

Hacked Off!

The Voice of Hackney Workers

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Redundancy Procedures Putting Staff at Risk



In October last year members of all the trade unions came together to reject management proposals to change our restructuring procedures.

The proposals back then included reducing our notice periods and collective consultation rights as well as the removal of the 'one up one down' clause and job matching.

Due to the high level of concern from members about these attacks on our terms the council backed down and assured staff that the 12 week notice would be protected. We also won some concessions on appeals and consultation however when management came back with new proposals a couple of months later the job matching and one up one down clause were still missing and it is the removal of these two specific conditions which has led and will continue to lead to staff being placed at risk of being made redundant when no true redundancy situation exists.

Take for example the restructures in Youth Services and ICT. Both structures propose enough jobs for all the workers affected, the work in those areas continues unchanged and yet staff are being sacked when there are vacancies left in the structure at the end of the process.

In Parks tiny changes to job descriptions were used to make everyone apply for their jobs and although parks members managed to fight off the worst effects of the restructure some staff still lost their jobs.

The Council says that it needs the best staff in these difficult times and as structures shrink along with budgets it needs a policy which allows managers to ensure the best staff are retained.

The problem here is that redundancy is not about picking the best staff it is about work ceasing or diminishing.

Job matching allowed members to understand whether or not the work they were employed to do was continuing and to challenge the unfair decisions of managers. This process has been lost in favour of a purely discretionary process based not on any objective procedure but rather the whim of individual managers.

The loss of the one up one down (replaced with the same grade or one down) means that when staff are in a genuine redundancy situation they have less chances to secure alternative work because they are barred from applying for jobs

graded one grade higher than their deleted post.

There is no rationale behind this change and so we must assume it is designed not to mitigate the impact of redundancy but instead to increase its negative effects, sacking more staff but allowing managers the chance to cherry pick a few of their favourites!

Take for example the situation our members in the Warden service find themselves in. A restructure where there are the same number of posts as there are people. The current job descriptions match the new ones almost exactly.

So you would be forgiven for thinking that with there being enough work to go around and such a similarity between the old and new roles that staff could simply be slotted into the new jobs in the new structure.

No this would be far too simple instead all staff have to apply for the jobs they have been doing for the past ten years and some will not be successful and they will be dismissed for no other reason than the new policy allows it.

The people of Hackney will foot the bill for the redundancy payments and then for the recruitment of new staff to come in and undertake the same work that the dismissed Wardens currently carry out. Indeed it is ludicrous to think that at a time when the Council has to save £44 million we are wasting time and money on making staff redundant unnecessarily.

And for those hoping to be redeployed think again. Despite management's promise of better redeployment and the huge number of agency staff still working for the Council (555 at the last count) only five, yes five staff were successfully redeployed between September 2010 and March 2011.

Unison warned the council that problems would arise from the introduction of the new redundancy policy we rejected the proposals outright. Management took the decision to ignore your concerns and to impose the procedures. Although some slight amendments have been made they will not stop staff being made redundant when they should not be. We will continue to fight for a decent process and will be calling a meeting of all members in May to see what our members are prepared to do to protect their jobs from the poor decisions of management.

We have the power to challenge the cuts

Equality Lawyer, Arpita Dutt of Russell Jones & Walker Solicitors explores the opportunities the new equalities legislation provides to challenge the cuts.

From February 2011 onwards, local authorities announced the nature and extent of the significant cuts they intend to make at full council meetings across the country. These announcements crystallised the real scale of the undertaking and the long and short term impact of the cuts on individual's lives and the fabric of our local communities. The law provides robust armoury to the public to challenge policy decisions made by public authorities (local govt, police, schools) if decisions makers do not consider the disproportionate impact of those decisions on some of the most vulnerable sectors of our communities by giving advance and prominent consideration to equality duties.

In April 2001, Parliament introduced the 'Race Equality Duty' followed in December 2006 by the 'Disability Equality Duty' and in April the 'Gender Equality Duty'. The duties provide a relationship between policy level decisions which the duties impact upon and the creation of a society in which individuals can live free from unlawful discrimination and inequalities.

The catalyst for the race equality duty were the findings of institutional racism and the recommendations arising from the report into the tragic murder of Stephen Lawrence in 1993. The Race Equality Duty was described as one of the most significant steps that the Government would take on race equality in Britain and was probably the biggest step since the Race Relations Act 1976. The then Labour government saw this new duty as a way of trying to eliminate discrimination in public services, not only in the internal organisational structure of public authorities but in the delivery of services to ethnic minority people. It was said that public services must recognise that it is no good simply paying lip-service to race equality, they must ensure that race equality is at the heart of their organisations considerations when providing services – it should be part of mainstream policy consideration.

The duty is more pronounced for disabled people in that when decision making, the public body should address the need to treat disabled people more favourably than non-disabled persons, the need to promote positive attitudes towards disabled people, and encourage them to participate in public life. The duties were introduced to ensure that public authorities were accountable and that they could be challenged by way of judicial review for failing to tackle entrenched inequalities in all areas including education, criminal justice and health.

How effective are the equality duties to challenge decisions? A series of interventionist Court decisions brought by community/charitable organisations, campaigning bodies and interested individuals have given shape and vigour to the duty. A failure by a public authority to comply with its obligations to carry out a race, gender or disability impact assessment before making a policy decision has led to many policy decisions being quashed and declared legally null and void. The Fawcett Society's challenge of the coalition government's emergency budget has been the most recent and only case brought under the gender equality duty. A gender audit of the June 2010 budget showed that women would bear a disproportionate burden of the cuts in that 72% of the

cuts would adversely affect women. Fawcett argued that the government had failed to undertake an appropriate assessment of the impact upon women and had, therefore, not had the required "due regard" to gender equality issues in its budget. Whilst the Judge agreed that budgetary decisions by the Treasury are subject to the equality laws and that no equality impact assessment appeared to have been carried out, the case was unsuccessful partly due to delay issues. Whilst the claim was lodged within 6 weeks of the Govt decision and within the 3 month time limit, the Court held that the delay was still too prominent. A salient lesson is that time is of the essence in bringing a claim as soon as a decision is announced.

On a local level, quashed decisions have been wide-ranging. Haringey Council's decision to approve a multi-million pound retail and residential development in Tottenham, in an area which comprised 64% Latin American or Spanish speaking traders and small businesses providing goods and services to the local black and ethnic minority community was overturned by the Court of Appeal last year for failing to have due regard to the race equality duty. The Court of Appeal found that whilst there had been extensive consultation, the Council's decision failed to properly address the adverse impact on the local ethnic minority communities who would have been disproportionately affected. The claim was brought by an interested, long-term resident who neither worked nor lived in the area but was concerned at the long term impact on the local population. After all, we are all in it together.

The most recent important victory on 28 January 2011 for charities and small community organisations has been the quashing of London Councils' decision to cut £10 million of funding from voluntary sector organisations in London.

The £26.4 million in grants, used to help victims (including women and children) of abuse, neglect or homelessness, gun and knife crime initiatives, domestic violence projects and law centre funding (amongst others), was due to be cut by over 60% with effect from June 2011 for some groups. One of the organisations to be affected was the Hackney based Nia Project supporting and providing services to women and children experiencing the horror of domestic violence.

The Judge quashed all the funding cut decisions for the 400 plus projects and he said that London Councils must re-run the process fully in accordance with their equality duties and that no funding was to be terminated until 3 months after the lawful process.

In April 2011, the coalition Government has announced that they will be introducing a new "Single Equality Duty" under the Equality Act 2010, which will require public authorities to have due regard to the additional characteristics of age, religion/belief and sexual orientation when making relevant policy decisions.

In view of the existing evidence that discrimination and disparities remain pervasive and widespread, local authorities should give careful advance consideration to their equality duties to ensure that the cuts do not entrench those disparities and widen the poverty gap for generations to come. As the coalition of resistance gathers momentum, the importance of this armoury and the ability of ordinary members of the public to hold decisions makers to account should not be underestimated.

NEC Elections

Its time to elect who represents us nationally in Unison by electing the National Executive Council. The NEC is the highest body in the union and runs the national union between the National Delegate Conferences which happen each year in June. NEC members are elected by-annually from the membership and any member can stand providing they are nominated by branches.

You will be receiving over the next few days and will be asked to elect several candidates. You should also receive an election statement booklet setting out what the candidates are standing for.

The election will begin on 11 April and ballot papers must be returned by 13 May. These are the most important elections the union holds and so it is really important that members vote for the people that represent us here in London and nationally in local government.

The branch nominated the following candidates:

LG Service Group Male Seat
Paul Couchman

Greater London Region Female Seat
Marsha Jane Thompson

LG Service Group Female Seat
Kathleen E Smith

Black Members Male Seat
Hugo Pierre

LG Service Group General Seat
Paul Holmes

Black Members Female Seat
April J Ashley

Greater London Region Male Seat
Jon Rodgers



Half a Million March for the Alternative

Branch Chair, Brian Gardner gives an account of the demonstration

The TUC March for the Alternative which took place on Saturday 26th March was enormous. Estimates of the number of people attending varied according to who was making them. But given that the police estimated that the attendance was half a million, it was probably in fact bigger than this. With an extremely large UNISON contingent in the Vanguard, it took almost two hours to get from Victoria Embankment to Hyde Park where marchers listened to speakers, including Labour leader, Ed Milliband. On the way the protest had been joined by feeder marches from all over London where earlier there had been many local protests against



Hackney Unison's banner with Big Ben in the background. Around 70 members met at the Town Hall with many more joining the march en route

the cuts.

With public sector workers and others from all over the UK, this was a massive reaction to the ConDem government's 'austerity' programme – code not only for cuts in jobs and services but for the biggest attack on the welfare state since Thatcher and for which neither party in the coalition has a mandate. Media commentators later tried to play it all down. Basically, it wasn't representative and was just public sector workers having a go. Matters were not exactly helped when instead of focusing on the March, TV screens filled up with images of what were labelled as 'violent' protests taking place away from the main demonstration.

Now though, as the cuts start to bite, we will start to see what they are really about. To list but a few: the £20bn efficiency savings in the NHS which can

only mean greater rationing and longer waiting for treatment; cuts to children's services and of care for older people; the slashing of the Supporting People fund, which supports vulnerable people, will almost inevitably result in a massive rise in street homelessness. All of this will of course involve redundancies and jobless workers are already being threatened with loss of benefit if they do not take the first job which an employment advisor believes is suitable for them. It would however be wrong to blame workers in Job Centres for this as they are also being threatened with action if they do not achieve targets.

Last month's march was a very successful protest but it needs to be seen as just the beginning of what now needs to be done. We need to ensure the momentum is maintained and that we build a co-ordinated campaign to defend the welfare state and resist the cuts. Such a campaign will need to link up public sector workers with service users in non-violent direct action and will require co-ordinated strike action by public sector unions working together.

Women in Unison

This month saw the coming together of female members from the branch to form a Women's Committee. Women earn less, own less and are more likely to live in poverty, often paying a penalty in the workplace for being responsible for taking on the majority of caring work in the home.

In the current economic climate, the impact of the recession on women is far more significant - some £5.8 billion of the £8 billion of cuts contained in the budget will be taken from women, who will also be worst affected by the cuts in public services (65% of public sector workers are women).

Although the Fawcett Society lost its application to call a Judicial Review of the Government's budget due to the disproportionately negative impact it will have on women, such bold actions are inspirational and the committee is keen to work with our sisters in other unions and organisations across the borough to fight back and be heard.

Collectively we must challenge the many

appallingly oppressive situations women can find themselves in – starting with the reality that after four decades of equalities legislation meant to protect women from unfair treatment, such practices remain widespread, with the pay gap in the UK remaining among the highest in Europe.

There are many concerns that the Women's Committee will be looking to tackle – all focused on ensuring that issues that impact on female members are fully scrutinised by the branch.

Women still have to face sexual harassment and abuse in the workplace, maternity and pregnancy discrimination and ethnic minority women have to contend with double discrimination.

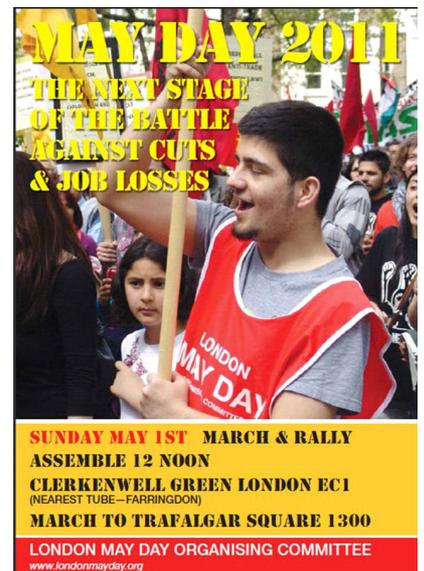
As a new committee, all interested parties are invited to attend the next meeting being held on the 7th June at 12 noon in the Town Hall and as the position of Women's Officer is currently vacant in the branch, any interested parties should speak to the Branch Secretary.

If you have any questions about the committee, please contact Grainne O'Kill grainne.okill@hackney.gov.uk

May Day

With the March for the Alternative over workers are asking what do we do next to protest against the Tory plans to slash and burn the public sector and welfare state?

Well the May Day has always traditionally been seen as the international workers day, a day when workers of the world unite and march through their respective capital cities campaigning for better rights for working people. This year should be a big one.



Workers Memorial Day 2011

Every year more people are killed at work than in wars. Most don't die of mystery ailments, or in tragic "accidents". They die because an employer decided their safety just wasn't that important a priority

Workers Memorial Day takes place every year on 28th April and remembers all those who have lost their lives at work. There is a march from the statue of the unknown construction worker in Tower Hill to the Health and Safety Executive which the government is cutting back as part of its slash and burn policy to decimate public services. That means there will be less regulation and as such less pressure on employers to ensure the safety of their staff.

Hackney Unison has always supported the march and several members will be attending this year's march to show our solidarity with all the families of those who have lost relatives. Details of the march are as follows:

Assemble 9.00 am Statue of the Unknown Construction Worker, Tower Hill march to the Health and Safety Executive Southwark Bridge

