

Scotland

february/march 2004 no. 47

in UNISON

scottish council activists bulletin

Young Members Conference
7-9 May, Croyde Bay
Registration deadline 19 March
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Indefinite nursery strike unless CoSLA sees sense

by John Stevenson
& Chris Bartter

In a massive 81% vote, Scotland's nursery nurses have backed indefinite strike action after almost a year of boycotts and selective strikes.

As *SiU* went to press, the action was set to start on 1 March and no less than **Dave Prentis**, UNISON General Secretary, urged politicians to use the time to take action to resolve the dispute.

"The ballot result was magnificent after such a long dispute and shows how strongly they [nursery nurses] feel", said Dave.

"If politicians and the Scottish Parliament think they can bury their heads in the sand and ignore this dispute, they are living in cloud-cuckoo land. They have got to take action".

Despite months of disruption, CoSLA has refused to talk. **Carol Ball**, Chair of UNISON's Nursery Nurses Working

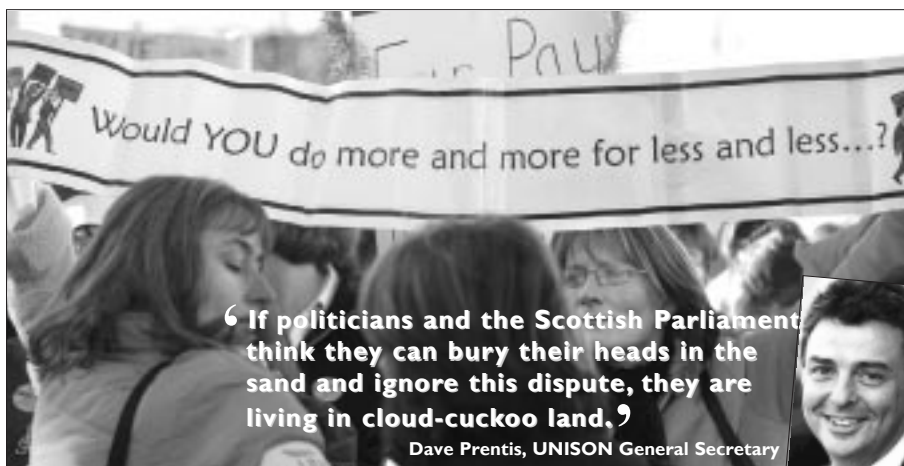


Photo: Douglas Robertson

“If politicians and the Scottish Parliament think they can bury their heads in the sand and ignore this dispute, they are living in cloud-cuckoo land.”

Dave Prentis, UNISON General Secretary

Party, said "It is disgraceful that employers still refuse to negotiate and would rather disrupt children's education and parent's working lives than pay Scottish nursery nurses for the job they do.

"Even at this late stage they should listen to what their nursery nurses are saying. UNISON has done so, where is CoSLA?"

Angela Lynes, Leader of UNISON's negotiators, and Chair of the Industrial Action Committee, said,

"This magnificent ballot result gives the lie to anyone who suggests that this dispute is orchestrated by union officials."

"The nursery nurses have spoken, and spoken clearly. They deserve to have their pay increased and they want

that increase to be applied across Scotland."

Joe Di Paola (Scottish Organiser Local Government) said, "The employers have admitted that they will not meet the job evaluation deadline that is a pre-requisite for local grading reviews.

"Will they now accept they cannot delay dealing with the nursery nurses 15-year-old claim through this

mechanism and deal with it at Scottish level?"

A nursery nurse, after two years' training can start on as little as £10,000 a year. They are claiming a starting salary of around £14,000.

UNISON balloted to reaffirm the mandate for action despite not being required to under employment legislation.

Activists are the lifeblood of the union, Prentis

General Secretary reports
by John Stevenson *SiU* Editor

You are the face of the union, General Secretary Dave Prentis told activists in Glasgow on 21 February and added, "thanks for the work you do for our union".

"Our strength lies in full time officers and activists working together and singing from the same hymn sheet", said Dave.

"Our members believe in the services they provide". We have to

represent them but also to speak up for those public services.

"UNISON is a tremendous union. We have a democracy second to none, the involvement of members is amazing", added Dave.

Wherever he went, he met members wanting to discuss issues. "We may not always agree on issues but they come up and argue them out. That is not there in other unions. I really do believe that we have got the future".

He outlined some of UNISON's greatest achievements. "Without UNI-

SON there would have been no minimum wage" he reminded delegates.

But to build on that we had to build strength through membership. He praised Scotland for its increase in members this year but urged everyone to recruit more and help stop existing members from leaving.

"We need to get closer in the workplace. We need to get closer to non members too", urged Dave.

Turning to the challenges of devolved government, Dave said "We have created one union with one set of aims and policies. But we have

to adapt to new forms of government and we have to put resources and activity where it is needed.

"We have to do all we can to take advantage of political structures on behalf of our members".

Scotland has led the way in free personal care and rejecting tuition fees and Dave slammed MPs from Scotland who had voted for tuition fees at Westminster.

"It is a disgrace that Scottish MPs could vote for policies the Scottish people oppose".

PPP protection a 'defining issue'

General Secretary Dave Prentis has warned that a failure to outlaw private contractors cutting pay and conditions when they win contracts in the NHS could become a "defining issue" in UNISON's relationship with the Government.

"We expect the Government to honour a commitment freely given to this union nearly three years ago by the Prime Minister and the Secretaries of State for local government and health. There can be no excuse for further delay."

Speaking at a conference in Glasgow of UNISON activists and officials, he compared how Labour behaves in Scotland to how it behaves in Westminster.

Scotland has extended the deal to end the two-tier workforce in PPPs to all public services, yet the Westminster Government has still not extended it beyond local government.

"100,000 of our members work in private companies delivering public services", said Dave, stressing we must support them.

The only realistic choice at UK level was Labour or Tory. The Tories already have plans to decimate public services so we have to work for a Labour third term.

"But if they want our support they have got to move towards us on this defining issue. Like the nursery nurses, we are not going to go away."

re*vitalise* our
public services

- Race tribunal victory - p2
- R2L achievement - p2
- Consult failed PFI firm? - p2
- Innovation wins awards - p2
- Recruitment success - p3
- Social care views - p3
- LG Pay Claim - p3
- Must fight BNP - p3
- Food for Good - p3
- 7:84 'cheerful' dates - p3
- New orientation law - p4
- We need your info - p4
- Trek sponsorship - p4

Return to Learn union's greatest achievement

UNISON's learning agenda is second to none, Dave Prentis claimed last week. "From 800 people a year on Return To Learn to 10,000 this year and 20,000 over the next two years - mainly low paid women - it is a huge achievement".

"We are doing what the employers should be doing to give people real choices

"Learning advisers are the unsung heroes of our union and are delivering one of the greatest things our union is involved in".

● **The next Lifelong Learning Adviser courses in Scotland are 9/10/11 March in The Foyer, Marywell St Aberdeen.**

To book a place on courses please contact Karen Barclay on Aberdeen 01224 620624 or by email K.Barclay@unison.co.uk

Any branches who wish to organise a course specifically for their own members can do so by contacting Karen with details of a suitable venue as soon as possible please as the free(!) courses have to be completed by April 2004 at the latest!

Failed PFI firm asked to comment on new PFI schemes

Failed PFI company Ballast Wiltshire has been asked by the Scottish Executive to comment on new proposals to hand over primary health care centres, hospitals and joint facilities with councils to private companies.

Ballast collapsed in October last year leaving a trail of devastation in East Lothian schools. Falkirk's window replacement programme was halted and Renfrewshire was left with only one bidder for its controversial schools PFI scheme.

Dave Watson (UNISON's Scottish Organiser - Policy) said: "It is astonishing that the Scottish Executive should be seeking the views of a company that has wreaked such chaos in Scotland's public services. They have clearly learnt nothing. Instead our health centres, hospitals and social work provision are to be laid open to the very same risk".

The proposals are set out in Consultation on the use of Joint Ventures to deliver primary care/joint premises. Ballast are included in the list of companies consulted.

UNISON will be highlighting other flaws in the scheme including:

* It will be limited to large schemes because the private sector is not interested in small scale local facilities. This will drive centralisation of health and social care or distort priorities by having to group schemes.

* The paper claims that the partners will share profits. But, the public sector will hold only a small minority stake. Private contractors walk away with the real profits.

Dave Watson said: "Instead of taking Scotland further down this failed route the Executive should follow the recommendations of their own auditors, Audit Scotland, and provide a genuine level playing field between public borrowing and PPP".

"Mystifying, irrational, unreasonable, unfair, cynical, spurious, aggravated and illegal"

Employment Tribunal finds race discrimination in Glasgow City Council Asylum Project

An Employment Tribunal in Glasgow delivered a scathing attack on the employment practices of Glasgow City Council when it held that UNISON Scotland member Kuldip Dhesi experienced race discrimination in his application to the Council's Asylum Seeker Project.

"The tribunal issued a damning judgement on a series of council failures as various managers failed on repeated occasions to follow basic policy or the requirements of discrimination law", said Peter Hunter, UNISONScotland Legal Officer.

Kuldip Dhesi, 42, was already an established and effective senior manager at the council when he applied to work with asylum seekers.

His rival was a white woman with no comparable management experience but who shared an office with the chair of the recruitment panel.

The tribunal accepted Mr Dhesi's core claim that the recruitment panel fiddled the scores to boost her application



Peter Hunter
UNISONScotland Legal Officer

despite the fact that she was unconvincing at interview.

"Bizarrely, the panel chair claimed that Mr Dhesi didn't understand work with asylum seekers and admitted deducting marks from him when he said that race issues were key to the success of the project. He also penalised Mr Dhesi's aspiration to help asylum seekers with benefit and employment issues", added Peter.

At the time of the interview asylum seekers had the equality, employment and benefit rights Mr Dhesi described.

The tribunal decided the

panel's position was mystifying and that race discrimination was the only appropriate finding. The tribunal decision contains further embarrassment for the council.

Kuldip Dhesi had also complained that his grievance claim was illegally stalled because the council didn't want to hear a claim about racism. The council argued that Mr Dhesi gave up his right to make such a complaint.

In a highly unusual verdict, the tribunal dismissed the council's defence pointing out that it was obviously false and that the council themselves could not have believed their case to be true at the time it had been advanced.

Kuldip Dhesi said "This should never have taken three years. On the eve of the first day's evidence I went to the Chief Executive and two of his directors. I offered to drop my tribunal claim if they would listen to my internal grievance. They said no. I couldn't believe it then and I can't believe it now.

"The language in the tribunal decision says it all. The recruitment process was irrational, unreasonable, mystifying and

there wasn't a shred of evidence to support the appointment of the successful candidate. The scary thing for black people in Glasgow is that the tribunal could identify discrimination that none of these council managers or directors could see.

"There have been countless reviews and reports before but I genuinely believe an external expert must be given the task of going over this sequence of events and then instruct the council how to implement its equality agenda. The paper commitment is there but it doesn't work in practice.

"I worked happily for the council and was genuine in my wish to promote equality but finally I had to walk away and challenge discrimination from the outside. Little has changed in the last 20 years."

Mr Dhesi also praised his union UNISON who pursued the case for over three years. "UNISON has backed this case all the way. It is important that employees facing discrimination are members of their trade union as it would have been impossible for me to take this on alone."

Innovative and interesting work wins awards

by Chris Bartter
Communications Officer

Scotland's branches are no slouches when it comes to dreaming up good ways of involving members.

Winners of the 2003/4 Organising Awards have been variously using lifelong learning and social occasions to involve members in the work of the branch; using a variety of methods to recruit home care workers, student nurses and others; and brokering a partnership deal with their employers to allow seconded officers to work on improvements for specific groups of staff.

The Communications Awards, which were run concurrently with the organising awards, recognised the big shift to the use of the internet to stay in contact with members, whilst recognising the continuing importance of branch and new sector group newsletters in the involvement, organisation and the recruitment of members.

The winners of the Organising Awards were:

● Negotiation and Representation

SEPA Branch - for negotiating a deal that allows the branch to concentrate on improving the conditions of groups of staff - like those working offshore and call centre staff.

● Organising & Recruitment

North Lanarkshire Council Branch - for an initiative to reach out to and recruit home care workers. Meetings, mailshots and radio/press advertising have led to an increase of 119 new members and 8 new stewards.

East Ayrshire - for a campaign using paper bags using the slogan "Have a Break, have a Chit Chat". Specific offices were targeted with a UNISON stall, increasing membership and reaching many existing members.

Lanarkshire Health and Primary Care - for involvement

in recruiting student nurses and Renfrewshire LG for a campaign targeting young people that recruited 20 new members and a steward.

● Membership Participation

Aberdeen City - who used the development of the role of Lifelong Learning Advisers to involve members who were not stewards in identifying a route for training issues to be raised in the branch, and developing workplace learning.

East Ayrshire - for a series of social events involving a wide range of members- with free and reduced rates offered to low waged staff and skillseekers - and promoting the idea that UNISON is not just there for the nasty things!

● Communications Awards

Best Use of Electronic Communications

Moray UNISON - For the development of an impressive

website. Using it as a lifelong learning project for a member and providing a very interactive and valuable source of membership information. See it at www.morayunison.unisonplus.co.uk

Best Newsletter

Voice@Work the **Community and Voluntary Sector Newsletter**,

edited by Ian Williamson and targeting the disparate membership in the Community and Voluntary sector, contributing to an unprecedented rise in membership in Scotland (over 6,000 and growing!)

Blue Light - Strathclyde Police and Fire Branch, edited by Raymond Brown. A stalwart of the last few years, valued for the level of local information presented in a regular, tidy and well written newsletter.



Recruitment successes must be built on

by Matt Smith
Scottish Secretary

UNISON Scotland has recorded an increase in its membership during 2003.

Up from 146,000 to 149,500 this represents 3,500 additional members, although the number of recruits is much higher when we take account of those leaving during the course of the year.

When we add our retired members

our overall membership in Scotland is over 156,000. Our target was 4%. Our achievement fell short of that and is in fact some 2.5%. For 2004 our aim is to increase our membership by at least 6,000 new recruits.

In some areas our membership is strong and density high. But in most it could be better. For too many there is a disengagement between trade unionism and their working life.

No longer is it accepted that joining a trade union is automatic

on starting work. The reality is that as public services grow in employment, many new entrants fail to join. Too often we fail to ask them.

It is clear that specific campaigns can assist, particularly when these are related to issues. So we find that the number of nursery nurses in membership has grown as we continue to campaign on their behalf for better pay.

Other opportunities present themselves and we should always include

recruitment in whatever campaign we are organising. Membership is important for the strength of our union and in the prosecution of our campaigns for better Public Services. The more we represent, the better our ability to articulate and champion our cause.

But it is also the case that trade unionism should be encouraged for all workers. In particular we need to ensure that those most vulnerable recognise the importance of our collective role.

We must fight BNP in Europe elections

British National Party wins in the European elections would be "a tragedy for us and for our people", Dave Prentis, General Secretary, has warned.

The threat comes from apathy and from the BNP polling 15-20% in some areas of England - that could give them a foothold to gain an MEP.

"We must not be complacent in Scotland", warned Jane Carolan, Scottish UNISON NEC member. "The BNP may well target us. We must be alert and ready to fight against racism poisoning our politics and society".

The Scottish Communications & Campaigns Committee will make this its top priority at its policy seminar. More details next issue.

£1,000 and 5%: Two year Local Govt claim

by Chris Bartter
Communications Officer

Scottish Local Government Unions have agreed a mixed flat rate and percentage pay claim for the next two years.

The joint trade unions will be claiming £1000 or a minimum of £6 per hour for the first year and 5% for the following year. This follows the four-year deal won by UNISON industrial action in 2000/1 and will be the first negotiations to take place since that settlement.

Joe Di Paola, UNISON's Scottish Organiser for Local Government said,

"The claim reflects the fact that councils' funding allocations of £7.7bn in 2004-5 and almost £8bn in 2005-6, cover the next two years. We need to see that this goes into providing services, which means ensuring those people delivering services are fairly paid. Now that councils have had a fair deal, they must reciprocate with their own staff."

"The claim takes account of the approx 5% overall level of settlement allocated to local authorities. It also addresses problems of recruitment and retention, and ensures low paid staff, such as nursery nurses are treated fairly."

"It is a just claim, reflects the needs of both the service and the staff providing that service. It also goes some way to continuing UNISON's campaign against low pay, ensuring that key public service staff are paid at a level that will allow them to live in Scotland's increasingly expensive housing and help address the recruitment crisis in many local services."

'Food for Good' petition goes to MSPs



Photo: Douglas Robertson

Lilian Macer and Raymond Marshall - two UNISON chefs working in the NHS - present UNISON's 'NHS food for good' petition to Michael McMahon MSP, Convenor of the Scottish Parliament's Public Petitions Committee.

The petition with hundreds of signatures from NHS chefs, catering and other health staff calls on the Scottish Executive to deliver a nutritious and healthy diet to NHS patients, supplied from safe, high quality suppliers and prepared by properly trained and paid chefs.

Lilian Macer said "It is clear from the recent

Scottish Low Pay Unit report that low pay is a problem in catering in general, and this is also true in the NHS. We must address this if we are serious about recruiting and retaining staff who can deliver food to the standards necessary for the health and welfare of patients."

Lilian is in the centre of the picture. Also pictured are (clockwise from bottom left) - Margaret Jamieson MSP (Labour, Chair of UNISON Group of MSP's), Shiona Baird MSP (Green Party), Raymond Marshall (UNISON, in uniform), Simon Macfarlane and Michael McMahon MSP.

Childrens Reporter staff deal explained

We reported in the last issue that Scottish Childrens Reporter Administration staff had won a two year pay and conditions deal worth between 2.5% and 4.5%, with new leave and 'family friendly' policy improvements.

We would like to clarify that the percentage rises apply to each of the two years, not across the two years. For example, the 4.5% in the first year would be followed by another 4.5% in the second year, making at least 9%.

Reasons to be cheerful

As part of our 10th anniversary celebrations, UNISON has linked up with the 7:84 Theatre Company who are celebrating their 30th anniversary this year.

The Scottish Arts Council has threatened to withdraw the well known Scottish political theatre group's funding after 2005.

Inspired by Mark Steel's book- *Reasons To Be Cheerful* - 7:84 bring you a play that leaves no political stone unturned: taking all of the stand up comedian and broadcaster's wit, rage and political passion and giving it a very Scottish twist.

A number of Scottish Branches have arranged promotions and discounts for members. Why not make sure your branch does

the same if there is a venue near you?

- 3 March Livingston Howden Park Centre
- 4 March Peebles Eastgate Arts Centre
- 10 March Easterhouse Barlanark Hall TBC
- 5 March Dunfermline Carnegie Hall
- 9 March Stirling MacRobert Theatre
- 11 March New Hall, Lossiemouth High School
- 12 & 13 March Musselburgh Brunton Theatre 0131 665 2240/£9.50 (UNISON)



- Members £6 arranged by Lothian Acute branch)
- 16 - 20 March Glasgow Tron Theatre
- 23 March Inverness Eden Court Theatre
- 24 March Ballachullish Village Hall
- 25 March Plockton Village Hall
- 27 March Tarbert, Harris Sir E Scott School Hall
- 30 March Bowmore, Islay Bowmore Hall
- 1 April Aberdeen The Lemon Tree
- 3 April Cumbernauld Theatre
- 6 - 10 April Edinburgh Traverse Theatre 0131 228 1404 £10 (UNISON Members £6 on 7th & 8th arranged by Lothian Acute)

New law bans discrimination on grounds of sexual orientation

by Carola Towle
National Lesbian and Gay Officer

As of 1 December, the legislation protecting lesbian, gay and bisexual workers from discrimination is now in force.

It is right that we stop and celebrate this, but the real work starts now.

We know that laws on their own do not stop discrimination. Anyone who doubts this should ask themselves whether thirty years of sex and race discrimination laws have eradicated prejudice and unfair treatment.

Neither does the new legislation change our agenda. Our negotiating demands on lesbian and gay workplace equality have hardly changed over the years. They are summarised below.

But the legislation gives our demands new teeth. It is an opportunity we cannot afford to miss. Till now, many employers have used the lack of legislation as an excuse to do nothing. That excuse is now time out.

Much of the discrimination is not immediately obvious. Lesbian and gay workers try to avoid becoming a target by hiding their sexual orientation. Many branches are quite unaware of lesbians and gay men amongst their membership. However, the civil service works on an estimate that 6% of the working

ACAS has produced a guide on sexual orientation in the workplace - see www.acas.org.uk



population is lesbian or gay, when calculating the impact of government proposals. And civil service assumptions tend to be conservative rather than radical!

But of course hiding your sexual orientation does not actually give much protection. If you are a gay man in a workteam where aggressive jokes are forever being cracked about poofs, the fact that no-one (yet) knows you are gay is fragile comfort.

If you are a lesbian needing time off to care for a very sick partner, how do you approach your manager if they have always believed you are single?

If you work immediately opposite a known bigot, who has already been disci-

plined for distributing anti-gay leaflets at work, how can you ask to be moved if no-one knows you are gay?

If co-workers suspect you are a lesbian, and begin a whispering campaign, and your work performance begins to suffer under the stress, you may end up being disciplined or even leaving your job, without it ever being acknowledged that the root cause of the problem was homophobia.

All these examples are from our members' recent experiences.

Responsibility for tackling discrimination must not be left to lesbian and gay workers. It can feel impossible to complain if you are not out at work, for fear of outing yourself. It can feel almost as hard to complain if you are out at work, for fear of being labelled a trouble maker with a chip on your shoulder.

The whole union must tackle prejudice and discrimination as part of our core agenda for workers' rights.

The legislation is not a magic wand that we can wave to make everything better. But it is an added ingredient that we can use to everyone's great advantage.

New on the web

There are a host of updates on the UNISON Scotland website since our last issue. See them all at www.unison-scotland.org.uk/updates.html

UNISON member treks the wild coast for ACTSA

David Kenyon, UNISON member from East Dunbartonshire Branch will be walking the Wild Coast Hiking Trail in April/May this year. He is one of a number of ACTSA members looking for sponsorship to raise money in support of a number of projects in the Eastern Cape, the area with which Scotland is twinned. Details of the projects which will benefit are available from David.

John McFadden, UNISON past President and ACTSA activist said,

"We are looking for the maximum support from UNISON branches in Scotland. David was a union activist in London for many years before moving to Scotland to work. Let's get behind him and the much needed projects in our twin South African area."

David can be contacted on 0141 776 5666 or by e-mailing david.kenyon@eastdunbarton.gov.uk

Your cut out and keep guide to the sexual orientation regulations

The Employment Equality (Sexual Orientation) Regulations 2003 protect against discrimination on grounds of sexual orientation in employment and vocational training. They cover all sizes and types of employer and all types of worker, including agency, contract and temporary workers. They are similar to existing race and sex discrimination laws and cover both direct and indirect discrimination.

The regulations prohibit discrimination 'on grounds of sexual orientation. This can be discrimination based on actual sexual orientation, perceived sexual orientation (whether correct or not), or by reason of the sexual orientation of someone else (eg discrimination against a worker because they have a lot of gay friends).

The employer cannot, on grounds of sexual orientation:

- refuse to employ someone, or dismiss someone;
- refuse access to training or promotion;
- deny to lesbian, gay or bisexual workers benefits (facilities and services) they offer to heterosexual workers (for example accommodation, childcare, travel concessions, social events); this covers any benefits offered to a worker's same sex partner if such benefits are available to unmarried opposite sex partners;

www.unison-scotland.org.uk/lesbiangay

- give an unfair reference when someone leaves;
- victimise someone because they have made a complaint of discrimination or given evidence or information in someone else's complaint.

The employer must act to protect workers against bullying or harassment because of sexual orientation. The perception of the person suffering the harassment is important in defining this.

The employer is liable for discriminatory actions by anyone acting on their behalf, whether or not it was done with their knowledge, unless the employer can show that they had tried to prevent such actions.

The regulations also outlaw discrimination by trade unions and other trade associations, professional bodies, qualification bodies, employment agencies, providers of vocational training, and all institutions of further and higher education.

Complaints against employers under the regulations are heard by employment tribunals. There is no upper limit on the compensation that can be awarded.

If you require further information on Lesbian and Gay Self Organisation in Scotland please contact Neil MacInnes, Secretary - Scottish Lesbian and Gay Committee, macinnesneil@aol.com 07810 358 139

UNISON needs your knowledge

UNISON Scotland needs your knowledge and expertise.

We have thousands of members with special knowledge about a range of issues affecting public services and we need to capitalise on that to make sure UNISON's voice is heard in the Scottish Parliament.

The union has set up Policy Pools to mirror the Parliament's functions so we can respond to the hundreds of consultations issued by the Scottish Executive.

We want to hear from any member with special knowledge on any of the issues so that it can be put to good use in the Policy Pools

The Scottish Executive is currently consulting on a range of issues like:
Health for All Children: Guidance on Implementation in Scotland - A Draft for Consultation www.scotland.gov.uk/consultations/health/hfac-00.asp
Deadline 31 March 2004

A New Complaints Landscape for Further and Higher Education in Scotland www.scotland.gov.uk/library5/education/nclhec-00.asp
Deadline 1 April 2004

Consultation on Supporting and Promoting Joint Working between Local Authorities and NHS Bodies: Ladder of Support and Intervention www.scotland.gov.uk/library5/health/lscic-02.asp **Deadline: 12 April 2004**

Consultation on Unsuitable Temporary Accommodation for Families with Children and on Best Interests of Children www.scotland.gov.uk/consultations/housing/famchild.pdf
Deadline: 30 April 2004

The deadlines are those set by the Scottish Executive, therefore if you want your comments included in any UNISON response we have to have them at least a week before.

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.

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:

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