Looking forward to the year ahead

Across the public sector service groups the over-concentration of Black workers in low-paid jobs and their over-representation in disciplinaries, grievances and complaints of work-related stress are visible manifestations of racist discrimination in the workplace. Coalition government austerity measures and public spending cuts have exasperated the negative impact on Black communities, affecting employment but also cutting services this community depends on at a time when they need them most.

In 2012 this formed the impetus for some of UNISON’s work in achieving race equality in the workplace. As no workplace can be truly organised where discrimination exists this has become and will continue to be core work for the union in 2013.

Decisions from delegates attending January’s 2013 Black members’ conference will form an important part of the wider union’s priorities for this year. They will also be key in fighting for positive change in the workplace and our society.

The disproportionate negative impact of public sector cuts on Black workers and communities compounded with the government’s continued attack on equalities means that now more than ever the fight for public services is equally a fight for Black communities.

It is when things are most difficult that the fight against racism and exploitation in the workplace are most courageous and most successful.

As a society we must develop an effective response to deeply rooted patterns of discrimination that leave members of our community vulnerable. Black workers and members of UNISON must have a visible and vocal presence throughout the union and remember that we are stronger together in UNISON.

UNISON app – now for Blackberry phones too

UNISON’s free smart phone app provides in-app guidance about your rights at work.

There’s a smart little animation featuring Michelle and Sasha who show what UNISON does and why so many people join.

It’s a really handy and quick way to enable you to chat about the benefits of the union, and you can use it to sign up new members there and then!

It also carries news for members and activists and will keep you updated about upcoming events.

The UNISON app offers the following:

- up-to-date advice on your rights at work
- news on protecting public services
- animations
- get active – information and advice on how to fight austerity
- join UNISON
- update your membership details.

To download the app, visit: unison.org.uk/app/

Holocaust Memorial Day

Every year on 27 January the world marks Holocaust Memorial Day UK and commemorates the victims of the Holocaust, Nazi persecution and subsequent genocides in Cambodia, Rwanda, Bosnia and Darfur.

The Holocaust Memorial Day Trust has a wealth of resources including templates, resource packs and newsletters to help you plan your events at: http://hmd.org.uk
On 16 October 2012 the Mary Seacole Leadership and Development Awards ceremony was held at UNISON Centre and attended by health minister Dan Poulter, as well as employer and trade union representatives. Six nurses, midwives and health visitors from a range of disciplines received recognition for their contribution to Black communities. These included involvement in projects as diverse as improving clinical engagement and outcomes for Black people with mental health problems; a pilot study of Hepatitis C among Eastern European migrant workers in Lincolnshire; and improving sexual health outcomes for vulnerable under-18s in Black groups.

The awards were created in 1994 in honour of Mary Seacole’s significant contribution to nursing in the 19th century.

The awards give winners the opportunity to undertake a year-long project to benefit the health needs of people from Black communities. There are two award programmes: The Mary Seacole Leadership Awards, which are up to £12,500 each; and the Mary Seacole Development Awards, up to £6,250.

UNISON jointly funded the awards with the Royal College of Nursing, the Department of Health, NHS Employers, the Royal College of Midwives and Unite.

Dave Prentis, General secretary of UNISON, said: “I am really proud of what these nurses, midwives and health visitors achieved, and more so that they’ve done it at a time of real financial hardship for the NHS.”.

**The Mary Seacole statue appeal – the struggle continues**

UNISON has contributed generously towards the campaign to build a memorial statue for Mary Seacole and has continued to pledge its full support for this campaign. The statue will be erected in the gardens of St Thomas’s Hospital in London and it will be the second statue in the UK of a named black person; the only other such statue is that of Nelson Mandela.

Mary Seacole, born in 1805 as Mary Jane Grant to a Scottish father and a Jamaican mother, was a herbalist and nurse who funded her own journey to the Crimea to treat injured soldiers on the war front. This was after her application to join Florence Nightingale’s nursing team was turned down.

The aim of the Mary Seacole memorial is to recognise Mary’s great achievements and to remind the public of the importance of nursing and the heroic life she lived by giving her life’s work in support of others.

The total donation to the statue appeal has now reached £158,000. Planning permission has been obtained from Lambeth council; a further £342,000 is still needed to erect the memorial.

You can:

- Keep alive Mary’s work by giving generously to the campaign to build a statue in her honour: justgiving.com/maryseacolememorial/donate
- Join the Friends of Mary Seacole and receive updated information on the campaign: justgiving.com/friendsofmaryseacole
- Follow the campaign on Facebook: facebook.com/SeacoleStatueAppeal and on twitter: twitter.com/#!/seacolestatue
- For more information visit: maryseacoleappeal.org.uk/
- To get involved with UNISON’s campaign, contact Gail Adams: gail.adams@unison.co.uk
Facing the future

Black workers have a long history of organising but have big challenges ahead. Black Action looks at their struggle to be recognised and their achievements so far.

UNISON’s four self-organised groups covering women, Black, disabled and LGBT members, have been enshrined in rule since the union was founded 20 years ago. Today Black workers look back at the achievements to date and the lessons learnt as they prepare to organise to fight some of their biggest challenges following further government spending cuts.

1930s self-organisation structure

In 1936, Black workers in Cardiff formed the Coloured Seamen’s Union, bringing together Africans, West Indians, Arabs and Malays to fight against the operation of the colour bar on the Cardiff Docks. Asian workers were also active in forming Black self-organising structures and formed the Indian Workers Association (IWA) in 1939. The same period also witnessed the formation of the first independent Black self-organised trade union in the UK, The Coloured Film Artistes’ Association.

This move to develop their own Black self-organised structures within the context of the labour market was as a direct consequence of the failure of trade unions to effectively take up the specific issues facing Black workers at the time.

Post-Second World War

After the Second World War, as in other European countries, the United Kingdom actively recruited migrant workers to rebuild the economy.

At the time, the British Nationality Act 1948 meant workers recruited from the Commonwealth were all subjects of the crown and had the right to enter, live and work in Britain without restriction. Despite having the same rights in theory the workers were over represented in subordinate, low-paid and insecure positions in comparison to white British workers.

Trade unionism was a natural means of organisation for these migrants, developed from their direct experience and tradition of organising in trade unions. Many IWA members had been activists in India and brought with them a strong tradition of militant struggle.

However, despite Black workers joining trade unions in large numbers, they were not welcomed by the UK trade union movement or the TUC who had initially insisted on strict conditions of prioritisation of jobs for British workers, and bars on integration. Black members were even excluded from receiving some union benefits.
1950s racism and riots

The 1950s saw a number of race riots and attacks on immigrants by white youths. This culminated in the riots in Nottingham and London’s Notting Hill in 1958 where Black people were attacked in the streets and in their houses. Following the social unrest and under a Conservative government in the early 1960s racists attitudes were supported by legislation with a shift towards immigration controls to restrict the migration of Commonwealth citizens and make them second class citizens.

Black workers’ organisations campaigned against immigration legislation with little success but an important mobilisation against the colour bar in employment took place in Bristol in 1963 when Black communities boycotted bus services. The boycott, which was supported by politicians, brought national attention to racial discrimination. It lasted four months until the company backed down and overturned the colour bar. Black workers continued to be active and took action in important strikes for pay, terms and conditions.

The strikes were often not supported by trade unions and were met with varying levels of success. But they were often sustained by community support and were influential in the passing of important legislation against racial discrimination.

Far right and the TUC

Within the trade union movement a growing number of strikes by Black workers against trade union racism and the emergence of the far right National Front saw a shift in the attitude of the TUC towards Black workers in the late 1970s. They began to educate members on immigration and it was a significant policy shift for the trade union movement that saw the start of mass trade union support for Black workers’ strikes. This heralded a new confidence among Black workers, fighting for recognition within trade unions through the establishment of Black self-organised structures.

In 2000, following the tragic death of Stephen Lawrence in 1993, the TUC set up its own task group. The group’s action plan provided the basis for the work of the TUC and trade unions on anti-racism. The task group proposed a rule change to the TUC constitution making it a condition of membership that unions fight discrimination and promote equality. It was adopted in 2001.

UNISON today

Today UNISON is committed to achieving equality for all and one of the ways they promote this is through self-organising, which brings together members from certain under-represented groups. UNISON is one of a few trade unions with self-organisation as a rulebook requirement. Self-organised groups form an important part of UNISON policy-making structures and Black workers in UNISON are key in helping the union to identify and challenge racism and build race equality.

History has shown that organising collectively as Black workers can bring results and now more than ever it is important that Black workers have a visible and vocal presence within their communities, workplace and throughout UNISON structures.

For more information on UNISON’s policies on self-organisation and how members can get involved see http://www.unison.org.uk/acrobat/20924.pdf
2012 was a busy year for UNISON Black members. We take a look back at events across the regions organised to promote recruitment and self-organisation.

**Eastern region** – Abysmal weather but a great success

The biggest event of the year for the Eastern region Black members committee was the Love Luton Festival in July. The committee used money from the UNISON regional pool to sponsor the event and promote UNISON. Despite abysmal weather, the stall was a great success, thanks to the commitment and good spirit of volunteers. The stall was an excellent opportunity to recruit new members and advise existing members how they could get more involved in their union.

We also celebrated Black History Month and staffed recruitment stalls in Bedford and Southend.

**Northern region** – Showing racism the red card

The forum has been building links with branches and encouraging new Black activists to develop at both branch and regional level in the past year.

At our policy weekend in July the theme was tackling racism. UNISON in the Northern region is an important supporter of Show Racism the Red Card who ran a good workshop on challenging our attendees’ prejudices, and how to tackle prejudice in our own communities. Included in the weekend was a session on the changes to Employment Tribunals and the impact these will have on Black members’ access to redress unfair treatment at work.

UNISON is a key sponsor of both melas held in Newcastle, now the biggest outside of London, and in Middlesbrough. These events are an important part of the regional annual calendar as they provide a high profile for UNISON, and the importance we give to representing Black workers in their workplace and in their communities.
in the regions

South East region – Training staff and opening dialogues

South east region were present at Reading Carnival and Crawley Mela giving out UNISON literature and freebies with our new regional Black members’ group leaflet thanks to a joint self-organised group bid to the General Political Fund.

We held our annual network day in October, opened up to Black community members to publicise the day of action. Members had the chance to test their knowledge of Black history in the morning. The afternoon saw Bert Williams MBE talking about researching his family history and lobbying libraries and museums to uncover Brighton’s Black history. A lively session playing the “It’s Controversial” board game tested our knowledge of equality issues and responsibilities. Participants were so impressed at the quality of this game that they are introducing it to their employers as a fun way of training staff and opening dialogues http://www.itscontroversial.org/.

Joint work continued with a conference, UN, Race and Britain 2012. Around 50 trade union members and community activists heard about race equality processes in the UN and discussed how we could encourage the UK government to implement them more fully. Delegates were provided with copies of the UN World Conference Against Racism Durban Declaration and Plan of Action, Durban Review Outcome Document and Concluding Observations of the Committee on the Elimination of Racial Discrimination 2011 UK inspection to continue the work. The region chaired and part funded the conference organised by Brighton and Hove Black Women’s Group with Global Afrikan Congress UK and Justice Afrikan History.

Our national Black members’ conference social raised over £400 for the Stephen Lawrence Charitable Trust. Smaller donations were made to Brighton Black History Project and Brighton and Hove Black Women’s Group for their assistance in organising the Brighton information pack and the social.

Northern Ireland region – Black and migrant membership continues to grow

Migrant worker and Black member membership has continued to grow significantly in Northern Ireland region.

The group has had a busy year with bi-monthly meetings and other events such as film nights, information evenings and a ‘One World Party’ in August. Evening meetings are an opportunity for new and existing members of the group to share and exchange stories, as well as to work on campaigns and gather and share information.

An immigration seminar in February generated a lot of interest and resulted in doubling the monthly immigration advice clinics.
Getting active in the regions continued

West Midlands region – No stopping them

There was no stopping the West Midlands Black members group in 2012. We started the year by supporting the Birmingham, Holocaust Memorial event. We then attended the Chinese New Year event, forged relations with the Chinese community and also recruited one new member.

In March, at the International Women’s Day event, our stall captured the attention of the lord mayor of Birmingham. On 6 March, Neville Lawrence attended our seminar on Challenging Racism in The Workplace and members were deeply moved by his testimony. On 11 March, we joined the Irish community at the St Patrick’s festival and we recruited one new member. Our stall at the Wolverhampton Vaisakhi Mela in April was very popular with the public. In May we joined the International forum to jointly run an international seminar. In July, the Black members group signed a petition and joined the rally, to oppose the outsourcing of West Midlands police support services. In August we held a Slavery Memorial Day event. A genealogist helped our members to trace their heritage and the event received excellent feedback from our members.

In September we joined the Muslim community at their Eid event and our activists were able to tackle Birmingham council leaders regarding the proposed cuts to public services. In October, our members joined the TUC rally outside the Conservative Party conference in Birmingham. We then went to London to March for a Future That Works.

On 26 October, our Black History Month event was a great success. We had a very productive AGM on 13 November and elected officers for 2013. On 18 November, we joined the Hindu Council of Birmingham at their Diwali event. We will continue the good work in 2013.

Yorkshire and Humberside region – A real confidence boost

The Yorkshire and Humberside Black Members held a training weekend in Leeds in June 2012 with Eleanor Smith, former UNISON president as the guest speaker at the event.

Workshops covered:
- recruitment activities
- challenging racism toolkit
- UNISON structure
- update on race cases
- Race Discrimination Protocol
- How to prepare the early stages of a race case
- develop your action plan activity.

The general feedback from members who attended the training event was that it was a great success and enjoyed by all who attended. It was regarded as a real confidence boost for members.
Measuring the impact of cuts on young Black people

Since May 2010 the coalition government has pursued a policy of economic austerity with public sector spending cuts as a key feature. As part of a series highlighting the impact of government austerity measures this article will focus on young Black people.

In education, the achievement gap between Black and white pupils has narrowed in recent years but there are still some groups of Black pupils who are consistently below the average. The coalition government ended ring-fencing of the Ethnic Minority Achievement Grant and an independent analysis of the 2010 Comprehensive Spending Review shows that spending cuts will mean a real decline in the overall schools budget by 2014/15.

Combined, these changes and cuts not only remove the requirement for schools to ensure that financial resources are allocated to the development of Black pupil achievement, but could leave schools unable to sustain the current level and quality.

While white working class pupils also experience serious problems in terms of underachievement, Black children remain three times more likely to face exclusion. The creation of academies and free schools, moving power to private providers and operators and the weakening of parents’ rights to appeal, permanent exclusion will only serve to further disadvantage Black children.

In further and higher education the abolition of the Education Maintenance Allowance and the increase in university fees will also disproportionately affect Black pupils who are more likely to come from poorer households and struggle to stay in education.

The over-surveillance, over-policing and over-criminalisation of the UK’s Muslim, African and Caribbean communities mean young Black people in the UK experience discrimination at every level in the criminal justice system. According to a government report members of some Black communities are seven times more likely than their white counterparts to be stopped and searched, three times more likely...
to be arrested and five times more likely to be in prison. These statistics become even more alarming when considering the number of deaths of young Black people in police custody and the potential that cuts to policing and police privatisation could have on worsening this situation.

In the workplace young Black people do not fare much better. Unemployment, already high before the recession, has increased sharply and figures reveal that the youth unemployment rate for Black people has increased at almost twice the rate for white 16- to 24-year-olds since the start of the recession. With over a million young people out of work and many more struggling to find the finances needed to further their education it is unsurprising that young people leaving school now are facing the bleakest outlook in over a decade. If this situation continues unchallenged we could lose a generation of talented young Black people to unemployment, debt and underachievement.

UNISON has undertaken joint projects with Operation Black Vote to inspire young people to fulfil their potential and to engage and support them to be active in challenging discrimination. Responding to the racist murder of Black teenager Stephen Lawrence, UNISON renewed its commitment to tackling institutional racism by developing ‘Challenging racism in the workplace’.

Much of the inquiry following Stephen’s death related to the police role, but the report concluded that the most important lesson was that related to racism and in particular institutionalised racism. This murder, as well as a dreadful crime, became an event that prompted a nation to reflect upon its attitude to race, justice for Black people and tackling racism at every level of our society.

Youth unemployment, police relationships and lack of community participation have all been named as factors that saw some young people engage in the civil disturbances of 2011 in the UK. The cuts and withdrawal of services as well as a feeling of anger, hopelessness and insecurity have left a future generation of Black society struggling. UNISON is clear that economic investment, regeneration, growth and jobs all play a role in tackling the social problems affecting young people. Tackling institutional racism should be tackled through regulation, positive action and trade union and community monitoring.

Branches have a responsibility to ensure that the lessons of the Stephen Lawrence inquiry are not lost and that young people are not unfairly disadvantaged by government spending cuts. All UNISON branches have a role to play in raising the issue of institutional racism and discrimination with their employer and ensuring the compliance with the Public Sector Equality Duty. They should work jointly with their employer to address the problems within the organisation. Branches should involve young Black members in this process and support local community groups who are lobbying for access to services, or for action to address institutional racism in the way services are provided.

- More information on Challenging Racism in the Workplace is available on the UNISON website.
Harassment is defined in the Equality Act 2010 as “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Crucially, in pursuing a claim of harassment against an employer, the worker does not have to show how someone who is not of the same race has been or would have been treated. Neither does an employer have a defence of justification for harassment. They may not approve of or even know about racist banter, but they will be liable if it creates an environment that violates the dignity of BAME workers.

They may however have a defence if they can show that they took all reasonable steps to prevent the employee from carrying out acts of harassment, such as by having a policy on harassment and displaying public notices that harassment won’t be tolerated. However, just having a policy is unlikely to be a defence in itself.

Unwanted conduct means unwelcome behaviour which may be overtly or covertly racist. So banter, taunts, comments about people’s dress or accent and excluding people from conversation because of their race are as much unwanted conduct as racially motivated violence, racial abuse and racist jokes.

The individual at the receiving end does not have to object expressly to the behaviour for it to amount to unwanted conduct.

As with direct discrimination, the definition of harassment is wide so that those who are subject to harassment which “relates to” race are covered.

This means that someone who is subjected to racist comments because their partner is Black would be able to take a claim.

White colleagues who witness an Asian colleague being subjected to harassment could also bring a claim of harassment provided they can satisfy the test of harassment.

It is for the victim to establish either the purpose of the alleged harasser’s conduct or its effect. In practice it is rare that a claim is brought where the conduct had the purpose of violating a person’s dignity as it is not only difficult to establish that this was the intention, but the alleged harasser can simply deny that it wasn’t.

Most claims are brought where the conduct has the effect of violating a person’s dignity, as opposed to it having the purpose of doing so.

The tribunal will consider all the circumstances, including the context of the conduct, in order to decide whether it is reasonable for the employee to feel that way. But in a case involving an Indian woman whose boss made a comment to her about arranged marriages, the Employment Appeal Tribunal (EAT) cautioned against cases that encourage hypersensitivity. Although the EAT found that the remark could reasonably have been perceived to have violated the woman’s dignity, it said trivial comments do not necessarily do so. So not all conduct someone perceives as serious will be seen as such by a tribunal.

Finally, it is important to note that while the Equality Act currently extends protection to workers who are subject to harassment by third parties, the government is removing it.

An amendment to the Enterprise and Regulatory Reform Bill, currently going through parliament, removes employer liability if an employee is harassed by a customer or service user.

It seems that the requirement on employers to take reasonable steps to prevent harassment by third parties is a “burden on business” and must go, even though the majority of respondents to a consultation on repeal said the protection should remain.

It may still be possible to bring such claims by arguing that an employer’s failure to take action against third party harassment may itself be harassment by the employer. The argument would be that the employer’s failure to take steps to prevent the third party harassment is unwanted “conduct” creating, say, a hostile or degrading environment, and the omission is “related” to race. However doing so will be more difficult than bringing claims under the current provisions.
Black members’ regional contacts

**Eastern Region**
Tim Roberts  
T.Roberts@unison.co.uk  
Telephone: 01245 608 913  
National Committee Reps:  
Paulette Rennie, Sylvia Beckford

**East Midlands Region**
Sarah Roelofs  
S.Roelofs@unison.co.uk  
Telephone: 0115 847 5457  
National Committee Reps:  
Gillian Byron, Anjona Roy  
Ash Dhobi

**Greater London Region**
Maggi Ferncombe  
M.Ferncombe@unison.co.uk  
Telephone: 08453550845  
National Committee Reps:  
Clive Anthony, Elizabeth Baptiste  
Margaret Greer

**Northern Region**
Jessica Khoshooee  
J.Khoshooee@unison.co.uk  
Telephone: 0191 245 0864  
National Committee Reps:  
Sushil Munakhya  
Bertha Kanyangu

**Northern Ireland Region**
Nathalie Donnelly  
N.Donnelly@unison.co.uk  
Telephone: 028 9027 0190  
National Committee Reps:  
Vacant

**North West Region**
Lesley Northall  
L.Northall@unison.co.uk  
Telephone: 0161 831 1646  
National Committee Reps:  
Calvin Smeda, Bharti Ramji, Vacant

**Scotland Region**
Eileen Dinning  
E.Dinning@unison.co.uk  
Telephone: 0141 332 0006  
National Committee Reps:  
Patricia Agiu/Martha Magaisa  
(job-share) Hamid Rasheed  
Davena Rankin (job-share)

**South East Region**
Sharon Searle  
S.Searle@unison.co.uk  
Telephone: 01483 406534  
National Committee Reps:  
Jed Murray/Judy Richards (job-share)  
Suzanne Osborne/Vanessa Steinfeld (job-share)

**South West Region**
Mark Phelan  
M.Phelean@unison.co.uk  
Telephone: 01179 689464  
National Committee Reps:  
Roshni Singh, Kim Long  
Marcia Dawkins (job-share)

**Cymru / Wales Region**
Lynne Hackett  
L.Hackett@unison.co.uk  
Telephone: 02920 729 414  
National Committee Reps:  
Sam Singh, Pam Singh

**West Midlands Region**
Kalvinder Tiwana  
K.Tiwana@unison.co.uk  
Telephone: 0121 685 3189  
National Committee Reps:  
Jenny Martin, Jacqueline Burton  
Vacant

**Yorkshire & Humberside Region**
Sultan Mahmood  
S.Mahmood@unison.co.uk  
Telephone: 0113 218 2339  
National Committee Reps:  
Reginald Hamilton  
Diane Johnson  
Magda Lezama

**National Disabled Members’ Committee**
Peter Daley, Pat May

**National Lesbian, Gay, Bisexual and Transgender Committee**
Bev Miller, Vacant

**National Women’s Committee**
Monica Powell, Manjula Kumari

**Black NEC members**
Abiola Kusoro, April Ashley  
Elizabeth Cameron, Vacant

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**2013 Dates for your diary**

18–20 January  
National Black members’ conference, Sheffield

14–16 February  
National Women’s conference, Liverpool

1–3 March  
National Black members’ committee policy meeting  
(committee members only)

12–14 April  
TUC Black Workers’ conference, London

7–8 June  
National Black members’ committee meeting  
(committee members only)

18–21 June  
National Delegate conference, Liverpool

6–7 September  
National Black members’ committee meeting  
(committee members only)

13 September  
UNISON Black LGBT members network  
(all Black LGBT members welcome)

26–28 October  
National Disabled members’ conference, Manchester

8–9 November  
National Black members’ committee meeting  
(committee members only)

22–24 November  
UNISON national LGBT conference

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Sharon Searle  
S.Searle@unison.co.uk  
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Suzanne Osborne/Vanessa Steinfeld (job-share)

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Mark Phelan  
M.Phelean@unison.co.uk  
Telephone: 01179 689464  
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Marcia Dawkins (job-share)

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L.Hackett@unison.co.uk  
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Black Action Spring 2013

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UNISON Centre, 130 Euston Road, London NW1 2AY. D.U./JANUARY 2013/21219/2651/UNP 12830.