

## Working together in the Norwich region

### N24 News

Issue 10, August 2008

Welcome to the latest edition of the Norwich General Branch Newsletter. A Congress report has been given by our Branch representative, Kevin Barker, who is a Shop Steward at Anglian Windows in Norwich. Thanks go out to him for such a detailed report back and to our London Regional Health and Safety Officer, Simon Reed for the enclosed safety information. We hope our members will find the information informative and relevant.

If you would like more information about your union branch, contact Keith Rowley for details.

[secretary@norwichgmb.com](mailto:secretary@norwichgmb.com) or call 07979 684494

**Please have your say... Next Branch Meeting:**  
**10th September 2008, 7:30pm, Angel Gardens PH, Angel Road, Norwich**

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## Congress Report: Plymouth 2008

### Saturday 7<sup>th</sup> June

A pre-congress meeting was held at the hotel (Holiday Inn) where we were given all necessary paperwork for Congress. However, the main topic at the meeting was an emergency motion raised by Terence Flanagan about Pensioners Fuel Poverty, and, after discussion, it was decided that the region would support the motion and submit it to SOC. In the evening Keith, Dave and myself had meeting were we decided that I would challenge the SOC ruling that our motion on GMB disaffiliation from the Labour Party was out-of-order.

### Sunday 8<sup>th</sup> June

After being called to order, the banner ceremony and appointment of tellers, we had SOC report No. 1. At this point, three London Region delegates questioned the SOC report. The first two raised their questions and then it was my turn. I stood in front of Congress with the challenge to SOC we wanted to raise. This was a baptism of fire: straight into contention with the ruling body. I started to read out our objections to the SOC report, only to get cut short by President Mary Turner telling me I was making a speech not asking a question, to which I replied that the rules they had quoted said nothing about us not being able talk about disaffiliation from the Labour Party. I returned to my seat and a vote of *some sort* took place, but I feel this was rushed, not giving delegates a chance to understand what was going on. Of course, we lost.

The next thing was the presentation of the GBM Gold Badges. Audrey Harry MBE (Midlands and East Coast Region) received one, but to the pride of the London Region, Alistair McLean from Lowestoft Boilermakers got one for long service to the union. A new award was also given to Dave Dennis (Kings Lynn Branch) for his exceptional efforts over the past year.

Monica Smith, the National Secretary of the GMB Retired Members Association, addressed Congress.

Kamaljeet Jandu, the National Equality and Inclusion Officer, addressed Congress.

At our return to Congress after the lunch break we were greeted by the Estover Community College Steel Band whose playing was absolutely brilliant.

Dave Prentis, TUC President and General Secretary of UNISON, addressed Congress.

Kathleen Walker Shaw, the GMB European Officer, addressed Congress.

Presentation of the Daniel Dennis Health and Safety Award 2008.

Lord McKenzie of Luton, Parliamentary Under-Secretary of State at the Department of Work and Pensions, addressed Congress. All scheduled motions for the first two sessions were moved and debated and day one was over, giving me a chance to relax after that introduction Congress.

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# Congress Report: Plymouth 2008 continued

## Monday 9<sup>th</sup> June

The CEC Special Report on *The Green Agenda and GBM: Climate Change, Global Warming, Sustainable Development* was presented to Congress.

Phil Woolas, Minister of State, Environment (DEFRA), addressed Congress. (I would just like to mention that he had a lot to say about the affiliation of the GMB to the Labour Party and GMB funding of Labour MPs. May I suggest this could have been down to our motion or would this be wishful thinking? It seemed strange that our motion was due to be moved that afternoon before it was ruled out of order.)

Emergency Motion 2: Fenland Foods Closure was supported with a DVD showing how everyday working people were treated as exploitable cogs by multi million pound companies and then tossed aside.

General Secretary Paul Kenny moved General Secretary's Report and addressed Congress.

After lunch we received a video greeting from Linda White, Assistant National Secretary of the Australian Services Union, who told us how they were going to fight for the re-establishment of union rights lost during regime. Under the new Labour Government, the Unions in Australia were more hopeful of seeing the back of anti union legislation..

The CEC Special Report: *GMB RULEBOOK (Plain English)* was warmly received and accepted.

Ana Lucia Pinzon, leader of the Colombian Public Sector Workers Union (FENALTRASE), addressed Congress and a DVD was shown. She told us of the struggles in Colombia and how union activists are being killed daily, making us realise how much easier our roles as shop stewards in Britain were by comparison.

## Tuesday 10<sup>th</sup> June - Manufacturing Section Conference 2008.

This was the first time sectional conferences had been done this way, and, as I had never been to one before, I can't tell if this was better in comparison to the past, but a lot of delegates were very pleased by the new format. Manufacturing was by far the smallest conference out of the three, with London Region only having four delegates. There were only a small number of motions, but we made up for this by having lots of speakers – in fact, the BEST list of speakers at Congress. The highlight of Congress for me was Arthur Scargill (Honorary President of the NUM), who, at 79, has lost none of his ability to hold an audience. His speech was pleasure to listen to, even if he spoke for longer than he should, putting us well behind schedule on the first day. I did get a small souvenir for the Branch from this first day of sectional conference.

## Wednesday 11<sup>th</sup> June

The main topic discussed was Remploi with two DVDs being shown to us, I have to say it was inspiring to hear the fantastic work being done by all involved and what a disgrace our government is treating people in such shameful way. We just about managed to get all motions moved and business completed without running overtime.

Back at Congress in the afternoon we heard the Annual Accounts and Auditors Report.

CEC Special Report: Contributions and Benefits Proposal. This was debated and accepted.

All motions were moved and to finish the afternoon we were address by Michal Mazurek from the Polish Consulate.

## Thursday 12<sup>th</sup> June

All motions were moved, but this session of Congress was particularly memorable because of the showing of some very moving DVDs. The first one from the Birmingham and West Midlands Region about the Acorns Children's Hospice, Birmingham, which was the charity chosen to receive a special donation from Congress. The other two DVDs were about Remploi and their betrayal by this government: one by Remploi employees stressing all the broken promises they were given by this government and the other, entitled *TRACY'S STORY*, which I have two copies of, if anyone is interested. These DVDs were followed by the CEC Statement on Remploi.

I would like to thank members of Norwich General Branch for the opportunity of going to Congress, even if at first I wasn't sure what I had let myself in for. I really enjoyed the experience and look forward to the next time (if, of course, I am chosen to represent you again.)

## Kevin Barker

Shop Steward, Anglian Windows

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# Addendum to the Branch Delegate's Report to Congress

## The Branch's Motion

I am grateful to the Branch for funding my attendance as a visitor at Congress where I was able to help our first-time delegate, Kevin Barker, 'learn the ropes.'

First of all, it needs to be said that Kevin proved a credit to the Branch and a model for not only first-time delegates, but all delegates. He attended every session, being present for every full working day (including fringe meetings) and was always thoroughly prepared.

As he said, his was a baptism of fire. The Branch's motion calling for disaffiliation from the Labour Party had been ruled out of order by the Central Executive Committee on the grounds that 2008 was a non-rule-change congress and this motion went against four rules. We examined those rules and concluded that we would fight the ruling because none of them specifically referred to the Labour Party. So, when Kevin walked up to the microphone to challenge the ruling, he had every reason to expect to be heard and listened to. Kevin was prepared to take each rule and show why it did not apply. We were especially eager for the delegates to understand that one of the rules quoted contained the bones of the old Labour Party Clause Four which, of course, disappeared from Labour Party speech and thought with the ascendancy of Blair!

Kevin was not listened to because he could **not** be heard: the microphone was not working properly. Moreover, as he struggled to make his points, the President, Mary Turner, criticized him for "making a speech"! He was not allowed to respond fully to the four rules quoted by the CEC, and very few delegates could hear him anyway. The vote was rushed through with only a bare scattering of delegates voting at all. The CEC is powerful and regional leaderships were not about to challenge it on this particular question. However, it was clear that the vote was a fraud because the arguments could not be heard. Not a single delegate or official raised his/her hand to point this out. I am not suggesting that the microphone was sabotaged, but it was very convenient for the leadership. All in all "shambles" seems the appropriate word.

However, the General Secretary and the CEC had known for a long time that the membership was very angry and disillusioned with the Labour Party and that last year's Congress had demanded that any payments to the Party be carefully scrutinized. So, halfway through Congress to pacify the troops and for maximum media attention, it was announced that some 30+ Labour MPs would no longer be financially supported by the Union as they had done little or nothing to support or further its policies.

## The General Secretary's Report

Paul Kenny reported financial and membership growth for the fourth year running with the Union taking in £50 million in annual income for the first time ever. Membership stood at 604,560. The annual recruitment target of 90,000 was only 7,152 short and so, with each region recruiting only 3 a day until the end of the year, it should be easily reached and by-passed!

He asked Congress to approve the following package: a 10p per week increase in subscriptions across all grades; a 22% increase (to £55) for loss of earnings for reps absent from work on Union business; mileage to increase by 5p (to 30p per mile) and Funeral Benefits to double to £250 with the qualification period to drop from 10 to 8 years. Congress concurred.

**Keith Rowley**

N24 Branch Secretary

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## UK working-time opt-out\*

On the 10th June the UK government secured a deal to keep its 48-hour opt-out from the Working Time Directive following a meeting of European employment ministers. The Government believes the landmark agreement on both the Working Time Directive and the Agency Workers' Directive at the EU Employment Council should satisfy business groups and Trade unions by allowing the UK's labour market the flexibility to prosper, while ensuring workers are treated fairly....

But the TUC last week called for the Government to back proposals to strengthen the Working Time Directive (WTD) to protect employees. The TUC believes that since its implementation in 1998, the WTD has helped in a number of industrial sectors in reducing excessive long hours, but owing to the UK's opt-out progress has been too slow.

An extra 180,000 people in the UK – 3.3 million in total – are now working more than 48 hours a week compared with last year, according to analysis contained in a TUC report published last week. Entitled '*The return of the long-hours culture*', (enclosed) the report found that the number of people working long hours has increased at a faster rate over the last year than the decline in excessive working between 1998 and 2006.

The GMB London Region's position is clear on the WTR opt-out is that the government should to seriously address the long-hours culture that continues to plague the UK workforce, as a matter of urgency, get out of bed with employers and look after the 29,550,000 workers that generates year-upon-year the world's fourth richest economy.

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# Corporate Manslaughter And Homicide Act\*

**Introduction** - The Corporate Manslaughter and Homicide Act becomes law on 6<sup>th</sup> April 2008. This piece of legislation has taken a very long time to get on the statute books as the incoming Labour government promised it nearly eleven years ago, upon coming to power. The Bill itself had a very torturous passage through both Houses of Parliament and only just got royal assent within the legal deadline at the end of July 2007.

**Will the new Bill be effective?** - GMB members were admittedly disappointed by the Bill as it was originally passed. This was due to the fact that while there would be a better opportunity to prosecute organisations (corporations) than before, it would still not address the issue of individual directors and managers who might be deemed culpable in terms of negligent behaviour leading to serious injury or even death. As this was one of the main issues GMB had campaigned on for so long this was a grave omission from our point of view.

**Is there a case for individual directors to be prosecuted?** - In the period from 1994 – 2004, there were 111 prosecutions of company directors. Of these, 86 were convicted of serious offences but only 11 were actually jailed. The main justification in the past for such a low prosecution and imprisonment rate, was that it is difficult to identify a *directing mind*, other, than within a very small employer/organisation. This was demonstrated by the fact that all the individuals imprisoned were directors of small organisations. This is obviously unfair on two counts – (1) it is disproportionate to small businesses and (2) therefore, it does not punish larger organisations adequately enough.

**Does the new legislation change this?** - On the surface the answer has to be no! And that was the rationale behind GMB's initial disappointment. However, since the bill has been published there are a number of developments which have given rise to a more optimistic outlook. Among these are the possibilities of remedial action by the organisations responsible for negligent behaviour. This would include the need to address deficiencies in health and safety management, including the review of operating procedures and the promulgation of this to the staff. Failure to follow this can lead to an unlimited fine. In addition the government have set up a review of sentencing and other potential punishments, within which GMB hopes that disqualification from holding directorships will be included.

**What do the employers think about the changes?** - All "good and responsible" employers agree that negligence should be properly punished, but there are differences of opinion when it comes down to categorising what exactly constitutes negligent behaviour. However, the Health & Safety Commission (HSC), in conjunction with the Institute of Directors (IOD) have published some, very forceful, guidance on this, titled "*Leading Health & Safety at Work – Actions and Good Practice for Board Members*". The IOD have, over the years, had a certain reputation for not being entirely union, or indeed worker friendly and the contents of the guidance come as a pleasant surprise!

**Leading Health & Safety at Work** - The guidance is designed for organisations of all sizes and covers the public, private and voluntary sectors, and is for use by directors, governors and trustees within these. There are three ESSENTIAL PRINCIPALS deemed necessary to underpin good health & safety performance. These are;

- **Strong and active leadership from the top** – to include visible, active commitment from the top, clear communication downwards and the integration of H&S management with business decisions;
- **Worker involvement** - to include engaging the workforce in the promotion and achievement of safe and healthy conditions, consultation (here called "upward communication"), the provision of high quality training and effective communication and management structures; and
- **Assessment and review** - to include the identification and management of H&S risks, seeking and following the guidance of competent advisors, the monitoring, reporting and reviewing of performance.

This suggested guidance would appear to be fairly straightforward to many GMB safety representatives so it is useful to see them being proposed by the HSC and IOD.

**Where do we go from here?** - A bulletin such as this can only give a very limited amount of information, much of which is selective in content. The guidance is useful in that it develops the three main principals in greater detail.

This can be found at [www.hse.gov.uk/corpmanslaughter/fags.htm](http://www.hse.gov.uk/corpmanslaughter/fags.htm) or contact - [john.mcclean@gmb.org.uk](mailto:john.mcclean@gmb.org.uk) or [daniel.shears@gmb.org.uk](mailto:daniel.shears@gmb.org.uk) for more information on the subject. As with many aspects on legislation and deaths at work any forthcoming court cases will show how effective the new legislation is. GMB awaits with interest the first test of the new Bill and how it affects employers' collective attitude to this serious matter.

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# REACH – Changes To Chemical Usage In The Workplace\*

**Introduction** - REACH – the new European Union Regulations on the Registration, Evaluation, Authorisation and restriction of Chemicals, comes into force in the UK on 1 June 2008. The new regulations will change the way that chemicals are classified and labelled, whether they are manufactured in the UK or abroad. This should mean that much more information on the effects of exposure to chemicals and products is made available to Safety Representatives.

**Why have the new Regulations been introduced?** - There are a number of reasons for the introduction of REACH. The new requirements under the regulations mean that the people who place chemicals on the market, such as manufacturers and importers, are now responsible for understanding and managing the risks that are associated with their use. The new Regulations are intended to promote free movement of chemicals within the EU (as everyone is working to the same standard within the same system), and promote innovation and competitiveness within the EU chemicals industry. Most importantly, REACH will provide a higher level of protection of human and environmental health from chemical use than the suite of EU Directives that it replaces. This is particularly true in the case of high hazard chemicals, where users of chemicals will be encouraged to substitute these for less harmful alternatives.

**What will businesses be required to do under REACH?** - Manufacturers and importers of chemicals in greater quantities than 1 tonne per year will have to register each individual substance with the European Chemicals Agency (ECHA). Registration procedures will include the provision of information on the health effects and safe use of chemicals, to a greater degree than is currently provided on chemical data sheets. All chemicals that are deemed to be of “very high concern”, such as those which cause cancer, will need to be authorised for use by the ECHA as well as registered. Companies who do not register the substances that they produce or import will not legally be allowed to manufacture or distribute them.

**Does this mean that some harmful substances, such as asbestos, will be legalised?** - The simple answer is NO. Any substance that poses a particular threat can be restricted. Restrictions take many forms, for example, from a total ban to not being allowed to supply it to the general public. Restrictions can be applied to any substance, including those that do not require registration.

**What about companies who use chemicals, but don't import or make them?** - One of the key elements in REACH is the requirement for every business or organisation that uses chemicals to compile an inventory of the substances that they use. This covers everything from cleaning products and paint to metals and solvents, for any usage including cleaning and maintenance. They should then identify any substances that are of ‘very high concern’ such as cancer-causing chemicals, and seek to substitute these for less harmful alternatives wherever possible.

**What will the impact be on Safety Representatives and workers?** - In most workplaces, there will be minimal changes, and the supply of information to Safety Representatives should improve as Safety Data Sheets become more comprehensive. It is important to note that the introduction of REACH does not affect employers' duties under the Control of Substances Hazardous to Health Regulations (COSHH), and that the employer still has the legal duty to manage chemical use in a safe way.

If you work in a company which manufactures or imports chemicals, then the introduction of REACH registration is a change to working conditions, and you should ask to see copies of registration applications made and revised Safety Data Sheets, either individually or through your Health and Safety Committee. Employers may also need to reconsider COSHH assessment in light of new information on the risks from substances provided by the ECHA.

**Who is responsible for enforcement in the UK?** - Each EU member state has a ‘Competent Authority’, which is appointed to manage the introduction of REACH, provide information and enforce non-compliance with the regulations. In the UK, the Health and Safety Executive (HSE) is the competent authority, working with the Environment Agency and other government departments. HSE will provide advice on REACH through a ‘helpdesk’; propose restrictions on the use of chemicals where they are found to be of ‘very high concern’; and enforce cases of non-compliance when complaints are made or whistle-blowing occurs.

**Where do we go from here?** - Whilst REACH is unlikely to affect most workplaces to any great degree, it is important for Safety Representatives to understand the changes that are being made, and the new information which employers must make available. Detailed guidance can be found at <http://www.hse.gov.uk/reach/about.htm>, or contact - [john.mcclean@gmb.org.uk](mailto:john.mcclean@gmb.org.uk) or [daniel.shears@gmb.org.uk](mailto:daniel.shears@gmb.org.uk) for more information on the subject.

GMB welcomes the introduction of REACH as a positive step to better control hazardous chemicals in the workplace. We would welcome feedback from members on how their employers are adapting to the new requirements. Please send comments to the e-mail addresses above.

\* Excerpts from circulars from London Regional Health & Safety Officer, Simon Reed

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