

AMICUS NEC
LONDON COUNTY HALL

2nd February 2005

Present:

Derek Simpson, General Secretary

Arthur Adshead, Dick Barker, Derek Barlow, Ray Bazeley, Judy Box, Allan Cameron, Brian Cole, Steve Davison, Sybil Dilworth, Megan Dobney, Dave Dutton, Stewart Eaves, Alastair Fraser, Pauline Frazer, Gill George, Eddie Grimes, Nigel Janes, David Jones Simon Hemmings, Jerry Hicks, Dave Hutchinson, Bobby Irvine, John King, Jane Lewis, Stuart McGhie, Alan Mercer, Tam Mitchell, Janet Moir, Dave Nestor, John Oliver, Brian Pemberton, David Ryder, Sue Sharp, Bill Spiers, Mickey Stewart, Dean Taylor, Peter Taylor, Roy Taylor, Meurig Thomas, Paul Tilbrook, Agnes Tolmie, Dave Trafford, Howard Turner, Malcolm Vass, Colin Walker, Gordon Whitman, Andrew Yerbury.

Observer: Ben Benkharmaz.

In attendance:

Tony Dubbins [Deputy General Secretary]
Ed Sweeney [Deputy General Secretary]
Tony Burke [Assistant General Secretary]
Doug Collins [Assistant General Secretary]
Paul Talbot [Assistant General Secretary]

Georgina Hirsch, John Gibbins, Siobhan Endean, Christian Matheson, Michael Cardell, Richard O'Brien.

14/05 Apologies

Ian Allinson, Billy Ayre, Margaret Hazell, Graham Hunt, Mick McLoughlin, Mick Millichamp, Rod Pickford, John Ruane, Brian Rice, Linda Somerville, Chris Tranter, Walter Wilson, Les Bayliss (AGS).

15/05 Minutes of the Meeting held on 19th/20th January 2005

With the following amendments the minutes of the 19th/20th January were agreed.

Agnes Tolmie was present.
Extra new minute 13/05

13/05

Conduct of NEC Members During Debate

The Chair reported that he had received a complaint about the use of inappropriate language during debate on the first day of the NEC (19th January). The chair reminded the NEC of the importance of the appropriate use of language, that did not give offence and that reflected the plurality of Amicus and our commitment to equalities. The union's statement on harassment would be circulated.

16/05 **Matters Arising**

It was confirmed that the list of payments of honoraria was available for inspection.

The Director of Finance accepted that the NEC should have been advised of amendments to the 2003 accounts and AR21.

The new full time officer disciplinary procedure had been circulated.

Sybil Dilworth, Agnes Tolmie and Megan Dobney were **ELECTED** as the NEC reps on the group which would meet, with the national Officer for Equalities and other appropriate Amicus officers and staff, to prepare a paper on equalities for the March NEC.

The rule change to allow the chair of the NEC to chair conference would require endorsement by the Policy Conference.

17/05 **GPFC Report**

(a) JIB Pension Trustee Board

It was **AGREED** that Arthur Adshead would replace Danny Carrigan.

(b) Complaint into Conduct of a Member

The NEC approved the GPFC's recommendation not to commence disciplinary action unless the member pursued her claims for loss of earnings and that no payment of her loss of earnings would be authorised.

(c) Election of two women's representatives on the NEC

Leonie Cooper had withdrawn leaving four candidates:
Lorene Fabian, Margaret Lawson, Jane Stewart, Anne Trafford.

(d) Lay Expenses and Honoraria

The circulated guidelines were **AGREED** (attached to these minutes as Appendix 1) for distribution and for the report to Conference. Further consultation would take place on issues relating to child care costs from the CPHVA.

(e) Proposal re ex members who discover they are suffering from Mesotheloma.

It was **AGREED**

1) that this would apply when a former member of the union approaches the union when they are in need of legal assistance in relation to an industrial disease which was, or may have been, contracted while that member was a member of Amicus, or predecessor union.

2) that at the discretion of the NEC the member will be allowed to rejoin Amicus at the rate applicable to their employed status (including unemployed or retired).

3) for the purposes of access to legal assistance Rule 9 (10) the membership qualifying period under Rule 9 (1) be waived.

f) Branch GP Fund Allocations

In response to a question the General Secretary confirmed that allocations were based on contribution income, not number of members, and added that in view of continuing complaints on branch administration he would be investigating the issues. The GPFC expected cheque books to be issued as soon as possible.

g) Wembley Investigation Report

This had been discussed by the NEC members from the construction sector and it was **NOTED** that further investigations were required.

18/05 **General Secretary's Report**

(a) Future Development of Amicus

The General Secretary gave a comprehensive report on the need for Amicus to seek further mergers to meet the challenge of accelerating corporate globalisation. Historically, unions had grown stronger through merger – all the component parts of Amicus were testament to that and this was still the best way to deal effectively with employers and government particularly at European and international level. A merger would also eliminate inter-union

competition. Recruitment would continue to be a major priority but on its own merely managed decline.

The General Secretary outlined the background to merger discussions with the TGWU, which had received considerable impetus from discussions over the past year between the 'big four'. He also referred to the recent attempt to start discussions between the TGWU and GMB. He was confident that a major opportunity had arisen and recommended that merger talks with the TGWU commence. He further recommended that an invitation be extended to the GMB to participate also, from the outset. A similar recommendation was being put to the TGWU Executive today.

A wide ranging discussion ensued following which the NEC voted by 44 votes to 3 to **AGREE** the following motion.

"The Amicus NEC agrees in principle a three-way merger between Amicus, the TGWU and the GMB.

The Amicus NEC authorises the General Secretary to begin merger talks with the TGWU and to write to the General Secretary of the GMB to invite him to join the process".

Simon Hemmings and Dave Jones were recorded as voting in favour. Jerry Hicks and Gill George were recorded as voting against.

Following the vote, the General Secretary reported that the TGWU Executive had unanimously voted to endorse the recommendation.

19/05 Financial Report

The Director of Finance presented a written report covering branch annual returns, branch fund allocations, branch officer honoraria, preliminary figures for Amicus (excluding Unifi and GPMU) for 2004 and projected figures for 2005 showing the impact of the VR programme. In response to concerns the General Secretary referred to previous decisions of the NEC concerning unspent surpluses following which that part of the report was endorsed by 31 votes to 9. Discussions would take place with Unifi to integrate them into the Amicus lay expenses regime.

Further reports on the 2005 Budget would be prepared once the numbers applying for VR were known (closing date February 18th). The report was endorsed.

20/05 Agusta Westland – Emergency Motion

The following motion was passed unanimously.

The NEC congratulates our members in Agusta Westland for winning the order for US Presidential fleet of helicopter.

This demonstrates once again that UK Aerospace can compete with anyone in the world if given equal opportunity to bid.

However, the NEC is appalled that the announcement of this successful bid was immediately followed by a further 650 redundancies from Agusta Westland in Yeovil.

These redundancies would be unnecessary if the UK Government were to place the expected order for helicopters to replace the Lynx.

The NEC calls on the Government to take immediate action to halt these redundancies by placing new orders with the company."

Proposers: Alastair Fraser, Ray Bazeley, Jerry Hicks, Tam Mitchell

21/05 Organising and Industrial Matters

Paul Talbot AGS reported that the Amicus membership count showed a net increase of 13,767 for 2004 arising from recruitment of 72,000 with losses of 58,000. New recruitment literature would be circulated and discussions had commenced on integrating the incoming organising teams.

22/05 Political and Policy Matters

Tony Dubbins DGS reported that the Amicus General Election Campaign had been launched at a combined meeting of Regional Political Committees. This would now be underpinned by regional meetings addressed by the General Secretary and government ministers. The Amicus Guide to Warwick was circulated and further materials would be available at the next NEC. Thanks were extended to the political unit.

23/05 Other Reports

(a) Legal Report

Georgina Hirsch, Director of Legal Services, reported on a range of issues; the application to the Certification Office from Bob Eadie, further settlement of the former Executive pension arrangements, Turner and Newall, Alan Whitmore, successful HSBC stress cases (one initiated by Unifi) and the Court of Appeal hearing on the

William Cook dispute which had disappointingly referred the matter to alternative dispute settlement.

On the CMA an expedited certification office hearing had been requested but the CMA solicitors had now written setting deadlines. The NEC were informed that the CMA was threatening to sue them personally. It was **AGREED** that the union would indemnify NEC members (in the same way as it indemnifies union employees) against any such claim by the CMA, provided that if they received any correspondence to do with the case they immediately forward it to the Director of Legal Services to deal with, and do not take any other steps which might affect the case, unless as part of the union's handling of the case.

(b) **Communications Report**

Richard O'Brien, Director of Communications, reported on the new website design, the website's *My Amicus* function, the Glastonbury video and a further film on the Warwick Agreement for the Election.

(c) **Branch Mergers and Closures**

The following were approved.

South East	Walton (0630M) to merge with Milton Keynes (0632)
South West	Weston Super Mare (0977) to merge with Weston Super Mare (0915M) Gloucester (0398) to merge with Gloucester General (9712M) Open new Branch at Honda Swindon
West Midlands	Walsall 1 (0955) and Walsall 2 (0956) to merge
Wales	Haverfordwest (0444) to merge with Milford Haven (0631) Close LG Electronic (1138) and transfer members to nearest geographical branch. Colwyn Bay (0247) to merge with Llandudno Junction (0544) EESA South Wales (0803) to close and transfer members to nearest geographical branch.
Scotland	Clydebank & Dumbarton to close and transfer members to Glasgow Central.
North West PSA Section	Merge Chorley 9/b Craft (2810M) with Preston Unite Craft 2815 Merge PSA branches Eastern Counties branch with South Essex branch. Merge Stockport & North Cheshire, Bury Metro, Liverpool & North Wales, Lancaster Coast & Preston branches.
London	Close 0623 Executive Staffs branch and transfer members into Westminster branch.
Yorkshire & Humberside	Merge Sheffield 9/c 3012 with Sheffield 1 branch 0823.

Arising from questions the General Secretary reaffirmed that as far as he was aware, no merger was being proposed against the wishes of a branch.

Further enquiries would be made concerning the Thames Valley IT Merger with Bracknell (South East Region) and the following proposals for East Midlands mergers.

East Midlands Close Nottingham Trent General branch and transfer members to Nottingham No 1 branch
Merge Northampton branch with Northampton Central branch

24/05 Dispute Benefit

Dispute benefit for William Cook was Agreed.

25/05 Correspondence

- a. From East London Health Branch on branch re-organisation – noted.
- b. From Electrical Engineering, Electronics and IT National Sector Committee requesting that NEC motions can be amended by other Amicus bodies – not agreed.
- c. From London Insurance and Finance branch requesting the NEC bring forward a Rule change to Rule 19 Clause 13 – noted.
- d. From Macclesfield Branch to provide guidance on electrical regulations – noted & referred to Construction and EEEIT National Sector Committees.
- e. From Telford Branch requesting union affiliate to Justice for Columbia – Agreed.
- f. From Dagenham MV Branch seeking changes to finance regulations in respect of taxable payments to over 75's – noted and referred to Political Unit.
- g. From Tyneside Engineering Branch, on Babar Ahmad, to campaign for Mr Ahmad's trial or release – Agreed.

The motion read

This branch expresses its serious concern regarding the situation of Mr Babar Ahmad as outlined by his wife in a recent visit to the North East.

Following his arrest under the Terrorism Act 2000, Mr Ahmad, a British citizen, was brutally assaulted by police over a period of six days. He was then released without charge.

Mr Ahmad was re-arrested in August 2004 under the Extradition Act of 2004 in response to allegations by the US government that he had been

raising funds for rebels in Chechnya and Afghanistan. Under the extradition Act the individual has no right to contest any evidence put forward or in any way defend himself.

Mr Ahmad has been refused bail and is currently being held in Woodhill Prison awaiting a final decision in March.

This branch calls on the NEC to support the campaign for justice for Mr Ahmad and in particular the following points:

- A) The Suspension of the Extradition Act*
- B) The Release of Mr Ahmad*
- C) If there is any evidence against Mr Ahmad he should be charged under British law and tried in a British court.*

- h. From North West Regional Council on Branch mailings, asking for Head Office communications to branches to be reviewed – noted.
- i. From North West Regional Council on Energy Policy motion, campaign for balanced energy policy, development of government strategy for nuclear energy including new build – noted.
- j. From Nottingham NHS Branch on Review of Branches motion, to maintain industrial based branches, oppose geographical restructuring – noted as part of any NEC consultation.
- k. From West London General Branch on Review of Branches motion, – noted as part of any NEC consultation.
- l. From West London General Branch on Pensions asking to support TUC Day of Action, oppose NHS Pension reform – Agreed.

The motion read

"The NEC fully supports the TUC 'Day of Action' on pensions and resolves to campaign, encourage and support our members' participation on 18th February 2005.

Further the NEC pledges to resist the proposed regressive changes to the NHS Pension Scheme and retain the final salary scheme and existing qualifying age provision."

- m. From Cannock Branch on (a) Minimum Wage and (b) Gaming Industry, to increase minimum wage by 50p/hr, oppose expansion of gaming industry – (a) Agreed and (b)– Noted.

The motion read

"That this Cannock branch of the Amicus trade union would wish to bring to the attention of the NEC the advice and support of the TUC to enhance the minimum wage by at least 50 pence per hour and would earnestly ask that this be supported by this union."

- n. From Thameside & London South East Branch on Review of Branches Motion, seeking no changes to branch structure without reference to rules conference – Oppose – Contrary to Rule 19 (3).
- o. From Nev Jackson, Regional Secretary on PSA East Midlands Branch, Ted Mason seeking to retain lay office (rule 6(5)) Branch Secretary – Approved
- p. From John Fowler, Anne Walder, Avon Staff Branch on Branch Lay Officers, permission to retain lay office (rule 6 (5)), Branch Chair, Branch Women’s Officer – Approved subject to continuing proviso no eligible member wishes to undertake roles.
- q. From Glasgow ISS Branch on Branch Lay Officers, permission to retain lay office (rule 6 (5)) – Branch Vice Chair, branch Auditor – Approved subject to continuing proviso no eligible member wishes to undertake role.
 - i. It was reaffirmed that issues covered in items o-q should be dealt with in line with established criteria and did not need to be referred to the NEC.
- r. From PSA East Midlands Branch (via Nev Jackson, RS) on Branch Renaming, change branch name to Midlands Branch – Agreed.
- s. From Civil Air Transport on Branch representation at Regional Meetings, alter branches’ delegate entitlement – Noted pending any decisions on branch re-organisation.
- t. From Alan Miles on Rock Against Racism Film seeking sponsorship of RAR film – Agreed to donate £7000.
- u. From Voluntary and Not for Profit NSC on Funding of Public Sector Jobs and Services Motion, organise national demonstration – Agreed to try to organise.
- v. From Voluntary and Not for Profit NSC on Examination requirements for immigration advisors, to campaign to abolish continual exam requirements – Noted.
- w. From GPM South of England Branch on Review of Branches Motion to maintain industrial/shopfloor nature of branches – Noted as part of any NEC consultation.

Correspondence previously considered by GPFC.

- x. From Graham Goddard Regional Secretary on Alan White for payment of permanent Disablement Grant – Agreed, subject to establishment of correct scale of disablement.
- y. From Mike Budd Regional Officer on Peru Sponsored Walk to underwrite balance of minimum sponsorship – Refer to Regional Council.

- z. From West Midlands Regional Council, to subscribe to LRD for all reps –
Subscribe and make available on the website.
- aa. From Yorkshire & Humberside Regional Council, to donate £10,000 to
William Cook Hardship Fund – Approved.
- bb. From East Midlands Regional Council, to donate £1,800 to William Cook
Hardship Fund – Approved.
- cc. From East Midlands Regional Council on Midlands TUC for Nev Jackson
to be part of union delegation to Midlands TUC – Approved.
- dd. From East Midlands Regional Council on Regional Council attendance, to
query status of Regional Council delegates who do not attend RC:
consider rule change – Not agreed.
- ee. North West Regional Council on Donations, to donate £500 to members
at West Coast Train Care in dispute – Approved; payment not to be
made out to an individual.
- ff. From South East Regional Council, to donate £2000 to jointly campaign
with Unison to defend council housing in Southampton – Approved.
- gg. From South East Regional Council on Publication of guides, to publish
user guides on (i) expense regime and (ii) finance department contact
details – Agreed (i); Publish on website (ii)
- hh. From South East Regional Council on Allocation of GP funds to branches,
to ensure branches are told of their allocation urgently – Agreed.
- ii. From South East Regional Council on Branch meetings and Disabled
Access, to issue DDA compliance guidance to branches and cover
additional costs – Approved; issue guidance but no change to funding
regime.
- jj. From Wales Regional Council, to affiliate to Justice for Columbia–
Approved.
- kk. From CPHVA section, requesting payment of childcare costs to be part
of members’ expenses – Seeking clarification of requirement.
- ll. From Scotland Regional Council on for Payment of Overnight Allowance
at Sector Conferences where overnight stay is allowed – Agreed.
- mm. From John Quigley Regional Secretary on Graeme Burns (Dcsd) on the
Provision of Legal Support on Payment of arrears – Agree without
precedent.
- nn. From Trade Union Friends of Palestine, to affiliate at £500, Agreed.

26/05 **Regional Council Budgets**

It was reported that regional plans had not yet been received from all Regions, but regions were authorised to implement where these had been drawn up.

27/05 **Motion from Ian Allinson**

The following motion was **AGREED** as amended.

This NEC welcomes the robust stance taken by its members and officer over the threats to public sector pensions, for example in the press release of 12 December. We recognise that the spread of this attack on the retirement security of workers from the private to the public sector has further increased the profile of the pensions issue.

We resolve to work with other unions, the TUC and pensioners' organisations to ensure effective action in defence of occupational and state pensions.

We believe that the increased profile of pensions issues offers an opportunity to campaign to undo some of the damage already done. We resolve to urge all Amicus negotiators dealing with employers that have already closed final salary pension schemes to new entrants to include the reopening of the schemes in forthcoming pay claims wherever possible.

Appendix 1 – Referring to Minute 17/05 (d)

EXPENSES CLAIMS – GUIDELINES FOR LAY MEMBERS

(effective from February 2005)

The National Executive Council (NEC) is legally responsible for the finances of the Union.

In order to fulfil this requirement, the NEC is obliged to ensure that appropriate financial procedures operate and are fully complied with at all times.

The following updated guidelines replace previous procedures in respect of claims for expenses incurred by lay members.

1. Claim Forms

Members submitting a claim for the reimbursement of expenses in respect of union meetings and activities on behalf of the Union, **MUST** ensure the following requirements are met:

- i) Full details of the relevant expenditure incurred must be included on the appropriate Lay Members Expenses Form.
- ii) All receipts wherever practicable must be attached to support each item of expenditure.
- iii) The Regional Secretary or National Officer responsible for the meeting will ensure that the claim submitted is legitimate (and therefore valid for payment by the union) and will sign the claim form on behalf of the member involved.

The respective Regional Secretary or National Officer, will be authorised not only to ensure that all claims submitted are legitimate but where necessary to reject a claim that is not in accordance with these guidelines.

The Finance department will usually make payment within five working days of receiving the claim form. A new claimant may also send their Bank or Building Society details to enable the transaction to be paid direct to their respective Bank/Building Society account by BACS.

2. Travel

In respect of claims relating to travel costs, the NEC has agreed that members will wherever possible be expected to utilise the most economical means of transport. Officers and others organising meetings, courses and conferences should ensure that rail warrants are used for rail travel wherever possible. Travel costs will only be reimbursed as follows:

- i) By car – a rate of 32p per mile will apply. For travel outside a member's own region, mileage can be claimed only up to the

equivalent of the second class rail fare. Where several members travel in one car, only the driver may claim for mileage.

- ii) By train – 2nd class return rail fare will apply.
- iii) *Air fares will only be appropriate on the basis that the Officer authorising the expenditure considers that either the distance involved, the start time of the meeting coupled with the alternative higher costs of overnight accommodation, make air travel the only practicable means available*
- iv) The Union, both to reduce travel disruption to members and to ensure that train costs are minimised, issues Rail Travel Warrants. Members are expected to apply for such warrants fourteen days prior to the meeting.

3. Subsistence

When lunch is not provided as part of a Union related activity, a subsistence allowance of £5.00 will be claimable. The Union activity involved must be clearly identified on each occasion. If it is necessary to claim for an evening meal, a subsistence allowance of £10.00 will apply. All claims must have a relevant receipt attached.

Where Union business requires an overnight stay, a subsistence payment of £25 can be claimed in respect of each overnight. The £5 lunch allowance and the £10 evening meal allowance cannot be claimed within the same 24 hour period. However when, for example, a member has subsistence costs over two days but a single overnight stay, one £25 allowance can be claimed, plus one £5 lunch allowance and one £10 evening allowance if appropriate. The £25 overnight allowance does not apply to any union or other educational courses. For weekend schools, only one £25 may be claimed even if there is more than one overnight stay.

4. Overnight Accommodation

Where overnight accommodation is essential, the Union will reimburse reasonable actual accommodation costs. Accommodation will be booked by the Union wherever possible. All claims relating to accommodation must be agreed with the authorising officer in advance.

5. Loss Of Pay

It is the accepted practice that members will negotiate time off with pay from their employer for Union responsibilities.

If the employer will not co-operate the appropriate Regional Secretary/National Officer must be approached to resolve the problem and in the circumstances where this is unsuccessful, actual net loss of pay will be reimbursed. Claims for loss of pay must be identified for each meeting and must be accompanied by confirmation from the employer indicating the loss of net pay. No "overall figures" will be accepted. In exceptional circumstances where this is not

possible (e.g. due to short notice etc), payment will only be made on the authority of the appropriate Regional Secretary / National Officer. Loss of pay is restricted to those members who are working. Claims relating to loss of income from self-employment and loss of earnings related to shift working or other amounts in excess of basic pay will require specific evidence of loss.

Earnings-related claims from missed Tribunal or Civic Duty payments etc. will not be paid.