



Welcome to the latest edition of my department's e-bulletin. I hope you have all had a pleasant summer – it was short and sweet and not really one to remember in terms of good weather.

Since I last wrote to you we have seen 5 months of coalition government – 5 months of what we feared has already come to fruition. Even as we prepare the latest e-bulletin they have announced that they are cutting child benefit for anyone earning more than £42,375. Osborne has already dragged 700,000 more people into the higher tax band since he announced his emergency budget back in May. It is not rocket science really. If you are a single parent earning £42,375 or more a year you will lose your child benefit. However, if you are a couple, each earning £40,000 per year, the family will not lose their child benefit. The Tories never were good at their maths!

Focusing back on our work, lots has happened since the last e-bulletin. Annual Conference has come and gone, the 100th Anniversary of the Chain-makers dispute took place very recently and we have our Equality Conferences on the horizon again. I would again make the customary call to ask as many branches as possible to support the equality conferences and send representatives to take part in our equality debates. In closing, I would also remind you that updates can also be found on my personal blog, which you are all more than welcome to visit. It can be found at [www.equalitylinda.blogspot.com](http://www.equalitylinda.blogspot.com)

I always welcome feedback on the e-bulletin so if there is anything you would like us to feature in a future edition please do not hesitate to let me know.



Linda Roy  
Assistant Secretary Equal Opportunities  
lroy@cwu.org  
0208 971 7238

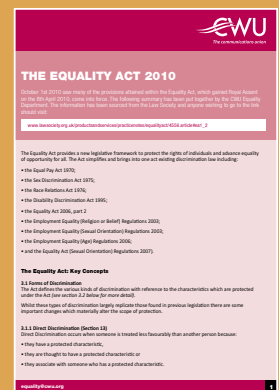
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# The New Equality Bill

As you know we did a comprehensive piece on the Equality Bill in the last e-bulletin. October 1st saw the main provisions kick in to play so we feel it is only right to highlight the Bill yet again for your benefit. Already the CBI and other pro-business groups have been quick to slam the Bill saying that it is going to cost the businesses too much to begin to understand the legislation. This is quite ridiculous as much of it is an amalgam of existing legislation. There are some new parts too, and we have prepared our own summary which you can access by clicking the link on the right.



## Legal Updates: Compensatory Feelings

### Taylor v XLN Telecom

In discrimination claims, workers are entitled to be awarded compensation for injury to feelings or personal injury as long as they relate to the discriminatory act. In Taylor v XLN Telecom, the Employment Appeal Tribunal (EAT) said that claimants do not have to show that they had actual “knowledge” of the act of discrimination in order to receive compensation.

The tribunal upheld Mr Taylor’s claim finding that his dismissal was both unfair and an act of victimisation on grounds of race. The tribunal awarded him compensation of just over £12,000 but said it could not make any award for injury to feelings, personal injury or aggravated damages because it was bound by the decision of the Court of Appeal in Coleman v Skyrail Oceanic Limited. This said that “Any injury to feelings must result from the knowledge that it was an act of... discrimination which brought about a dismissal.”

The tribunal said that it felt it was impossible to make any award for injury to his feelings “for the simple reason” that he had failed to show that the “act of unlawful racial victimisation found by the Tribunal played any part in contributing to any distress, anxiety, depression or hurt feelings which his dismissal caused him.”

### EAT Decision

The EAT noted that Mr Taylor was to be compensated for the dismissal and that under the ordinary rules of tort (which apply to discrimination cases) he would be compensated for the wrongful act (the dismissal) irrespective of his knowledge.

The EAT said that the tribunal had misunderstood the Court of Appeal in Skyrail which concerned an award for injury to feelings only. In this case, however, Mr Taylor claimed to have suffered a psychiatric illness for depression and as such Skyrail was not relevant to his claim for personal injury. Furthermore, Skyrail was not authority for precluding an award for injury to feelings when a claimant did not know the motivation of the discriminator.

It took the view that it would be surprising if a claimant could only recover compensation for injury to feelings “if and to the extent that he could prove that he knew of the particular factor that rendered the act complained of unlawful”. Apart from anything else, the EAT said that it would not make sense for different rules to apply to compensation for injury to feelings as opposed to personal injury, particularly as they often overlap.

Mr Taylor was, therefore, entitled to recover damages for any psychiatric injury he had suffered or any injury to his feelings, irrespective of what he knew about the motivation behind his employer’s decision to dismiss him. The EAT remitted the case to the tribunal to decide how much compensation he should be awarded.

### Comment

This is a good decision. Had the tribunal’s decision stood this would have involved tribunals having to apportion compensation for injury to feelings according to those elements of distress motivated by discrimination [comment and info sourced from Thompsons].

## KEEP THE POST PUBLIC!



For the 4th time in 15 years the Government are trying to sell Royal Mail off. So, once again, the CWU and the many friends in other organisations have launched the Keep the Post Public Coalition to make sure that this doesn't happen. The ConDems are using a revamped version of the Hooper Report as their justification this time round, but are the arguments really any different from before?

### Royal Mail – a Basket Case?

The Government are saying that Royal Mail is in such a state that only a dose of private enterprise can save it. What an insult to all those who work there. It's true that the company has a cash problem at the moment but that's got nothing to do with the way it's run. From the moment the last Government brought in rules on competition that meant that Royal Mail were effectively subsidising the likes of TNT, and this would cripple Royal Mail. The deficit in the pension scheme, which costs the business hundreds of million £'s a year to repay, was not the fault of the members. Rather, it was due to Government policies, which took money out of the business in the good years, rather than invest it or keep it in hand for the lean years. The way to modernise Royal Mail was through an agreement between the union and the present management and not by bringing in outside, private sector managers.

### What Do We Want?

We don't need private enterprise to sort out the problems of Royal Mail. We need Government action. We need a change to the competition rules to allow the company to compete on an even playing field. We need the Government to take over responsibility for the pensions deficit. None of this would involve immediate injections of money but it would immediately transform the company's balance sheet. These are the things the Government would have to do anyway to make Royal Mail attractive to private investors. So, why privatise Royal Mail in the first place? And the idea that it is a few shares rather than decent wages and conditions that motivate the members to do a first class job is frankly laughable.

### The Future

The difference between a privatised Royal Mail and a public one doesn't boil down to simply which one you prefer. It will have a drastic effect on both the service to the public and on the jobs and the conditions the Workers will face. Under privatisation, the main drive will be to return a profit for the investors. Unprofitable services will simply be cut. There is already talk of a plan to axe the Saturday delivery. This will cost thousands of jobs. In Holland, TNT only deliver three days a week to some addresses and few foreign postal services deliver through the door

SOURCE: Linda Roy Blog



## New Rates of Minimum Wages comes into effect in October

From October 2010, National Minimum Wage rates will increase from:

- £5.80 to £5.93 an hour for workers aged 21 and over
- £4.83 to £4.92 an hour for workers aged 18 to 20
- £3.57 to £3.64 an hour for workers aged 16 to 17

The rise is around the two per cent mark in each category. As promised, the government has extended the adult minimum wage rate to 21-year-olds from October 2010. Previously the qualifying age for the National Minimum Wage was 22.

## Apprentice minimum wage: £2.50 per hour

The government also accepted a recommendation from the Low Pay Commission (LPC) to introduce an apprentice minimum wage of £2.50 per hour. The new rate will apply to:

- apprentices under 19
- apprentices aged 19 and over, but in the first year of their apprenticeship

There is also a Minimum Wage Helpline if anyone has a query on this issue which can be called on **0800 917 2368** or **0800 121 4042**

Source: Direct Gov.

## Gang master barred over long list of failures

After a shocking catalogue of failures discovered at a Lancashire gang master business, including paying workers well below the minimum wage, the gang masters Licensing Authority (GLA) has immediately revoked a company's licence.

The record failures totalled 242 points in non-compliances, when 30 would be enough to revoke the licence. Mr Jose Rosa was the director of Plus Staff 24 based in Skelmersdale, but Maria Baptista, who had already been banned as a gang master, was lurking in the background raising suspicions that Rosa, who used to operate as a driver for her, was acting as a front to continue her exploitative ways. A group of over 30 Latvian fruit pickers were subjected to appalling treatment that kept them trapped in the employment of Rosa, the workers did not receive the minimum wage and deductions left at least one worker owing the gang master money after a month of toiling in the fields. If the workers needed money they were given loans with a repayment rate of 6%.

As if to underscore the importance of the above Linda Roy recently met with the Chief Executive of EAVES Poppy Project, Denise Marshall at their offices in Vauxhall, central London. EAVES and the CWU have a long relationship of co-operation dating back a number of years. Linda Roy added "We are very pleased to work closely with Denise. Her group does a fantastic job helping to give illegally trafficked women an exit strategy out of the sex industry. With the Olympics here in London coming up we have already seen an increase in sex cards being left in telephone kiosks in and around the Newham area – which we believe are there to service the people working on the Olympic site".



Linda with Denise Marshall

We are very pleased to confirm that Denise has agreed to address our female delegates at our CWU Women's Conference taking place in February next year in the city of Edinburgh.

## Inquiry into disability-related harassment



Every working day at least one person on average appears in court charged with a crime against a disabled person, nearly half of which involve violence. Evidence already gathered by the Equality & Human Rights Commission suggests that many more incidents of targeted violence or

hostility go unreported or are not dealt with properly.

The Commission is investigating whether public bodies and public transport providers are fulfilling their legal obligations to prevent disabled people from being harassed, including name-calling, intimidation, bullying or violence. Councils, police forces, schools and other public bodies as well as bus, train companies and other public transport providers found to be failing in their duties could face enforcement action.

We are asking people if they have sought help from any public body or transport provider and what support they got, either as a result of being harassed because of their disability or because of their connection to someone who is disabled. The Commission is also working with organisations of and for disabled people or crime victims to help gather evidence. Public bodies and transport providers are being asked to disclose what steps – if any – they are taking to meet their legal duties. At the end of the Inquiry, public bodies and transport providers found not to be doing enough to tackle the problem could face legal action to force them to comply with their legal obligations.

More information about the Inquiry and how to give evidence can be found on the Commission's website at: [www.equalityhumanrights.com/disabilityharassmentfi](http://www.equalityhumanrights.com/disabilityharassmentfi)

The Commission has also produced a short film called 'Nice Day' which follows the course of a day for a man with a learning disability. The film illustrates some of the issues the Inquiry is looking into.

## STUC Black Workers Conference

The STUC Black Workers Conference took place over the weekend of the 1st October 2010 at the Menzies Hotel in Glasgow. The CWU as usual played an active part in the debates and both our motions were carried. One was on the issue of representation and the 2nd one was highlighting the very sad story concerning the asylum family who all jumped to their deaths from a high rise Glasgow flat. I would like to place on record my thanks to the delegates Amarjite Singh and Ian Taylor. The STUC Women and Disabled Conferences will be taking place next month and reports will be provided in the next e-bulletin.



Amarjite Singh, Ian Taylor and Linda



**Amazing news!** The £6,000 target that we announced earlier in the year to enable to the CWUHA to go out to an African village and build a well looks like being reached within the next few weeks. The RAC has been keen to ensure that we have

pushed this project as hard as possible. Thanks to the generosity of the CWU branches and regions, and in addition to the monies raised at the last two Equality discos, we are finally in a position to move ahead pending a very generous contribution from the CWUHA trust. We hope that at some stage in the future the RAC will be able to visit the project when it is complete, though naturally this will be pending funding being secured to realise this.



Our members face all kinds of trials and tribulations in the workplace. The union reps are obviously there to help you all, but sometimes you may want to talk about something which you find difficult to raise with a rep, or you may want to enlist the help of a specialist counsellor. Either way, our union are proud to run a 24 hour 7 day a week free helpline. The helpline has been running for 6 years now and many people have benefited from the support available to them using this mechanism. Linda Roy, the union's National Equality Officer said "We are very proud of our helpline and the support that it offers to our members. Whilst the line is primarily there for people who feel they have been victims of bullying and harassment I would stress that there are specialist counsellors who are only a phone call away. I urge people to use this facility". The all important number is **0800 107 1909**

# Chainmakers Centenary Festival 2010

The famous Chainmakers dispute was celebrated at its 100th anniversary last month. The Cradley Heath Chainmakers dispute has long been regarded as one of the most famous disputes in labour history and the significance of this one was that it was led by women, led by Mary Macarthur. The CWU had a fantastic presence again at the festival and Billy Hayes addressed a large crowd. The pictures below tell their own story, from the entertainment to the re-enactments it all led to being a very special occasion.



## The Equality Department in the news...

### **NDC Northampton – investigation into bullying & harassment in the workplace almost complete**

The National Equality Officer is in the process of completing a comprehensive joint investigation into the problems relating to workplace bullying in the Northampton NDC. This has been a joint exercise with Royal Mail. Linda added “We have invested serious time in trying to change the workplace culture and giving people the belief to be confident in this important procedure. We are committed to helping people who feel they have been bullied and harassed and in the first instance we have a confidential bullying and harassment helpline, which is available 24/7 – 0800 1071909”

### **Northern Ireland RWC**

On the 26th August 2010 Linda Roy attended the Northern Ireland Regional Women’s Committee to continue the department’s support that is being given to the committee. It is important that the CWU branches in Northern Ireland do what they can to encourage more women to get involved in trade unionism and the RWC is a natural stepping stone to helping achieve this. For more information please contact Vivien Holding in the Northern Ireland Engineering branch. Vivian is the secretary of this group.

### **EuroPRIDE, Warsaw**

On the 14th July 2010 myself and Dave Daniel were fortunate enough to attend EURO Pride, which this year was held in the city of Warsaw. There was also a conference taking place hosted by OZZ, which was a Polish human rights group and were delegates there too.

The event was very well attended with people coming from all over the world – even Peru was represented. There are prejudices all over the world. However we saw at first hand the prejudice that LGBT people, or people associated with LGBT people have to endure. We hailed a taxi to bring us to our hotel, but when he saw paperwork relating to EURO Pride he refused to give me and Dave a lift. We are committed at the CWU to helping to break down these barriers. My thanks to Billy Hayes and the NEC for partly funding this trip otherwise the CWU would not have been able to attend.

### **Supporting Embargoed! and a diplomatic engagement**

I was fortunate enough to meet the Turkish Republic of Northern Cyprus London attaché, at his offices not far from the TUC HQ. As you know the CWU are very supportive of the Embargoed! human rights group and my Policy Assistant Fevzi Hussein heads up the group. They are very active on challenging racism and promoting dignity and respect. The Union nationally are affiliated to Embargoed! and they are keen to build their links with the trade union movement. For more information on affiliating please go to their website at: [www.embargoed.org](http://www.embargoed.org)

### **The Department is here to help**

My department have been assisting a branch in the Eastern region. Obviously we cannot go into too much detail, but needless to say, if a branch requires support on a generic equality front my department is more than willing to help out where we can. The branch in question is very proactive on Equality and has its own Equality sub-committee – which is an achievement in itself. If you would like help pushing the equality agenda forward in your branch and would like to explore a potential equality action plan please do not hesitate to contact me.



Linda with TRNC London Attaché,  
H.E. Kemal Koprulu



Linda at EuroPRIDE

## JUST IN CASE YOU WEREN'T SURE...

### Being a union member has many advantages...

Union members get higher wages, better sickness and pension benefits, are much more likely to be able to take advantage of flexible working and are able to take more annual leave, according to the TUC.

The TUC report cites official statistics showing that workers in a union earn 12.5% more an hour than employees in a non-unionised workplace, taking home average hourly earnings of £13.07 compared to £11.62.

The 'union advantage' is part of a set of new materials produced by the TUC to help unions attract new recruits and also to demonstrate the value of unions to employers. Alongside a new leaflet aimed at encouraging workers who have never thought about joining a union to do so, and a guide to show union reps how to research the employers they deal with, the TUC has also released a new report looking at the positive advantages unions bring to the UK economy.

By cutting down on accidents at work, unions could be saving employers as much as £371 million a year, says the TUC, and because they feel involved and listened to, unions help workforces become more productive, benefiting the UK economy to the tune of between £3.4 billion and £10.2 billion a year.

Source: LRD

## UP COMING EVENTS

**Women's STUC Conference**  
1-2 November 2010

**3rd LGBT Sports Summit**  
2nd November at Twickenham Stadium

**STUC Disability Conference**  
20-21 November 2010

**LGBT Conference**  
27th November

**LGBT History Month**  
February 2011

[www.cwu.org](http://www.cwu.org)

## Meet the Equality Team...

We are very keen to hear what you have to say and to offer as much help and support to everyone. You all do a brilliant job in the branches and it is up to us at CWU HQ to service your enquiries as professionally and as speedily as possible.

Just so you know who you are likely to speak to when you phone our department, we thought we would offer you an insight into all of the team....



**Dionne Gittens-Noel**  
020 8971 7356

*Dionne has been in the department since 1998 and offers excellent support on a daily basis to the whole team. She is the events organising guru and is the person responsible for negotiating the excellent deals we get at our Equality conferences.*



**Julie Rodrigues**  
020 8971 7309

*Julie is the second of the two PAs and again offers very good support to both myself and Fevzi. She has been in the department previously working to Al Crisp and it will be either hers or Dionne's voice you hear when you call us.*



**Fevzi Hussein**  
020 8971 7388

*Fevzi has been the Policy Assistant in the department since May 2005 and his knowledge and support is vital to helping me deal with all aspects of work undertaken in the department.*

  
The communications union