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1. Foreword from the Chair of the BMSC

Dawn Livingston, NEC and Chair UCU Black Members' Standing Committee



Solidarity! Unity!

My final clarion call as I prepare to step down from the Chair of the BMSC. My time to contribute to the fight in this way is coming to an end. However, I will find other ways to continue to participate in collective action to our struggle with austerity; job losses, funding cuts and discrimination. Rely on it!

Picture: Dawn Livingston, NEC and Chair of Black Members Standing Committee

My thanks go out to the UCU Equality and Participation Unit and especially to Chris Nicholas and Sharon Russell whose patience, professionalism and attention to detail helped me to learn and develop into the Chair. You have my gratitude and respect. Black members are fortunate to have two such dedicated members of UCU staff who although they face some of the same challenges we do, are able to meet those challenges and assist us to meet our challenges. Both are well informed and able to pass on their knowledge clearly and accurately. I have had multiple examples of their initiative and proactivity in how they seek to provide a fit for purpose service for black members. They walk in our shoes!



I would like to take the opportunity to welcome my successor: Dave Muritu. Dave will take up the position of Chair of the BMSC following UCU Congress in May. He has been a staunch supporter of the work of the BMSC and has always been an active committee member that I could depend on. Dave has demonstrated his commitment to the BMSC and union activism generally. I am confident that he will fill the Chair successfully and productively. It is now my turn to support him and I am well pleased to do so. Congratulations Dave!

Picture: Dave Muritu, incoming Chair of Black Members' Standing Committee

A recent report from the TUC shows that the number of black and Asian workers in low-paid jobs is up 13% since 2011 and a major cause of this is race discrimination faced by black and Asian workers in the UK labour market. The report highlights the inequalities faced by black workers and offers some recommendations to tackle the employment crisis faced. Vice Chair, Jim Thakoordin covers this in detail below. I urge you all to read this report available from the TUC website at <https://www.tuc.org.uk/node/122626>

In conclusion; there is still much work to do to address the inequalities that we as black workers face both in the workplace and in society. Politicians continue to give those who discriminate a free pass to do so and continue to do so.

These are dangerous times; equality legislation needs to be strengthened to address the repeated attempts by the government to weaken the law that was put in place to offer protection to those subjected to discrimination. Fat Cat employers need to be put on a diet of adherence to equality legislation and subject to real consequences for non-compliance.

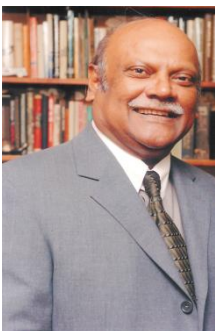
We as black people have the one protected characteristic that cannot be hidden, changed or mistaken.

We are immediately visible, immediately accessible to racists and their increasing racism; as illustrated by the rise of right wing groups such as UKIP. We must continue to use all the tools we can get to fight for and insist upon our rights to fairness, justice and equality.

See you all on the battlefields of our struggle!

2. Rights and Justice for those who can afford it

Jim Thakoordin, NEC and Vice Chair of BMSC



The last government made several changes to employment law including the introduction of fees of up to £1,200 for claimants to pay for tribunal hearings. A recent ¹TUC report shows that there has been a 79% fall in overall claims taken to employment tribunals, with women, Black workers and low-paid workers the worst affected. The Labour opposition promised to remove fees and to ban zero hours contracts as well as providing additional protection for workers.

Picture: Jim Thakoordin, NEC and Vice Chair of Black Members' Standing Committee

Frances O'Grady, TUC General Secretary in speaking in The Guardian² stated there has been an 80% fall in the number of women pursuing sex discrimination claims since fees were introduced, with just 1,222 women taking out claims between January and March 2014 compared with 6,017 over the same period in 2013.

The number of women taking pregnancy-discrimination claims fell by 26%. Race discrimination cases have dropped by 60% over that period, while disability claims have fallen by 46%. There has been a 70% drop in workers pursuing claims for non-payment of the national minimum wage and an 85% drop in claims for unpaid wages and holiday pay.

According to a Citizens Advice Bureau seven in 10 potentially successful cases are now not being pursued by employees, with over half of those interviewed saying the fees or the costs were deterring them.

¹ TUC Report 'What price justice'

http://www.tuc.org.uk/sites/default/files/TUC_Report_At_what_price_justice.pdf

² <http://www.theguardian.com/law/2014/jul/28/employment-tribunal-fee-victory-bad-employers-tuc>

The CAB has called on the government to review its policy on tribunal fees. "Employers are getting away with unlawful sackings and withholding wages. People with strong employment claims are immediately defeated by high costs and fees,". Researchers at the universities of ³ Bristol and Strathclyde have also studied the consequences of the introduction of fees and concluded that they have "severely limited access to justice for workers".

More and more people are nervous about putting claims in because of fees and the possibility of having to pay heavy costs in case they lose.

The government has promised to review the impact of the introduction of fees. But this is now unlikely. For those who cannot afford to pay the full fee there are facility for the fees to be waived. But the Bristol and Strathclyde university researchers say the system is complex and claimants have found it hard to establish whether they are eligible.

As part of the reform to the system, employees and employees must take part in a free "early conciliation" process, overseen by the independent conciliation service Acas to see if legal proceedings can be averted. But some employment lawyers argue that the introduction of fees reduces the incentive for employers to agree to early settlements.

They may wait to see if the claimants put their money where their mouth is, and actually pay the fees to take forward legal proceedings or not. The employer doesn't have as much incentive to engage in settlement at that point. They may well feel, if we hold on long enough the claimant may have to give up and go away.

If claimants win under the new system, the tribunal will ask the employer to pay the fees as part of the compensation, but it isn't always easy to get the money, even when it has been awarded.

3. Report: Black Workers TUC

Dawn Livingston, NEC and Chair of BMSC

Black Workers' TUC 2015 was chaired by Freddie Brown and attended by over 200 people from the 27 TUC affiliates.



UCU Delegation to Black Workers TUC

Picture: *Top row l-r*, Dave Muritu, Donna Chambers, Nitin Rajyaguru. *Bottom row l-r*, Jim Thakoordin, Cecile Wright, Dawn Livingston, Kulwant Jheeta

The opening afternoon featured a speech by Frances O'Grady who welcomed delegates to the conference and reaffirmed the TUC's commitment to tackling racism and discrimination in all its forms. She also recognised the fact that black workers are disproportionately negatively affected in times of crisis for working people generally.

Leslie Manasseh, TUC President also addressed conference. He made the following contributions which were warmly received by delegates, "Unless we grow in numbers we cannot grow in strength", and "For all the time we rightly spend in conferences and committees we need to spend even more time in the workplace organising"

³ Impact of Employment Tribunal Fees <http://www.bristol.ac.uk/law/research/centres-themes/aanslc/cab-project/employmenttribunalfees/>

On the Saturday of conference Wilf Sullivan, TUC Race Equality Officer set out the following as priorities moving forward. He stressed the need for:

1. Equality legislation to cover the private sector
2. Take up and progress positive action initiatives much more aggressively and,
3. Make the case that race equality must be a factor in public procurement procedures and protocols

UCU had on new delegate this year who had not been to BWTUC before. Kulwant Jheeta from Dartford Adult Education Centre who even though she was a first time delegate to BWTUC spoke from the lectern during motion 9, Supporting Black Members.

Gargi Bhattacharyya and Dawn Livingston will both be on the TUC RR committee next year. Gargi was elected from section A and Dawn went through from section B. Jim Thakoordin originally stood in section C but withdrew his nomination due to not being able to commit to the role as he would like.

Congress resolved that motion twelve on Stop and Search from the GMB union would be the one to go forward to congress.

Gloria Mills moved the vote of thanks on the Sunday of conference noting that once again the comradeship and conviviality of BWTUC is its strength. She also issued a steely call to redouble efforts to organise and unionise in the face of the government's assault on working people.

4. UCU secured victory

Jim Thakoordin, NEC and Vice Chair BMSC

UCU recently won a major case in the Supreme Court against Stirling University. The case turned on whether or not Stirling University had the right under the legislation in force in 2009, to exclude fixed-term contract staff when calculating collective redundancies to determine whether it needed to consult with trade unions.



UCU fought this case through four courts, culminating in the Supreme Court.

While the university employers have achieved much of their objective by lobbying the previous Coalition government to change the law to allow them to exclude fixed-term staff, the case remains important as it dispatched the employers' argument that a fixed-term contract dismissal was not a redundancy, proved that Stirling broke the law and will enable the union to make a claim for up to 90 days' pay as compensation for their employer's failure to consult.

What the change in law means, however, is that branches need to be more proactive in ensuring that fixed term employees are transferred to permanent contracts after 4 years. We have had researchers on such contracts for over 13 years. The FTE regulations give automatic permanence after 4 years although there is the usual objective justification.

Kaye Carl a UCU activist who had enormous influence in progressing this case stated "*Until recently, there was not much to be gained by permanent status, as redundancy can still happen but because of the change in not now consulting about those on fixed term contracts, it is those with less than 4 years who should be affected and not, as in many universities, the majority. Hopefully UCU will support applications for permanence, from those with at*

least 4 years' service on two or more contracts, which have been rejected. This should be a good recruitment tool as it is difficult for individuals to challenge the universities alone."

You can see more on this case in a new blog by UCU:

<http://www.ier.org.uk/blog/ucu-victory-against-university-employer>

5. Have your say in your union

Jim Thakoordin, NEC and Vice Chair of BMSC



It was agreed at the UCU National Executive Committee on 5 December 2014 following a brief report by Sally Hunt General Secretary, on matters which took place at the UCU Annual Equality Conference in Manchester on 14 November 2014.

The NEC agreed to support the General Secretary in her attempts to respond to the issues and concerns raised by Black members at the conference. She has agreed to consult with the Black Members Standing Committee and to produce a report with recommendations and a strategic action plan to identify the good work already carried out; the work currently being undertaken and the new work and projects being planned to address the concerns of the Black members. Much of this work will involve members of the BMSC during 2015-6.

Please contact either the Chair of the BMSC or Chris Nicholas (cnicholas@ucu.org.uk), Equality Support Official if you wish to contribute on how UCU should continue to further promote race equality within the workplace and within UCU structures.

6. Organise, Organise and Organise even more in 2015

Jim Thakoordin, NEC and Vice Chair BMSC

The general election has been one of the most crucial events for Britain's future social, economic, political and cultural wellbeing. The present Conservative government is planning further cuts in public expenditure that will seriously affect the public sector, the foundation of the welfare state and our daily lives. There are over 18 million people (13%) of the population in Britain living at or below the poverty level, including millions of young people who are attending schools and colleges. Many current and past university students are also experiencing poverty and lack of decent employment opportunities.

Some people working in education are also amongst the worst paid workers in the public sector often working zero hours contracts and paid less than the minimum wage after preparation, teaching, marking and supporting students. Researchers, PhD students, staff on casualised contracts and many people on zero hours contracts are really struggling to make end meet. Yet the government had promised according to economic analysts more than £8 billion cuts in education during the next parliament.

Most people employed in education have seen a drop in living standards; less job security; erosion of employment rights and lack of opportunities for progression. Black workers have feared worse during the recession since 2008, with disproportionate levels of redundancies, changes in contracts, fewer opportunities for promotion and career development; increasing number of reported cases of harassment, bullying and discrimination; and having to face disciplinary hearings.

Black people in education are also earning less than white men and women doing similar work. Various reports from The Runnymede Trust, the Equality Challenge Unit and the Higher Education Funding Council, as well as the Report on Ethnicity written by Professor Waddington and commissioned by the UCU in 2010 confirmed most if not all of the following:

- BME staff in senior positions report feeling that their leadership ability is questioned, and that assumptions are often made that they are in junior positions even when they occupy senior (e.g. professorial) roles (Howard et al., 1997; Wright et al., 2007; Mirza, 2009)
- BME staff report experiences of invisibility, isolation, marginalisation and racial discrimination in higher education (Carter et al., 1999; Deem et al., 2005; Jones, 2006; Mirza, 2006, 2009; Wright et al., 2007; Naylor, 2009).
- BME staff have reported negative assumptions being made about their abilities, assumptions, which they feel are influenced by their ethnicity (e.g. Wright et al., 2007).
- BME staff report experiencing heavy workloads, disproportionate levels of scrutiny compared with their white counterparts, a lack of mentoring and support for career development, and difficulties in gaining promotion (e.g. Deem et al., 2005; Wright et al., 2007).
- BME lecturers teaching in the areas of 'race', equality and multiculturalism report that these subjects are often designated as 'low status' when performed by BME staff, yet they appear to acquire higher status when performed by white staff (Wright et al., 2007).
- Overall, BME staff report having fewer opportunities to develop research capacity and enhance their promotion prospects (Jones, 2006; Wright et al., 2007).

The situation for Black workers is likely to be as bad, if not worse. The only way forward for all workers are to organise at all levels and structures within and outside the workplace, including the branch/association, regional and national structures. It is important to build the union through solidarity, recruitment, organisation and support for the UCU. Please visit the UCU website on a regular basis for information, support and the latest campaigns.

7. Start the fightback

Jim Thakoordin, NEC and Vice Chair, BMSC

As Black workers we have to be an integral part of fightback to save education, defend and improve our pay and conditions, support our trades union and engage in the progressive alliance of workers, unions, students and communities and organise against the ideologically motivated education policies of the government. We are in desperate and worrying times and we must come out fighting in defence of education, living standards, trades union and democratic rights.

Black workers must get more involved at all levels within the unions and within the stakeholders around education.

Education is a democratic and civil right and we have a duty to ensure equal access to the highest quality for all and not only for those who can afford it. We need to recruit more Black workers to the union, become more active in the workplace and the union, unite and support other workers in struggles and defend education.

What we can expect...

Within the next year we can expect more austerity and greed, cuts in education public services and the welfare state, tax-breaks for the rich, increase in inequality and poverty, more zero hours contracts, attacks on trade unions, attacks on civil and political rights and an increase in racism to divert attention away from Tory policies.

8. Five more years of cuts, marketisation and privatisation in education

Jim Thakoordin, NEC and Vice Chair, BMSC

Race and racism in Britain hardly surfaced during the general election campaign, even though there was much attention given to restricting the flow of immigration to Britain. There were no discussion on the fact that Black people (all visible non-white people) have experienced considerable personalised and institutional racism in every area of society, including employment, education, housing, living standards and access to resources. Black people are disproportionately represented amongst the poor, underclass and disadvantaged in Britain regardless of their skills and qualifications.

Numerous reports have shown over decades that Black staff in education are on average, paid less; experience worst working conditions; under-represented in senior posts; suffering from racial stereotyping, bullying and harassment, and are frequently marginalised by employers as well as trade unions.

Sadly, the future for race equality in employment and learning in education is worrying as the Tory government elected with only 37 per cent of the poll, 25 per cent of the electorate and little more than one in five of adults eligible to register and vote are committed to further cuts, marketisation and privatisation of education. Their proposed £12 billion cuts will fall heavily on education in terms of jobs, workloads, insecurity, low pay and zero hours contracts, as well as reductions in living standards, public services and attacks on the welfare state.

9. There is an alternative

Jim Thakoordin, NEC and Vice Chair BMSC

The fight to defend education will be challenging and arduous. But it should also be exciting and rewarding if we unite at the workplace and within our own union as well as the wider trades union and labour movement. This government was rejected by the majority of voters. Labour had a much better plan for education, but lost not because they were too radical or left wing, but because they were not radical enough. Labour embraced much of the Tory austerity plans, alienated many of the people who would normally vote Labour such as students, young workers, people earning less than the living wage, people in rented accommodation, Black and White people living in poverty, despair and uncertainty and those who either choose not to register to vote or voted, stayed away, or voted for UKIP and other parties.

We can make a difference in defending education, if we are committed, organised and united. We can do this; but as ever, our destiny is in our own hands. We can support and inspire as well as working with the victims of the cuts in education. We have to be organised in every workplace, every community, and every union and defend jobs, pay, conditions and quality education for all.

10. Get involved!

Jim Thakoordin, NEC and Vice Chair, BMSC

The UCU is proud of its commitment towards its members and equality structures.

There are specialist officers within the Equality Unit to progress the work of the different equality strands – Black, Women, Disabled and LGTB members and their separate national committees as well as the all-embracing Equality Committee which reports directly to the UCU National Executive Committee. The NEC is keen to see and to encourage active participation at all levels of the UCU structures.

It is a democratic union that is govern by the lay membership. Any member can participate at all levels within the democratic structure.

Further details are available via our Equality web page <http://www.ucu.org.uk/equality> or, if you would like to receive updates on black member's issues, send an email to eqadmin@ucu.org.uk to join the Black Members' Network.



We would like to thank Vice Chair Jim Thakoordin for co-ordinating this newsletter.