

- Unfair dismissal protection after one instead of two years employment;
- Parental leave, paternity leave, adoptive leave and improved maternity pay and rights
- Lesbian and gay and religion and belief rights at work
- 5 • Working time regulations with four weeks paid annual leave, rest breaks and night and shift working restrictions
- Workers to be accompanied at discipline and grievance hearings by their trade union representative
- 10 • equal treatment at work of part-time and temporary workers with their full-time and permanent colleagues;
- a trade union learning fund and trade union learning representatives.

15 However, when Tony Blair came to power in 1997 he emphasised that: *“The essential elements of the trade union legislation of the 1980s will remain... The changes that we do propose would leave British law the most restrictive on trade unions in the western world”*. So is there a socialist alternative? The 2004 Warwick National Policy Forum (NPF) and Labour Party conference provide us with some signs of optimism. At Warwick the trade unions and other NPF representatives achieved 54 pledges from Labour that included:

- 20 • Extending protection for the two-tier workforce into the whole of public service
- Review and reform of the private finance initiative (PFI)
- A commitment to full employment
- A new *Women at work commission*, reporting in 12 months, to include mandatory equal pay audits and equality reps
- 25 • Draft legislation on corporate manslaughter to save lives at work
- Improved training and skills at work
- Pensions – TUPE protection, bargaining as part of union recognition, improved benefits and security in relation to occupational pensions
- Bank holidays in addition to four weeks statutory holidays⁷

30 However, a socialist solution to UK employment and trade union rights can only be achieved by the replacement of the present anti-union laws with a charter of positive workers’ rights enforceable under UK law⁸. This year’s TUC re-affirmed its commitment to the repeal of the anti-union laws and called for the implementation of a charter for individual employment rights⁹. However, individual rights at work depend on effective collective bargaining by strong trade unions. Unions need to be involved in workplace economic planning at sector and enterprise levels, whether at home or abroad, in order to provide a check to the power of multi-national corporations who have the ability to move capital and production globally. Any charter must embrace

40 “internationalism”, with international trade union and worker liaison and solidarity to counter adverse effects of globalisation, remote sourcing, etc., that undermine workers jobs and conditions of employment.

In addition to the above this workers’ charter should include:

- 45 • A framework of workers’ rights based on International Labour Organisation (ILO) standards

⁷ Full employment and working in Modern Britain – TULO Guide to pledges National Policy Forum 25th July 2004.

⁸ Ewing, K. and Hendy, J (eds.) (2002) *A Charter of Workers’ Rights* (London, Institute of Employment Rights) p. 9.

⁹ Labour Research, October 2004, Vol. 93, No. 10, *Union call for further rights* (London, LRD Publications Ltd).

- Full compliance with the employment and labour rights provisions of the EU Charter of Fundamental Rights
- Right of trade unions to determine and enforce union rule books
- An absolute and positive right to strike in law without dismissal
- 5 • Broadening the definition of a trade dispute to include the right to take secondary industrial action in support of other workers and political action on issues such as remote sourcing, PFI or privatisation
- Contract compliance of employers with labour standards and equality discrimination laws
- 10 • An enforceable legal right to reinstatement for workers who win Employment Tribunal claims
- extension of trade union recognition rights into workplaces where unions have members
- Full employment rights from day one of employment
- 15 • A full employment objective linked to shorter working hours
- Increase the National Minimum Wage (NMW) to £7.40 per hour (in line with the current European “decency threshold”), payable to all workers, regardless of age¹⁰
- 20 • Increase the NMW annually in line with earnings and introduce effective legal enforcement of its payment
- Abolition of zero hours contracts
- Measures to address persistent inequality and discrimination in the workplace
- Improve family leave, maternity leave, equal pay and work-life balance
- Upgrade employment equality laws

25 A consensus on the need for a workers’ charter of positive rights is growing, with the TUC, many pressure groups and the New Left Unions uniting to take a stand on positive rights for workers. The LRC intends to campaign and work with trade unionists, and other progressive political and social movements in society, to build a practical and intellectual case for improved employment and trade union rights in the UK.

30 Pensions
 Under the policies of the New Labour Government, too many of today’s retired people live their lives in poverty and too many of tomorrow’s retired people are set to do the same. The New Labour Government’s approach is based on the extension of means-testing (which brings poor and inefficient coverage, perverse incentives and social division) and greater reliance on voluntary provision through capital markets which have inherent shortcomings that make them an unsuitable foundation of pension provision. Workers’ confidence in private pension provision has been shaken with the cumulative effect of the personal pension mis-selling scandal; the Maxwell disaster; the mis-selling of free-standings AVCs; the closure of Equitable Life; and schemes being wound-up with significant deficits.

¹⁰ Article 4 of the Council of Europe's 1961 [European Social Charter](http://www.eiro.eurofound.eu.int/2003/12/feature/pl0312105f.html) provides for a right to 'the right to a fair remuneration', referring in Article 4.1 to 'the right of workers to a remuneration such as will give them and their families a decent standard of living'. On this basis, the committee of independent experts which advises on the implementation of the Charter recommended in 1977 a minimum 'decency threshold' of 68% of the average national wage, thus defining fair remuneration in relation to average remuneration. <http://www.eiro.eurofound.eu.int/2003/12/feature/pl0312105f.html>

5 A Labour Government should commit itself to radical change in how pensions are provided and give a much greater role to state rather than private pensions – a move in line with public opinion polls which consistently show that the majority of people would prefer a universal state benefit to being forced to make their own private arrangements. A Labour Government would acknowledge that the concept of social solidarity between those at work and those in retirement, while seldom articulated, has wide public acceptance.

- 10 In particular, a Labour Government would:
- Immediately increase the state basic pension to the level of the current Guarantee Credit (i.e. £109.45 per week for a single pensioner and £167.05 per week for a couple) as a first step to a target level of 25% of average earnings and thereafter link the level of pensions to national average earnings
 - 15 • Change the state second pension, so that when taken with the state basic pension it provides half pay on normal retirement at 60 for those on average earnings, with a higher proportion for those on lower levels of pay
 - Improve the system of credits for family responsibilities and for those on low pay and/or with broken employment
 - 20 • Return to a National Insurance Scheme with autonomous finances derived from broadly equal contributions from employees and employers, supplemented by payments from the Treasury in recognition of the cost for those members who are being credited with benefits
 - Legislate to ensure greater protection for members' accrued rights in the state pension scheme including an annual statement of benefits
 - 25 • Ensure that childcarers – traditionally women – are not disadvantaged in their pensions by loss of qualifying years through childrearing and caring

Welfare and Benefits

30 The last Conservative Governments operated a sanctions regime – cutting or reducing benefits in order to “make work pay” and relying on means-tested benefits to alleviate severe poverty. New Labour – under the Brown/Smith mantra of “work for those who can, and help for those who can’t” – has retained this approach. Partly because so many people believe that unemployment is no longer a problem, there has been little opposition to New Labour policies which have failed to address

35 poverty, particularly child poverty, or social exclusion.

Means tested benefits fail in general because:

- The most needy do not take up the benefits because they do not know what is available
- 40 • Access to services which are supposed to help people claim becomes ever more complex, particularly for those who do not speak English as a first language
- There is a stigma attached to claiming
- Those with savings are penalised
- 45 • Fraud and dishonesty are encouraged
- They are more expensive to deliver

50 New Labour's specific attempts to help the most vulnerable with means tested benefits and targeted measures such as tax and pension credits and the New Deal programmes have failed because:

- The administration of these systems is governed by strict treasury spending limits on the DWP and Inland Revenue
- Job cuts (30,000 jobs in the DWP and a further 10,000 jobs when the Inland Revenue is merged with the Customs service) announced in Gordon Brown's last

Budget will inevitably result in even more difficulty for people to claim and access services.

5 New Labour's housing benefit system continues to line the pockets of private landlords. People on benefit are hit by increased demands for rent contributions which they must pay out of their benefits and by tighter administrative procedures, such as annual reapplications and restricted times for and grounds of appeal. People on low pay are hit by a steep contributions curve and limited right to benefit review when rents increase. Housing benefit can be capped on the grounds of a notional market rent, penalising those in housing need rather than limiting the landlord's charges.

15 A Labour Government should declare a war on poverty and social exclusion. It should remove Treasury spending limits and base benefit and welfare policies on meeting need. In particular it would:

- Use universal benefits, such as Child Benefit and the State Pension, to address universal need, recouping payments of universal benefits to the wealthy through income tax
- Restore a system of fair rent controls in the private sector to cap the amount of housing benefit going to largescale private landlords
- Revise housing benefit to ensure that all rent charged is covered and more housing benefit is available to those on low pay
- Budget to meet need and not use intimidating measures to deter genuine claimants
- Increase the provision of face to face benefit advice service by the DWP rather than increasing use of call centres as a means of seeking advice and claiming benefits
- Change the ethos in the DWP to allow staff in the benefits and welfare service to make sure all claimants are assisted to claim their full entitlements

30

Environment

35 Under the New Labour Government the modest Kyoto targets have been met, but the Government failed to meet its self-imposed more ambitious target. New Labour has made progress in some other areas, on illegal logging, local recycling schemes, energy efficiency, encouraging organic farming, and by introducing the first 'Green Tax', the Landfill Tax. However these policies have been marginal and partial; not representing the radical change required.

40 The New Labour Government, once a critic of the Tory Government's plans for spending £23bn on new roads, developed its own road-building programme costing £29bn in the Ten Year Transport Plan, which will lead to increased environmental degradation and pollution.

45 Despite massive public pressure, the New Labour Government has refused to ban GM crops, and is the strongest advocate for GM food in the EU.

50 At a regional level, despite central Government caution, the GLA under Ken Livingstone has made some progress by introducing congestion charging, improving public transport, and by expanding the London cycle network.

In making environmental concerns central to Transport, Industrial and Energy, and Agricultural policy, a Labour Government would:

- Invest in renewable energy research and set a target of 50% energy production from renewable sources by 2025, to make the UK a world leader

- 5 • Advance progressive environmental taxations: for example, extending the existing car tax system so that owners of cars with larger engines pay more and those with smaller engines less, and expanding the use of Landfill Tax on Industry, offsetting the costs against Corporation Tax where improvements are evident
- 10 • Extend the use of doorstep recycling schemes to include such things as composting of kitchen and garden waste, and nappy laundry services, to reduce incineration and landfill use, and promote forms of residual waste management such as Mechanical Biological Treatment (MBT)
- 15 • Amend company law to make environmental reporting a statutory duty
- 20 • Set a target that 30% of the UK's agricultural land should be farmed organically by 2010 (with the aim of making all farming organic), and introduce taxes on environmentally damaging pesticides, herbicides, fungicides and fertilisers
- 25 • Assist farmers to sell their produce at fair rates of return through support for farming co-operatives and farmers' markets
- 30 • Institute a moratorium on GM field trials so that more research can be undertaken into the effects of transgenic modification
- Make a commitment to decommission all nuclear power stations by 2020, replacing their output with renewable energy production, such as wind and wave technologies
- Divert monies from road-building into the public transport system to ease congestion and reduce pollution, while simultaneously investing in less polluting public transport modes
- Encourage freight traffic off of the roads and on to rail by expanding rail freight routes and offering subsidies to companies transferring freight from road to rail; and restore the transport of mail on rail
- Devolve power for setting 20mph speed limits to the residents of residential roads
- Invest in research for less polluting forms of air travel and promote sustainable alternatives to air travel

Civil Liberties

35 New Labour's record on the protection of civil liberties has been extremely poor. It has introduced new criminal offences in a range of different areas and encouraged heavier custodial sentencing to deter offenders. As a consequence prisons are seriously over-crowded and conditions in many of them have deteriorated.

40 Under the Terrorism Act 2000, the Government extended its special powers, broadened the definition of "terrorism" and banned 21 organisations, in effect criminalising people for holding or organising around their political ideas. It has permitted British nationals to be detained by the United States Government at Guantanamo Bay without charge or trial in conditions which amounted to inhuman and degrading treatment and where they were subjected to torture.

45 The 2003 Anti-Social Behaviour Act criminalised activities that are not specific offences and targets the whole community, especially the young. Its powers have also been used to prevent protesters attending anti-war demonstrations, arms fairs and anti-capitalist protests.

50 The Government has undermined the protection of refugees, choosing not to apply the Convention on the Rights of the Child in immigration and asylum cases, proposing to end a right to permanent protection, curtailing rights to appeal decisions and eroding health care for foreign nationals.

Other proposed measures will increase public order powers exercised by the police and enable the Government to track individuals through a National Identity Register.

5 A Labour Government would:

- Use the Human Rights Act 1998 to extend, not limit, the rights of nationals and non-nationals who are presently in the United Kingdom
- Introduce an efficient and fair system of asylum determination which will ensure that all those entitled to international protection do receive it
- 10 • Ensure that every asylum seeker has a right to appeal to a court before he or she is removed from the United Kingdom
- End the detention of asylum seekers
- Repeal Part IV of the Anti-Terrorism, Crime and Security Act
- Restore fully the right to trial by jury
- 15 • Adopt the principle that everyone should have access to the courts, with recourse to adequate public funding
- Lift its reservation to the Convention on the Rights of the Child
- Dismantle all legislation placing unreasonable limitation on trade union action and peaceful protest
- 20 • Scrap the proposed identity card scheme
- Abandon control order proposals that contravene the principles of due process

Criminal Justice

25 Since 1997, the New Labour Government has modelled the criminal justice system on retribution and punishment. So far it has created over 700 new criminal offences, the prison population is at an all time high, and a greater proportion of all defendants are sentenced to custody than ever before. The Government has tried to solve structural problems with endless bureaucratic reorganisation and it has tended to centralise services rather than enhance local accountability. It has introduced a

30 range of tough-sounding but ineffective populist measures such as child curfews, anti social behaviour orders, drug abstinence orders, electronic tagging and compulsory parenting classes. In addition, it has failed to set the agenda on drug-related crime and now half of all prisoners admit to stealing during the previous 12 months before sentence in order to feed an addiction.

35

The Labour Government should reorganise the whole of the criminal justice system on the basis of local visible and accountable democratic structures which reflect local needs. It should open up a national debate on whether drug use should be decriminalised and whether resources should be diverted away from the criminal

40 justice system and enforcement, and towards health and social services. The whole of the criminal justice system should be based on rehabilitation and preventing re-offending not retribution.

A Labour Government would:

- 45 • Ensure all persons charged with more serious offences have an automatic right to jury trial
- Abandon the notion of national ID cards, which are likely to increase confrontation between the police and ethnic groups through an extension of stop and search
- Ensure that sentences are commensurate with the seriousness of the crime and that fines directly relate to the disposable income of the defendant
- 50 • Ensure that there are sufficient publicly funded community programmes and sentences that have a direct impact on rehabilitation, re-offending, and public protection

- Ensure that custody is reserved for the most serious crimes where there is a risk to the public and as a last resort

A Labour Government would invest in and develop:

- 5
- Restorative justice and mediation services, where there is a proven level of victim and community satisfaction
 - Multi-agency public protection initiatives between the Police, Prosecution, Courts, Prisons and Probation
- 10
- A comprehensive strategy for victims that places them at the centre of the criminal justice system
 - Ensure that in future the criminal justice system is adequately publicly funded and does not rely on ineffective privatisation or private finance initiative strategies
 - Invest in Housing, Education and the Environment of the most deprived areas of Britain which produce disproportionate numbers of offenders and socially excluded children
- 15

Equality rights - the time is now

The New Labour Government has:

- 20
- Extended the period of maternity and paternity leave
 - Introduced parental leave rights
 - Given employees the right to claim flexible working
 - Provided nursery places for 3 and 4 year olds
 - Encouraged voluntary pay audits to show up the gender pay gap
 - Brought in a positive duty on public sector bodies to promote race equality
- 25
- Funded some Sure Start projects
 - Improved the rights for disabled people
 - Introduced gender reassignment rights
 - Equalised the age of consent
 - Outlawed discrimination on the basis of sexuality and religion in employment
- 30
- Introduced a Civil Partnership scheme giving same sex couples the same rights as married people
 - Abolished Section 28

A Labour Government would go further and:

- 35
- Introduce a Single Equality Act that will harmonise, consolidate and extend all equality legislation, including outlawing discrimination in goods and services for all groups
 - A single Equality Act should include a positive duty to promote equality for both public bodies and private employers
- 40
- End the exemption of religious organisations from equality laws
 - Ensure proper resourcing for the CEHRC to effectively monitor and enforce all strands of equality legislation
 - Consult on proposals for a single Equality and Human Rights Commission
 - Introduce compulsory pay audits for gender and race
- 45
- Amend the Sex Discrimination Act so class actions can be taken by trade unions
 - Create a national childcare system that is comprehensive, accessible and affordable
 - Level up maternity and paternity provision to the best European standards
- 50
- Give employees the right to flexible working for caring responsibilities, not just the right to claim and be rejected
 - Tackle gender stereotyping in schools and in vocational training
 - Take positive action to promote women and minority groups in public life