

# annual report 2008

## OFFICERS

### President:

Professor Keith Ewing

### Chairperson:

John Hendy QC

### Treasurer:

Geoffrey D Shears

### Director:

Carolyn Jones

## INTRODUCTION

Following two difficult years for the Institute, we are very pleased to report that the 2007-08 year represented a positive year of consolidation and growth. Consolidation in that we built on the good will generated by our last two projects (migrant workers and the Trade Union Freedom Bill) and turned a two-year deficit into a healthy surplus. Growth, in that we now have a part-time worker to assist in expanding the most successful aspect of our work - seminars and events - into the North West. We also took time to consider our future plans, discussing the form and content of our publications, how to make better use of technological tools and agreeing a Project Development Plan for the coming years.

Despite the positive developments, we still faced a number of problems. Income from publication sales did not reach our budget target and subscription numbers fell. The number of publications produced failed to meet our promised 8 and sponsorship figures dropped. However, donations were substantially up, seminar receipts continued to rise, commissioned work came in above budget and we received our first substantial donation towards our Project Development Fund.

## ADMINISTRATION

Administratively, 2007/08 was a settled year for the Institute. We continue to run offices in both Liverpool and Brighton and our staffing situation is stable and growing. **Phelim Mac Cafferty** is our Brighton based Projects and Events Officer, **Treena Johnson** is our Liverpool based Administration Officer and **Carolyn Starr** is now working one day a week as our North West Events Officer. In line with our Project Development Plan (see below) we hope to increase our compliment of staff still further by introducing an

Institute Development Officer working on subscriptions and publications as well as North West events.

## MEMBERS AND SUBSCRIBERS

We have 86 members, 47 of whom represent trade unions. It is interesting to note that while the number of TUC affiliated unions has decreased over the years (66 in 2006; 63 in 2007 and 58 in 2008) the number of IER trade union members has remained more or less static. We now have 83% of all TUC affiliates in membership.

We have 583 subscribers in total – a disappointing drop from 678 last year. Whether this is a true reflection or whether our database is simply more accurate following the work done by Rachel Yates the last year, is unclear. We have 233 individual subscribers (down from 335); 194 organisational, mostly trade union branches (down from 219); 54 students (down from 93) 10 international (up from 6) and 25 commercial organisations (up from 24).

If we manage to appoint our Development Officer, the agreed remit for the job is to increase subscriptions and sales of publications by 25% each.

## PUBLICATIONS

Last year we published 6 of our promised 8 publications, including two editions of Federation News. The first edition, edited by **Keith Ewing** provided a collection of essays summarising the chapters in our book *The Right to Strike* and promoting our proposals for a Trade Union Freedom Bill. The second edition, edited by **Aileen McColgan**, focused on developments in equality law and contained an excellent combination of academic and legal contributions as well as articles from trade union equality officers. Three barristers

The People's Centre,  
50 Mount Pleasant,  
Liverpool, L3 5SD  
Tel 0151 702 6925  
Fax 0151 702 6935  
email office@ier.org.uk  
www.ier.org.uk

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from Old Square Chambers – **Jenny Eady, QC, Rebecca Tuck** and **Betsan Cridle** - produced our third publication, an annual review of case law developments in *Labour Law Review 2007*. Our fourth publication was written by **Anna Pollert** and was based on two of Anna's surveys analysing and cataloguing the vulnerability of unorganised workers and the need for greater statutory promotion of trade unions across workplaces. Our fifth publication, written by **Lucy Vickers**, developed one of the equality themes raised in *Federation News* on *Religious Discrimination at Work*. Our 6th and final publication was a timely contribution from **Bill Wedderburn QC**. He provided an informed comparison of the draft European Constitution and the European Reform Treaty with particular reference to the Charter of Fundamental Rights, the Viking and Laval cases and the right to strike.

Given the shortfall in publications, we should aim to produce 10 publications in the forthcoming year. We currently have 11 under consideration including:

- *Corporate Accountability & Limited Liability* Stephanie Blankenburg
- *Comparative Right to Strike* Mark Bell/C Jones
- *Federation News – Europe*
- *Collective Bargaining* Hendy/Ewing/Wilkinson
- *Labour Law Review 2008* Jenny Eady, QC
- *Equal Pay and Privatisation* Bronwyn McKenna
- *Federation News – Enforcement*
- *The New Economy* Cruddas/Nolan
- *Employment Status* Roger Walden
- *Employment Act*
- *Stress at Work* Michael Wynn

#### PROJECT WORK

Last year, while continuing to work on the Trade Union Freedom Bill, we shifted our focus to developing ideas for future projects.

A Project Development Plan was discussed, approved and prioritised by the Executive Committee. The Plan involves 6 project proposals:

- An Institute Development Officer
- Collective Bargaining: Improving Coverage – Reducing Inequality
- Trade Union Strategic Cases Unit
- Globalisation: For Fat Cats or Fairness?
- Deregulating Trade Unions: Counting the Cost of Ballots
- Bringing Rights Home: International Rights for UK Unions

The Project Development Plan was circulated initially to the larger unions. We are pleased to say GMB approved the plan and made a substantial donation towards the Fund. With money received, work then began on the first three projects. A North West Events Coordinator is now in post; (fulfilling part of the Institute Development Officer remit) meetings on the Strategic Cases Unit have taken place and **Keith Ewing, John Hendy** and **Frank Wilkinson** are currently working on an initial paper on improving collective bargaining coverage.

#### PUBLIC POLICY WORK

Last year IER made submissions to the Black Review on *The Health of Britain's Working Age Population*, kindly prepared by **Phil James** and **David Walters**. We also submitted a report to the then DTI on the implications of ECtHR decision in *ASLEF v UK* and the need for legislative reform. That submission was prepared by **John Hendy** and **Michael Ford**. **Brian Bercusson** prepared a submission to the House of Lords European Committee during their enquiry into the EU Green Paper *Modernising Labour Law*. I drafted an electronic response to the government's consultation on the *Grievance and Disciplinary Procedures*. **John Hendy** worked with others on translating the proposals in our Trade Union

**employment law update:  
fairness at  
work**

a conference

thursday 4 october 2007  
9.30am-4.15pm  
at the UCU Conference Centre,  
Britannia Street, London WC1  
organised by  
The Institute of Employment Rights  
in association with  
TUC and Old Square Chambers



**greening the workplace:  
the role of trade  
unions**

a seminar

tuesday 23 october 2007  
1.30pm to 4.15pm  
at the UCU Conference Centre,  
Britannia Street  
London WC1  
organised by  
the Institute of Employment Rights

**update on equality law:  
are we  
catching up?**

a conference

wednesday 5 december  
9.30am-4.30pm  
at the UCU Conference Centre,  
Britannia Street,  
London WC1  
organised by  
The Institute of Employment Rights



**european  
employment law  
at a crossroads**

a top level  
briefing

**grievance and disciplinary  
procedures & employment  
tribunal rules:  
fairness or fudge?**

thursday 10th january 2008  
11.00am-4.15pm  
at the UCU Conference Centre,  
Britannia Street, London WC1  
organised by  
The Institute of Employment Rights

a seminar

wednesday 13 june 2007  
1.30pm to 4.15pm  
at the UCU Conference Centre,  
Britannia Street  
London WC1  
organised by  
the Institute of Employment Rights



**getting equal:  
implementing the  
gender equality duty**

a seminar

**the quality of working life:  
promoting a  
healthy agenda**

monday 14 may 2007  
1.30pm to 4.15pm  
at the UCU Conference Centre,  
Britannia Street  
London WC1  
organised by  
the Institute of Employment Rights

conference

6th february 2008  
9.30am-4.30pm  
at the UCU Conference Centre,  
Britannia Street, London WC1  
organised by  
The Institute of Employment Rights



**what future for  
occupational  
pensions?**

a seminar

**TUPE regulations 2006:  
clarification or  
confusion?**

thursday 17th january 2008  
1.30pm-4.15pm  
at the UCU Conference Centre,  
Britannia Street, London WC1  
organised by  
The Institute of Employment Rights

a seminar

wednesday 12th march 2008  
1.30pm-4.15pm  
at the UCU Conference Centre,  
Britannia Street, London WC1  
organised by  
The Institute of Employment Rights



Freedom Bill into amendments for the Employment Bill.

## CONFERENCES AND SEMINARS

As can be seen from the finance report, our continuing success and growth area is our programme of events. Last year we organised 9 paying events and 1 free *Briefing*. The *Briefing* updated the audience on the facts and implications of the **ASLEF** case.

Our programme of events continues to reflect a mix of popular, shop steward conferences, examining current legal arrangements together with thought provoking events critically examining the future direction of labour law. Equality events remain popular as reflected in attendances at our seminar on the *Gender Equality Duty* and our *Equality Law Update* Conference. *TUPE* remains a firm favourite as do our events on *health and safety, grievance and disciplinary procedures and pensions*. A new subject on our programme last year covered *trade unions and the environment*, and we hope to build on this with a publication. Our third annual *Employment Law Update* conference, held in association with Old Square Chambers and the TUC remains a popular event. Finally, we held an excellent, high powered event looking at recent developments in Europe. This attracted a wide selection of experts both on the platform and in the audience – reflecting the growing unease with the direction of labour law at European level.

Given the success of our seminars and in response to calls for regional events, we have now developed a programme of 5 full day events to take place in Liverpool. These events duplicate the popular London events, offering trade unionists a further opportunity to join in the discussion. We trust that at the 2009 AGM we will be reporting on a successful year of North West events.

Other events of note included fringe and speaking engagements

at the TUC, the STUC, the Wales TUC and other labour movement events throughout the year.

## EVENTS FOR 2008-09

### London

- Agency Workers: Social Justice Long Overdue
- Update on Equality Law: Are We Catching Up?
- Employment Law Update: Fairness at Work
- Information and Consultation: Spreading the Word
- Tired? Getting on top of Long Hours
- The Last Employment Taboo? Age Discrimination
- Employment Law Update 2008
- Neoliberalism and Labour Law: Challenging the Concepts
- Women at Work: 90 Years Since the Representation of the People Act
- Stress - Still the Workplace Killer
- The Employment Act: A Critical Overview

### Liverpool

- The Quality of Working Life: Promoting a Healthy Agenda
- Update on Equality Law: Are We Catching Up?
- Employment Law Update: Fairness at Work
- The Employment Act: A Critical Overview
- TUPE Regulations 2006: Clarification or Confusion?

## CONCLUSION

We believe the stability and success achieved in 2007-08 places us in a strong position to further improve and expand the work of the Institute in the years ahead. We look forward to developing our conference work in the North West and to the possibility of appointing an Institute Development Officer. Such steady growth will allow us to focus on maintaining a stable administrative and financial base *at the same time* as ensuring IER is at the forefront of developing a positive and progressive framework of employment rights and trade union freedoms.

Carolyn Jones  
Director  
cad@ier.org.uk

# Members of the Institute

Lord Archer QC	Professor Roy Lewis
Adrian Askew <i>Connect</i>	Paul Mackney <i>NIACE</i>
Geoff Bagnall <i>Unity</i>	Dr Sonia McKay
Jonathan Baume <i>FDA</i>	Joe Mann <i>Community</i>
Professor Brian Bercusson	Joe Marino <i>BFAWU</i>
Albert Booth	Lord Bill McCarthy
Philip Bowyer <i>CI</i>	Professor Aileen McColgan
Mike Bradley <i>GFTU</i>	Judy McKnight <i>NAPO</i>
Patrick Carragher <i>BACM-TEAM</i>	Professor Jonathan Michie
Brian Caton <i>POA</i>	Karon Monaghan QC
Stephen Cavalier <i>Thompsons</i>	<i>Matrix Chambers</i>
Mike Clancy <i>Prospect</i>	Jim Mortimer
Steve Cottingham <i>O H Parsons</i>	Ged Nichols <i>Accord</i>
Bob Crow <i>RMT</i>	Paul Noon <i>Prospect</i>
Professor Paul Davies	Keith Norman <i>ASLEF</i>
Professor Simon Deakin	Christine Oddy
Jeremy Dear <i>NUJ</i>	Joe O'Hara
Professor Linda Dickens	Brian Orrell <i>NAUTILUS</i>
Gerry Doherty <i>TSSA</i>	Peter Pendle <i>ACM</i>
Tony Dubbins <i>UNITE</i>	Tim Poil <i>NGSU</i>
Rosie Eagleson <i>PCS</i>	Dave Prentis <i>UNISON</i>
Richard Evans <i>SOR</i>	Alan Ritchie <i>UCATT</i>
Professor Keith Ewing	Mick Rix
Michael Ford <i>Old Square Chambers</i>	Rod Robertson <i>UNISON</i>
John Foster	Mickey Rubenstein
Paul Gates <i>Community</i>	Mike Seifert
Steve Gibbons	Mark Serwotka <i>PCS</i>
Ken Gill	Geoffrey D Shears <i>Thompsons</i>
Tess Gill <i>Old Square Chambers</i>	Bob Simpson
Nigel Gooch <i>Hard Dowdy</i>	Derek Simpson <i>UNITE Amicus</i>
Geoffrey Goodman	Graham Smith <i>STUC</i>
Richard Griffin <i>CSP</i>	Paul Statham <i>Pattinson &amp; Brewer</i>
John Hannett <i>USDAW</i>	Ed Sweeney <i>ACAS</i>
Billy Hayes <i>CWU</i>	Barbara Switzer
John Hendy <i>QC Old Square Chambers</i>	Gordon Taylor <i>PFA</i>
Sally Hunt <i>UCU</i>	Baroness Muriel Turner
Professor Phil James	Sarah Veale <i>TUC</i>
Neil Johnson <i>Rowley Ashworth</i>	Charles Ward <i>AEP</i>
Chris Keates <i>NASUWT</i>	Professor Lord Wedderburn QC
Paul Kenny <i>GMB</i>	Frank Wilkinson
Chris Kitchen <i>NUM</i>	Tony Woodley <i>UNITE TGWU</i>
Michael Leahy <i>Community</i>	Matt Wrack <i>FBU</i>

It is with great sorrow that we mourn the death of two long term and committed members of the Institute, Professor Paul O'Higgins and Steve Sinnott.

# IER Budget Report 2007-8

Year to 31st March 2008

£s	Actual 07/08	Budget 07/08	Actual 06-07
<b>INCOME</b>			
Sales of Publications	15,289	17,000	16,460
Donations	40,658	36,000	36,394
Subscriptions	20,216	23,000	20,614
Sponsorship	1,160	3,000	15,647
Seminar Receipts	48,520	38,000	37,807
Royalties	1,606	350	320
Commissioned Work	2,000	6,000	14,018
Bank Interest	961	600	650
Project Development	10,000	20,000	—
<b>TOTAL INCOME</b>	<b>140,410</b>	<b>143,950</b>	<b>141,910</b>
<b>EXPENDITURE</b>			
Printing: Promotional	5,385	8,000	8,889
Printing: Publications	8,066	18,000	20,206
Salaries	78,546	79,376	74,352
Rent	3,999	5,000	5,803
Sundries	2,778	1,000	876
Advertising	0	500	34
Insurance	1,104	1,320	1,061
Conferences & Seminars			
Room Hire (Inc Refrsh)	5,836	5,500	5,731
Packs	200	400	383
Hotels	0	200	158
Fares	197	500	277
Travel	1,921	2,400	2,114
Telephones	2,005	3,000	2,897
Office Stationery	1,628	2,500	1,145
Postage: Couriers	1,061	700	586
Postage: Mailing	4,733	8,000	7,435
Relocation costs	0	0	2,934
Repairs & Maint	0	1,600	700
IT development	3,960	3,000	350
Bank Charges	683	2,000	1,938
Depreciation	0	0	—
Design Work	1,240	5,000	3,306
<b>TOTAL EXPENDITURE</b>	<b>123,342</b>	<b>147,996</b>	<b>141,174</b>
<b>SURPLUS (LOSS) FOR YEAR</b>	<b>17,068</b>	<b>-4,046</b>	<b>735</b>