

NIPSANEWS

Northern Ireland Public Service Alliance

WINTER 2012



EXPLOSIVE!

Revelations on MLAs' pension investments

WE TAKE A LOOK WHERE THEY STASH THEIR CASH

THE MAGAZINE FOR UNION ACTIVISTS

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NIPSA NEWS EDITORIAL

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No let-up in relentless attack on workers and their rights



BRIAN CAMPFIELD
 NIPSA General Secretary

WE ARE approaching the second year of the Conservative/Liberal Democrat coalition government's term of office and one thing that can be said for certain is that they haven't rested on their laurels in promoting the interests of their friends in big business and the finance sector.

The attack on public sector pensions and the attack on welfare benefits are but two of the symptoms of the "shock doctrine" approach. Never miss the opportunity of a crisis to advance your agenda and in this case the agenda involves further consolidating the power of the big business.

This can only be done at the expense of working people including local communities, women, young people, the disabled and the sick.

The removal of Fred Goodwin's knighthood and the hand-wringing over excessive bankers' bonuses are a cover and a diversion.

The main reason for this is because the excesses and greed of those at the top of the banking and financial system cause an outcry from the population at large and the government doesn't want to be on the wrong end of that backlash.

It pretends to take the side of the citizen against the banks – it is self-preservation.

Meanwhile, the cuts on health, on education and other public services continue unabated. The trade union movement is on the forefront in opposing these cuts across England, Scotland, Wales and Northern Ireland and in defending public services and public servants.

The government fully understands the

leading role taken by trade unions in opposing their austerity policies. That is why they have chosen to attack trade unions.

The misnamed Taxpayers' Alliance, funded by secret and well-heeled sponsors, leads the charge against facility time for trade unionists in the public sector in an effort to undermine the effectiveness of trade unions in the workplace.

We are facing a concerted attack on our rights and some of our local politicians appear to have joined the Tax Payers' Alliance bandwagon. Trade unions have pointed out that paid facility time arrangements in fact save public money due to the contribution of trade union representatives in the workplace.

They intervene to resolve a multitude of problems and work closely with employers to maintain good industrial relations while at the same time protecting trade union independence and articulating the interests of employees, both individually and collectively.

In addition, we have been put on notice that the law will be changed to make it even more difficult for trade unions to legally call members out on strike in defence of their interests.

This follows the solid demonstration of

solidarity on November 30 last year when for the first time in a generation millions of workers in the public sector went on strike in protests against the attack on public service pensions.

The UK already has the most draconian anti-trade union legislation in Western Europe. The government wants to tip the scales even further to the disadvantage of workers.

The rights of individual workers are also under attack. The UK government plans to introduce an up-front payment from workers seeking to pursue cases against employers at industrial tribunals as well as raising the qualifying period from one to two years before an employment tribunal case can be taken.

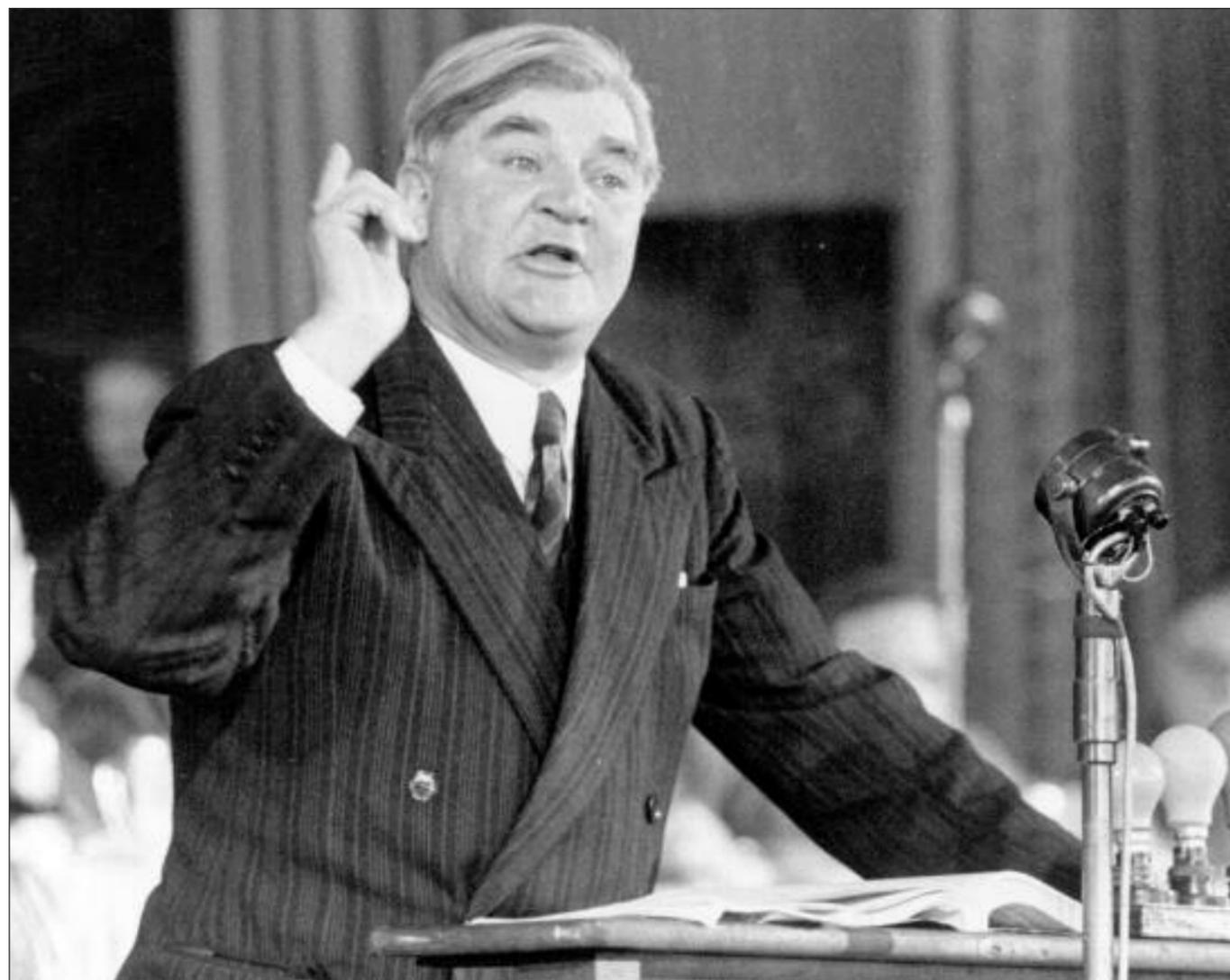
Health and safety laws are also under threat. Business claims these laws are too burdensome. There you have it. The health and safety of workers is a burden on business. Nothing is sacred.

While these anti-worker and anti-trade union developments originate with the UK government, the power to determine many of these matters rests with the Northern Ireland Assembly and Executive. There would be no point in devolution if every UK government policy or initiative was slavishly applied in Northern Ireland.

The Northern Ireland Executive can make a difference on these matters. That is why we must build up the pressure on the devolved administration and the political parties represented at Stormont to ensure that they don't follow the Westminster lead on attacking and diminishing the hard-won rights of workers and their trade unions.

Why Cameron and Lansley cannot be trusted to look after our NHS

By **Clive Peedell**, Co-chair NHS Consultants' Association, BMA Council, BMA Political Board



Architect of the NHS Nye Bevan

THE Prime Minister takes ultimate responsibility for Government policy and hence ultimate responsibility for looking after the NHS. In fact, Mr Cameron has clearly stated his commitment to the NHS on several occasions. In 2009, in a speech in Bolton, Mr Cameron claimed the NHS was safe under the Tories.

However, in the same speech he also stated that: "Only a stable, transparent and pro-competitive framework will attract the independent sector to invest in and expand the capacity of the NHS"

"By reducing political risk, we will open up the opportunity for any willing provider to supply care to NHS patients, accepting commercial risk, at NHS prices or less and at the right quality standards."

Mr Cameron also said that greater competition within the NHS was the key to enhanced patient choice

These statements clearly show the underlying ideology that has been driving Mr Cameron and Mr Lansley – a competitive healthcare market with price competition. We have clearly seen this in the White Paper and it will still be part of the legislation, despite all the rhetoric for "integrated" care (with its many potential meanings). The fact remains that all the tools are in place for a competitive external economic market (a third of the bill legislates for this)

All the key levers are in place to make this happen. All the suggestions from the Future Forum has done nothing to address the key market levers and reduce the risk of increasing marketisation and privatisation:

1. Patient choice to drive,
2. Competition between a plurality of providers through the Any Qualified Provider policy (which aims to introduce private sector companies)
3. Payment by results (money follows patients)
4. Patient held budgets (increases consumerist approach for market)
5. Price competition – yes it is back, despite the claims otherwise.
6. "Abdication" of Secretary of State's duties and responsibilities to provide comprehensive healthcare services to the population.

The fact that price competition (ability to

vary pricing/tariffs) is back on the agenda is clear evidence of the pro-market ideology of the coalition. It is a clear indication that Cameron and Lansley are driven by ideology not evidence. In fact, there is widespread recognition that price competition worsens healthcare outcomes. According to Zack Cooper from the London School of Economics: "Every shred of evidence suggests that price competition in healthcare makes things worse, not better."

The NHS Confederation also shares this view: "Economic theory predicts that price competition is likely to lead to declining quality where (as in healthcare) quality is harder to observe than price. Evidence from price competition in the 1990s internal market and in cost constrained markets in the US [United States] confirms this, with falling prices and reduced quality, particularly in harder to observe measures."

The ideological rather than evidence based nature of the reforms is one of the key reasons why the official BMA policy position is to oppose the bill in its entirety, as well as calling for the bill to be withdrawn. Seven former Presidents of the UK Public Health Faculty agreed with the BMA position in a recent letter to the Times. And the recent RCGP survey showed 98% of GPs want the bill withdrawn and they are supposed to be leading the reforms. Since Chris Ham's research has concluded that clinical leadership is crucial to successful healthcare reforms, this creates huge problems for Mr Cameron and Mr Lansley. They need to drop the bill right now.

The game is up for Mr Cameron and Mr Lansley. The health professions have lost faith in them a long time ago. We don't believe the spin and the rhetoric. Here are plenty more examples:

The 2010 Conservative Election Manifesto: "More than three years ago, David Cameron spelled out his priorities in three letters – NHS."

This refers to "NHS Autonomy and Accountability. Proposals for legislation" (2007).

The Introduction written by Cameron and Lansley: "Improving the NHS is the Conservative Party's number one priority....this requires an end to the pointless upheavals, politically-motivated cuts, increased bureaucracy and greater centralisation that have taken place under Labour."

Bevan's Run

CLIVE Peedell recently undertook a run between January 10-15, 2012. 160 miles in six days from Aneurin Bevan's Statue in Cardiff to the Department of Health, Richmond House, Whitehall, London. To protest against the Health and Social Care Bill and NHS privatisation.

KEEP OUR NHS PUBLIC

If we are going to halt and reverse the government's rapid march towards privatisation and marketisation of the NHS, we need resources to enable us to reach out to the large number of individuals and organisations who should also be aware of

the issues at stake and involved in the campaign.

And if you are fighting hospital closures, service cuts and job losses, we want to be able to support your campaign efforts, too.

We need to be able to print and distribute the arguments and information to back up our case, as well as publish online.

We need the resources to be able to send speakers to campaign meetings around the country, to organise and stage our own events, and to build up an organisation that can help coordinate and strengthen local campaigns and initiatives.

Keep Our NHS Public activities so far have been funded by a handful of individuals and by existing organisations - the NHS Consultants Association, the NHS

David Cameron's speech at the 2006 Conservative party conference: "no more pointless and disruptive reorganisations". Instead, change would be "driven by the wishes and needs of NHS professionals and patients".

The Coalition agreement also specifically pledged to "stop the top-down reorganisations of the NHS that have got in the way of patient care" (HM Government. The Coalition: Our Programme for Government. Cabinet Office, 2010.)

The Conservative 2007 White Paper would have been in keeping with their claims because of the following statements:

■ 4.25 "As part of our commitment to avoid organisational upheaval, we will retain England's ten SHAs, which will report to the NHS Board."

■ 4.28 "PCTs will remain local commissioning bodies."

However, the current bill abolishes these structures, so this is clearly a top down reorganisation of the NHS! The coalition have misled the public.

Hence according to Andrew George, Liberal Democrat MP, of the Health Select Committee Lansley had "Torn up the agreement to resist imposing a top-down re-organisation"

And Zack Cooper of the LSE: "The new health secretary campaigned on a pledge to eliminate top-down shake ups of the health service. This white paper contradicts his campaign promise."

Worse still the estimated costs of reorganisation are £3 billion! (Walshe BMJ).

The bottom line

"The White Paper's proposals are ideological with little evidential foundation. They represent a decisive step towards privatisation that risks undermining the fundamental equity and efficiency objectives of the NHS. Rather than "liberating the NHS", these proposals seem to be an exercise in liberating the NHS's £100 billion budget to commercial enterprises" Lancet Oct 6th 2010

The simple fact is that Mr Cameron and Mr Lansley cannot be trusted on the NHS. Their ideology is neoliberal, with an uncritical faith in markets and the drive for a minimal welfare safety net. It is clear in their policies. This is why they want to privatise large swathes of the NHS. There is no democratic legitimacy for this approach. We must therefore fight them tooth and nail to stop this bill becoming law, and that is why.

Support Federation, and London Health Emergency, which themselves have limited resources. To go further we need to raise more money - and we need it quickly, to enable us to make an impact on current events.

So if you support what we stand for, and have signed our launch statement, why not send us a donation - either as an individual, or organise a donation from your trade union branch or committee, or from any other organisation which supports our aims and objectives?

Any amount, large or small would be appreciated - the larger the better. All donations will be used to support the activities of Keep Our NHS Public: watch this website for details.

How US private insurance healthcare is failing

Rose Ann DeMoro comments – Sky-high premiums, denied treatments, families bankrupted by medical bills ... which bit of US healthcare would you like?

After Canada's freestyle skiing star Sarah Burke (pictured below) was gravely injured in an accident while training in Utah, her husband was forced to launch a website asking for donations to cover the medical bills incurred before she died.

Chances are you've probably never heard of Amelia Rivera, a three year-old from New Jersey. Chances are better you have heard of 29-year-old Canadian, Sarah Burke, one of the best freestyle skiers in the world.

Burke and Rivera don't have a lot in common, but tragically, their families do. Both have been borne the scars of a callous and broken US healthcare system – which, apparently, brings a gleam to the eyes of those seeking to promote privatization in their overhaul of the NHS in the UK

For those who missed the story, Burke, the six-time X Games gold medalist, was training in Park City Utah, 20 January, when she crashed and suffered major brain trauma. Flown to a prestigious hospital in Salt Lake City, Burke spent nine days in neuro-critical care before, sadly, she died.

As if the grief of her death was not enough, Burke's husband had to start a website to ask for donations to help pay the massive medical bill, estimates ranging as high as \$550,000.

In a column in the Calgary Herald aptly titled "Sorry for your loss, here's your bill", columnist Robert Remington noted the dismay of Canadians at the healthcare mess to their south, where patients routinely receive hospitals bills "big enough to choke a horse". Insurance companies may negotiate

it down, but for individuals without insurance, or have poor coverage, the outcome can be devastating. Nearly two-thirds of personal bankruptcies in the US are directly caused by medical bills.

Healthcare costs for US families have more than doubled in the past nine years. In 2010, health insurance premiums gobbled up 20% or more of median income for 62% of US residents under age 65, the age when the federally funded, guaranteed coverage of Medicare kicks in.

Skyrocketing costs are just a part of the problem. The private insurers are another



Amelia Rivera, meanwhile, has reportedly been denied a kidney transplant by a Philadelphia hospital because of mental disabilities she was born with from a rare genetic defect, say her parents, who add they were specifically told that by a doctor. The hospital said that it did not disqualify potential transplant candidates on the basis of intellectual abilities.

Routine denial of needed medical treatment is a curse that pervades the profit-focused private insurance system in the US. In California, the only state that makes such data public, the seven largest private insur-

ers rejected 26% of claims in 2010. Typically, the rejections came from payment disputes between the insurers and providers, such as doctors and hospitals, but often that resulted in patients and families getting stuck with massive bills in a system that does little to control costs. And outright care denials are all too common from insurers, which have developed a laundry list of lingo to justify denial of care, such as transplants, even when recommended by the patient's physician.

While the US spends far more on healthcare than any other nation, it continues to slide in barometers of quality and access to care. A Commonwealth Fund study in November found that sick adult patients in the US are far more likely than their counterparts in ten other high income nations, including the UK, to skip needed medical care, such as visiting a doctor or filling a prescription, and struggle with medical debt.

A study published last June from the University of Washington in collaboration with researchers at Imperial College London found life expectancy

rates in 80% of US counties were far behind the standard set in the top ten nations. And a Unicef study in December 2010 showed the US ranked a paltry 22nd in health inequality for children, behind even economically struggling Greece.

If the prestigious medical journal Lancet is right, the health bill before Parliament in the UK would "pave the way for the introduction of a US-style health system". We in the US can tell you, we've seen the future and it doesn't work – not for the families of Sarah Burke and Amelia Rivera, and not for tens of millions of others.

Obituary: Jonathan Stephenson

A committed trade unionist and good to have on the team

ALL of us at NIPSA HQ were saddened to learn of the death of our good friend and former colleague, Jonathan Stephenson, just before Christmas. Jonathan worked as the NIPSA journalist from 1993 until he left due to failing health in 2007.

Jonathan had a colourful history brought up in such places as Egypt, Vietnam and South Africa where his father was a British diplomat. He came to NIPSA via the TUC and the SDLP.

Jonathan, despite his background as the son of a senior British diplomat, was committed to the trade union movement and the struggle for a peaceful settlement to the Northern Ireland problem.

His political involvement did result in a bomb attack on Jonathan's home in Belfast carried out by the UVF but he wasn't deterred from campaigning for what he considered to be right.

While we were all aware of his political involvement, his friends and colleagues at NIPSA will best remember him for his wicked sense of humour, his natural intelligence and wide knowledge of current affairs and, of course, his obsessive interest in the fortunes of the England cricket team.

He did manage to organise a NIPSA cricket team, for one outing only, to play against a team selected by another NIPSA colleague, Bryan Milford. The match was played at Cooke Cricket Club at Shaw's Bridge but the ground was wet and after a few accidents, everyone adjourned to the clubhouse for tea and biscuits.

Jonathan proceeded to hold court and pronounce on the deficiencies of the NIPSA cricket team, including the comment that some of the bowling skills must have been learned many years previous in engagements with the security forces.

It was at the annual trade union May Day march in Belfast and at staff social outings that we would have maintained our contact with Jonathan and he also kept in touch through his prolific use of text messaging, commenting, among other things, on local and wider political developments in his own inimical fashion.

To Jonathan's immediate and extended family we extend our sympathy.



Jonathan Stephenson – committed trade unionist

Picture: Kevin Cooper

The ethical deficit of our MLAs' pensions pot

By Barry McCaffrey and Ciaran Bartlett of Thedetail.tv

MILLIONS of pounds of taxpayers' money has been ploughed into ensuring they have a well funded pension scheme – but why are MLAs investing in companies accused of tax evasion, price fixing, enforced evictions and creating 'addictive' video games?

The revelation came just days after it emerged that the Stormont Executive is going to force hospital staff, teachers, firemen and other public sector workers to pay millions more pounds in pensions contributions in coming years because of what it says is enforced budgetary cuts from Downing Street.

The Detail has investigated the background of the Assembly members' own pensions portfolio and discovered serious questions about the credentials of a number of them, including African Minerals, First Quantum, Coal of Africa, Votorantim, Grupo México and NCsoft.

But it remains unclear what, if any, ethical standards our MLAs are held to when it comes to the retirement plans they've set up with public money; we asked for 'statement of investment principles' but were told that only MLAs were allowed to see it.

Every year the Northern Ireland taxpayer contributes more than £1m to a politicians' pension fund to ensure that assembly members at Stormont are guaranteed a comfortable lifestyle when they reach retirement age.

All parties at Stormont have signed up to the fund.

The latest 2009/2010 accounts available for the MLAs' retirement fund, showed that taxpayers contributed more than £1.2m into the pension pot, while assembly members themselves contributed just £483,000.

The pension accounts also reveal that local politicians had a £5.25m windfall during 2009/2010, when their retirement fund reserves rocketed from £9.1m to £14.42m.

The fund is administered by M&G, one of Britain's most high profile investment man-

agement companies.

Under M&G's guidance the fund has invested in long established low risk markets in Europe and North America.

However it was its investments in the emerging markets of Africa, South America and Asia which reaped MLAs a whopping 92% return in just one year.

But major questions are now being asked as to whether MLAs have put in place proper safeguards to ensure that the companies they invest in have abided by the necessary ethical and human rights standards.

AFRICAN MINERALS SUSPENDED FROM STOCK EXCHANGE

One of the companies which the Stormont pension fund chose to invest in was African Minerals.

As Britain's fifth largest real estate company African Minerals is heavily engaged in the exploration of gold, diamond and uranium, primarily in Sierra Leone in west Africa.

However the company, and in particular its billionaire chairman, Frank Timis, have a chequered history.

The Romanian born businessman was twice convicted of possession of heroin in Australia in the 1990s.

In 2008 African Minerals was fined £75,000 by the London Stock Exchange (LSE) for publishing misleading and unrealistic optimistic information.

In 2006 another former Timis owned company, Regal Petroleum, was fined a record £600,000 by the stock exchange for consistently misleading shareholders over a potential oil discovery in Greece.

In May 2009 African Minerals director Peter Truscott became the first peer to be suspended from the House of Lords in 350 years after he was found guilty of involvement in a 'cash for questions' scandal.

FIRST QUANTUM UNDER INVESTIGATION IN AFRICA

Another company which MLAs invested in is First Quantum.

The company is primarily involved in copper mines across the globe including, Zambia, Democratic Republic of Congo (DRC), and Mauritania.

In April 2011 five international non-governmental organisations, including a Zambian partner of Christian Aid (the Centre for Trade Policy and Development), lodged an official complaint against First Quantum and its investment partner Glencore.

The complaint, which was lodged with the Organization for Economic Co-operation and Development (OECD), alleges that First Quantum and Glencore had attempted to evade a multi-million pound tax bill resulting from profits the companies made from its Mopwani copper mine in Zambia.

The complaint was based on leaked tax audits, which allege that First Quantum and Glencore's subsidiary mining company, MCM, deliberately kept incomplete book-keeping accounts, artificially inflated costs and sold commodities far below market prices to its parent companies.

As a result taxes, which would have been paid to the Zambian government, were allegedly reduced to a minimum.

It is claimed that profits from the mine were instead registered in Switzerland, where a much more favourable tax regime is in place.

In May (2011) the European Investment Bank (EIB), which is the chief financial arm of the European Union, launched an investigation into Glencore's role in the Mopani mine development, stating: "In accordance with EIB's anti-fraud policy, the Bank has informed Olaf [the European Anti-fraud Office] and has also launched its own investigation ... depending on the outcome of this inde-



Under threat by nearby mining – the Mapungubwe National Park

pendent investigation by EIB, further action – including possible legal action – will be taken, if necessary."

Glencore denied any wrongdoing, claiming the report was "based on broad and flawed statistical analysis and assumptions" and insisted that "no transfer pricing" had taken place.

It is not the first time in which First Quantum's involvement with the Mopani mine development has caused controversy.

In 2001 the OECD was asked to investigate another complaint against the company.

In that instance Oxfam had accused the company of threatening to forcibly evict mine workers who were squatting on the site after being told they were to be sacked.

The company and local villagers reportedly reached an accommodation at that time.

However in 2008 a subsequent OECD report alleged that the enforced evictions had begun again in 2006 and were still continuing.

In October 2002, then United Nations Secretary General Kofi Annan, asked a panel of experts to investigate First Quantum's alleged involvement in payments to government officials in the Democratic Republic of Congo.

The report stated: "In its attempts to buy rights to the Kolwezi Tailings, First Quantum Minerals (FQM) of Canada offered a down payment to the state of \$100 million, cash payments and shares held in trust for government officials.

"According to documents in the possession of the panel, the payments list included the National Security Minister, Mwenze Kongo; the Director of the National Intelligence Agency, Didier Kazadi Nyembwe; the Director General of Gécamines, Yumba Monga; and the former Minister of the Presidency, Pierre-Victor Mpyo.

COAL OF AFRICA ACCUSED OF ENVIRONMENTAL ABUSES

Coal of Africa was established in western Australia in 1979.

While it was originally involved in mining gold, platinum and base metals, it later diversified into mining coal, mainly in South Africa.

Earlier last year it attempted to open a coalmine at Vele Colliery in the Limpopo region.

The development sparked major controversy as the proposed mine is situated close to the ancient Mapungubwe area, which is an UNESCO world heritage site.

The company had its water licence suspended after the South African government's Department of Water & Environmental Affairs (DWEA) accused the company of breaking environmental laws.

In September 2011 the company signed a controversial memorandum of understanding with the South African government, which it hopes will allow it to resume work on the mine in the near future.

However pressure groups, including Endangered Wildlife Trust (EWT), have complained about a lack of openness surrounding the agreement.

VOTORANTIM FACES PRICE FIXING ALLEGATIONS

The Votorantim group is one of the largest industrial conglomerates in Latin America, operating in finance, energy, steel, pulp and paper.

In 2010 it had a \$21 billion turn over employing 98,000 across the globe.

However in 2009 Votorantim faced a multi-million dollar lawsuit in the United States after it and eight other international cement companies were accused of price fixing, stretching back over a 10 year period.

In July 2011 Votorantim and two of the companies involved initiated legal proceedings against their own insurance company, Zurich Insurance, after it refused to defend them in the law suits.

Continued on pages 10/11

The ethical deficit of our MLAs' pensions pot



Relatives of dead miners at the Pasta de Conchos ask for justice

GRUPO MÉXICO QUESTIONED OVER MINE DEATHS

Grupo México is the largest mining corporation in Mexico and the third largest copper producer in the world.

In 2007 a Mexican judge threatened to issue arrest warrants against senior officials in the company after 65 workers were killed in an explosion at the Pasta de Conchos coalmine.

Mexican State prosecutor Jorge Torres claimed the tragedy could have been avoided and accused Grupo México and the country's labour ministry of "deep and offensive negligence".

Torres claimed to have documentation and testimony from mine workers which, he said, showed the mine was unsafe and had insufficient ventilation at the time of the accident.

NCsoft SUED OVER ADDICTIVE GAMING

In August 2011 disabled US war veteran Craig Smallwood launched a \$9m law suit against NCsoft claiming that he had become addicted to their online video game Lineage II.

The court heard that Smallwood had spent more than 20,000 hours playing the company's computer game over a five year period.

Smallwood claimed he was plunged into depression, developed severe paranoia and hallucinations and was forced to spend three weeks in hospital in 2009 after NCsoft accused him of breaking its rules and banned him from playing the game.

A judge in Hawaii ruled that Smallwood was entitled to sue the company on the grounds that it had been negligent by failing to warn him of the danger that he would be-

come "addicted" to the game.

In July 2010 NCsoft was ordered to pay former employee Richard Garriott \$28m after the company informed him that he was being fired having just returned from a trip into outer space.

Garriott, an iconic game developer known to fans as Lord British, successfully sued NCsoft for the way in which it handled his departure from the company in 2008.

He told the court that he had been in quarantine in Russia after his space flight when an NCsoft executive called to inform him his days with the company were over.

SHOULD TAXPAYERS' MONEY BE INVESTED IN CONTROVERSIAL COMPANIES?

There is no mention in the MLAs' pension report of guidelines to ensure that its funds are properly invested on an ethical basis.

The pension report states that while it has no control over the day-to-day operation of how its fund is invested, it will "consider socially responsible investment policy issues when comparing two providers who are otherwise of equal preference."

However Global Witness, which regularly exposes companies involved in the exploitation of the Third World, warns of the need for governments to ensure that taxpayers' money is not invested in companies that have been implicated in potential human rights abuses.

"Governments have a responsibility to ensure that tax payers money contributed to pension funds are invested in companies that do not have a track record of corruption, exploitation of disadvantaged communities or human rights abuses," said Global Witness spokeswoman Natalie Ainsworth.

POLICING MLAs' INVESTMENT ETHICS

But is there an obligation on our politicians to invest ethically?

It remains unclear why a publicly-funded trust has chosen to block a legitimate request to scrutinise whether or not it is allowing taxpayers' money to fund companies allegedly involved in unethical human rights abuses.

But while our MLAs' pension fund appears to lack the necessary guidelines to ensure that taxpayers' money is invested ethically, there are other countries who do have proper protections in place to avoid human rights abuses.

Norway operates the wealthiest state-owned pension fund in the world, with billions of pounds from the country's petroleum industry invested in global markets.

However the state run scheme operates

under the tight control of a 'Council of Ethics', which excludes the pension fund from investing in companies which have been implicated in potential human rights abuses.

One of the companies which the Norwegian pension fund refuses to invest in is Raytheon.

The company, which makes component parts for cluster bombs, has a factory in Derry city.

When the Detail requested a copy of the pension fund's 'statement of investment principles', an assembly spokeswoman said that only MLAs were allowed access to the document.

The Detail provided the pension fund trustees with information it had uncovered regarding the controversies surrounding some of the companies its fund has chosen to invest public money into.

We asked whether the fund was aware that it had invested in companies accused of tax evasion, price fixing and enforced evictions.

We also asked if the trustees, having been made aware of the allegations, would mount any investigation into the claims made against its companies.

After six days The Detail was provided with a statement from the trustees chairman Trevor Lunn, stating: "The trustees do not select individual stocks or companies to invest in, but rather invest in a pooled pension fund provided by M&G Ltd.

"The trustees have agreed an investment strategy, but delegate the day-to-day responsibility of managing the fund to the investment manager."

However veteran civil rights campaigner and journalist Eamonn McCann, rejected the MLA's suggestion that politicians could not be held responsible for the companies their pension fund invests taxpayers' money in.

"The buck stops with the MLAs," he said.

"To say that it's up to the investment company is just to say: 'we're helpless, we're just play things of the arrangements which are made here'.

"That doesn't give people much confidence in their ability to do anything."

Insisting that the issue raised serious ethical questions for local politicians, he said:

"Politicians talk about right and wrong all the time.

"They compete with one another as to who is the most noble, but when it comes to something like this, ethics seems to go out the window.

"It's not as if ethical investment is a new concept.

"For politicians to say it's nothing to do with us, well quite frankly it's just not good enough – those days are gone."

The Detail asked management firm M&G Ltd to respond to the concerns over the companies which the MLAs' pension fund has invested in but the company declined to make comment.

Lead story on pages 12/13

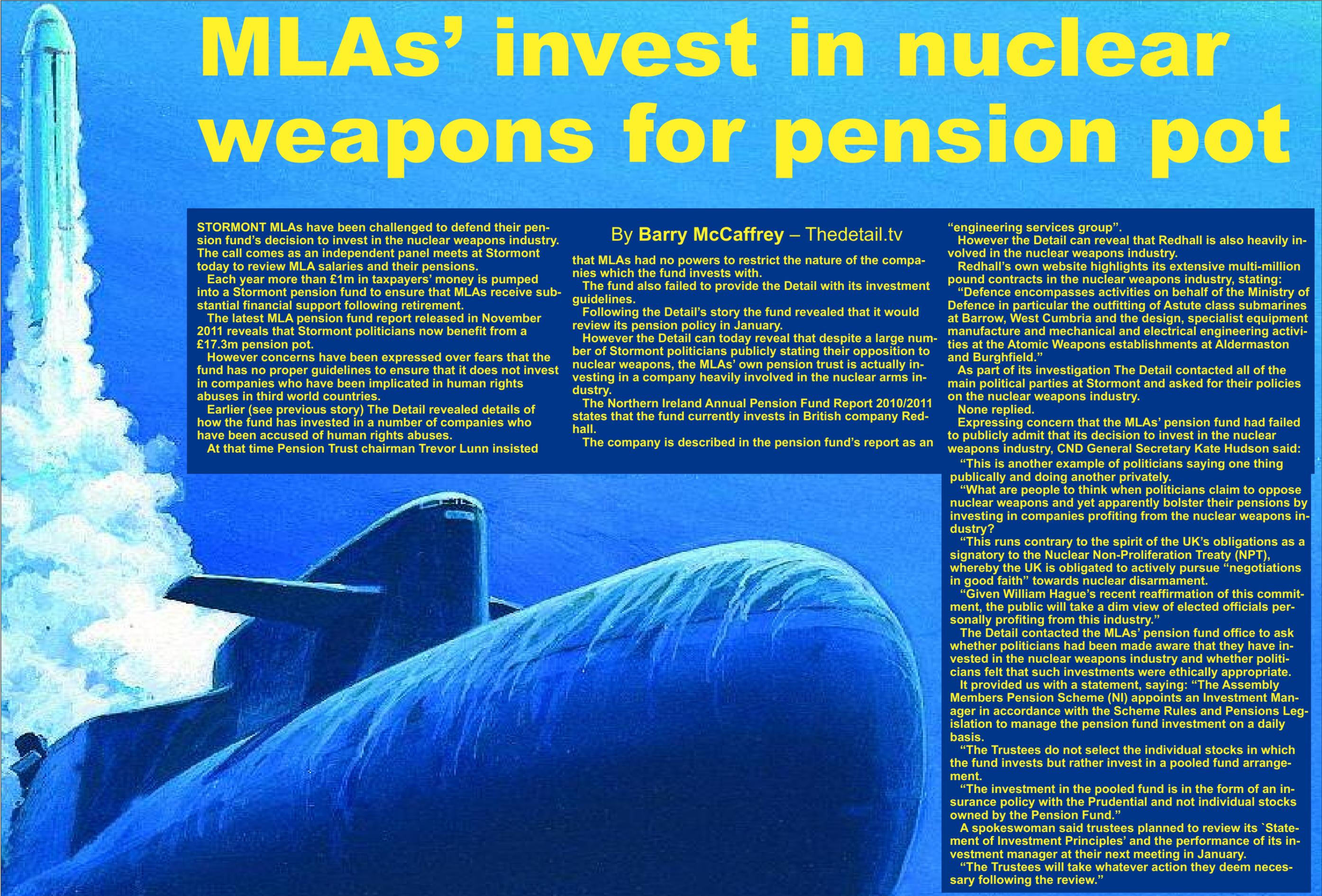


Tax evasion claims at Mopwani copper mine in Zambia

About Thedetail.tv

The Detail aims to help put investigative journalism at the core of the news industry in Northern Ireland. It aims not to challenge existing news outlets, broadcasters or newspapers, but to supplement them.

The site is run and the content produced by Belfast-based independent TV and online production company Below the Radar, which is owned by UK wide independent producer Ten Alps Plc. It is funded by Atlantic Philanthropies and Northern Ireland Screen, and it has five full-time journalists.



MLAs' invest in nuclear weapons for pension pot

STORMONT MLAs have been challenged to defend their pension fund's decision to invest in the nuclear weapons industry. The call comes as an independent panel meets at Stormont today to review MLA salaries and their pensions.

Each year more than £1m in taxpayers' money is pumped into a Stormont pension fund to ensure that MLAs receive substantial financial support following retirement.

The latest MLA pension fund report released in November 2011 reveals that Stormont politicians now benefit from a £17.3m pension pot.

However concerns have been expressed over fears that the fund has no proper guidelines to ensure that it does not invest in companies who have been implicated in human rights abuses in third world countries.

Earlier (see previous story) The Detail revealed details of how the fund has invested in a number of companies who have been accused of human rights abuses.

At that time Pension Trust chairman Trevor Lunn insisted

By Barry McCaffrey – Thedetail.tv

that MLAs had no powers to restrict the nature of the companies which the fund invests with.

The fund also failed to provide the Detail with its investment guidelines.

Following the Detail's story the fund revealed that it would review its pension policy in January.

However the Detail can today reveal that despite a large number of Stormont politicians publicly stating their opposition to nuclear weapons, the MLAs' own pension trust is actually investing in a company heavily involved in the nuclear arms industry.

The Northern Ireland Annual Pension Fund Report 2010/2011 states that the fund currently invests in British company Redhall.

The company is described in the pension fund's report as an

"engineering services group".

However the Detail can reveal that Redhall is also heavily involved in the nuclear weapons industry.

Redhall's own website highlights its extensive multi-million pound contracts in the nuclear weapons industry, stating:

"Defence encompasses activities on behalf of the Ministry of Defence in particular the outfitting of Astute class submarines at Barrow, West Cumbria and the design, specialist equipment manufacture and mechanical and electrical engineering activities at the Atomic Weapons establishments at Aldermaston and Burghfield."

As part of its investigation The Detail contacted all of the main political parties at Stormont and asked for their policies on the nuclear weapons industry.

None replied.

Expressing concern that the MLAs' pension fund had failed to publicly admit that its decision to invest in the nuclear weapons industry, CND General Secretary Kate Hudson said:

"This is another example of politicians saying one thing publicly and doing another privately.

"What are people to think when politicians claim to oppose nuclear weapons and yet apparently bolster their pensions by investing in companies profiting from the nuclear weapons industry?"

"This runs contrary to the spirit of the UK's obligations as a signatory to the Nuclear Non-Proliferation Treaty (NPT), whereby the UK is obligated to actively pursue "negotiations in good faith" towards nuclear disarmament.

"Given William Hague's recent reaffirmation of this commitment, the public will take a dim view of elected officials personally profiting from this industry."

The Detail contacted the MLAs' pension fund office to ask whether politicians had been made aware that they have invested in the nuclear weapons industry and whether politicians felt that such investments were ethically appropriate.

It provided us with a statement, saying: "The Assembly Members Pension Scheme (NI) appoints an Investment Manager in accordance with the Scheme Rules and Pensions Legislation to manage the pension fund investment on a daily basis.

"The Trustees do not select the individual stocks in which the fund invests but rather invest in a pooled fund arrangement.

"The investment in the pooled fund is in the form of an insurance policy with the Prudential and not individual stocks owned by the Pension Fund."

A spokeswoman said trustees planned to review its 'Statement of Investment Principles' and the performance of its investment manager at their next meeting in January.

"The Trustees will take whatever action they deem necessary following the review."

Long hours still going unpaid

WORKERS are putting in extra hours each week that often go unrewarded, despite contributing £29 billion to the UK economy every year.

That's the TUC's verdict on the latest figures from the Office for National Statistics (ONS) which show that, while average hours are falling (due to the recession and changes in working practices), UK workers are still doing the third longest shifts in Europe.

The TUC pointed out that only the Austrians and Greeks work longer, and urged employers to do more to recognise the unpaid overtime that their staff do.

General secretary Brendan Barber said: "Smarter working practices and an end to pointless presenteeism would help make staff more productive and get a better work-life balance".

The ONS figures show that managers and senior officials work the longest total hours of any major occupational group. But while full-timers are paid for 38.5 hours a week, they actually work 46.2, a difference of 7.6 hours. The gap is similar for professionals, working 43.4 hours but being paid for 36.6 — a gap of 6.8 hours.

Process plant and machine operatives and workers in elementary occupations work for almost as long, 44.2 hours and 41.4 hours respectively, but appear much less likely to go unpaid as there was "little gap between paid and total hours," ONS said.

Taking all those in employment, average working time was down at 36.3 hours a week. ONS attributed the fall to changes in the structure of the economy, with a shift to service sector employment where hours tend to be shorter. It also reflects an increase in part-time employment.

Couples with children 'to be hardest hit' by coalition tax and benefit changes

A couple with two children will be £1,250 a year worse off by 2015 as families "shoulder the burden of austerity", according to an Institute for Fiscal Studies report published recently.

The study, commissioned by the Family and Parenting Institute charity (FPI), examines the impact of the package of tax and benefit reforms being introduced between January last year and April 2014, including the introduction of universal credit, which brings together benefit and tax credits.

According to the report the income of families with children will feel the most impact, falling by 4.2% in the five years to 2015.

By contrast, families without children will see a loss of only 0.9%, equating to £215, underlining the degree to which spending cuts are impacting on support for children.

The figures suggest families with children under five, families with more than two children, and jobless lone parents will bear the biggest financial pain.

Non-working lone parents lose more than 12% of their income on average — equivalent to £2,000 a year.

The FPI claims the research is the first attempt to set out the prospects for poverty rates and income for different family types up to the year 2015.

The research also forecasts that 500,000 families with children under five will fall into absolute poverty by 2015-16, with most coming from households where the youngest child is under five. The median household with a child under five faces a drop in income of 4.9% by 2015-16.

The government's social mobility tsar, Alan Milburn, last month urged the coalition to admit that it would fail to meet the child poverty targets set out in law.

Ministers are increasingly critical of the value of the poverty targets they inherited from Labour, which fix the relative poverty line at 60% of the median income.

The IFS research shows larger families will suffer a disproportionate finan-

cial hit. For example, the median household with three children sees income fall by 6.8% by 2015-16, compared with the median household with one child which sees it fall by 3.3%.

As a result ethnic minorities, who tend to have more children per family, will suffer a greater loss of income. For example, the absolute and relative poverty rates for Pakistani and Bangladeshi children increases by more than five percentage points by 2015-16 (the relative increase is from 49.2% to 54.6% and the absolute increase is from 49.2% to 55.8%).

The study also suggests the introduction of universal credit, due to be introduced for existing claimants in 2014, will not alter the fact that pensioners or adults without children will fare better.

This reflects the fact that benefits for those of working age are being cut, and families with children are more reliant on benefits than those without children.

The report suggests that even after the introduction of universal credit, families in the poorest income decile will be 6% worse off in 2014-15 than they would have been had no changes been made to the tax and benefit system.

The report offers evidence that although universal credit strengthens work incentives for most individuals, as claimed by the work and pensions secretary, Iain Duncan Smith, it weakens the incentive for a second earner in a couple, typically the mother in a couple household, to take up employment.

Dr Katherine Rake, chief executive of the Family and Parenting Institute, said: "These figures reveal the full extent to which families with children are shouldering the burden of austerity.

"Having children has always been expensive. But now many families with children face an extra penalty of more than £1,000.

"It is particularly surprising to see that some of the most vulnerable groups — such as families with new babies and lone parents out of work — are bearing the brunt of the tax and benefit reforms."

Just who do the young TURCs think they are?

Tim Lezard of UnionNews reports....

It's a truth universally acknowledged that the wealthy, whenever confronted by organised working people, will do anything they can to stop us.

Historically this fear of having to share their money with the masses has spurred them to act quickly and ruthlessly to put down rebellion.

Thus at Smithfield in 1381 was Wat Tyler, the leader of the Peasant's Revolt, run through with a sword, at St Peter's Field in Manchester in 1819 were 15 people killed as cavalry charged into a crowd of people protesting about Parliamentary reform and at Tolpuddle in 1834 were six farm workers deported after forming a trade union.

Today's wealth-holders, while less brutal, are no less determined.

Take the newly-formed Trade Union Reform Campaign.

This latest addition to arms-length Tory front organisations such as the Tax Payers' Alliance, Migration Watch and the Countryside Alliance has been established with the sole aim of stopping tax payers funding trade unions.

It wants an end to facility time, the scrapping of the Trade Union Modernisation and Learning funds, and demands accountability and transparency about trade union money.

Yet for a group campaigning around accountability and transparency, they remain remarkably silent themselves.

Yes, we know the chairman is a man called Aidan Burley but we don't know who elected him. We do know, however, he is a former management consultant and researcher for two Tory MPs before being elected as a Tory MP himself last year. We also know whilst at Oxford University he arranged for the elite dinner club of which he was president to visit a strip club, and that his maiden speech in Parliament was in favour of giving anonymity to people suspected of rape, saying "a false allegation of rape can ruin a man's life". We know, too, his political hero is Ronald Reagan and that the non-Tory politician he admires most is Tony Blair.

We know the chief executive of TURC is failed Tory politician Mark Clarke, but we don't know how he was appointed. We know he was a former chairman of Conservative Future, that he stood for Parliament last year in Tooting and lost, and was later removed from the party's A List because he was "too right wing".

We also know, like Burley, he has a business background, and that in 2006 he called for the further liberalisation of employment



Adrian Burley Con MP who was sacked as PPS after being caught up in Nazi scandal

legislation because he found it too difficult to sack one of his female staff.

We know Clarke is Director of Outreach at the Young Briton's Foundation, an organisation described by opponents as a 'Tory madrassa', and by themselves as one that promotes conservatism in schools to "combat left wing bias in the education system and midstream media." Amazingly, it also then appears to offer employment, "placing philosophically sound conservatives in full-time jobs in the city, the professions, business, academia and politics."

We know the group's Parliamentary Liaison Officer is Harry Cole, news editor of the right wing Guido Fawkes blog and political editor of a right wing website, and that their press officer is another failed Tory politician, Andre Walker, who as spokesman for the right wing Conservative Forward group in 2005, opposed a move to give prisoners free condoms to protect them from HIV and hepatitis saying: "We don't expect prisoners to be going into jail and having sex and getting involved in relationships."

We also know last year Walker was forced to resign from his job at Windsor and Maidenhead Council after he was secretly recorded criticising the deputy leader, saying he was planning to oust her from her post.

What we don't know — what they won't tell us — is who funds them. They say they

are all volunteers, but someone must have stumped up for their website. And surely they're not really working for nothing? How much must they hate trade unions to do that?

A clue to their funding stream might come from the group's close links to the Conservative Party. Just one supporter has so far endorsed the group but, by an amazing stroke of luck, that endorsement is from none other than the Prime Minister!

And by another piece of luck, at its launch meeting in Parliament next month, they have managed to secure a member of the Cabinet to speak. All this, and they have the cheek to claim the Labour Party is in the pocket of the trade unions!

So they're fooling no-one, but do they still pose a threat to trade unions? I believe they do inasmuch as even before they have officially launched they have appeared on BBC television and radio and in the Daily Telegraph, speaking with a credibility and authority they do not merit.

They are aiming to be the 'go-to' media contacts for journalists seeking to balance trade union stories, they want to set the tone of the discussions and mark out the parameters of the trade union debate.

It's a trap, says the TUC's national organiser Carl Roper, who appeared alongside Mark Clarke on BBC Five Live to talk about facility time, we should avoid.

"TURC ignores the benefits and added value that union reps bring to workplaces," Carl Roper told UnionNews. "They prefer to use spurious figures that they claim illustrate the alleged 'cost' to the tax payer of the time taken by reps to represent employees and negotiate with employers.

"Their constituency is neither ordinary tax payers, nor employers, who have hardly been vocal in calling for reform of facility time arrangements — let alone the right wing wish list that the TURC is pushing."

The truth is, of course, the easiest way for TURC to push their wish list, the best way to reform trade unions is to join one and become an activist.

The problem with that, TURC will tell you, is that not everyone might agree with them. Democracy gets in the way sometimes, and that's why they prefer to tell us what we can or can't do, rather than run the risk of losing a debate. A prima facie case of pride impeding their prejudice.

* Just after this story was published, Adrian Burley became caught up in a Nazi scandal in France. He has since been sacked as a Parliamentary Private Secretary at the Department for Transport.



Union-News.co.uk — the active voice for trade unionists. UnionNews is an editorially independent, professional news website run by Tim Lezard and Pete Murray, journalists with more than 50 years experience in print and broadcasting.

I did my bit near Ground Zero



An occupier of Wall Street is arrested.

NIPSA member **Gary Donaldson**, who works at the Network Support Branch, wasn't able to make it to the November 30 picket lines so did his bit on the day by visiting the Occupy Wall Street camp at Zucotti Park in New York City...

UNFORTUNATELY all the hard work in the lead up to November 30 would prove fruitless on a personal level. Thanks to the generosity of Catriona, my girlfriend, I was given tickets to see my heroes The Foo Fighters in New York City as well as a trip to Texas (not Homebase?) which happened to coincide with the strike.

I agonised about ways to show my support while I was away, so what better than to visit the Occupy Wall Street camp at Zucotti Park in NYC.

Zucotti Park was chosen by the organisers of the Occupy movement as it was a privately-owned park, free from the politics of City Hall, therefore relatively safe from the long arm of the NYPD.

After a quick walk from the Subway, through the throngs of NYPD and metal

barriers, I eventually ended up at the Occupy demonstration, located across the street from Ground Zero.

Every inch of this relatively small park was covered with tents, tarpaulins and deckchairs and I initially struggled to find an access point to get to the hub of the action.

Upon finally entering, an evocative scene lay before me. The first thing that struck me was the high level of organisation that the protestors had developed since the birth of the camp on September 17.

Bicycles were being used to power electric generators (laptops being the main tool to get the OWS message out via Twitter and Facebook); a 20ft long trestle table was a makeshift conveyor belt with people peeling and chopping vegetables; huge pots were steaming away in the background, boiling whatever fare was on the menu that day (estimated at a cost of \$1,000 a day).

Naked people stood on daisies, bodies scrawled with slogans while reluctant police looked on. A plethora of world news crews were interviewing demonstrators at every turn, while older gentlemen played chess and checkers to pass the time.

This was punctuated with a cacophony of drums, whistles and chanting coming from the 'front' of the camp; facing a wall of NYPD which needlessly outnumbered the protesters by about five to one.

This was clearly not a student demonstration. The diversity of the camp was clear to see. All ages, colours and social background were represented, with office workers joining in on their lunch break.

I met with a protester named Rok Opera (I kid you not) who was dressed as a '1%er', complete with a suitcase bulging with fake dollars. Rok described some of the issues they face on a daily basis, mainly the sanitation becoming an obstacle and



Gary Donaldson (centre) visits the Occupy Wall Street protest and flies the NIPSA flag. Apologies to Gary who we wrongly named as Brian in the print edition.

some criminal elements using the camp as a distraction for committing misdemeanours.

However, he said the main message remained strong, that financial fraudsters must be brought to justice for the collapse of the banks. Daily meetings were held each evening to orchestrate the next day's action with the floor being open to all sections of the camp.

Many of the NYPD were getting more belligerent, even though some seemed to be sympathetic to the protestors' cause (police officers are extremely low paid workers in the US). Little did I realise that this was about to boil over a few hours later.

There were heated debates and arguments taking place all around me. Unfortunately some people were using the Occupy platform to raise other issues which, as noble as they may be, diluted some of the focus on the financial industry.

I witnessed one aggressive discussion on the Middle East, while another raged about the subject of fracking. I vowed to return

before I left for Texas.

Later that night, after copious refreshments in Newark, I returned to NY and exited the train at the World Trade Centre at around 1.30am to be greeted by hundreds of Crown Victoria cars, illuminating the mirrored skyscrapers with red and blue flashing lights – the NYPD were moving in!

Political pressure on the park owners had finally forced them to succumb and sign an eviction notice on health and safety grounds.

I didn't realise it at the time, but the train station had exited us in the middle of a media exclusion zone; no TV cameras or news helicopters were allowed in the area.

Again, ridiculously outnumbered, protestors were dragged from the camp by overzealous officers, using heavy-handed tactics that were completely unnecessary.

I noticed many of the victims were journalists, easily identified by their press passes. Not a PR coup for City Hall by any means.

It was not a time for sight-seeing so we were quickly moved on.

Over the next few days, I got chatting to various people to gauge the public opinion of what had taken place. Everyone I spoke to was on the side of the protesters.

Many stated that they were previously indifferent to the plight of the campaigners, but now had their full backing.

Two days later, I again witnessed hundreds of NYPD squad cars, this time heading for Brooklyn Bridge.

New York was brought to a standstill at rush-hour as the OWS movement marched on all the bridges, effectively marooning vehicles on Manhattan Island. Numbers of demonstrators were swelling.

The protests continue each day at Zucotti Park, but no tents or tarpaulins are permitted into the area.

The politicians can try every dirty trick in the book, but the momentum of Occupy Wall Street is unstoppable and gaining speed.

Occupy Belfast latest news

ON THE corner of Royal Avenue and North Street lies a grand, art deco building that used to house a branch of the Bank of Ireland and the (long-gone) Belfast Stock Exchange. Having laid silent and bare for over a decade, it has been given new life after members of Occupy Belfast

seized the building in a 'repossession' action, branding it 'The People's Bank.' Since announcing their presence in the building on January 16, the Occupiers have had a much louder platform than their previous tent-dotted space at Writer's Square – a short distance

away, but without the access to tens of thousands of daily commuters and passers-by that The People's Bank now provides.

The activists are busy cleaning the inside of the building and plan to open up the bank to the homeless and to local communities.

All work and no pay – the rise of workfare

Anne-Marie O'Reilly and Warren Clark report in Red Pepper on plans to extend 'welfare-to-work'

As consumers, we may all be guilty of ignoring the poverty wages paid by companies such as Primark in their factories abroad. But how many of us are aware of the exploitation going on in the UK, as workfare schemes allow such companies to profit from free labour?

Karina's story (below) is not uncommon. More and more people are being compelled to work without pay on threat of losing the poverty income of £67 per week (if you're over 25) that jobseeker's allowance (JSA) provides.

Workfare in the UK

Karina was mandated to work in Primark under New Labour's Flexible New Deal. She had been sent to a private 'welfare to work' provider whose regime included putting claimants to work without pay in businesses, charity shops and public sector workplaces. Although regulations meant that she could only be obliged to work for up to 12 weeks without pay, she worked for 24 weeks, fearing she would have her benefits stopped if she did not agree. She had signed up to and paid for a college course that would help her find work but she had to give it up to do the placement: "They told me they would stop my JSA, so I stopped my English course," she said.

New Labour introduced work-for-your-benefits schemes, or 'workfare', and initiated welfare reforms that enabled the 'welfare-to-work' industry to boom. Now the Conservatives are extending welfare-to-

work providers' control of unemployed people's lives to two years, during which a claimant may be mandated to do anything from sitting in the provider's office applying for 100 jobs a week to undertaking periods of unpaid 'work-related activity' (the new euphemism for work, designed to avoid minimum wage legislation).

Under the Flexible New Deal, at the end of a year in the hands of a provider, claimants were allowed to return to the normal requirements of the jobseeker's agreement. However, with the launch of the government's new Work Programme, Department of Work and Pensions (DWP) minister Chris Grayling has indicated that the two-year referrals will 'loop', meaning claimants could be on the programme indefinitely. As long as they are, people will be required to take up unpaid workfare placements organised by the jobcentre.

The impact on jobs and wages

The Work Programme is a real threat to jobs and wages. In an example uncovered by Corporate Watch, Newham Council filled an administrative role with a six-month workfare placement. A colleague explained: "The basic starting wage for that level is around £17,000. Yet all she was getting was JSA and the fares for her lengthy bus journeys, while people doing identical work were getting a salary, paid leave and pension contributions. We were horrified."

Last year, 800 station staff on London Underground were cut, prompting concerns for passenger safety. Just months later, a new workfare initiative was rolled out by

A4E (one of the Work Programme providers) to provide 200 workfare wardens to make 'people feel much safer' at north London tube stations. The need for a uniformed presence remains; the paid employment does not.

In the US, the long-term effects of workfare are stark. In New York, 20,000 unionised workers in the city parks department were replaced by 30,000 workfare workers in the first years of the scheme. The challenge to organised labour is huge.

In some areas, there is less than one job advertised for every 20 people seeking work, yet unemployment is being identified as a personal failing. Workfare is a manifestation of the government's attempt to discipline and control the lives of the unemployed. A central theme emanating from both the Labour and Tory conferences was the condemnation of people getting 'something for nothing'. They were targeting people claiming benefits, who Iain Duncan Smith was quick to link to the summer riots: "It is little wonder when you consider the way these areas have been blighted by welfare dependency over the years.

"Getting something for nothing", though, is an accusation more appropriately levelled at the companies whose unpaid staff are subsidised by the taxpayer than it is at unemployed claimants.

Punishing claimants

Workfare providers are often reported to treat participants with disdain. A4E reminds claimants via email that unemployment is due to a lack of positive thinking, and some



Harsh realities of the Work Programme now being exposed.

of Reed's lucky claimants are given copies of a book by the company's founder, James Reed, explaining how a '3G mindset' will help them get a job. Yet Reed, a recruitment agency, does not make the jobs it advertises available to those on the Work Programme, since this is a 'different arm of Reed'.

Providers are not even averse to using claimants to carry out work on their own premises. A4E was recently listed as one such provider doing so.

The state-sanctioned intrusion of these private companies into individuals' lives does not end when participants secure employment. They still receive phone calls from their Work Programme 'employment coach' over the full two years. This is to ensure that the private companies can claim their bonuses when someone manages to stay in work for six months or more.

In the new climate of claimant-as-criminal, it is fitting that G4S, which runs prison and detention centre transport, was awarded its Work Programme contract on the basis of a bid promising to send a 'field operative' to a claimant's door within two hours

if that person was 'non co-operative'.

Even the government's advisory committee spotted that the reforms place more emphasis on punishing claimants for being out of work than helping them find it. Its report on mandatory work placements concluded: "Published evidence is at best ambivalent about the chances of 'workfare' type activity improving outcomes for people who are out of work' and 'being mandated to mandatory work activity is regarded as a punishment."

Boycott workfare

Who is arbiter of the relationship between big business, the state and the citizen, and where are the democratic checks and balances? Since claimants are now the responsibility of private companies, there is not even the basic accountability afforded by the Freedom of Information Act, and it is difficult to discover which companies are profiting from mandatory work placements. Iain Duncan Smith has forbidden providers from sharing performance data voluntarily.

The government clearly thinks the less we know the better.

The future of workfare in the UK is far from certain. Right wing think-tank the Social Market Foundation has predicted that the Work Programme will fail unless the government makes the 'success criteria' involve a lot less success (although how they can claim 'payment by results' without actually finding people work will be in an interesting challenge to navigate).

Claimants are beginning to expose the harsh realities of the Work Programme, and the Boycott Workfare campaign has formed to challenge those companies and organisations getting 'something for nothing' through claimants' unpaid labour. John Locke, commonly referred to as the 'father of liberalism', theorised that the contract behind modern British democracy includes the inalienable right of people to sell their labour. Workfare is one name for a system that forces people to work for free; slave labour is another.

www.boycottworkfare.org

Can we have a word?

THE coalition government is to consult on introducing “protected conversations” into the workplace.

Late last year, Prime Minister David Cameron argued that regulation puts organisations off from hiring people. He said that there would only be more new vacancies if employers were able to dismiss people more easily.

Cameron’s current idea is that employers and employees should be able to speak with each other about employment issues without fear of that conversation being used against them in a tribunal.

However, being able to prevent certain workplace conversations from being introduced into evidence before a tribunal, may simply encourage frustrated managers to use such meetings as opportunities for aggressive and intimidating exchanges with employees to whom they’ve taken a dislike.

In practice, there is already nothing to stop employers and employees from having such a conversation. In order to keep the contents private from a tribunal, the parties need simply agree that the conversation is “without prejudice”. Provided the conversation is genuinely aimed at avoiding litigation, the conversation cannot be brought to the tribunal’s attention until the remedies stage, unless it is evidence of discrimination. In other words, it may only be relevant to a damages award.

It is unclear from Cameron’s proposal whether employers will be able to unilaterally force employees to agree to have a protected conversation — that would be a new departure.

With thanks for contributions from Labour Research Dept

Tribunal fees will damage equality at work, warns TUC

INTRODUCING fees to take claims to employment tribunals could have a huge impact on ensuring equality at work, TUC general secretary Brendan Barber has warned.

Before Christmas the government published its plans for charging users of employment tribunals. Under the proposals an individual will have to pay a minimum of £600 and possibly as much as £1,750 to have a discrimination claim heard at a tribunal.

Workers with a gross annual income of as little as £13,000 a year (the minimum wage for a full-time job) or couples with a joint income above £18,000 a year could have to pay towards these fees — likely to be amongst the highest fees charged under the proposed system — to pursue discrimination cases.

If the plans come into law, the TUC believes it will be even harder in future to get proper enforcement and compliance with the law as employers will know that they face little realistic prospect of being held to account.

Speaking at the TUC’s annual discrimination law conference at Congress House in London, Brendan Barber said: “The fight against discrimination is far from won. The coalition’s cuts are having a devastating impact on some of the most vulnerable people in our society, including women, ethnic minorities and disabled people.

“Ministers are pursuing a deregulatory agenda, dismissing vital rights as red tape and so-called burdens on business. While the government pays lip service to equality, some of its actions threaten to make Britain less equal, less fair and much less just.

“That’s why our priorities over the coming year must be to defend legal rights and access

to justice, and why we must resist draconian government plans to charge people for using employment tribunals.

“For the first time, individuals will have to pay as much as £1,750 to have a discrimination or equal pay claim heard by an employment tribunal — among the highest fees are to be charged under the proposed system.

“This is chequebook justice pure and simple and is a profoundly regressive step. As so few discrimination claims succeed at tribunal anyway, many potential claimants, particularly those who lack the support of a union, would be put off from making a claim — giving a green light to unscrupulous employers to discriminate at will. That’s something that ought to concern everyone who cares about justice, fairness and equality.

“So whether we are trade unionists, representatives of voluntary sector organisations, or legal professionals, it’s vital we work together to address all of these challenges in the year ahead.

“The TUC will continue to do what we have always done, fighting discrimination, campaigning for fairness, and striving for equality at work and in society.”

Other speakers at the Discrimination Law in 2012 conference included leading barristers and academics Professor Sir Bob Hepple QC, Catherine Casserley, Robin Allen QC, Jane McNeill QC, Karon Monaghan QC, Michael Rubenstein and Helen Mountfield QC.

Issues on the agenda include disability discrimination, discrimination on the grounds of religion, belief or sexual orientation, equal pay, sex and race discrimination, age discrimination and the public sector equality duty.

Representation during redundancies

Q. The employer intends to make redundancies and asked for someone to represent the workers at meetings about their plans — I was elected by my colleagues after a secret ballot. I am eager to get involved, but the employer is quibbling about paying me to carry out this role. It says that, other than attending its consultation meetings, I have to carry out other rep’s duties after work hours. Is this right?

A. No — under section 61 of the Employment Rights Act 1996 (ERA 96), a person (employees only) who is an employee representative for the purpose of consultation on redundancies, has the right to reasonable time off during working hours. The right to time off covers you both in training to perform such functions and in performing them. Under section 62 of ERA 96 you are entitled to be paid at the “appropriate hourly rate”, that is, at the usual pay you receive per hour. This is calculated

by taking an employee’s weekly pay, divided by the number of normal working hours in a week for that employee, when employed under the contract of employment in force on the day when the time off is taken.

If your usual working hours vary, then the rate should be calculated by analysing your average earnings over the previous 12 weeks. If you are refused time off to carry out your duties or do not receive full payment, you will be able to complain to an employment tribunal.

However, bear in mind that any amount that has been paid by the employer to you, will be offset by a tribunal when it calculates how much is due to you.

Even though the compensation due may be modest, you can act as a representative without fear of suffering a loss.

Toolkit gives women a life raft over cuts

NEW research has thrown light on the disproportionate affects government cuts are having on women. Workplace looks at the mounting evidence together with recently-published TUC guidance designed to assist campaigners in highlighting the disparity.

Women’s financial security and human rights are under attack on a scale not seen in “living memory” due to the Tory-led coalition government’s cuts policy, according to a new report from women’s equality campaigning organisation the Fawcett Society.

The report, A life raft for women’s equality, backed by unions, charities and academics, shows how the cuts are pushing women out of the workforce, driving down their income and undermining hard-won gains.

The focus of the report is a series of key policy recommendations to counteract the government’s cuts policy which the Fawcett Society says is “turning back time” on women’s equality.

These include restoring support for childcare costs for low-income families to pre-April 2011 levels; ring-fencing funding for Sure Start children’s centres; and protecting specialist violence against women services from local authority cuts.

The report also calls for protection for women from poverty in retirement. It says the government can “ensure nurses, social workers, teachers and other public sector workers receive a fair income in retirement through proper negotiations with the unions that represent them as pension reforms are considered”.

Launching the report, Anna Bird, acting chief executive of the Fawcett Society said: “Women have not faced a greater threat to their financial security and rights in living memory. Decades of steady, albeit slow, progress on equality for women is being dismantled, as cuts to women’s jobs and the benefits and services they rely on turn back time on women’s equality.”

The TUC, along with groups like the Fawcett Society and the Women’s Budget Group (a network of experts which promotes gender equality through appropriate economic policy) is also highlighting the ways in which the cuts will disproportionately affect women. These include women losing their jobs as the majority (65%) of public sector workers are women.

And women will be hardest hit by cuts to public services. The Women’s Budget Group has shown that the groups that will suffer the greatest reduction in their standard of living due to cuts in public services are lone parents and single pensioners, the majority of whom are women.

Finally, women are the majority of those providing unpaid care so are likely to be the ones picking up the pieces as social care services are cut.

While men lost far more jobs than women during the beginning of the recession, women are now feeling the pain as hundreds of thousands of government jobs are axed and wages frozen.

And it is clear that women’s reactions to the effects of the cuts are making the government jittery as recent polls reveal growing anger.

When asked if the coalition government “is good or bad for people like you,” 16% of women said it was good, compared with 25% of men, according to a YouGov survey of 1,751 voters carried out on 10-11 November. That compares with 35% of women and 39% of men who said the coalition was good in June 2010. As a result, David Cameron has told his policy unit to examine proposed legislation to check it is fair to women, and has indicated he may appoint a special adviser on female issues.

However, even if the government does recognise that its economic policies are disproportionately affecting women there is lit-



tle hope that this will inspire either quick or major changes. Dave Prentis, general secretary of public services union UNISON said that urgent action was needed to stop women being ground down by the government’s devastating cuts. “Women are being hit hard by unemployment, the rising cost of living and cuts to benefits and services to young people,” he said.

“At the same time these women’s pensions are under ... serious attack. Paying more, working longer, for less, when the average pension of a low paid woman council worker is just £2,800 a year,” he added.

In response to these attacks, the TUC has produced a toolkit designed to help unions, local groups and voluntary organisations campaigning against the cuts to carry out an equality and human rights impact assessment on the effect of the cuts on women in their areas.

It is based on a report, Unravelling equality, published last April by the Centre for Human Rights in Practice at the University of Warwick and Coventry Women’s Voices.

The toolkit covers 11 subjects: employment, education and training, housing, welfare reform, health, social care, services for children and young people and their families, legal aid, transport, violence against women and women’s voluntary organisations.

It details the following information for each subject:

- basic information about what cuts are happening nationally;
- an explanation of what this will mean for women and the human rights or equalities impact;
- sources of information to enable toolkit users to find out about local impact; and
- links to other information and campaigns.

The toolkit contains sections on writing a report and also on getting media coverage. The aim is to combine the information in a report which can then be launched and publicised.

The Fawcett Society report is at:
<http://www.fawcettsociety.org.uk/documents/A%20Life%20Raft%20for%20Women%27s%20Equality%20FINAL%281%29.pdf>
The TUC toolkit can be downloaded at: www.tuc.org.uk/tuc-files/138/WOMENANDCUTSToolkit.pdf

2012: A year of living MORE dangerously

Geraldine Alexander looks at the bleak implications for workplace safety of the Lofstedt report and fears that hard-won protections could now be in danger

THE PROSPECT of an improvement to health and safety provision for workers in the year ahead looks increasingly bleak.

In the UK, the trigger for the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations is to be extended from three to seven days with effect from April 2012, although the employer's internal accident recording obligation will remain unchanged. In Northern Ireland we are awaiting a similar announcement.

There is to be no new regulation on health and safety unless it comes from Europe and there will be no "gold-plating" as they call it. In other words, future UK regulations will not be allowed to improve on European law. Instead, the government wants any new directives to be copied word for word into UK law, to avoid "over-interpretation".

Another worrying development is the decision to end proactive – or unannounced – inspections in those sectors perceived to be "low risk". This change is expected to lead to more deaths, injuries and disease in UK workplaces.

The latest Lofstedt report will do nothing to enhance workers' health and safety, which is not surprising given that the terms of reference of the review were limited to finding ways of "reducing the burden of health and safety regulation on business".

In his introduction to the review, Professor Ragnar Lofstedt said he had "concluded that, in general, there is no case for radically altering current health and safety legislation... There is a view across the board that the existing regulatory requirements are broadly right".

But it seems this view is not enough to stop the government continuing to use health and safety as a convenient political football. The chancellor's autumn statement, delivered just days after the publication of Lofstedt's review, commits the government not only to his recommendations, but also to "look to go further as part of the Red Tap Challenge".

The autumn statement threatens to remove "excess" health and safety requirements for apprenticeships, a particularly dangerous suggestion that does not appear anywhere in Lofstedt's report. This threat is deeply worrying, since young workers face particular threats in the workplace, lacking the judgment gained through training and experience.

A 2008 survey by the British Safety Council found 58% of young workers in their first job or on work experience are at risk of injury due to inadequate training. Risks are magnified because they have little or no idea about safety in the workplace.

Sending employers in the most dangerous sectors, such as construction – where the employment of apprentices is common – the message that the health and safety of young workers can be downgraded is downright dangerous and irresponsible.

In a similar vein, Lofstedt recommends exempting self-employed workers in so-called "low risk sectors", whose work activities "pose no potential risk of harm to others" from the protection of health and safety laws.

This can only be described as probably the most dangerous of [his] recommendations. Although he does emphasise that self-employed workers operating in dangerous sectors, such as agriculture and construction, should not be exempt, and that "this change should not affect the duties that others have towards a self-employed person", in practice this suggestion has nothing to commend it.

According to the TUC, the self-employed are more than twice as likely as employees to be killed, with a fatality rate of 1.2 per 100,000 for the self-employed, as against 0.5 per 1000,000 for employees.

The recommendation will be a "legal nightmare" as well as giving the self-employed the "wrong message" about their need to protect their own health and safety and not to give in to the temptation to cut corners in a difficult economic climate.

The idea will remove a whole class of workers from the guidance and support available from the HSE and local authorities with no apparent benefit.

Also under fire from Lofstedt are regulations covering working from height. He acknowledges that working from height is the most common cause of occupational fatality and the second most common cause of major injury. Nevertheless, he raises the spectre of "gold-plating" and suggests that the regulations cause confusion.

The Lofstedt review talks in positive terms about the role of employees in promoting health and safety, accepting that "evidence clearly shows that when employees are actively engaged in health and safety, workplaces have lower accident rates".

And it cites with approval a study showing that workplaces with safety reps and joint safety committees record up to 50% fewer injuries than those with no consultation mechanism.

It also contains some upbeat remarks about the idea of "roving reps", but in keeping with the review's limited remit, the proposal is dismissed on grounds of cost and administrative burden.

The next step on the government's reform plan will be revision of the HSE guidance. Lofstedt has recommended that this be extended to include a review of all approval codes of practice, completing the initial phase of this review by June 2012.

However, there is no guarantee that the normal consultation process where unions and employees are involved on an equal basis will happen.

All of this on top of the decision to stop all new HSE publicity campaigns – even outstanding campaigns, like the hidden killer campaign on asbestos – does nothing to advance the health and safety agenda.

While this disturbing trend is happening across the water, we are concerned that Ministers here in Northern Ireland will be forced to adopt a similar approach. We must therefore resist this backward trend.

It is important that we hold on to these hard-won protections and do not allow this Government to take them away from us under the guise of necessary recessionary measures.

Equal pay justice for social and community sector workers signals historic day

FEBRUARY 1st ruling by the full bench of Fair Work Australia on pay equity for social and community sector workers is a landmark in the fight for equal pay for women.

ACTU (Australian Congress of Trade Unions) President Ged Kearney said the decision ended decades of undervaluation of the work of women in the sector.

"Unions worked hard to fight this case on behalf of 150,000 Australian workers who do this very important, yet clearly undervalued work," Ms Kearney said.

"This is an historic decision on the path to pay justice for women.

"The decision to properly value the work of the majority female workforce who look after the homeless, the disabled, refugees, domestic violence victims, children at risk and other vulnerable people in our society is a credit to workplace reforms introduced by the Labor Government.

"The Fair Work Act replaced a draconian set of laws that took away the rights of Australian workers.

The ruling is a clear indication of why we need good, fair laws in place so that all Australian workers can receive fair pay and conditions.

"This shows the equal remuneration provisions in the Act are delivering on the promise of equal pay,

which is a workplace right and a human right. But the ruling would not have been possible without the dedication of community sector workers and their unions in the face of staunch opposition from employers.

"However, the reality is this decision can only flow through to the pay packets of these workers if all governments contribute their share.

"The Federal Labor Government has shown enormous leadership here, fully awarding its share of the funding, with a \$2 billion commitment. Now those state and territory governments who have not already committed to their share must do so.

"It is not okay to pay one group of workers less than another doing work of comparable value and today's ruling merely confirms this.

"This is difficult and demanding work, yet this female-dominated industry is one of the lowest paid in Australia because it has been historically viewed as 'women's work'.

"This has been a major reason why the gender pay gap remains at 18%, despite the right to equal pay for equal work being enshrined in law several decades ago."

Fair Work Australia's ruling will mean social and community sector workers will receive pay increases of between 23% and 45% over the next eight years, beginning on December 1.

Trade unions threaten strike over collective agreements reform

Thirty-nine trade unions from north-eastern Estonia are threatening the government with a general strike if an amendment to the Collective Agreements Act is passed in Parliament.

The unions are also demanding a pay rise for teachers, and more support for pensioners and the disadvantaged, ERR radio reported.

"We don't see any other option. The government has ignored ordinary protests," said Aleksandr Startsev, the Ida-Viru County department head of the Trade Union Confederation.

However, the chairman of the Trade Union Confederation, Harri Taliga, said the Ida-Viru County appeal is too broad and that the issues it raises cannot all be resolved at once.

Startsev was, nevertheless, able to focus enough to say that the Collective Agreement Act was the most pressing issue at the moment.

The act currently says that the terms of collective agreements must continue to apply even once the contract has expired, until a new agreement has been made.

Parliament passed the new amendment onto its second reading, finding that the current law, theoretically allowing the collective agreement terms to be binding for an indefinite period of time, is unconstitutional. Opposition parties opposed the motion.

Iberia pilots in strike action

SPANISH Iberia airline pilots, who have staged seven days of strike in just over a month, announced another five days of strike against the creation of a low-cost carrier.

In a communiqué, the pilots, who are members of the Spanish Airline Pilots Union (SEPLA), confirmed their attending the mobilizations called by land workers and cabin crew for February 13, 17, 20, 24 and 29.

The Airline Flight Assistants Union (Stavla), that constitutes majority in the group, will stop work those days while minority land workers unions will go on strike on Mondays and Fridays, and their protest will be made indefinite as of February 13.

According to SEPLA, those unions and the pilots agree on defending the medium and long-haul flight

reform in the country's largest airline, and consider illegal the emergence of the low-cost carrier Iberia Express.

They reiterated that the decision to transfer 40 Iberia aircraft to the new carrier jeopardizes some 5,000 jobs.

They lamented that Iberia refuses to continue negotiating and listen to their proposals which, they say, would mean saving 300 million euros in cost for pilots against the 100 millions in savings announced by the company for the new carrier.

Iberia Express, set to start operating shortly and medium-haul flights as of March 25, is said to count on 13 planes and 500 employees.

It expects to increase its fleet gradually to 16 units by 2013, 28 by 2014 and 40 planes by 2015.

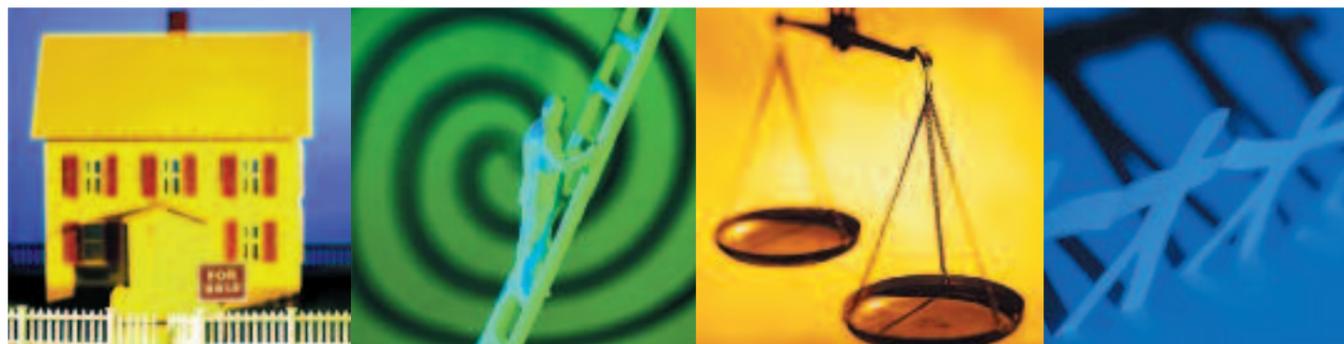
Telecom giant slashes jobs

HELSINKI: Finnish-German telecom equipment maker Nokia Siemens Networks (NSN) said on Feb 1, a previously announced restructuring plan would entail 2,900 job cuts in Germany and 1,200 in Finland. The company said it had begun

talks with local representatives aimed at reducing the number of employees in eight European countries, as part of its November 23 announcement that it was slashing 17,000 jobs.



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The Sea Is My Brother: the Lost Novel

By Olivia Laing

IN 1959, the poet Frank O'Hara was giving a reading in New York when a drunken Jack Kerouac heckled from the audience: "You're ruining American poetry, O'Hara." Quick as a flash, or so the story goes, O'Hara snapped back: "That's more than can be said for you."

Kerouac was never comfortable with the kind of urban and urbane intellectualism that O'Hara stood for. He preferred his poets to accessorise with hand axes, not highball glasses, disporting fetchingly in the highways and dance halls of the all-American wilderness.

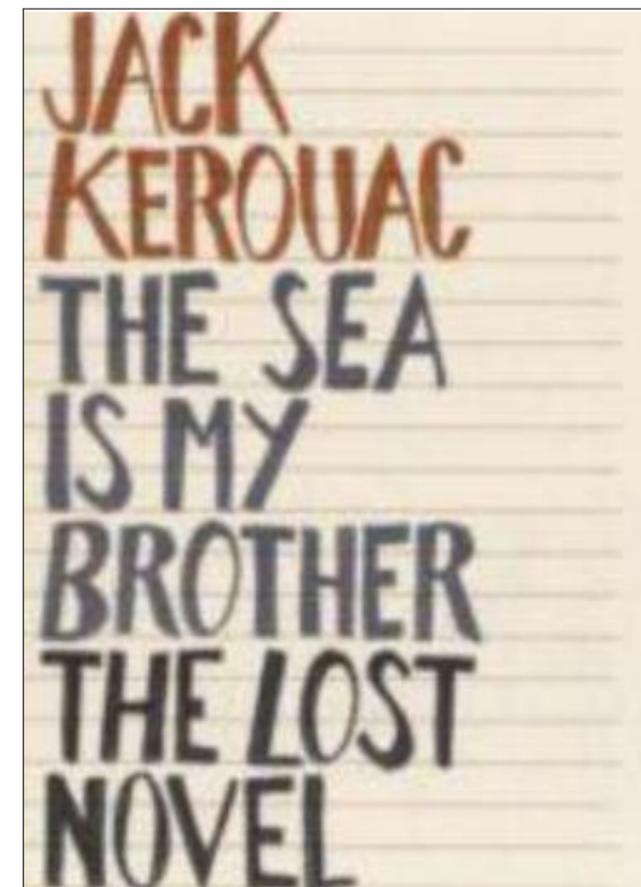
It is precisely this conflict between brain and brawn that drives his didactic and spectacularly tedious lost first novel - though it might be better described as a novella that whiffs tellingly of having run out of gas. It tells the story of Bill Everhart, a young professor at Columbia University in New York who decides to ship out with the merchant marines after meeting an enigmatic sailor in a Broadway bar. Both Bill and the author seem in thrall to Wesley, who wastes no time on the niceties of small talk and takes great pleasure in standing women up.

So far, so Jack London. But those hoping for an authentically briny adventure will be disappointed. Despite its protestations of oceanic fraternity, *The Sea Is My Brother* comes to a halt shortly after the SS Westminster leaves Boston Harbour, and is constructed largely of soliloquies by Everhart on whether an intelligent man should moulder away in the academy or go out and seize the world, preferably by fomenting some manner of leftist revolution in the company of hunky and taciturn comrades. (There's a rich and unattractive seam of misogyny here, and the all-male paradise of the ship is won only after our hero beats off no fewer than three female grotesques of various stripes: the feather-brained college girl, the shrewish sister and the vampiric abandoned wife.)

Yet, despite the avowedly butch sensibility, there are moments when Kerouac appears to have been making an earnest study of the works of Louisa May Alcott, catching just the slangy moralising of *Jo March* in *Little Women*. And elsewhere, there is more than a touch of the Mills & Boon, with lingering descriptions of the sky ("In the East now the sun had sent forth its pink heralds . . . like a carpet of roses for Neptune"), much "purred" dialogue and "suave" laughter, as well as a coy romance between an argumentative anti-fascist and a comely boy lately left Yale.

The Sea Is My Brother was written in 1943, shortly after Kerouac had completed his first tour as a merchant marine. He kept a ship's journal, *Voyage to Greenland*, and from the extracts included here it's clear that the better elements are lifted wholesale from life. Much of the sailors' dialogue - lengthy exchanges about communism aside - rings true and the action sequences are tightly written and convincing. Kerouac was always at his best when in motion, and a long sequence, viewed as if through a Steadicam, in which Wesley and Bill hitch to Boston, leaping aboard moving trucks and bedding down in vacant lots, shows that his writer's gifts, and flaws, developed early.

Those interested in tracing this development will no doubt be de-



lighted to discover a bulky postscript of ephemera, including a wedge of early letters and poems to and - unusually - from a close boyhood friend, Sebastian Sampas (brother of John, later Kerouac's brother-in-law and literary executor). The sanctimonious, faux-religious voice of the late poems is firmly in evidence in the juvenilia: "Ah God, the emptiness that I have! . . . let us proceed through the emptiness of time, through the void of endlessness, and let us never reach the end of nowhere or the" - a train of thought that terminates with the end of the page.

The introduction by Dawn Ward, who edited the novel, argues that Wesley and Bill represent the two sides of Kerouac's character, and dramatise the struggle he went through before he, too, dropped out of Columbia. One sees from the spat with O'Hara which side he plumped for, but it is harder to know which is more irritating: the self-dramatising student, or the cocky bore of later life whose slovenly influence, despite O'Hara's witticism, lingers in American lives and letters to this day.

The Sea Is My Brother: the Lost Novel

Jack Kerouac

Penguin, 432pp, £25

Olivia Laing is the author of

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(Canongate, £16.99)



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