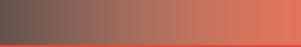


making



the **point**



how do unions



make **policy** with **impact**?



Mary Bousted
General Secretary of the Association of Teachers and Lecturers



Paul Moloney
Assistant General Secretary, Nautilus UK



Unions21



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Registered office:

Unions 21

c/o ATL

7 Northumberland Street

London WC2N 5RD

www.unions21.org.uk

Email: info@unions21.org.uk

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Debate

This Debate piece shows again how Unions 21 makes a valuable contribution to finding solutions to the challenges facing trade unions. At its heart is the belief that there has never been a more important time for trade unions to be making relevant policy and communicating it to government and to the public at large.

In a changing world no organisation can stand still, as Mary Bousted says, “any organisation, including a union, must recognise that it cannot respond to the concerns of its existing membership, nor appeal to potential new members, if it does not demonstrate that it can respond rapidly, and effectively, to current and emerging issues.”

The fulfilment of that aspiration, within the circumstances of difficult economic times is certainly something that demands our attention. Unions have shown their ability to argue for change on health & safety, equality and working conditions. I know from my own work in the movement and in Government, and particularly as a local MP, they are making a strong case on a variety of relevant issues.

Developing policy in a more inclusive way is a big challenge. For unions to be effective in meeting this challenge they should not be afraid of learning from each other and from other organisations which operate in the community at a local, regional, national and international level. Trade unions are sometimes seen as the old dog in the manger, however I believe old dog or not, it can learn new tricks and rise to the challenges of the global crisis and globalisation. This Debate makes an important contribution to taking forward the challenges trade unions face in the next decade of the 21st Century.

Ian McCartney MP

Unions 21 exists to provide an ‘open space’ for discussion on the future of the trade union movement and help build tomorrow’s unions in the UK.

We are mainly resourced by contributions from trade unions and others who work with trade unions that recognise we need to keep the movement evolving in an ever changing world. We encourage discussion on tomorrow’s unions through publications, conferences, seminars and similar activities.

The *Debate* series of publications present opinions upon the challenges trade unions are facing, solutions they may consider and best practice they may adopt. These opinions are not endorsed by Unions 21, but are published by us to encourage the much needed, sensible and realistic debate that is required if the trade union movement is going to prosper.

Please read and consider this publication, forward it to others connected to the trade union movement and debate the content within your own organisation.

Sue Ferns

Chair of the Steering Committee

Unions 21

The authors

Dr Mary Bousted has been general secretary of ATL since 2003. She sits on the executive committee of the Trades Union Congress (TUC).

Mary previously worked in higher education at York University, Edge Hill University and at Kingston University where she was Head of the School of Education. Prior to this she was a Head of English, and English teacher in comprehensive schools in North London.

Paul Moloney is the Assistant General Secretary of Nautilus International, the union that represents maritime professionals in both the UK and the Netherlands. Paul's responsibilities include managing the union's team of Industrial Officials. He also represents the union on international bodies such as the International Transport Workers Federation and the European Transport Workers Federation. He also represents the union on the Merchant Navy Training Board and is a Director of the Trustee Board of the industry wide Merchant Navy Officers Pension Fund. In the lead up to the creation of Nautilus International Paul was co-ordinator of the Nautilus Federation and was responsible for ensuring co-ordination between the two unions that created Nautilus International industrially and also on policy issues.

Paul has been an Official of Nautilus International and his predecessor unions since 1997. Prior to that Paul was an Official with the GMB concentrating on pension matters.

CHAPTER 1

Policy making

Mary Bousted

General Secretary of the Association
of Teachers and Lecturers

It is widely believed that we live in a world of rapid change. Modern media communications convince us that something is happening 24/7. As devotees of the science fiction series 'Torchwood' will know, the 21st century is when it all happens, and you'd better be ready!

Whether our widespread perception of the need for nearly instant responses to constant changes is justified (and there is, I think, an argument to be had here), any organisation, including a union, must recognise that it cannot respond to the concerns of its existing membership, nor appeal to potential new members, if it does not demonstrate that it can respond rapidly, and effectively, to current and emerging issues.

The problem for unions is that, traditionally, policy making processes have been slow and cumbersome. The concept of the committee has ruled supreme. Whilst committees can have many virtues, they are ruled by a formal process (minutes, matters arising, agendas etc.) and by a rigid timetable. This level of formality and rigidity makes it difficult for unions dominated by formal committee structures to react quickly to new and emerging policy agendas.

There is also another problem with committees, and that is the clear articulation of policy. It is of little use to learn, as I did when I became General Secretary of ATL, that in response to a press question I had gone against union policy. When I asked where the policy was to be found I was informed that it resided in a committee minute of a meeting which had taken place three years ago. It was quite an ask, I reflected ruefully, if I was to be expected to read the committee minutes of 27 policy committees and 5 operational committees before I could commit ATL to a position on any given issue.

The Executive committee of ATL recognised the problems with its committee structure and decided that things must be done differently. As a result of a two day conference attended by the Chairs of all the operational and policy committees, a radical change was agreed. The majority of committees would be abolished. In their place would be established a policy council – a sub set of the Executive committee.

The rest, as they say, is history. The policy council was established. It meets six times a year. Its remit is to review Association Policy and to ensure that proposals for its amendment, extension or creation are brought to the Executive Committee.

But it is in the way that the policy council remit is realised which is truly revolutionary. Because, in place of committees, the Policy Council is empowered to establish time limited, task focused groups. These groups are composed of a convenor (who must be a member of ATL's Executive committee) and, typically, seven or eight other lay members – some from the Executive, but each Specialist Task Group (STG) must also be composed of a wider membership – including a member who has never before been involved in policy making.

An STG will, typically, meet two or three times. It will be serviced by a member of ATL's professional staff who will, prior to the first meeting, prepare a background paper outlining key issues and facts and who will, as the STG's conclusions are reached, prepare a draft policy position paper on the issue concerned. This paper has to be agreed by the STG members. It is then recommended to the Policy Council or directly to the Executive committee. If agreed, it becomes ATL policy and is printed in hard copy and available to all members on the website.

So, where do ideas for policy development come from, and what have been the results of this (for unions) radical approach?

Typically, the plan for the year's work comes from the motions passed at ATL's annual conference which takes place the week before Easter. Responsibility for action to be taken on motions is allocated to different departments (education policy, legal and member services, recruitment and organisation and pay and conditions are the most usual suspects). Motions around a 'theme' are then discussed by the policy council and those which are suitable for STG action are then agreed, with a timetable for action. It is then up to the policy council to track the development of policy through work in departments, and STGs, in order to ensure that the Executive Committee, in its report to the next year's conference, is able to give delegates a good account of the work done on its behalf during the preceding year. So far, so usual – such procedures will be normal in many unions.

But what about the new and extraordinary, the bursting upon the scenes, revolutionary policy development which needs a quick response? (The Tories proposal to extend the academy programme to primary schools is an immediate example.) Or the issue not raised at Conference, but growing in importance to members through the grass roots (sustainable schooling)? Or the good idea which future, rather than navel, gazes? ATL can deal with the unusual and the unexpected quickly and effectively. Any ATL member can submit a proposal for policy development. To do so they need to fill out a simple form (and can ask for assistance from a member of staff to do so). This proposal is then put before the policy council who can decide, if appropriate, to take the work forward either through an STG or through work in departments. An individual submission is not an unusual occurrence. It is welcomed and taken extremely seriously by the policy council members, and whilst not all suggestions are taken forward, each is given an individual response – usually by the chair of the Policy council.

Alongside the new structures have come new ways of working. Electronic communication with and between members has become key. STG members will do much of their work communicating with each other through email. It is rare, moreover, for their work not to be supported through some form of consultation with the wider membership. Almost all of our surveys invite members to identify their interest in becoming more involved in policy-making around the issues raised.

Making the point
How do unions make policy with impact?

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General Secretary of the Association of
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ATL now has a range of e-networks, members who have expressed an interest in particular issues (eg assessment) or sectors (early years). These members can be consulted at a moment's notice on a range of issues, which means that we can base our response to the latest government announcements on members' views and concerns. When an STG is formed, it is to these networks that staff go to trawl for interested members who may wish to support the work of the STG in a number of ways – either through becoming a full member, or through becoming involved in email consultation round key questions. It is rare, now, for an STG not to be supported by an email consultation group of around 30. This ensures that the STG conclusions are representative of a wider group than those directly involved. It also ensures that ATL members are able to become involved in policy development in ways in which they are able – and it is significant that there has been a remarkable increase in the number of women members involved in this wider policy network – when you consider that nearly 80% of ATL members are women, and that many of them will have, in addition to their professional duties, personal caring responsibilities, it is vital that the union enables them to participate in its work in ways which make this participation achievable.

So, what have been the results of the transformation in the way we work now? I would say they have been remarkable. Unkind commentators used to remark that ATL meant 'always the last'. No longer. If you want to understand ATL's position on issues which impact on the daily working lives of teachers and lecturers – such as the curriculum and assessment, early education and childcare, religion, belief and dress code and extended services; or changes to the ownership and governance of schools in the form of academies or trust schools and colleges and faith schools; or issues which affect both pupils and teachers, such as homophobic bullying, or rural poverty and its effects upon educational attainment; or issues which directly impact on member's terms and conditions, such as working time or new professionalism, then you can go to ATL's website, navigate to the heading ATL policies, scroll down, pick one that takes your fancy, and read it on screen or download it as a PDF file. Nothing could be clearer, more accessible, or more accountable.

This clarity of communication has been accompanied by a revolution in the way ATL communicates with its members and gets their perspectives on policy. Over the course of the last year we received over 12,000 responses to member surveys on issues as diverse as school and class size, apprenticeships and rural poverty. The use of surveys (and the ready ability to analyse responses through the use of survey monkey) drives ATL's high press profile and underpins the validity of the policy positions we adopt. We have found that journalists find it impossible to resist writing up a story on an issue backed by over 1,000 member responses, but more importantly for ATL's organising agenda, which asks members to join up, join in and get on, these responses (which usually take less

than five minutes to complete) enable members to feel more engaged and more influential within their union. They enable us to incrementalise involvement – allowing busy professionals to contribute where, and in what ways, they can.

Of course there is always more to do. But when you consider where ATL was, and how far we have moved to generate dynamic and diverse, active and effective, member involvement in policy making, I think we can say we have achieved a great deal. ATL is an organising union in the best sense of the word. We campaign on issues which members say are important to them and to which they are committed, and use their commitment to a single issue as a platform for wider involvement in the union. And that's got to be a good thing, hasn't it?



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Mary Bousted
General Secretary of the Association of
Teachers and Lecturers

CHAPTER 2

Turning policy into action

Paul Moloney
Assistant General Secretary, Nautilus UK

For the trade union movement and for individual unions, the establishment of policy through democratic means is essential. The way policy is made varies depending on individual union structure as well as the culture of the union. Nevertheless the democratic principles that lay behind the process goes to the heart of what it is that makes trade unions unique.

Today many unions are striving to establish new and innovative ways of determining policy. Approaches that take advantage of the possibilities created by new technology are becoming increasingly common. General meetings of representatives are being supplemented in many cases by smaller groups with an interest in individual policy issues. In some cases it is therefore possible to argue that more policy is now made by those with a direct interest in the outcome of that policy. As a result the way policy is created has become the subject of much debate and policy making itself. And as a result of that many unions are finding that more members now participate in the decision making process than was the case using traditional structures.

However unions have spent less time looking at new ways to ensure policy is translated into change for the good of members. By concentrating only on the policy making process we have failed to take advantage of other developments that require a rethink around what we do with a policy once we have created it. A number of questions must be considered side by side with a review of policy making structures.

Does this new approach mean that more policy is translated into successful implementation?

Are our traditional vehicles for progressing policy decisions still as valid today as they were 20 years ago?

Is passing policy and then trying to progress it through the TUC or the Labour Party still successful or do we need to find other allies if we are to implement, not just create policy?

Should we be looking to build alliances around individual policies also bringing together those with a direct interest in the outcome?

Do we need to also apply an equally robust analysis of the way policy is implemented once it is made?

My own union, Nautilus International, was created on 15 May 2009. We are the world's first coming together of two unions based in different countries. We represent over 25,000 maritime professionals in the UK and the Netherlands including seafarers and those employed in marine related shore-based employment. Our policies are determined by democratic means but we recognise that if our policies are to be translated into effective action then we must build a consensus around them that goes beyond the union movement, the labour government or NGOs known to have sympathy to our aims. We need

to apply a new approach that enables us to take policy decisions to others outside of the movement who have a coincidence of interest in pursuing the same or similar aims.

In our industry the ability of individual governments to effectively regulate continues to diminish. We have recognised that much of what we want to achieve must be through international bodies such as the EU or the International Maritime Organisation. Our work often is to ensure our government is prepared to argue for progressive policies within such bodies. It is therefore all about building a consensus around our policies. The need to influence government to be the advocate of our policy, rather than the implementer of it, means we have to identify others who can also act as a pressure point on government.

This paper is intended to show how we have achieved this or are seeking to achieve it in two key areas of policy affecting our members serving on ferries.

The first concerns the job security of our members serving in the ferry sector as a whole. By this I mean ferries operating between the UK and other European Union countries.

The second concerns our policy of seeking to ensure members serving with Scotland's lifeline ferry companies remain in the public sector. A policy that has been developed as the EU and the Scottish executive review the role of the public sector in providing these essential services.

The EU ferry sector

The European ferry sector poses a real challenge to our union. Although trading activity, by definition, takes place entirely within EU waters many companies have tried to introduce employment practices from the wider, global maritime industry. Practices that are defended by employers' bodies as being vital to assist when competing against companies based for example in the Far East, trading globally. A defence, of course, that is meaningless when all companies competing do so in the same geographic area.

Nevertheless we have seen ferry companies, trading between the UK, Ireland, France, and the Netherlands adopt such practices. This often means replacing seafarers employed on national terms and conditions with those not domiciled in the UK on terms and conditions appropriate to the country from where the seafarer lives, rather than where the vessel operates. As a result well known companies operate between the UK and Europe with Filipino seafarers paid on Filipino rates, for example.

Nautilus International believes this leads to an environment with little job security for those working in the sector with no legislation to limit the impact of completely unrestrained free market competition. Unlike many industries working in Europe there is no requirement to apply host nation terms and conditions. In addition shipowners are currently exempt from the race relations act so are able to discriminate on the basis of nationality.

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Our policy is straightforward. We believe any seafarer serving on a ferry should be entitled to terms and conditions appropriate to the countries between which the vessel sails. In our view this is host nation terms and conditions. It is not dependant on the nationality of the officers and crew onboard, or flag of the vessel or the country in which the vessel or business is owned. In the UK this would mean that the very lowest pay rate on the vessel could not be below the UK minimum wage. It would also mean that flying a flag of convenience or registering a business offshore would not remove this obligation from shipowners.

We firmly believe that this solution would clearly be in our members' interests. We also believe it would be in the interests of the seafarers employed on the vessels and, crucially it would work in the interest of those companies that want to be able to compete by being the best, not the cheapest. If we had a European directive that required host nation terms and conditions to be paid this would prevent some companies using pay rates to undercut the more established companies, who often have little alternative other than to respond by cutting their own costs as they seek to protect their own market share in the face not just of competition from other ferry companies but also from bridges, tunnels and low cost airlines.

We have therefore taken the view that to progress our policy we need to build a consensus that involves other European trade unions and other unions worldwide, but also one that includes those ferry companies who do continue to employ significant numbers on national, rather than international, terms and conditions.

We have of course encountered problems as we try to build this consensus. The shipowners' body in Europe, the European Confederation of Shipowners Associations and our own Chamber of Shipping both remain very reluctant to represent the views of those companies who see some merit in competition being regulated. Their position has always been to argue that the industry is a global industry and that any regional regulation would lead to retaliation elsewhere in the world. It is difficult to attach credibility to this position in relation to a sector that by definition is regional not global.

Nevertheless it means we need to build alliances with individual companies and not their representative bodies.

We have started this process by engaging with a number of ferry operators who have a record of recognising us for collective bargaining, who have engaged with us on the need to regulate the terms and conditions of all who work on their vessels, who have a record of training their own cadets, and who have a record of long term sustainable investment in new tonnage. Such companies have suffered from the type of short term competition that is inevitable in an under regulated industry. Competition from companies whose only competitive edge is achieved by being allowed to use social dumping and discrimination.

We have tried to take the argument to these companies by identifying clearly how our goal of protecting members' job security is achieved by the creation of a regulatory framework that supports companies who wish to invest in quality and safety.

Clearly this involves compromise and can be a difficult message to communicate to our members. It does not mean, however, that we compromise our basic traditional trade union approach. Quite often, before a company recognises the value of working with us, they have been the subject of action from the ITF. Where companies do not apply international standards in relation to employment conditions onboard their vessel, based on ITF policies, they run the risk of being targeted by ITF inspectors and, where possible, dockworkers carrying out ITF policy by refusing to handle their vessels. Therefore alliances that are necessary are sometimes created by traditional trade union solidarity action and not through any particular close relationship between ourselves and the company involved. It can however vary depending on the attitude of the company.

Scotland's lifeline ferry services

Consensus building will also be important in relation to our policies regarding Scotland's lifeline ferry services operated mainly by Caledonian MacBrayne. These ferry services are operated by the public sector and provide an essential link between the Scottish mainland and the islands.

There have been a number of attempts recently to privatise these services. On the last occasion at each stage of the process potential bidders fell by the wayside until only one was left, Caledonian MacBrayne. Effectively the private sector was unable to compete and was prevented from cherry picking only the most profitable routes. Despite the fact that the private sector could not produce a bid to compete there have now been a number of reviews by either the EU or the Scottish Executive, all of which appear to have the aim of undermining the company and the tender process with the intention of amending it for the next round so as to give advantage to the private sector bid. In particular there is a real possibility that a future tender document will be amended to allow bids for bundles of routes but not the entire service currently provided by Calmac.

The private sector bids in the past have already led to the employment of Calmac's seafarers being transferred to offshore contracts at a huge loss to the public purse whilst at the same time placing a question mark over our members' employment rights. This practice means the employer no longer pays National Insurance contributions on behalf of its employees.

In short the tender process has allowed companies to bid using techniques, such as offshore contracts and international terms and conditions, common in the global shipping industry but entirely unnecessary for a company operating entirely within UK waters.

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Unfortunately there has been a separation of interests between the users of the Calmac services and the interests of those who work for the company. Our policy of ensuring these vital services continue to be run as lifeline services and not simply as profit lead companies requires these interests are brought together.

So part of our work has been to identify groups representing the users of the ferries (or the users themselves) and to work with them. Nautilus International believes the debate about common interests must go much deeper than a discussion about the timetables of the ferries and whether these are arranged for the public or the employees.

As we gear up for a new campaign aimed once again at protecting the Calmac services it is essential that the common interests shared by both groups are identified. In particular the need for a service that is operated by the highest trained seafarers who fully understand their obligations to the safety of all onboard at all times. It is here that the interests of our members coincide entirely with the interests of the users of the ferry services.

So our campaign will focus on ensuring a close link exists between us, the STUC and the consumer groups so that the Scottish Executive, and individual MEPs, recognise the broad range of different interests sharing a common interest. This does not mean that we fail to recognise that there are some areas where our views differ. The campaign will however concentrate on those areas where our interests coincide.

The need for new alliances

Unions have of course worked extensively with other groups. Most obviously with political parties and other unions. There is also a tendency to also work with other groups who share broader political aims including NGOs.

The effectiveness of this needs to be assessed fully and the outcomes, in terms of successful policy implementation measured. My own union worked closely with War on Want on a campaign aimed at encouraging cruiseship passengers to use their power as consumers to support those companies who enter into agreements with the International Transport Workers Federation covering the employment of all onboard. Although the campaign had minimal impact it did show that passenger's interests do coincide with those of the employees onboard. It also highlighted the need to work with passenger groups whose key demands for quality and safety are ultimately delivered by the people we represent and not just "sympathetic" NGOs.

As a result of this my union now has agreements covering members in some cruise companies where significant bonus payments are delivered to the teams onboard based on improved passenger satisfaction levels and other issues such as fuel consumption. Bonus systems designed to ensure our members skills are used, and rewarded, not just for the immediate benefit of passengers onboard

but also to address longer term environmental issues by working to reduce fuel consumption by using our members engineering and navigational skills and thus the carbon footprint of the vessel. The interests of passengers and the business are met while at the same time these arrangements deliver significant income growth for our members.

Unions therefore need to build new alliances around individual policy issues and identify where there maybe a shared interest with other groups. As in the examples quoted above these groups may include businesses with an interest in some level of regulation and consumers who recognise the need for quality and, certainly in the case of transport, safety. Such an approach recognises that interests in particular circumstances can be shared with organisations whose overall interests may be very different to the interests of our members. Nevertheless to ensure the successful implementation of policy such alliances are essential.

One of the lasting legacies of the Thatcher era has been the artificial separation of worker and consumer interests. But when acting together, and with businesses whose interests are also served by a drive for quality and some regulation of competition, then we create a very strong force for change and an environment in which we see our policy objectives achieved.

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www.morrishsolicitors.com