash or afterwards. Instead the public subsidy has simply boosted profits and earnings for top bankers.

The TUC therefore believes that there is a need to ensure a greater diversity (including a greater role for mutuals and credit unions) in the banking sector, thus reducing market control by the 'big five'. This would not only lead to immediate gains for consumers of banking services but would also reduce the implicit public subsidy and lead to less room for excessive pay in the sector. This could involve the introduction of a graduated banking levy which takes the existing balance sheet levy and makes it progressive, so that as balance sheets increase banks pay a greater amount. The justification for this would be that the larger the bank is the greater the implicit public subsidy it receives.

An alternative would be to require banks to sell off branches. However, this would have to be done in consultation with unions whilst protecting jobs and existing terms and conditions and recognising that there is a need for far greater investment in retail banking to protect customer service levels.

There is a need to increase access to retail banking through additional local branches that can offer a proper service to communities. Regulating service provision and access, especially to rural communities, should be a goal of banking policy.

Corporate governance

Problems in banking culture can be traced back to wider problems in the UK's system of corporate governance. In the run-up to the crash the sector was marked by excessive short-termism, poor risk control and a misalignment in incentives between the managers of major banks and the interest of the wider economy.

As a first step towards promoting a longer-term corporate focus the TUC would like to see amendments to the Companies Act to make directors' primary duty the promotion of the long-term success of the company, rather than the prioritisation of shareholders' interests as at present. Consideration should also be given to the introduction of requirements for company reporting on long-term performance as well as to the removal of quarterly reporting requirements.

Decision-making in financial institutions could be further improved by better ensuring that those responsible for both executive and non-executive board functions have sufficient time to

carry out their responsibilities effectively, and ensuring that there is greater diversity on boards. A first step towards this would be for all Non-Executive Director (NED) positions to be publicly advertised.

In the banking sector too much decision-making power has been exercised by top management with a large share of the profits flowing to the highest paid staff rather than the rest of the workforce or shareholders.

The TUC has long argued that Britain's current model of shareholder primacy leads to a short-term focus by business, lower investment and less favourable long-term results. Particularly given the growing prevalence of short-term shareholding, and the growth in the proportions of shares owned by alternative asset managers, it is far from clear why companies should be required to prioritise the promotion of shareholder over other interests, or why shareholders should have the ultimate say over how companies should be run. The TUC therefore believes that governance rights and responsibilities should be dependent upon holding shares in a company for a minimum of two years.

In our view the involvement of wider stakeholders, including the workforce, is also necessary to combating short-termism. This would include recognising the need for corporate governance reforms in areas including board structures and directors duties. As an initial step worker representatives should have guaranteed places on remuneration committees. And more broadly, the UK's corporate governance framework could recognise that a two-tier board system, as opposed to a unitary board system, could offer important benefits including additional capacity to monitor risk, which is particularly relevant in the context of the financial sector.

The TUC does not support the current acceptance of performance-related remuneration and bonuses as an inevitable part of the UK banking system. The culture of feeling entitled to a bonus in financial services needs to be stopped. There is ample evidence that performance-related pay has not been effective in rewarding good performance. There is also convincing academic evidence that performance-related pay does not generate higher levels of motivation or better outcomes – on the contrary it can contribute to excessive risk taking. Banking remuneration needs to move away from this damaging model of distributing rewards, but where bonuses do exist, they should be subject to 'claw-back' if trades or deals turn bad.

We would also like to see shareholders taking a far tougher approach to pay than they do at present (especially on the issue of bonuses), but on its own this is unlikely to be sufficient to bring about significant change. We therefore believe the banking workforce should be represented on remuneration committees as a means to bring a fresh perspective to discussions on pay setting and to curb directors' pay.

We also support wider measures to limit remuneration, including ensuring that remuneration consultants only report to the remuneration committee (and not the executive directors) and requiring mandatory disclosure of the number of people within each firm whose total remuneration exceeds £1m (preferably in pay bands).

Just as performance-related pay affects behaviour at the higher end of the banking pay scale, it also causes distortions at the bottom. A sales-driven culture with sales targets and performance-related pay linked to indicators such as product sales incentivises retail banking staff to sell unnecessary products to households and SMEs, and also needs significant reform.

Taxation

As well as worker representation on remuneration committees, we need additional reforms to control excessive pay in the financial sector. The TUC believes that the risks excessive bonus payments incentivise bankers to take should be better borne by the banking sector. In our view pay and bonuses above £250,000 per annum (ten times the level of average pay in the UK) should be considered profit and paid out from profits available for distribution rather than being accounted for as a general expense of the bank. This would mean that the available pool for such high rewards would be subject to corporation tax.

The TUC has also long held concerns about the impact of the tax deductibility of interest payments on corporate debt with evidence suggesting that this encourages highly leveraged

private equity buyouts by providing a very cheap means to borrow large sums of money. Amending the tax rules so that tax deductibility on debt would not apply to debt used to buy up other companies is an approach that merits further investigation. We further believe that the government should review the current arrangements for tax relief for work-related training, and would support greater priority being given to accredited training.

The TUC also supports the introduction of a Financial Transactions Tax, which would ensure the city pays its fair share for the financial crash, generating revenues now and in the future which could transform public finances and help drive growth and social justice.

Regulation

The TUC welcomes the introduction of the government's new regulatory regime for the banking sector. It agrees that the previous system of financial regulation had key weaknesses, and welcomes the decision to provide the Bank of England with the responsibility, authority and tools to monitor the financial system as a whole. However we remain concerned that under the new regulatory regime there will still be too much emphasis on 'light touch regulation'. Financial regulators, and related organisations such as the Serious Fraud Office, need the resources, powers and independence to prevent scandals such as LIBOR rigging and to investigate and punish those found to have broken the law.

There is also evidence that a lack of personal liability has encouraged excessive risk taking at financial institutions in the past. The TUC believes that where banks benefit from the implicit guarantee of the taxpayer now is the time to look at increasing shareholders' and top management's personal liabilities for banks' practices so that they are required to bear a fair proportion of this risk.

The TUC supports in principle the government's proposal to introduce a "rebuttable presumption" that the director of a failed bank is not suitable to be approved by the regulator to hold a position as a senior executive in a bank and also to introduce criminal sanctions for serious misconduct in the management of a bank. The TUC also endorses in principle the European Commission's proposal to introduce a Regulation and a Directive with the cumulative effect of making manipulation of benchmarks, of the kind featured in the recent LIBOR scandal, a criminal offence.

Diversity of banking models

The TUC would like to see a more diverse banking system in the UK. More mutually owned banks, for example, would help address some of the issues around short-termism and corporate governance problems. In some countries the existence of regionally focused banks has helped to address regional inequalities.

A diverse banking system with many more players focused on different geographies, different sectors and different types of banking would be more supportive of the real economy, less at risk from the failure of any one institution and probably marked by less excessive remuneration.

This could involve the government providing initial capitalisation to a network of publically owned small regional development banks, which could draw on intelligence from local business people and trade unions. Should a state investment bank be established, it could also lend, in the same way as Germany's KfW, directly to regional banks.

The TUC also supports the establishment of more credit unions and believes wider action is also needed to address the disadvantages that mutuals face when seeking to establish banking services.

Conclusion

The banking system in the UK is not working and a watered down version of the ICB report combined with the Funding for Lending Scheme will not be enough to fix it. The TUC believes we need more fundamental reforms to how the financial system is structured, how corporate

governance functions, to the type of banking institutions we have and to the variety of business models under which they operate. Only then can we begin to address the questions of how banks can support the real economy, how they can be made safer and how we can deal with excessive pay-outs to top staff.

Adopted 6 September 2012

Solidarity with South African mineworkers and unions

Congress condemns the killing of 34 mineworkers by police at the Marikana Lonmin platinum mine on 16 August. The killings have sent shock waves through South Africa and beyond. As Lonmin, the company at the centre of the dispute, is based in Britain as well as in South Africa, and out of normal trade union solidarity, British unions have a special interest in the dispute and the terrible circumstances that have resulted.

The dispute has become complex, but its origins lie in the falling price of platinum and attempts by employers to reduce workers' terms and conditions to protect profits, by setting worker against worker. The dispute throws into sharp relief the inequalities of income and life chances in South Africa nearly two decades since the fall of apartheid. Mineworkers, like so many other South African workers, do not receive a fair share of the profits made by the industries they work for, and receive appallingly low pay compared with workers in similar industries in other countries, obscenely lower than those of their employers. The mines continue to have an atrocious health and safety record. All too often miners still live in conditions like hostels and townships redolent of the apartheid era, despite agreements secured by unions from employers. Congress condemns the mine's owner Lonmin, for the low pay and appalling conditions it has subjected miners to, its dreadful health and safety record and the poor industrial relations it has imposed.

The deaths on Thursday 16 August – and the deaths of ten police officers, trade unionists and others that had already occurred – have shocked us all. No one should ever have to face such violence in an industrial dispute, and we salute the heroic efforts of trade unionists in South Africa over many years to deliver a system where economic justice can be achieved without bloodshed. We support COSATU in their condemnation of the use of live ammunition in protest actions by workers and in communities. Congress condemns the arrest of 270 miners under the apartheid-era Common Purpose laws and welcomes their release last week.

The Judicial Commission of Inquiry clearly needs to be allowed to do its work thoroughly, and its findings need to be given close attention.

We urge the employers at Lonmin, and employers in the industry generally, to deal honestly and openly with the concerns raised by their employees and their unions and to engage in collective bargaining in good faith: in particular, we call on Lonmin and other platinum sector employers to accede to union calls for sectoral bargaining.

We send our condolences and sympathy to the families of all those killed in the course of the dispute. In particular, we express our solidarity to the National Union of Mineworkers (NUM) and the Congress of South African Trade Unions (COSATU) – whose own Congress takes place next week – in their work to resolve the issues facing the mining industry and restore peace with justice in the platinum fields. We stand ready to assist our colleagues in the South African trade union movement in any way we can.

Adopted 11 September 2012

General Council and General Purposes Committee Nominations and election results

General Council

Section A

Unions with more than 200,000 members

Unite *(eight members)*

Tony Burke
Gail Cartmail
Len McCluskey
Andrew Murray
Jane Stewart
Patricia Stuart
Steve Turner
Tony Woodhouse

UNISON *(seven members)*

Bob Abberley
Jane Carolan
Angela Lynes
Dave Prentis
Eleanor Smith
Liz Snape
To be notified

GMB *(four members)*

Sheila Bearcroft
Paul Kenny
Paul McCarthy
Malcolm Sage

Union of Shop, Distributive and Allied Workers *(three members)*

Tony Dale
John Hannett
Fiona Wilson

Communication Workers Union *(two members)*

Billy Hayes
Tony Kearns

NASUWT *(two members)*

Brian Cookson
Chris Keates

National Union of Teachers *(two members)*

Christine Blower
Dave Harvey

Public and Commercial Services Union *(two members)*

Janice Godrich
Mark Serwotka

Section B

Unions with between 30,000 and 200,000 members

Association of Teachers and Lecturers

Mary Bousted

Chartered Society of Physiotherapy

Lesley Mercer

Community

Michael Leahy

Educational Institute of Scotland

Larry Flanagan

Equity

Christine Payne

Fire Brigades Union

Matt Wrack

Musicians' Union

John Smith

National Union of Journalists

Michelle Stanistreet

National Union of Rail, Maritime and Transport Workers

Bob Crow

Prospect

Mike Clancy

POA

Steve Gillan

Union of Construction, Allied Trades and Technicians
Steve Murphy

University and College Union
Sally Hunt

Section C

*Unions with fewer than 30,000 members
(seven to be elected – those elected are shown in bold)*

Manuel Cortes 214,000
Transport Salaried Staffs' Association

Mark Dickinson 211,000
Nautilus International

Jonathan Ledger 101,000
Napo

Robert F Monks 70,000
United Road Transport Union

Ged Nichols 221,000
Accord

Dave Penman 214,000
FDA

Tim Poil 193,000
Nationwide Group Staff Association

Eddie Saville 232,000
Hospital Consultants and Specialists Association

Simon Weller 240,000
Associated Society of Locomotive Engineers and Firemen

Section D

Women from unions with fewer than 200,000 members (four to be elected – no contest)

Joanna Brown - Society of Chiroprodists and Podiatrists

Sue Ferns -Prospect

Alice Robinson - Association of Teachers and Lecturers

(Nominations have been invited for the fourth seat in this section and, if necessary, a postal ballot of unions in this section will take place in the autumn)

Section E

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

Mohammad Taj - Unite

Section F

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

Leslie Manasseh – Prospect

Section G

Member representing black women

Gloria Mills –UNISON

Section H

Member representing disabled workers

Sean McGovern - Unite

Section I

Member representing Lesbian, Gay, Bisexual and Transgender Workers

Maria Exall – Communication Workers Union

Section J

Member representing young workers

Fern McCaffrey - GMB

General Purposes Committee
(Five to be elected – no contest)

Peter Hall
National Union of Rail, Maritime and
Transport Workers

United Road Transport Union
UNISON
Unite

Sharon Holder GMB

Paddy Lillis
Union of Shop, Distributive and Allied
Workers

Linda McCulloch Unite

Chris Tansley UNISON

General Secretary
Frances O’Grady

Nominated by:

ACCORD

Aegis

Associated Society of Locomotive
Engineers and Firemen

Association of Educational Psychologists

Association of Teachers and Lecturers

British Air Line Pilots’ Association

British Association of Colliery

Management – Technical, Energy and
Administrative Management

Broadcasting, Entertainment,
Cinematograph and Theatre Union

Chartered Society of Physiotherapy

Communication Workers Union

Community

Equity

Fire Brigades Union

FDA

GMB

Musicians’ Union

NASUWT

National Union of Mineworkers

National Union of Teachers

Nautilus International

POA

Prospect

Public and Commercial Services Union

National Union of Rail, Maritime and
Transport Workers

The Society of Chiropodists and Podiatrists

Society of Radiographers

Transport Salaried Staffs’ Association

University and College Union

Union of Shop, Distributive and Allied
Workers