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re**vitalise** our **public services**

scottish council activists bulletin

Scotland in UNISON

Oct 2004
No. 50

Copy sections of this bulletin or the online version to use in local branch or workplace newsletters

Crunch time for equal pay

by Chris Bartter
Communications Officer

Employers in the public sector are marching towards a crisis unless they move quickly to deal with the inherent inequalities in their pay scales.

That's the message from UNISON in local government, health and higher education.

Many of the root and branch attempts to review the pay scales in the three sectors above have - at least in part - been devised to tackle this problem.

Single Status in local government, Agenda for Change in health and the Framework Agreement in higher education, all purport to deliver 'equality-proofed' pay.

However they rely on job-evaluation exercises and, at least in local government, employers have been dragging their feet in carrying these out.

Joe Di Paola, Scottish Organiser for Local Government said:

"We have now had COSLA asking for delays on at least two occasions and clear signs from some authorities that they have little intention of going through the agreed job evaluation exercise.

"We have told them repeatedly that they face expensive equal pay claims unless they deliver on this, and as recently as last month wrote to all local government Chief Executives to make it clear that we are prepared to pursue legal claims very shortly."

There are other pressures too. Some legal firms with an eye to making money, are looking at such cases avariciously. Peter Hunter, UNISON Scotland's Legal Officer warns members against going down this route.

"UNISON is preparing detailed advice on the key cases that are likely to be successful", he said.

"Unlike commercial practices,



Joe Di Paola

'...we are prepared to pursue legal claims...'

we want to see a universal coverage - not to cherry-pick individual cases. We are now in a position to do this - quickly, and at no cost to members.

"We are working with the Equal Opportunities Commission in Scotland to ensure that the campaign for equal pay covers the largest possible numbers of staff. We want to ensure that people are paid equally and fairly - and that their success doesn't mean jobs cuts in our public services."

Local Government pay settlement marks time

Despite a clear majority from UNISON members in favour of accepting the Scottish local government employers offer of 2.95% in each of the next two years, things will now be delayed as GMB and T&GWU members move to ballot on industrial action.

Joe Di Paola (Scottish Organiser for Local

Government) says: "I understand that members will be frustrated by the length of time until a settlement is reached, but UNISON will respect the decision of the membership of our partner unions."

UNISON has the large majority of the membership in Scottish local government. Any settle-

ment will be backdated till 1 April 2004.

UNISON members were consulted via branch ballots and meetings during June this year. The result was a two to one vote for acceptance.

Look out for details as they become available at www.unison-scotland.org.uk/localgovt

One is a lonely number
Join UNISON and...
You're one in a million

UNISON is Britain's biggest trade union. We have more than 1.3 million members working across the public services. As a UNISON member you are never alone.

UNISON

Recruitment campaign launches with TV ad

UNISON has set a target of four per cent growth in membership for 2004.

To reach this in Scotland we have to recruit 10,868 new members before the end of December.

To achieve this we need to have every activist, branch, and service group actively participating.

If each of our 2,889 stewards can recruit five new members from now until the end of the year we

would have 22,643 new members - a growth of around six per cent.

6 More members means more strength. 9

Scotland's campaign will be launched on 4 October 2004, at the same time as all other regions.

Two days later will see the start of a UK wide television advertising campaign

running from 6 - 24 October.

This has been paid for from the General Political Fund and will raise UNISON's profile with both members and potential members.

Please look out for the adverts but most of all do anything that you can to help achieve our target for the year.

More members means more strength.

Welcome to your 50th SiU
To celebrate the 50th Scotland in UNISON since its birth 10 years ago, we have given it a trial new look.

What do you think of it? Should we try other designs? Are there stories you would like to see?

Turn to page 3 for more details.....

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Minister promises action on staff abuse

Whether you work in the emergency services, the Health services, local government or other sectors serving the public it is likely that you will have encountered some form of verbal or physical abuse.



service workers, as well as the unacceptability of such behaviour in our society and encourage victims to report any abuse they encounter.

The Executive is also taking forward the Emergency Workers Bill which will give other emergency workers similar statutory protection.

Finance & Public Services Minister Andy Kerr tells SiU about the Scottish Executive's pledge to tackle abuse of public service workers

tion to the police by making it a specific offence to assault, obstruct or hinder an emergency worker, or anyone helping an emergency worker.

In addition, the Lord Advocate has issued guidance to make sure the courts deal with assaults on workers effectively, meaning that assaults on workers will be taken into account in deciding whether to prosecute.

Our message is clear: attacks on public sector workers will not be tolerated; staff in these areas provide a vital service to the people of Scotland and should be able to go about their work without fear. The Scottish Executive is doing all it can to ensure this becomes a reality.

These attacks are completely unacceptable, and the Scottish Executive and the STUC have joined forces with employers organisations and other bodies to tackle this atmosphere of aggression and violence.

Measures include increased use of CCTV, increased training and reporting procedures as well as awareness campaigns to underline the message that abuse of public service workers is totally unacceptable.

The public awareness campaign launched in September will highlight the prevalence of verbal and physical violence against public

How does the Scottish Parliament affect us?

... maybe more than you think!

The union's Scottish Committee has published a briefing on all the issues affecting UNISON in this parliament session.

Sixteen bills are being considered by the Parliament with a further 31 private member bills also published. Add to this 36 consultations and we've got our work cut out to make sure UNISON's voice is heard.

The bills directly affecting UNISON members include:-

NHS Reform Bill:

Awaiting assent. UNISON broadly supportive. Issues around public involvement, Community Health Partnerships and GP staffs.

Local Governance Bill:

Awaiting assent. Support electoral reform proposals. Go further than bill on age qualifications and politically restricted posts.

Water Services Bill:

Welcome restrictions on common carriage and domestic competition. Concern over the impact of retail competition in non-domestic settings. Invited to give verbal evidence.

Anti-Social Behaviour:

General concern over policy



direction, specific concerns over impact on Children's Hearings (now subject to separate consultation) and social work.

Emergency Workers Stage 1:

Submitted written and verbal evidence to Committee. Want the bill to go further than proposed.

UNISON is also actively supporting three Private Members Bills:

Breastfeeding (Scotland) Bill:

GPF funding for social impact research and parliamentary support. Submitted evidence.

Prohibition of Smoking in Regulated Areas (S) Bill:

Evidence given to Stage 1.

Direct Elections to Health Boards:

Support the principle. Details in public consultation paper.

Other private member bills with significant UNISON interest include Warm Homes,

Civil Registered Partnerships, Free School Meals, Third Party Planning Rights, Abolition of NHS Prescription Charges, Abolition of Council Tax, Community Based Drug Facilities and Green Transport

Your expertise needed

We want to hear from any member with special knowledge on any of these issues or the 36 consultations coming up so that it can be put to good use. Check on all new consultations at www.unison-scotland.org.uk/briefings/parliament.html

If you have any special knowledge of any of these issues, or if you just want to leave your name to be contacted when an issue you are interested in comes up, contact: **The Policy and Information Team** d.watson@unison.co.uk or tel: 0870 7777 006.

Agenda for Change roadshows outline new changes

A bulletin has gone out to Health members in Scotland updating on Agenda for Change and giving details of roadshows around the country to brief members.

Agenda for Change, the proposed new pay and grading system for the NHS, is the most important change in pay and conditions since the health service was first formed in 1948.

The proposals will affect the vast majority of staff in the service - changing pay, annual leave, overtime and working hours. UNISON is fully committed to the principles as shown by involvement in the planning and negotiation of the scheme.

However, as previously constituted, it was totally unacceptable to members in Scotland as it would have resulted in heavy financial losses to a large section of staff.

This was exposed by the practical application of Agenda for Change in West Lothian which showed that about half of all ancillary, admin and clerical and estates and maintenance staff would require protection, with almost a third of nursing, midwifery and allied health professionals also needing protection.

As a result of UNISON's negotiations substantial changes have been made to the proposed scheme. The main changes are:

- Unsocial Hours uncoupled
- Pay Band 1 - Lowest Incremental

Agenda for change

- New changes address Scottish members' concerns
- Negotiators told to address outstanding problems with Scottish Executive

Point removed and extra point added at top. Scale now £11,135 - £12,147 per annum. Point 1 previously £5.51 now £5.71 per hour. Point 4 previously £6.05, now £6.23 per hour

● New Pay Band 9 introduced

Initial figures in West Lothian, projected throughout Scotland now show the remaining numbers of staff requiring protection down to as low as 0.8% with other groups between 1.4% and 5.9% with the highest figure (admin and clerical) at 35%.

While this is a vast improvement, it is still not satisfactory to UNISON, a fact the union took up with Health Minister Malcolm Chisholm.

In his reply letter, he promised

"...The aim should be to establish clearly the levels of protection and to tackle any remaining significant rates of protection in a way which addresses the negative impact

UNISON Health Service Group

- Health Minister says protection will be better in Scotland
- For details and figures, see www.unison-scotland.org.uk/nhs/agenda.html

on staff earnings." And he went on...

"... all parties throughout the negotiations on Agenda for Change have agreed that some staff will require to be protected. I have already ensured that these individu-

als will be more favourably treated in Scotland than elsewhere in the UK"

UNISON's Scottish Health Committee has welcomed the new developments but are still concerned at the high level of people still requiring protection, in particular amongst Admin & Clerical staff. They have now asked the negotiators to go back to the Scottish Executive and resolve this issue.

Over the next few weeks UNISON road shows explaining the practical application of Agenda for Change will be taking place.

Make sure that you either attend these meetings or receive information on Agenda for Change by contacting your local branch secretary or visit our website www.unison-scotland.org.uk.

Gavin Cleland - trade unionist and safety campaigner

Many of us would have known Gavin Cleland who died in July this year

Some will remember him from his days as a NUPE activist and more from his consistent campaign for justice for the families bereaved by the Piper Alpha disaster - where he lost a son - and for increased workplace health and safety.

With his presence at STUC, Labour and Health and Safety Conferences, he consistently, coherently and calmly pressed his case for prosecution of the Occidental Oil Company - operators of the Piper Alpha

production platform on which his youngest boy, Robert, died. All who remember his campaigning in NUPE will not be surprised at his persistence.

As Bill Speirs, STUC General Secretary, said: "The best we can do to honour Gavin's life is to keep up the battle for the highest standards of health and safety in the workplace and secure the introduction of a criminal offence of corporate culpable homicide."

Gavin's two other sons - Gavin and Joe - and their and Robert's families have our sympathy and commiserations.

No such thing as ethical nurse recruitment policy

In the week that new figures show a three-fold increase in the number of nurses being employed from developing countries UNISON warned that there is not such a thing as an ethical nurse recruitment strategy. Over the past four years the number of nurses being

recruited from developing countries has in many cases tripled or quadrupled - and in the case of Zimbabwe there is a nine-fold increase. Jim Devine, Scottish Organiser of Health said, "This quite frankly is abuse. These countries have healthcare problems

of their own. "If we are recruiting their nurses, we are recruiting from developing countries, which is not an ethical nurse recruitment policy. "This dramatic increase in nurse recruitment from developing countries in the past four years, just high-

lights the major problems that we have here in Scotland in recruiting and retaining nurses. "UNISON believes that we should revisit the ethical nurses recruitment policy and will be raising the matter directly with the Minister".

'Efficient Government' must not be cost-cutting exercise

The launch of the 'Efficient Government' initiative by Scottish Ministers will be closely monitored by UNISON in Scotland.

Service Groups have been alerted to the implications and branches will need to ensure that locally they are involved in any decisions arising from this review.

"Ministers assure us that there are no job reduction targets," said Scottish Secretary Matt Smith.

"It will be our task to ensure that as the review proceeds it does not become a savings exercise. We do support efficiency but too often in the past the term has been used to mask cuts and service reductions".

The initiative covers all public services in Scotland.

It is recognised that much has already been achieved in Scotland through Best Value, NHS Reforms and the Modernising Government Initiative. It is also the case that admin costs as a proportion of overall spending compares favourably in Scotland with the United Kingdom as a whole.

The Efficient Government Initiative aims to identify efficiencies through new ways of working.

Examples include Scotland's new Procurement System that has brought together the previously fragmented public sector purchasing arrangements with significant cost savings. There is to be a strong emphasis on public bodies sharing "back office" systems, using technology and standard systems to avoid duplication and waste.

Public bodies are to be encouraged to co-operate, ending the last vestiges of the wasteful competitive market structures that were a feature of the Conservative years.

However there are many potential threats to our members within the review. We need more detail as to how it is to be undertaken, measured, and assessed.

The financial targets are very broad and have not so far been built up from individual targets

Scottish Secretary MATT SMITH wants more efficient services but warns against cuts.

Abolition of costly PPP/PFI would bring the savings to address low pay and retention



Matt Smith (right) makes UNISON's views clear to First Minister Jack McConnell at a recent meeting.

for each public body. Instead the approach is to encourage innovation and sharing of ideas. An Efficient Government Fund of £60million is to be established, offering public bodies an opportunity over two years to bid to the fund.

Recent statements from the First Minister about the need to rebalance the public sector and the private sector in Scotland in favour of the private sector are a cause for concern and will be pursued with him when the trade unions in Scotland meet him later in the Autumn.

"UNISON recognises that public sector organisations need to be aware of opportunities to be more efficient and work effectively. That is why we welcome the Finance Minister's recognition that the public sector in Scotland has been taking this agenda forward for some time", said Matt.

"We have argued that savings which are made need to address issues of low pay and of recruitment and retention of public service workers."

UNISON and the STUC have already engaged Ministers and Senior Civil Servants in discussion about the potential impact of the review and have received assurances that there will be full consultation at all levels. The detail of that is still to be established and meetings are to be held soon to see how this can be taken forward.

There has been a major expansion of expenditure within Scotland's public services.

For many years UNISON has argued about under-funding and therefore welcomes the increased investment which has been made and have pointed out to areas where efficiencies could also be made, such as in the abolition of the costly system of Capital Funding through PFI/PPP schemes.

"Devolution should provide the opportunity for Scotland to have better public services and not to follow the UK agenda. In

many areas today we have had successes in pursuing that policy but much remains to be done.

"Our approach to the 'Efficient Government' process will be to ensure that we genuinely improve the public services and the conditions for those who work in them and do not see this as another cost cutting exercise with a potential for outsourcing and privatisation", said Matt.

OVERSEAS NURSES

UNISON initiative starts to bear fruit

UNISON Scotland's Overseas Nurses Network - open to all overseas health workers despite its title - has grown from strength to strength since it was started by Sofi Taylor, UNISON

NEC member, early last year.

From an initial attendance of six, the regular meetings now see 40



www.unison-scotland.org.uk/nhs/overseas

or 50 overseas healthcare staff coming along to raise problems and listen to speakers on training and employment. Plus UNISON is fighting and winning cases for our colleagues - both in employment and other areas of exploitation.

Recently Matt McLaughlin - UNISON Regional Officer, pursued a recruitment agency back to the Philippines to try and retrieve money illegally demanded from nurses they brought over to Scotland. UNISON's action and pressure on the Philippines embassy forced the agency to cough up a refund.

Matt says, "Whilst it wasn't the amount that was due - it is significant that UNISON's pressure delivered for these members."

Other cases have involved exorbitant rents being charged to overseas staff by a private company.

Sofi Taylor says. "UNISON can be proud of the work we have started in bringing together workers coming here from abroad. The opportunities for unscrupulous employers and agencies are terrifying. We are providing a counter-balance to that. Somewhere they can bring their problems and get advice and assistance."

Scotland in UNISON reaches 50!

The first of Scotland in UNISON's 50 issues came out in November 1994 and was initially published four times a year. It now goes out to 5,000 activists six times a year.

The first issue celebrated Cohse, Nalگو and Nupe coming together to create UNISON - and like this month's issue - recruitment was the front page theme.

But SiU had already hit the streets with a special issue to all members of the three partner unions as early as June 1993. It remains Scottish policy to have a Scottish lay bulletin for all members (not just activists) when resources permit.

To celebrate the 50th issue, your editor (yes the same auld git that's been doing it since it started) has experimented with a new trial design.

The last time we tried to modernise the look, the Committee



L to R: The first issue Nov 1994, the pre-merger issue in 1993 and the June 2004 issue.

vetoed it - believe it or not, on the vote of the young members!

Well this time, you all get a say!

- Is the new design better, worse or you just don't care?
- Should we try other designs?
- Are there stories you would like to see or any other ideas you'd like us to try out?

We know apathy is a major prob-

lem in unions these days and we all find it hard to be bothered doing anything about it.

But you can really make a difference - go on, give us your views:

Contact webmanager@unison-edinburgh.org.uk or write to John Stevenson (editor) c/o UNISON City of Edinburgh 23 George IV Bridge Edinburgh EH1 1EN.

'Dramatic' twist to anti-PFI campaign

UNISON sponsors 7:84 'Private Agenda' tour - based on the voices of its members

UNISON's long-running campaign against PFI/PPP has taken a dramatic step forward, with sponsorship of a major tour of 7:84 Theatre Company's new show 'Private Agenda'.

The tour that started in Paisley on 3 Sept will take an extraordinary new play to most of Scotland - from Stranraer to Thurso (tour schedule below).

The play has been created from the real life stories of campaigners, workers and users of Scotland's public services - many UNISON members amongst them.

Lorenzo Mele, 7:84's Artistic Director says: "It promises to be a surreal, maddening and hilarious trip through the corridors and wards of privately financed hospitals and schools.

"It starts with a trip over the bridge to Skye, uncovers corporate cuts in Caithness, finds fighting in Fort William and pillaging in Perth's Royal Infirmary!"

As part of the sponsorship, UNISON has arranged ticket deals for members at some of the venues, and we are suggesting to branches that they buy tickets for members in their locality. Already many branches have opted into this.

Contact **Marianne Maxwell at 7:84 (0141-334 6686)** to arrange a group visit.

In addition the company is giving the audience a chance to air their views on the local issues and campaigns. After each performance they will create a 'Public Space' and invite local guest speakers, so that they (and you) can have their say.



Tour dates

2-4 Sept Paisley Arts Centre
 7 Sept Stranraer The Ryan Centre
 8 Sept Kilmarnock Palace Theatre
 9 Sept Dunfermline Carnegie Hall
 10/11 Sept Musselburgh Brunton Theatre
 14 Sept Huntly The Gordon Schools
 15 Sept Lossiemouth High School
 16 Sept Aboyne Deeside Theatre
 17 Sept Aberdeen Lemon Tree
 18 Sept Fraserburgh Dalrymple Arts

Centre

21-25 Sept Glasgow The Arches
 29 Sept Cumbernauld Theatre
 2 Oct Dumfries Theatre Royal
 5-7 Oct Perth Perth Rep Theatre
 9 Oct Portree Aros Centre
 12 Oct Thurso Mill Theatre
 13 Oct Fort William Nevis Centre
 15 Oct Ballachulish Village Hall
 16 Oct Oban Corran Halls
 19-23 Oct Edinburgh Traverse Theatre

Magazine and website courses

The Magazine editors training will be going ahead on Friday 1 - Sunday 3 October at Reid Kerr College, Paisley, staying at the Glasgow Airport Hotel.

Using Microsoft Publisher we can take you through - writing for publication, headline writing and laying out a magazine.

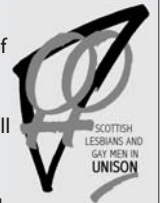
The Media Handling course has been postponed until the spring of 2005. In its place this autumn we are planning a

Website Design course. This will be in the same college/hotel combination from Friday 12 - Sunday 15 November.

Check out the website for more details and to get an application form.

UNISONScotland Lesbian and Gay Group 11th Annual Conference Saturday 16 October 2004, Glasgow

11th Annual Conference of the Scottish Lesbian and Gay Group will be held on Saturday 16 October 2004.



The Conference will take place in the UNISON Office, 4th Floor, 18 Albion Street, Glasgow from 11.00 am to 4.00 pm and will be both workshop and motion based.

Labour manifesto: Comments from all needed

Also in the package containing your Scotland in UNISON, should be a document called 'Scotland 2010'.

Whilst this is part of the Scottish Labour Party's process for drafting its 2007 election manifesto, **it is not simply open to Labour Party members or APF fund payers in UNISON.**

Dave Watson - Labour Link Officer explains. "We want comments from UNI-

SON members across the board. Whilst the final manifesto will be the province of the Party, this early stage is open to all. The next Scottish Parliament manifesto will be important to all UNISON members"

The document outlines 20 'Big Questions' designed to stimulate discus-

sion on issues relevant to UNISON members but comments on any devolved Scottish Parliament issue will be welcomed.

Stewards are encouraged to hold workplace meetings and feed views back to Dave.

If you need further copies of Scotland 2010, contact Dave or Kevin O'Neil at UNISON House.

Fife roadsweeper re-writes disability law

by Peter Hunter
 Legal Officer

A landmark ruling by the House of Lords in the case of UNISON member Susan Archibald has greatly strengthened the employment rights of disabled people.

The law lords said employers must consider positive steps such as redeployment to a higher grade if that is the reasonable step required to prevent discrimination.

Susan's case was initially taken by UNISON officer Jim McNeill but the union then agreed to financially support the Disability Rights Commission (DRC) to pursue the case because of its wider implications.

Susan, of Kelty, Fife, said: "I am very happy that the Lords supported us and the law is now hopefully much clearer. I did not go through all this for financial gain but to ensure that no-one would have to go through what I went through.

"Now disabled people in a similar position will have the opportunity to challenge

any employer they feel is discriminating against them."

The 38-year-old mother-of-four worked as a road sweeper with Fife Council from May 1997 until March 2001. In April 1999 complications following surgery caused severe pain in her heels, leaving her unable to walk. She initially used a wheelchair and later was able to walk only with sticks.

She had previously worked as an administration assistant and went for retraining to update her skills.

She had to undertake competitive interviews in accordance with the council's redeployment policy and applied unsuccessfully for over 100 posts within various departments. In March 2001, the council dismissed her on the grounds of capability.

Susan later successfully applied to Fife Council to become supervisor of a local community centre.

Lynn Welsh, the DRC's Head of Scottish Legal Affairs, said: "This appointment acknowledges that Mrs Archibald

was capable of this level of job.

"Had the council transferred her to a similar post at the time, she would not have lost a substantial amount of earnings over a considerable period of time."

Susan complained she had been discriminated against on grounds of disability.

She argued she should not have had to compete for alternative employment if she could show she could perform the duties and responsibilities of the post and that her employers had failed to comply with a duty to make a reasonable adjustment under Section 6 of the Disability Discrimination Act.

However an employment tribunal dismissed her complaint, stating Fife Council

had not failed to comply with any duty of reasonable adjustment. The Employment Appeal Tribunal dismissed an appeal, holding there was, in fact, no duty of reasonable adjustment on the employers at all.

The DRC appealed to the Court of Session who ruled that an adjustment duty was not triggered by becoming physically incapable of carrying out the job and that transfer to a different job was not a reasonable adjustment.

The DRC then appealed to the House of Lords, who have ruled that the EAT and Court of Session were wrong, and that the case should be referred back to the employment tribunal.

We want to hear your news

Won any deals or cases for members? Any 'people' stories we could use? SiU is your paper, we want to hear your stories. Your SiU contacts are:

John Stevenson (Editor) 0131 220 5655, Chris Bartter 0870 7777 006,

FAX PRESS RELEASES to 0141-331-1203

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