



Working people have always needed a voice in politics, but they have not always had one.

By organising and coming together in trade unions, workers gave themselves a voice in the workplace, but so much of what needed changing, and so much of what still needs to be changed, requires political action.

It was because of this that the Labour Movement formed the Labour Party, the workers' voice in politics and Parliament. No longer would politicians ignore working people or pretend to speak on their behalf, working people would be able to represent themselves and have a direct influence on politics in this country, campaigning for and winning improvements to working and social conditions.

Fast forward over a hundred years to a time when we, as a Union and as a movement are facing an unprecedented attack on our ability to organise and represent our members, we need that political voice more than ever.

This Conservative Government is doing everything in its power to cripple the Labour Movement as an effective opposition. If they succeed in their attempts to twist politics in their favour, our members will lose their political voice and we can look forward to a future of Conservative rule.

This Executive Council Statement outlines the challenges we must overcome, and the importance of doing so. We each need to understand and be able to teach others about:

- How we work to make our voices heard in politics.
- The hard fought victories that the Labour Movement has won for working people.
- The campaign to overcome the restrictions that the Trade Union Bill will place on us, our work, and our political voice.

We need to organise to overcome the barriers being put in our way.

The Union will continue to build a strong and united Labour Movement.

A handwritten signature in blue ink that reads "John Hannett". The signature is written in a cursive, flowing style.

John Hannett
General Secretary

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The Election of Margaret Thatcher as Prime Minister began an era in which Government was driven by a desire to neutralise the influence of trade unions.

Whilst Conservative Governments in the past had recognised that the trade unions had a place in the governance of the United Kingdom, the Conservative Governments of the 1980s and 1990s altered the balance of power in many workplaces.

Between 1980 and 1993 there were six Acts of Parliament which increasingly restricted the Union's ability to undertake lawful industrial action:

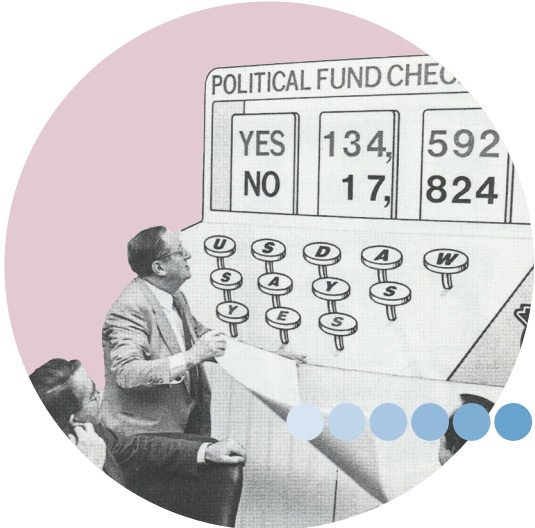
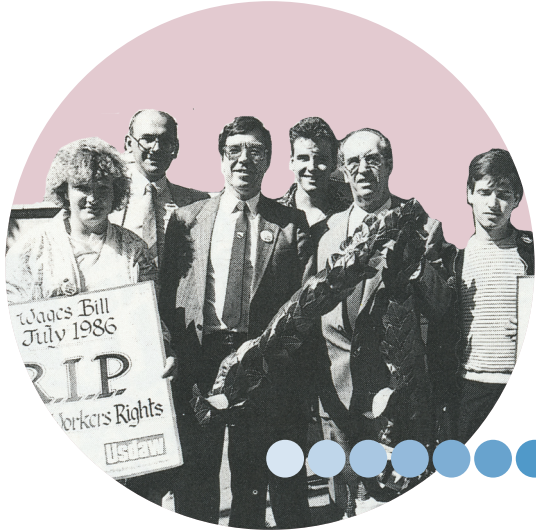
- Secondary action was outlawed and picketing was restricted.
- New laws required ballots for official industrial action.
- By 1993, those industrial action ballots had to be conducted by post. Whilst trade unions have learned to use ballots as part of the negotiating process, they have also increased financial costs and burdens on unions.
- A requirement that employers must be given seven days' notice of industrial action was introduced which reduced unions' ability to respond quickly to evolving situations.

The Conservative Government also interfered with the running of unions' internal affairs by compelling specific forms of election for executive committees and General Secretaries, irrespective of the traditions of individual trade unions.

The Commissioner for the Rights of Trade Union Members, whose functions are now undertaken by the Certification Officer, was established to encourage members to pursue complaints against their unions.

During this time only one of the attacks on trade union rights proved less than successful. The introduction of the legal requirement on unions to hold Political Fund Ballots every 10 years actually led to an increase in the number of unions holding such funds.

The election of a Labour Government in 1997 heralded the beginning of a much needed change to industrial relations in the UK and the early introduction of the Employment Relations Act guaranteed the right to trade union recognition.



The Labour Party has worked to deliver improvements for working people over its history. Many significant employment rights were won under the Labour Government of 1997–2010, fundamental rights that workers benefit from every day and ones that underpin much of the work that trade unions do, including:

- The National Minimum Wage.
- The right to be accompanied in a disciplinary or grievance meeting.
- A statutory right to trade union recognition.
- Protection for part-time workers to ensure that they are treated the same as their full-time colleagues.
- Protection from unfair dismissal given to all employees after 12 months instead of two years.
- Statutory paid maternity leave increased from 14 weeks to 39 weeks.
- A guarantee of a minimum of 5.6 weeks' paid annual holiday.

Other key gains that greatly benefited working people included:

- The introduction of Tax Credits to support working people on low pay and families.
- Providing 15 hours free childcare for three and four year olds.
- Bringing 1.5 million social homes up to a good standard and building 337,000 affordable new homes.

Each of these key policies have improved the lives of working people, and some of them are crucial to the way trade unions work and organise. This is why it is so worrying to see the Conservative Government attacking these important measures and making the lives of working people harder.



Statutory Recognition: Giving the Workforce a Voice

Workers at a meat processing site in Hampshire joined Usdaw. This site was the biggest workplace in a medium-sized meat company processing beef and lamb. By 2012, 53 workers out of a total site workforce of 140 had joined Usdaw.

Despite a number of approaches to the employer, we were unable to get a voluntary agreement. The Union was left with no option but to seek statutory recognition.

With 53 out of 140 workers joining Usdaw, the Union cleared the 10% of the workforce threshold. We also successfully made the case that the levels of Usdaw membership showed that a majority of the workforce are likely to support recognition of the Union.

A recognition ballot at the site was organised by the Central Arbitration Committee in early 2013.

133 people voted – 79 voted ‘Yes’ and 54 voted ‘No’. Shortly after, the employer and the Union signed an agreement recognising Usdaw at the site.

The Right to be Accompanied: The Difference it Makes

Udaw officials use the right to accompaniment as part of their normal work. Without it, while members in companies where Usdaw is not the recognised trade union would benefit from the expert advice and support our officials can give, they would have no right to have an official with them when going through disciplinary or grievance procedures.

A member working for Iceland was accused of swearing at her manager. Despite the investigation, during which there was no right to be represented, producing no evidence, the member was summoned to a disciplinary meeting and told they could potentially be dismissed. Because of the right to be accompanied, the member was able to have an Area Organiser with her who highlighted the gaps and inconsistencies in the case.

Ultimately the company agreed to take no further action and the member returned to work with a clean disciplinary record.

Review of all Employment Rights

The Coalition Agreement signed by the Tories and Lib-Dems in May 2010 stated that they would ‘review workplace and employment laws, for employers and employees, to ensure they maximise flexibility for both parties while protecting fairness and providing the competitive environment required for enterprise to thrive’.

The review targeted more than 70 regulations to protect workers in their workplace. The rights which were merged, simplified or scrapped include:

An increase in the qualifying period for unfair dismissal from one year to two years before employees can make a claim for unfair dismissal. This excluded millions of employees with between one and two years’ service.

Collective Redundancies Consultation Period – The 90-day consultation period where there are 100 or more redundancies was reduced to 45 days and to just 30 days for between 2 and 99 redundancies. The Government claimed that the 90-day consultation was ‘too restrictive for businesses’ and ‘did not give them enough flexibility with their business plans’. However, it has meant much less notice of workplace closures for working people, and much less time to find alternative employment.

Reduced protection under TUPE rules on transfers of undertakings: TUPE gives protection to staff to help them keep their terms and conditions when businesses are bought or taken over, but the Coalition reduced this protection to one year and redundancies due to a change of workplace location ceased to be automatically unfair which vastly reduced the compensation payable.

Undermined Dismissal Procedures:

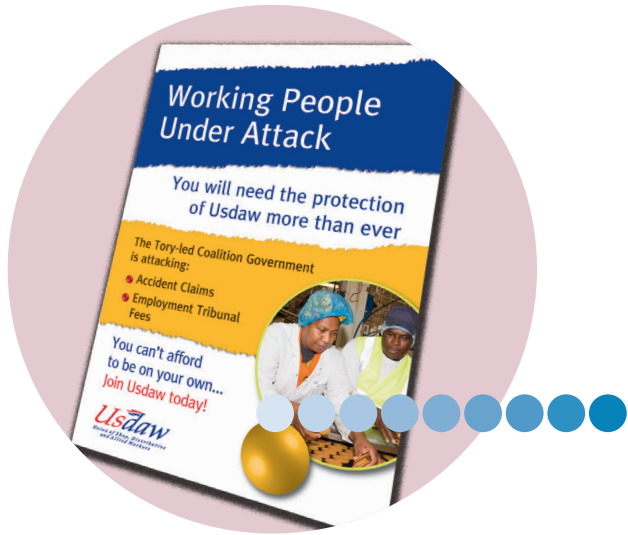
- Introduced compensated no fault dismissal for firms with fewer than 10 employees.
- Slimmed down existing dismissal processes, including changing the Acas Code and guidance for small businesses.

Reduced the number of employment tribunal hearings prioritising the impact on businesses over the rights of workers claiming that the rules of procedure for employment tribunals, ‘had become increasingly complex and inefficient over time and were no longer fit for purpose’.

- All claims now go to Acas to be offered pre-claim conciliation before going to an employment tribunal.
- The tribunal system streamlined – removing witness expenses, taking witness statements as read and needing only one judge in unfair dismissal cases.
- Fees of between £150 and £1,750 will have to be paid by applicants to employment tribunals, excluding many who cannot afford to pay up front at a time of financial hardship.

These changes have had a very serious impact on the ability of ordinary working people to demand fair treatment from an employer.

In spite of their claim to have acted as a ‘restraint’ on the Tories in Coalition Government, the Lib-Dems made no attempt to limit the impact of these changes on working people and their rights and access to justice.



The rhetoric of the Scottish National Party along with the establishment of the Fair Work Convention and the promotion of ‘partnership working’ when viewed from afar can suggest that the SNP is pro-trade unions and a pro-worker party. However, when their political actions are scrutinised – the reality is somewhat different.

Living Wage

The Scottish Government rejected Labour amendments to use the power of public procurement to pay the living wage, hiding behind claims that EU rules prevent the Living Wage from being paid but have never challenged this claim within the EU.

Blacklisting

The Scottish Government rejected Labour amendments for statutory guidance on blacklisting in favour of ‘more flexible’ non-statutory guidance. The result has been that companies guilty of blacklisting have won the first three public contracts worth hundreds of millions awarded by the Scottish Government since the introduction of blacklisting guidance whilst not a single company has owned up, no blacklisted construction worker has been offered an apology nor paid compensation and not one company has been denied a contract for failing to ‘self-cleanse’ as the guidance demands.

Public Sector Jobs

Councils have lost 39,000 jobs, colleges have lost 3,500 teaching jobs.

Railways

The Scotrail franchise could have been awarded to a not-for-profit or public sector bid rather than given away to Abellio with every penny of profits going to Dutch shareholders.

Ferries

Given the CALMAC and Northlink Ferry contracts to the private sector.

Buses

Opposed every attempt to re-regulate Scotland’s bus services.

Scottish Futures Trust

The NPD programme for so long championed as ‘not being PFI’ has been classified as ‘Private Sector’ by the Office for National Statistics. The Scottish Futures Trust has just advised that their projects will not recognise trade unions but it is up to individual contractors to negotiate with trade unions if they wish.

Education

Lifelong Learning is being decimated with 140,000 college places cut. Part-time courses that often are the route back into education have been subjected to some of the harshest cuts.

Inward Investment Grants

Companies who neither pay Corporation Tax, the Living Wage nor recognise trade unions and who employ on an insecure basis are awarded grants with limited conditions including Amazon who received £10 million to locate in Fife.

The Small Business Bonus

£1.1 billion has been paid out without any assessment of the success or otherwise of the scheme. Businesses who fail to pay the Living Wage or have fair employment practices get the same as those who do.

Trade Union Bill

The Scottish Government have trailed behind Labour councils and Labour in the Welsh Assembly who have made it clear they will not co-operate with the Bill.

Raymond Humphries
an Usdaw member
from Dalkeith
says:



“The SNP talk the talk when it comes to workers’ rights but they are failing to walk the walk. Whether on the Living Wage, blacklisting, or running vital public services like our railways and ferries, it is warm words but never action and protection.”

Angela Morgan
an Usdaw member
from Glasgow
says:



“It’s not just the Tories that are attacking working people, the SNP are letting working families down too. Despite new powers for the Scottish Parliament, they are failing to use them to protect Scotland’s families whether it’s cuts to council services or further education, they keep letting us down.”

The Government's Trade Union Bill is designed to make many aspects of a union's day-to-day work more difficult.

At a time when the number of working days lost through strike action are at record lows, the Government has seen fit to launch an ideological attack on working people and their right to organise, be represented by and campaign with their trade union.

This attack is outdated and unnecessary because modern unions operate as problem solvers not problem causers.

This modern approach is based on the principle that a company and union have a shared agenda in ensuring a successful business that can provide strong and secure employment for its workforce.

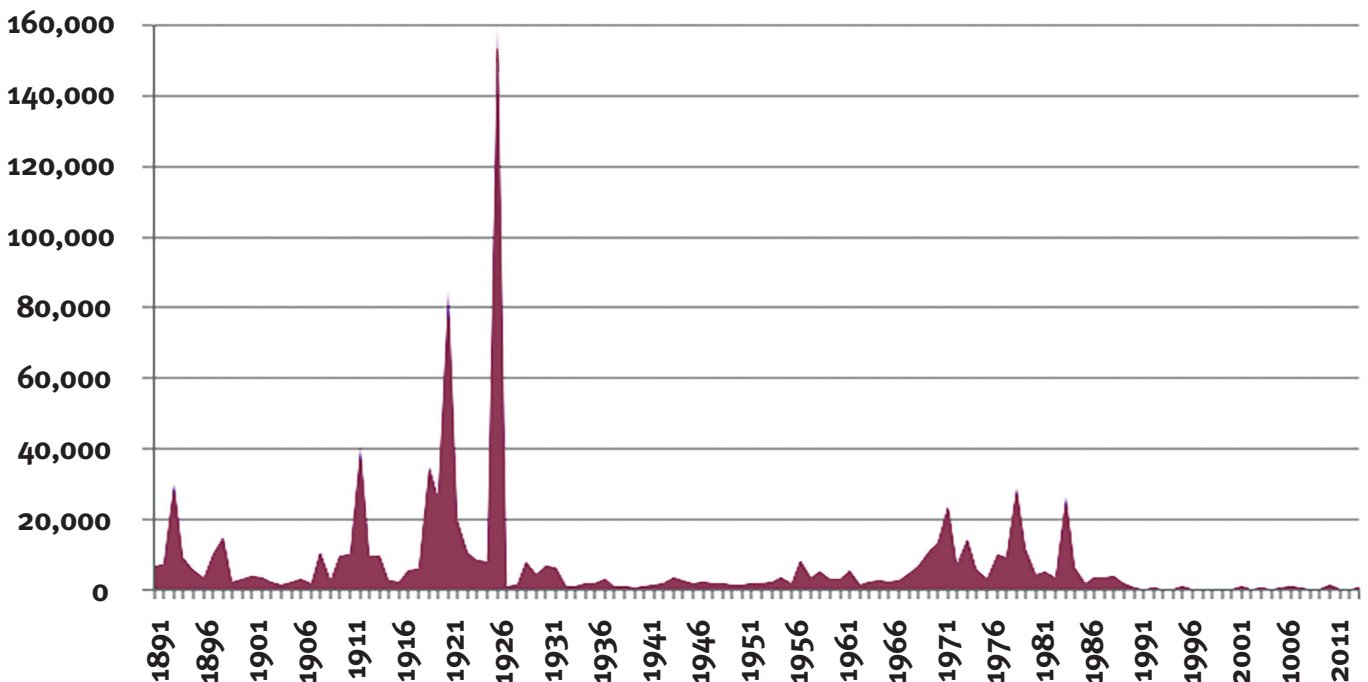
Usdaw's experience shows that the provisions in the Trade Union Bill are an example of unnecessary regulatory red tape that will offer no discernible benefit to anyone other than the Conservative Party, whilst damaging the productivity of not only trade unions but also private enterprise.

The Trade Union Bill attempts to undermine many areas of a union's work, such as:

Strikes

- Strike ballots must have 50% of all eligible members turn out to vote in order for the result to be valid.
- For 'important public services', strike ballots must also have 40% of the entire eligible membership vote in favour of the action for it to go ahead.
- The notice unions are required to give to employers of any strike action has doubled to 14 days.
- During strike action, every picket must have a union-appointed picket supervisor who is required to:
 - Wear an armband or badge identifying them.
 - Give their details to the police.
 - Carry a letter of authorisation.
 - Show their letter of authorisation to the employer, or someone acting on behalf of the employer when asked.
- The lifting of restrictions on the use of agency workers to replace striking workers.

Working days lost through strike action (thousands), 1891 to 2014



Trade Union Political Funds

- Wholesale changes to the way union political funds operate most significantly moving to an opt-in system.
- Increased powers for the Certification Officer, the Government officer who oversees trade unions. These powers will enable them to investigate the activities of unions, access membership lists, monitor political expenditure to a much greater extent and impose fines of up to £20,000.

Public Sector

- A ban on public sector employees paying their union subs straight out of their salary by check-off.
- All public sector bodies will have to publish detailed information on how facility time is used and the total amount of time will be capped.

The effects of the Trade Union Bill are far reaching, and even sections which may not have an immediate or direct effect on Usdaw and our work could change the way we operate in the long run.

Whilst Usdaw members may not take industrial action very often, changes to the rules around strike action could undermine negotiations with companies. Similarly, whilst the Bill only seeks to put restrictions on facility time in the public sector, over the long-term, this could see companies viewing facility time as unnecessary in the private sector. There are a couple of sections of the Bill which are likely to have more impact than others on the way Usdaw organises and campaigns.

Industrial Action Ballots

Whilst industrial action in Usdaw is extremely rare, we see the ability of the Union to take such action as key to ensuring that employers approach negotiations with a mind-set to reach an agreement as quickly as possible.

Not only is the 50% turnout threshold an undemocratic limitation on people's right to pursue industrial action as part of a dispute, but the Bill contains a number of other provisions which are aimed at reducing the effectiveness of any action taken.

The Bill includes an additional threshold for ballots covering 'important public services'. In such ballots, 40% of all members balloted must vote for industrial action. Unfortunately the definition of an 'important public service' is very broad and as a result includes sectors that most people would not consider essential. It could also include related sectors and jobs that support these sectors defined as 'important public services' such as logistics and cleaning. Altogether, there is the very real possibility that a surprisingly large number of workers will be subject to this additional threshold.

As a result of the Bill, any action must be taken within four months of a ballot, regardless of whether the original dispute has been resolved or not. Whilst this may seem like a reasonable amount of time, if you look at how recent industrial disputes have progressed, many of them have involved a situation where an industrial action ballot has led to a new proposal from the employer or an offer of arbitration.

If there was a time limit of four months, unions would find themselves having to seriously consider if these offers are likely to lead anywhere, or if the members would be better served by taking action before the time limit is up. This time limit could actually lead to worse negotiations and more industrial action.

With the removal of restrictions on agency workers being hired to replace striking workers, the impact of any industrial action is being deliberately lessened and with the notice period for any action being doubled to 14 days, employers are being given every opportunity to prepare for and undermine their workers right to withdraw their labour.

As we have seen in recent years, the process for actually holding industrial action is a complex legal minefield with examples of employers tying the process up in courts for perceived minor breaches, often for months at a time.

The additional requirements of the Bill will open new avenues for employers to seek to ban industrial action through the courts, taking attention away from the goal of effective industrial relations; resolving disputes as quickly as possible.

The Political Fund

Trade unions are legally required to operate a separate political fund if they are to campaign on any political issues. Unions' political funds are made up of the political contributions paid by members and are used to fund campaigns, lobbying and political work to ensure that the voice of union members is heard in politics.

Every union member has the right to 'opt-out' of contributing to the political fund and unions must hold a ballot every 10 years asking members if they believe that the union should continue to be able to engage in political activity.

The Trade Union Bill makes the move to an 'opt-in' process as difficult as possible for unions:

- From the date of Royal Assent of the Bill, unions will have just three months to collect a written opt-in notice from members who contribute to the Political Fund.
- The opt-in notice will have to be 'in writing' and delivered to an office of the union – the Bill seeks to rule out opting in by email or online.
- The process of every member opting into the Political Fund will need to be repeated every five years.

These changes have the potential to silence the political voice of trade unionists through massively reducing the number of members contributing to the fund. Usdaw currently has around 420,000 members contributing to the political fund. This means that we will be required to sign up three members per minute for every minute of the three month opt-in period to be able to maintain our current level of funding. The sheer level of bureaucracy involved in the sign-up process is likely to vastly reduce the number of members in the Political Fund.

In many cases the reduction in members contributing to the fund will not be because they actively object to the political work of the union, in fact during the last Political Fund Ballot only 100 members decided to opt-out of contributing to the fund. Many members are likely to stop contributing because they forget to return a form or simply have other issues to deal with at the time.

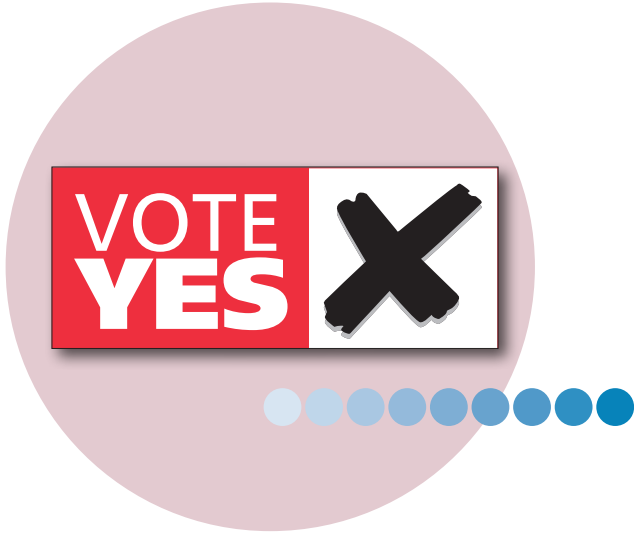
Not only is the process of getting members to opt into the political fund a massive undertaking, the Bill also says that it must be done every five years. Considering the existing right to opt-out of contributing to the political fund, forcing those who opt-in to do so every five years is clearly an unnecessary barrier to participation.

Progress of the Bill at the Time of Going to Print

As this statement goes to print, the Trade Union Bill is still progressing through the House of Lords. In the debates, a wide range of peers from many parties criticised the Government's proposals and have sought to get concessions from the Government on issues such as electronic and workplace balloting, check-off arrangements and the role of the Certification Officer.

The House of Lords also took the unusual step of forming a special select committee to discuss the measures in the Bill relating to trade unions' political funds in the wider context of the funding of political parties. Usdaw gave evidence to the select committee and whilst its findings supported the move to an opt-in system, it did recommend that the system should only apply to new members and that it shouldn't have to be repeated every five years.

These recommendations, along with other amendments were overwhelmingly supported in the House of Lords but will also need MPs' support when the Bill returns to the House of Commons.



Section 6

What the Trade Union Bill Means for Usdaw and You

Usdaw's political campaigning does not just include our work with the Labour Party, but also our many campaigns on political issues that affect our members, including:

- Keep Sundays Special.
- Opposing Tax Credit Cuts.
- A Law for Protection of Workers.
- Fighting Cuts to Criminal Injuries Compensation.

"The Political Fund is vital to our role in supporting our members. We want to be able to campaign for positive legislation that will help our members – such as that proposed by branches at ADM. But we also never know when the Government may come up with a proposal that will be so damaging to our members that we have to campaign against it."

John Hannett
Usdaw General Secretary

Usdaw's Political Levy is just 10p per week. Members are able to 'opt-out' of this contribution if they wish, and several thousand do so.

Usdaw's political campaigning has always been overwhelmingly supported by members in the ten-yearly ballots where all members decide whether they wish the Union to continue to have a Political Fund and to undertake political campaigns.

Usdaw's last Political Fund Ballot was held in 2013, where 93% of those voting supported the continuation of the Political Fund.

The Effect of the Trade Union Bill

Instead of opting out if they do not wish to contribute to the Union's Political Fund, the Trade Union Bill will require members to provide the Union with a written notice to say they wish to 'opt-in' to pay the Political Levy.

The impact on Usdaw's political funding and our ability to run campaigns will be immediate:

- However hard we work to get as many members as possible to sign an opt-in form, the number of members contributing to the Political Fund is likely to be greatly reduced.
- So we will have far less political funding to run the campaigns that our members need, and to support the Labour Party as it seeks to oppose the extremes of the Tory Government that are so damaging to working people.

The existing rules around trade union political funds, including the requirement to hold a ballot every 10 years, already ensures Usdaw has to demonstrate that we use the fund wisely and in our members' best interests. The additional requirements within the Trade Union Bill amount to a serious and unnecessary challenge to the political voice of trade union members and the ability of trade unions to campaign and represent those members.



The Campaign so Far

The campaign against the Trade Union Bill so far has been hard fought. Working through the TUC and other bodies with other trade unions, Usdaw has sought to make sure that the voices of our members are heard in the debate.

So far, as part of the campaign against the Bill, Usdaw has:

- Responded to Government consultations on different parts of the Bill, seeking to make the argument that the Bill is unnecessary and will simply increase bureaucratic red tape.
- Organised for members to attend the TUC March in Manchester on 4 October 2015 coinciding with the Conservative Party Conference.
- Met with senior Labour Party MPs to ensure our concerns are heard in Parliament.
- John Hannett, General Secretary, gave evidence on behalf of Usdaw to the Trade Union Bill Committee on 13 October 2015.
- Organised members to attend the Protect the Right to Strike TUC rally on 2 November 2015 in London, and took part in a targeted lobby of Conservative MPs in an attempt to persuade them that the Bill would not be beneficial for working people.
- Met with members at the House of Lords Shadow BIS (Department for Business Innovation and Skills) team to discuss potential amendments to the Bill.

In addition, Usdaw has encouraged our members to write to their MPs calling on them to vote against the Bill in the House of Commons.

What we Need to do

Royal Assent for the Bill and the commencement of signing-up members to the Political Fund is likely to be between early May and late July 2016.

If we are to gain significant numbers of members opting in within the three month time limit, we will need to involve members, reps and officials at every level of the Union.

Message: 'Don't Lose Your Voice'

Usdaw's message to members during the Political Fund Ballot of 2013 was well received, with 93% of members who participated voting in favour of retaining the Political Fund.

We need to build on that message to encourage as many members as possible to opt-in to the Political Fund, using:

- Member and Rep magazines
- Mailings
- Workplaces
- Conferences
- Get-togethers and training events





Appendix: How Usdaw and the Labour Party Work Together

By working together with the Labour Party, and developing strong and practical links, Usdaw ensures that our members have a voice in politics at every level.

As a member of the Labour Movement affiliated to the Labour Party, Usdaw is formally represented on Labour's National Executive Committee, sends a delegation of members to the Labour Party's Annual Conference each year to debate and decide policy, and local branches can affiliate and send delegates to their local Labour Parties.

Udaw encourages members to get involved locally because the voice of Usdaw members and trade unionists needs to be heard at every level within the Labour Party, especially at the grassroots. That loud and clear voice as part of the wider Labour Movement has led to significant gains for working people and vulnerable people in society.

This direct link allows the issues facing our members and working people across the country to be heard by top politicians and for practical measures to improve people's lives to be put in place.

Branch Affiliations

Every branch can play an active role in strengthening this direct link by affiliating to local Constituency Labour Parties. Affiliating means that Usdaw branches can make our members' views known to the local party, including Labour councillors and MPs. Branches will receive details of what the local party is doing – political and social events and campaigns.

We can also:

- Take part in the ballot to decide whether a Labour MP should stand for Parliament again.
- Take part in the shortlisting meeting for the candidate for the next General Election.
- Participate in local political campaigns.
- Encourage local parties and politicians to support Usdaw campaigns.

A branch can affiliate to any constituency where members of that branch live. It is helpful to affiliate to several Constituency Labour Parties, and many branches do this. The Branch Secretary then completes an affiliation form (CO Form AY) and returns it to the Politics Office at Central Office. It costs £6 per year, which is paid by Central Office out of the branch political fund. Annual renewals will be done automatically by Central Office until notice is given by the branch.

Udaw Delegates

Affiliation to the local Labour Party is not fully effective unless it is backed up by appointing delegates, elected by the Usdaw branch, to the Constituency Labour Party.

Delegates must be a member of Usdaw, be an individual member of the Labour Party and live in the constituency. A Union branch can usually appoint either one or two delegates for a £6 affiliation fee and an additional delegate for a £6 additional fee, up to a maximum of five delegates. Delegates receive details and can attend the 'General Committee' – the monthly meeting which governs the Labour Party in that constituency.

Usdaw and Labour: Links at Every Level

Usdaw	Representation on Labour's National Executive Forum	The Labour Party
	Formal role at Labour's Annual Conference	
	Delegation sent to Labour's Annual Conference	
Divisions	Representation on Executive Committees and Regional Boards	Scottish Labour, Welsh Labour and Regional Labour Parties
	Delegation sent to National and Regional Conferences	
Branches	Representation on Executive Committees and Regional Boards	Constituency Labour Party





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and Allied Workers*



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