



# **BAKERS' UNION PARLIAMENTARY GROUP**

**Chair:** John McDonnell MP

**Vice-Chairs:** David Crausby MP, Linda Riordan MP

**REPORT OCT 09 - FEB 10**

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## **EXECUTIVE SUMMARY**

The Bakers' Union Parliamentary Group was launched in October 2008 to bring together supportive MPs to work with the union in a concerted and effective way on issues of concern. The Group comprises 31 labour MPs and is chaired by John McDonnell MP, with Dave Crausby and Linda Riordan as Vice-Chairs.

This report documents the work of the Group during Oct 2009 – Feb 2010.

The 2010 / 2009 parliamentary session began with the new parliamentary session on the 18<sup>th</sup> November 2009 [Christmas Recess: 16<sup>th</sup> December 2009 – 4<sup>th</sup> January 2010]

During this period the Group has continued ongoing campaigning on a number of issues on behalf of BFAWU members working across the food sector and has hosted one regular group meeting on the 12<sup>th</sup> January 2010, and one Ministerial meeting with Lord McKenzie on 3<sup>rd</sup> February 2010.

### **Workers Memorial Day**

Raising the profile of the trade union movement's long standing campaign to get official recognition for Workers' Memorial Day has been a key focus of the Group. We have continued to lobby Government and distribute detailed briefing material to MPs and the campaign has been a great success for the Group.

The Group wrote to the Secretary of State, Yvette Cooper MP on 16<sup>th</sup> October 2009.

John McDonnell MP tabled Early Day Motion (EDM) 501 Workers Memorial Day which has now gained 67 signatures.

The Group issued a press release in response to the Government's announcement on 28<sup>th</sup> Jan 2010 that that the UK will officially recognise Workers Memorial Day.

A delegation of the Group met with Lord McKenzie, Parliamentary Under Secretary of State, DWP, on 3rd February 2010 and thanked the Government for their historic official recognition of the day.

### **Maximum Working Temperatures**

The long standing campaign for a maximum working temperature has been a concern of the Group since its inception.

On the request of the Secretary of State for DWP, Professor Ray Kemp (of Ray Kemp Consulting Limited) was commissioned to assist HSE in a review of managing workplace heat. The HSE published its review on 12th October 2010 and launched further stakeholder consultation which is due to conclude on 11<sup>th</sup> February 2010.

The Group's Co-ordinator researched and developed extensive briefing material making the case for the introduction of a maximum working temperature. This was distributed to MPs.

The Group wrote to Lord McKenzie, Parliamentary Under-Secretary of State, DWP in November 2010.

John McDonnell MP tabled EDM 491 MAXIMUM WORKPLACE TEMPERATURE which has gathered 41 signatures.

Following our previous meeting last July, a delegation of the Group met with Lord McKenzie, Parliamentary Under Secretary of State, DWP Group on 3rd February 2010. The current HSE stakeholder consultation is expected to report its findings to the Minister by the end of March. The Minister accepted that the HSE review would not achieve consensus between employers and employee representatives and accepted the need for speed.

The Group is in the process of applying for an adjournment debate and organising a parliamentary seminar to bring together politicians and trade union representatives.

### **The power of the supermarkets: Below Cost Selling**

The practice of persistent below cost selling by large retailers has been another key area of concern for the Group.

During this period the Group has continue to research, compiled and distributed briefing material regarding below cost selling and the power of the supermarkets to MPs.

The Group has written to the Rt Hon Lord Mandelson (Secretary of State for Business, Innovation & Skills) and the Rt Hon Hilary Benn MP (Secretary of State for Environment, Food and Rural Affairs) on the 10<sup>th</sup> November 2009.

John McDonnell MP has also tabled EDM 496 Below-Cost Selling in the new parliamentary session which so far has gained 37 signatures.

# PARLIAMENTARY GROUP

The Parliamentary Group is the property of the BFAWU, working to an agenda set by the union and its members, and meets with supportive MPs on a regular basis approximately every 2 months, in addition to Ministerial or strategy meetings. Group meetings provide an opportunity for the union to keep MPs fully informed of concerns as well as discussing parliamentary strategy for taking those campaigns forward.

Even where we have difficulties in directly changing Government policy, the work of the Group is to influence a broad range of MPs and thereby affect the climate of opinion at Westminster, within which the Government has to operate.

The programme of ongoing parliamentary group work aims to build a basis of support among MPs with detailed knowledge of the union's concerns as well as developing within the Union itself a thorough understanding of the parliamentary process and the consequent opportunities for intervention.

## **Bakers' Union Parliamentary Group Meeting**

4pm,  
12<sup>th</sup> January 2010  
Room Q, Portcullis House

### **AGENDA**

**Apologies:** *Dave Anderson, Mary Creagh, Andrew Dismore, Neil Gerrard,*

- 1. The Government's New Food Strategy: Food 2030**
- 2. Vulnerable Workers in the Food Sector**
- 3. Maximum Working Temperature**
- 4. Workers Memorial Day**
- 5. Below Cost Selling**
- 6. Any Other Business**

# CAMPAIGNS

## Workers' Memorial Day

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After many years campaigning for official recognition of Workers Memorial Day, this year the campaign has finally achieved a significant breakthrough and the consistent work and lobbying of the BFAWU Parliamentary Group and the Trade Union Coordinating Group (TUCG) has been hugely influential. Official Government recognition of the day is exactly what we have been working for and is what is due to those killed at work and their families and gives a significant lift to the whole campaign regarding Health and Safety and the quality of life at work.

Last July when the BFAWU Parliamentary Group met with Lord McKenzie, the Minister with responsibility for Health and Safety, the Government indicated an intention of establishing the day as a permanent memorial to those killed or harmed at work.

As part of the Department for Work and Pensions' (DWP) public consultation launched on the 27th July 2009, closing on 19<sup>th</sup> October 2009) to explore options for the official recognition of Workers Memorial Day in the UK, the Group wrote to the Secretary of State, Yvette Cooper MP on 16<sup>th</sup> October 2009 laying out our key points of concern and arguing that Workers Memorial Day should be an official national event.<sup>1</sup> Moreover, the Group used the opportunity to argue that any recognition of Workers Memorial Day should go hand in hand with a commitment to provide the funding necessary to make sure that the Health and Safety Executive is an enforcement agency that can stop more people dying or receiving injuries unnecessarily.

Over the recent period the Group has continued to distribute briefing material to MPs and use all parliamentary mechanisms available to raise the profile of the campaign. In particular John McDonnell MP tabled EDM 501 Workers Memorial Day<sup>2</sup> which has now gained 67 signatures.

On the 18<sup>th</sup> December 2009, Lord McKenzie, Parliamentary Under Secretary of State, DWP, responded to the Group's campaign and agreed to meet with the Group on 3<sup>rd</sup> February 2010. In particular, he praised the 'major role' of the Bakers' Union Parliamentary Group' in raising the profile of the campaign.

On the 28<sup>th</sup> January 2010 Lord McKenzie announced the publication of the Government's response to the consultation proposing the official recognition of Workers Memorial Day. This included the historic and long awaited confirmation that the Government would officially commemorate the day:

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<sup>1</sup> For full text see Annex Two

<sup>2</sup> For full text see Annex One

*'I am therefore delighted to announce that the UK will officially recognise Workers Memorial Day, and that this recognition will take formal effect this year on 28 April, the International Day of Action for Safety and Health at Work. The day is already widely commemorated in the UK and official recognition will reinforce its significance and raise awareness of the workers who are killed, disabled, injured or made unwell each year by their work.*

*Commemorations will continue to be led by individuals, employers, trade unions and community organisations. In keeping with the outcome of the consultation, the Government will encourage commemorations to be held on the day itself throughout the UK. The Government and Ministers will help support and promote these commemorations.*

*Official recognition is a tribute to all those who have campaigned long and hard for such recognition, including bereaved families, trade unions, campaign groups and many other organisations and individuals. It is also recognition of the importance of work to improve health and safety among the working population.'*<sup>3</sup>

In a period when it has often been difficult to get Government support for Trade Union demands this Campaign has been a notable success, despite the fact that in response to the consultation the Government rejected many suggestions regarding the day (i.e. making it a bank holiday or at least a commitment to an annual topical debate to mark Workers Memorial Day):

*'recognition will be in keeping, so far as possible, with the views expressed at paragraph 10 above; i.e. a non-prescriptive approach by Government, which honours the "spirit" of Workers Memorial Day – both as a day of mourning and a forward-looking day of action to address the continuing risks to workplace health and safety – and its strong tradition of local, group-led organisation. We hope that this non-prescriptive approach will also go some way to meeting the concern, expressed by some respondents, that official recognition could prove intrusive to those bereaved families wishing to grieve in private.'*<sup>4</sup>

In response to this significant break-through for the campaign, the Trade Union Co-ordinating Group (of which BFAWU is a constituent part) issued the following press release:



PRESS NOTICE: FOR IMMEDIATE RELEASE:

PRESS RELEASE PRESS RELEASE PRESS RELEASE

MPs and trade unions welcome the 'first step' in the fight to tackle workplace deaths

The Trade Union Co-ordinating Group (TUCG) welcomes the Government's announcement today to commemorate all those who have died tragically at work after a long trade union campaign.

<sup>3</sup> For full text go to Annex Three

<sup>4</sup> For full text go to [www.dwp.gov.uk/docs/workers-memorial-day-consultation-response.pdf](http://www.dwp.gov.uk/docs/workers-memorial-day-consultation-response.pdf)

John McDonnell MP, Parliamentary Convenor of the TUCG, said

***“The tragic reality is that we are failing to protect large numbers of people who are still dying or being seriously injured simply as a result of earning a living.”***

***“This important symbolic gesture is a welcomed first step but we now need the Government move on to tackle workplace health and safety head-on - by robust and clear legislation on the one hand and a dynamic resourced enforcement agency on the other.”***

Ronnie Draper, President of the Bakers, Food and Allied Workers Union (BFAWU), said

***“The news that Workers Memorial Day is to be recognized in Britain is fantastic and testament to the campaigning strength of Trade Unions and other pressure groups.”***

***“The B.F.A.W.U. through their Parliamentary Group and the T.U.C.G. has made the demand to have Workers Memorial Day officially recognized as a National Day of Commemoration one of its keystone campaigns.”***

***“We must recognize the role played by the Hazards Organisation and F.A.C.K (Families Against Corporate Killing), for their tenacity in bringing this Campaign to the fore.”***

***“The slogan “Remember The Dead, Fight for the Living”, must never be forgotten, it should be used as a constant reminder that lives lost at work should not be in vain, and the protection of workers must be our ultimate goal.”***

Michael Clapham MP (Barnsley West & Penistone) said

***“I am pleased that the Government has given official recognition to Workers’ Memorial Day. It has long been an important date in the international trade union calendar and by lifting its profile in the UK we will remember the suffering of those who have gone before us and make health and safety apart of our every day thinking.”***

Bob Crow, General Secretary of the National Union of Rail, Maritime and Transport Workers (RMT), said

***“RMT welcomes any confirmation that the Government have formally recognised Workers Memorial Day and it’s about time too. However, a day of remembrance is not enough. We need proper legislation and punishment that gets rid of the bad bosses and corporate killers.”***

At the subsequent meeting of the Parliamentary Group with Lord McKenzie on 3<sup>rd</sup> February the Group thanked the Minister and welcomed the Government’s historic commitment to officially recognise the day, especially since it has been agreed to recognise it on the actual day itself.

The BFAWU Group and the TUCG unions will now work with the TUC and the campaigning organisations to develop regional commemorative actions across the UK on 28<sup>th</sup> April and do what we can to encourage full Governmental involvement. Lord McKenzie asked us to keep him fully informed of future plans for the day and agreed to assist in whatever way he could.

## Workplace Temperature

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Since its formation the Group has worked to raise awareness amongst MPs of the arguments around the implementation of a maximum working temperature by tabling EDMS, preparing and distributing detailed briefing material and writing to Government Ministers.

During the last parliamentary session, the campaign achieved some success in forcing the issue on to the political agenda. As a result, on the request of the Secretary of State for DWP, Professor Ray Kemp (of Ray Kemp Consulting Limited) was commissioned to assist HSE in a review of managing workplace heat. The study has included consultations with 'stakeholders' in June and July (in which Ronnie Draper, President BFAWU participated).

The HSE published its review in October. The report was positive in acknowledging - to some degree - that there is a lack of clarity in current guidance which leads to inconsistencies in thermal working environments both within and between industries - with many smaller businesses are not aware of HSEs guidance at all. Likewise, it is acknowledged that in certain circumstances raised temperatures in the workplace can lead to a range of health impacts.

However, whilst the report is fairly non-committal, Professor Kemp more or less concludes that the workplace temperature issue is not one that justifies active regulatory intervention. Instead he suggests joint working between all parties to the issue – government, trade unions and employer representatives.<sup>5</sup> The HSE Board decided to call for more research into the issue:

*'Although there is a sound scientific justification for having minimum recommended working temperatures but not a corresponding maximum recommendation for those working indoors, it is suggested that the legislation and guidance can stay true to the scientific basis while better reflecting perceived concerns of key stakeholders. To that end it is recommended that further work is undertaken to assess whether upper temperature action levels could be specified at which employers should undertake risk assessments to determine whether and what form of action should be undertaken. These levels should be investigated with the involvement of key stakeholders with a view to specification in improved guidance, possibly supported by revisions to the wording of the Approved Code of Practice (ACoP) if deemed necessary.'*<sup>6</sup>

It has therefore been critical for the Group to brief MPs regarding some of the arguments contained in the report and to continue to push for clear legislation including a maximum working temperature at which there is a duty on the employer to manage workplace heat.

The Group wrote to Lord McKenzie, Parliamentary Under Secretary of State, DWP in Nov 09<sup>7</sup> and John McDonnell MP tabled EDM E491 MAXIMUM

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<sup>5</sup> For full text go to [www.hse.gov.uk/aboutus/meetings/smt/2009/020909/psepsmt0988.pdf](http://www.hse.gov.uk/aboutus/meetings/smt/2009/020909/psepsmt0988.pdf)

<sup>6</sup> For full text go to [www.hse.gov.uk/aboutus/meetings/smt/2009/020909/psepsmt0988.pdf](http://www.hse.gov.uk/aboutus/meetings/smt/2009/020909/psepsmt0988.pdf)

<sup>7</sup> For full text see Annex Two

WORKPLACE TEMPERATURE<sup>8</sup> in the new parliamentary session. The Group's Co-ordinator has also researched and developed extensive briefing material (which has been distributed to MPs) and is in the process of applying for an adjournment debate.

The HSE board are also currently gathering "evidence" and the Group is also in the process of responding to the recent HSE questionnaire (Deadline:11<sup>th</sup> February)

#### Meeting with Lord McKenzie 3<sup>rd</sup> February 2010

Lord McKenzie was fairly responsive and helpful during the meeting with the Group on 3<sup>rd</sup> February 2010. It soon became clear that the timescale now means that the prospect of legislative change before the General Election is extremely unlikely. Colin Cooper from the HSE explained that along with compiling the results of the survey that closes on the 11<sup>th</sup> February 2010, the HSE was developing Regulatory Impact Assessments of the options of Ray Kemp's report. This includes gathering more evidence to justify any legislative change and estimating costings – expecting to report back around April 2010. Aware of the impending election and the possibility of a change of Government, Lord McKenzie requested that this process should be sped up.

The meeting involved a fairly robust debate, particularly regarding the HSE's current approach and Ray Kemp's report. John McDonnell MP raised concerns at the HSE's perceived desire to achieve 'consensus' across what they called 'stakeholders' i.e. both employers and trade unions. He argued that it is not surprising that some employers are resisting tighter regulation and are saying that there is not problem with managing workplace heat. Nevertheless, he asserted that 60% of respondents to Ray Kemp's consultation said that the lack of clarity in current guidance leads to inconsistencies in thermal working environment. Lord McKenzie seemed to accept these points saying that he accepted that there won't be 'consensus across each sector nor within each sector' and even referred to the need for a 'new process'.

David Drew MP and David Crausby MP welcomed that there was a general acceptance at the health impact of raised temperatures but warned at the danger of underestimating both the long term psychological and physical effects of what is what is implied as 'non-major' health risks or indeed the significant secondary effects of these symptoms such as major accidents as a result of lack of concentration. Representatives of the Group emphasised the role of health and safety legislation in securing standardised and acceptable conditions for people to work in dignity, not just preventing the worst case scenarios. Colin Cooper responded by asking for evidence to support the claims. David Crausby MP strongly pointed out that the wider effect of regular exposure to heat, like with asbestos, is very difficult to measure. John McDonnell MP pointed out that due to the lack of legal clarity, there are no prosecutions regarding workplace heat nor records of complaints.

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<sup>8</sup> For full text see Annex One

Ronnie Draper warned at the danger of using science to over complicate the debate, recognising that whilst it was true that different people will have differing responses to different heats, what is needed is clear trigger at which there is obligation of the employer to manage workplace heat – which would be simple to enforce and which employers understand what their obligations are and employees understand their rights.

Overall, Lord McKenzie was broadly supportive of the arguments made by representatives of the Group and seemed to appreciate the inadequacies of the HSE's approach. The Group will be working with the TUC to follow this up by compiling responses to the most recent HSE survey (including BFAWU case studies if possible and supportive contributions from other TUCG unions) and Ronnie Draper on behalf of the BFAWU will take part in the HSE' working group to look at the issues affecting the food and baking industry as case study. We shall also be writing to Lord McKenzie again to re-emphasise the need for action.

Whether or not the Government is able to do anything of substance before the election this issue will not go away and the Parliamentary Group will continue to campaign on it. In the longer term, the Group is preparing to host an event in the summer to bring together politicians and representatives from other unions to discuss how to build a united platform to argue for legislative change and will use whatever parliamentary mechanism are available to raise the profile of the campaign.

### **The power of the Supermarkets: Below Cost Selling**

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The practice of persistent below cost selling by large retailers has been one of the key areas of concern for the Group and we have worked to raise the profile of arguments in Parliament by writing to Government ministers, distributing detailed briefing material to MPs.

In the recent period we have continued to raise concerns about the issue by writing again to the Rt Hon Lord Mandelson (Secretary of State for Business, Innovation & Skills) and the Rt Hon Hilary Benn MP (Secretary of State for Environment, Food and Rural Affairs) on the 10<sup>th</sup> November 2009<sup>9</sup>, whom we met earlier in the year.

John McDonnell MP has also tabled EDM 496 Below-Cost Selling in the new parliamentary session.<sup>10</sup>

The Group plans to host a strategy meeting between MPs and representatives from other supportive unions and stakeholders (including USDAW, UNITE, GMB) to build a widespread platform to argue for legislative change to protect suppliers and strengthen the supermarket codes of practice. In Parliament we will continue to highlight the detrimental effects of below cost selling for wider

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<sup>9</sup> For full text see Annex Two

<sup>10</sup> For full text see Annex One

society and work with BFAWU to exert as much pressure upon the Government as possible.

### Grocery Market Ombudsman

The Group has also been lobbying that the Supermarket Code of Practice could be strengthened and enable complaints against code breaches to be made under an entirely independent mechanism with strict confidentiality or through trade associations, thereby protecting the complainant from any adverse reaction from powerful retailers. We have supported the proposals to establish an Ombudsman to arbitrate on disputes between retailers and suppliers and investigate complaints which was proposed during the Competition Commission's (CC) second consultation on the new Groceries Supply Code of Practice (GSCOP). In light of being unable to establish an agreement with retailers, the CC formally recommended that the Government takes steps to establish the Ombudsman instead.

There has been extensive parliamentary debate regarding the role of the supermarkets and increasing support for a new groceries ombudsman. Liberal Democrat MP, Andrew George tabled EDM 192 GROCERY MARKET OMBUDSMAN which gathered 79 signatures.

Albert Owen MP's Private Member's Bill made provision for the appointment, functions and powers of a Grocery Market Ombudsman (1st reading: House of Commons 16 December, 2009).

In addition, there have been a number of written questions tabled regarding this:

#### **Written Parliamentary Question (WPQ)**

Date of Answer:	25.01.2010
Member Tabling Question:	Drew, David
Topic:	Supermarkets: Competition
Question:	To ask the Minister of State, Department for Business, Innovation and Skills from what supermarkets he has received representations on the recommendation of the Competition Commission to introduce a statutory code of practice and an ombudsman; and what discussions he plans to have on the implications of the recommendation.
Answering Department:	Dept for Business, Innovation and Skills
Member Answering Question:	Brennan, Kevin
Answer:	I have received a large number of representations over recent months from supermarkets and other organisations on the recommendation of the Competition Commission to introduce a statutory code of practice and an ombudsman. We announced on 13 January that Government have accepted the need for independent enforcement of the groceries supply code of practice (GSCOP) and would launch a consultation in February. I

anticipate further discussions with a wide range of businesses and organisations, including supermarkets, over the coming months as we take the policy forward.

Question Number: 312757  
Date Tabled: 19.01.2010  
Date for Answer: 21.01.2010  
Legislature: House of Commons (HoC)

**Written Parliamentary Question (WPQ)**

Date of Answer: 18.01.2010  
Member Tabling Question: George, Andrew  
Topic: Supermarkets  
Question: To ask the Minister of State, Department for Business, Innovation and Skills whether he has made an assessment of the effect of the buying practices of larger supermarkets on (a) the ability of their suppliers to innovate and (b) the economic visibility of their suppliers.  
Answering Department: Dept for Business, Innovation and Skills  
Member Answering Question: Brennan, Kevin  
Answer: A draft impact assessment will be produced and published as part of the Government's consultation following its response to the Competition Commission's proposals for a groceries supply code of practice ombudsman. The assessment will consider and take into account the effects of the CC's proposals, including the ability of supermarkets' suppliers to innovate and the economic visibility of their suppliers.  
Question Number: 310418  
Date Tabled: 07.01.2010  
Date for Answer: 11.01.2010  
Legislature: House of Commons (HoC)

**Written Parliamentary Question (WPQ)**

Date of Answer: 11.01.2010  
Member Tabling Question: George, Andrew  
Topic: Grocery Trade: Competition  
Question: To ask the Minister of State, Department for Business, Innovation and Skills (1) whether he has made an assessment of the potential effects of implementation of the Competition Commission's proposals for a grocery supply ombudsman on (a) grocery prices and (b) affordability of goods in supermarkets;  
Answering Department: Dept for Business, Innovation and Skills  
Member Answering Question: Brennan, Kevin

Answer: An impact assessment will be produced and published alongside any future consultation on the Competition Commission's (CC's) proposals for a groceries supply code of practice (GSCOP) ombudsman. The assessment will consider and take into account the effects of the CC's proposals and include the costs and benefits of the implementing the proposal, grocery prices and the affordability of goods in supermarkets.

Question Number: 309303  
Date Tabled: 16.12.2009  
Date for Answer: 05.01.2010  
Legislature: House of Commons (HoC)

**Written Parliamentary Question (WPQ)**

Date of Answer: 11.01.2010  
Member Tabling Question: George, Andrew  
Topic: Grocery Trade: Competition  
Question: To ask the Minister of State, Department for Business, Innovation and Skills (1) whether he has made an assessment of the potential effects of implementation of the Competition Commission's proposals for a grocery supply ombudsman on (a) grocery prices and (b) affordability of goods in supermarkets;

Answering Department: Dept for Business, Innovation and Skills  
Member Answering Question: Brennan, Kevin  
Answer: An impact assessment will be produced and published alongside any future consultation on the Competition Commission's (CC's) proposals for a groceries supply code of practice (GSCOP) ombudsman. The assessment will consider and take into account the effects of the CC's proposals and include the costs and benefits of the implementing the proposal, grocery prices and the affordability of goods in supermarkets.

Question Number: 309303  
Date Tabled: 16.12.2009  
Date for Answer: 05.01.2010  
Legislature: House of Commons (HoC)

**Written Parliamentary Question (WPQ)**

Date of Answer: 15.10.2009  
Member Tabling Question: Luff, Peter  
Topic: Grocery Trade  
Question: To ask the Minister of State, Department for Business, Innovation and Skills what criteria he plans to use in reaching a decision on whether or not to establish a grocery market ombudsman; and when he plans to make his decision on the recommendations of the Chairman of the Competition Commission for such an ombudsman.

Answering Department: Dept for Business, Innovation and Skills  
Member Answering Question: Brennan, Kevin  
Answer: Government will weigh up a number of factors including possible costs or savings being passed on to consumers, the potential for a better deal for suppliers and regulatory burdens for supermarkets. We will take into account the careful analysis already carried out by the CC in its report and make a decision later this year.

Question Number: 293280  
Date Tabled: 12.10.2009  
Date for Answer: 14.10.2009  
Legislature: House of Commons (HoC)  
Chamber/Committee: Commons Chamber

**Written Parliamentary Question (WPQ)**

Date of Answer: 14.10.2009  
Member Tabling Question: McIntosh, Anne  
Topic: Supermarkets  
Question: To ask the Secretary of State for Environment, Food and Rural Affairs what recent discussions he has had with the Secretary of State for Business, Innovation and Skills on the regulation of supermarket trading practices.

Answering Department: Dept for Environment, Food and Rural Affairs

Member Answering Question: Fitzpatrick, Jim  
Answer: Ministers are currently considering the recommendations of the Competition Commission.

Question Number: 291927  
Date Tabled: 09.10.2009  
Date for Answer: 12.10.2009  
Legislature: House of Commons (HoC)  
Chamber/Committee: Commons Chamber

On the 13<sup>th</sup> January 2010 the Government announced, via a written ministerial statement <sup>11</sup> that it was publishing the Government response accepting the Competition Commission's recommendation to establish an enforcer to monitor and enforce the Groceries Supply Code of Practice (GSCOP). It also announced a further consultation on how best to take matters forward. We distributed briefing material to MPs in advance of the Department for Business, Innovation and Skills Question Time on the 14<sup>th</sup> Jan 2010 when the issue was raised again by Andrew George MP. Group member Lindsay Hoyle MP managed to make a follow-on intervention:

*'Of course we welcome movement on this from the Government, but we need real teeth and real power.'*<sup>12</sup>

In the coming period will continue raise concerns - highlighting the detrimental effects of the power of the supermarkets on the food industry and on worker's rights.

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<sup>11</sup> For full text see Annex Three

<sup>12</sup> For full text go to Annex Three

## **OTHER CAMPAIGNS**

### **Trade Union Co-ordinating Group (TUCG)**

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The Trade Union Coordinating Group was formed in 2008 and now comprises 8 unions (BFAWU, FBU, NAPO, NUJ, PCS, POA, RMT and URTU) representing over half a million workers. The TUCG's founding aim was to promote increased co-ordination between the member unions and united campaigning on issues of common interest both inside and outside Parliament.

Since its formation in 2008, the profile and extent of the TUCG's work has been expanding and we hope that our first delegate conference in March will be a focal point in what promises to be a crucial year for the movement. Throughout the past period the TUCG has continued to campaign on its priority issues of Health and Safety, Equality, Trade Union Rights and the defence of public services over the past year, as agreed by the Executive Council. The TUCG hopes to hold fringe meetings at the Scottish and Welsh TUCs in the next few months and will be supporting the Tax Justice rally in Parliament later this month.

An extremely successful Parliamentary Reception was held on 19<sup>th</sup> January in the House of Commons which was attended by a large number of MPs and Peers as well as trade union representatives. The Reception was hosted by Joe Marino (BFAWU GS) as the BFAWU were the 2009/10 Chair of the TUCG and those present heard contributions from John McDonnell MP, Bob Crow (RMT GS), Michelle Stanistreet (NUJ DGS), and Mark Serwotka (PCS GS).

### **TUCG Delegate Conference 6<sup>th</sup> March 2010**

The TUCG will be holding its first delegate conference to discuss the impending attack on the public sector and the unions' policy agenda in the run up to the election and beyond. The conference will include delegations from the Executives of all 8 TUCG unions as well as representatives from specific campaigning organisations, such as the People's Charter and the Institute for Employment Rights.

The conference will debate the current political and economic situation as well as the future development of the TUCG and will also consider resolutions from each member union which will be debated and put to a vote on the day. There will also be contributions from invited policy experts and outside organisations to provide a wider perspective and to set the scene for the debate.

### **Health and Safety**

The TUCG made an official submission to the Government's consultation on Workers' Memorial Day (WMD) outlining our belief that WMD should be recognised throughout industry and made an annual holiday. The campaign has been a great success and the TUCG will play an active part in commemorating the 28<sup>th</sup> April although this year we will be unable to hold a

reception in Parliament, as we did last year, because during the General Election campaign Parliament will be closed.

The TUCG are also planning to draft a new Health and Safety Bill which can set the Health & Safety agenda within a new legislative framework of quality of life at work and will attempt to bring together various aspects of existing legislation with necessary changes and developments. Just as with the Trade Union Freedom Bill this should provide a campaigning focus around which the movement can unite. We will be seeking input from all interested parties, including the Institute of Employment Rights, H & S campaigning organisations and union health and safety reps before we promote the Bill in parliament and elsewhere.

### **Trade Union Rights**

The TUCG were disappointed at the Government's decision to delay the implementation of the Agency Workers Directive until 2011. The TUCG have written to Lord Mandelson to urge the Government not to delay implementation especially in the current economic and political climate but to bring the measures forward. The response from the Government has not been encouraging.

We have tabled an Early Day Motion on balloting and notice procedures which has gathered 21 signatures to date. We will shortly be tabling a further 2 Early Day Motions on the use of Agency Labour, and negative European Courts of Justice to highlight the current state of trade union rights. Further to this we hope to promote a Ten Minute Rule Bill to provide space for debate and focus on the need for a Trade Union Freedom Bill.

The Equality Bill was published at the end of April 2009, and had its report stage and 3<sup>rd</sup> reading on 2<sup>nd</sup> December 2009.

A number of amendments and a new clause were tabled on behalf of the TUCG in particular on the issue of time off for workplace equality representatives, the introduction of mandatory pay audits, removing age discrimination from the national minimum wage, strengthening the public sector equality duty and enabling unions to bring class actions in discrimination cases. The amendments attracted significant parliamentary support and were selected for debate. However, most were unable to be voted upon due to the lack of time.

Nevertheless the campaign within the movement for the sort of progressive advances the TUCG has been advocating will continue even if the parliamentary avenue for new legislation appears to be blocked for the time being. Following the forthcoming Election the TUCG will continue to campaign for these simple equality measures until they become the accepted norm.

The one area that we still hold out hope for amendment before the Bill completes its passage through the Lords are the equality measures for seafarers which the RMT has been spearheading, namely to end the exemption

for seafarers from the provisions of the Race Relations Act and to outlaw paying below the minimum wage for foreign nationals on vessels in UK territorial waters. Both of the above scandalous abuses, which most MPs are shocked to discover exist, have been given extensive publicity in the debate of the Bill and brought forcefully to the attention of Ministers, not for the first time.

### **Public Service Not Private Profit Campaign**

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Given the current financial and economic outlook and the billions of pounds the Government has used to bail out the banks we are likely to see unprecedented cutbacks in the public sector over the next few years, whoever wins the next General Election. The Public Services Not Private Profit Campaign aims to be a focus for the movement during this period and provide a cross-sectoral campaigning vehicle to defend our communities in the face of the increasing attacks on our public services.

The campaign is now working alongside the POA's Prisons Not for Profit campaign to resist the growing threats of privatisation and marketisation of Prisons and the whole Criminal Justice system. In the North East, PSNPP are supporting the RMT campaign against the privatisation of Britain's last remaining publicly owned railway, the Tyne & Wear Metro.

A successful meeting was held on 11<sup>th</sup> December in Birmingham, hosted by Birmingham POA. Speakers included Clare Short (MP for Birmingham Ladywood), Brian Conway (PCS), Brian Caton (General Secretary, POA), Doug Morgan (NUT, West Midlands President) and a speaker from Defend Council Housing. Around 50 people were in attendance from different political parties and trade unions. Speeches were followed by a productive question and answer session.

Arrangements are currently underway for a meeting in Manchester on 2<sup>nd</sup> March in association with Manchester Trades Council with representatives speaking from NUJ, BFAWU, TSSA and POA.

PSNPP is also working with PCS and NUJ in Scotland where a meeting is being planned in Glasgow at the end of March. Finances permitting, PSNPP will also be looking at organising a mass rally and lobby of Parliament across all parts of the public sector in the Autumn.

# ANNEX ONE

## Early Day Motions

### EDM 496 BELOW-COST SELLING

McDonnell, John 37 signatures

<i>Anderson, David</i>	<i>Austin, John</i>	Bottomley, Peter
Campbell, Gregory	Campbell, Ronnie	Caton, Martin
Clapham, Michael	<i>Clark, Katy</i>	Cohen, Harry
Cook, Frank	Corbyn, Jeremy	Cryer, Ann
Davies, Dai	Dean, Janet	Drew, David
Durkan, Mark	Etherington, Bill	Gerrard, Neil
Hancock, Mike	Harvey, Nick	<i>Hopkins, Kelvin</i>
Illsley, Eric	Jones, Lynne	Leech, John
Mason, John	McCafferty, Chris	McCrea, Dr William
McGrady, Eddie	Prentice, Gordon	Prosser, Gwyn
Reed, Andy	Russell, Bob	Simpson, Alan
Vis, Rudi	Wareing, Robert N	<i>Wood, Mike</i>

That this House notes the negative impact of below-cost selling in the food industry on a whole range of issues, from employment conditions and consumer choice to animal welfare and the maintenance of the UK producer base; is concerned at retailers demanding high levels of discounting disproportionate to production costs and attempting to shift costs to manufacturers and growers both locally and internationally; and therefore supports the Bakers, Food and Allied Workers Union, representing many of those working in the food industry in the UK, in its call for greater regulation to tackle the unfair advantages of big retailers in order to protect employment conditions within the food industry and the diversity of small manufacturers and producers.

.....

EDM 501 WORKERS' MEMORIAL DAY

McDonnell, John

67 signatures

<i>Anderson, David</i>	Anderson, Janet	<i>Austin, John</i>
Battle, John	Bayley, Hugh	Borrow, David S
Bottomley, Peter	Brown, Russell	Burden, Richard
Cairns, David	Campbell, Ronnie	Caton, Martin
Clapham, Michael	<i>Clark, Katy</i>	Clelland, David
Cohen, Harry	Cook, Frank	Corbyn, Jeremy
Crausby, David	Cryer, Ann	Davies, Dai
Dean, Janet	Dismore, Andrew	Dobbin, Jim
Dodds, Nigel	Drew, David	Durkan, Mark
Etherington, Bill	Galloway, George	Gapes, Mike
George, Andrew	Gerrard, Neil	Godsiff, Roger
Hancock, Mike	Hermon, Lady	Heyes, David
Holmes, Paul	<i>Hopkins, Kelvin</i>	Hoyle, Lindsay
Humble, Joan	Iddon, Brian	Illsley, Eric
Jackson, Glenda	Jenkins, Brian	Jones, Lynne
Kelly, Ruth	Leech, John	Lepper, David
Mason, John	Mclsaac, Shona	Meale, Alan
Prosser, Gwyn	Reed, Andy	Riordan, Linda
Roy, Lindsay	Russell, Bob	Sharma, Virendra Kumar
Sheridan, Jim	Simpson, Alan	Singh, Marsha
Skinner, Dennis	Truswell, Paul	Vis, Rudi

Wareing, Robert N

Williams, Betty

Wood, Mike

That this House recognises that Workers' Memorial Day is an internationally recognised day, 28 April, on which workers and trades unionists conduct events, demonstrations, vigils and a whole host of other activities to commemorate those who have died, been seriously injured, or made seriously ill by their work diseases; notes with regret that according to the Health and Safety Executive during 2008-09 1.2 million people were suffering from a long-standing or new case of illness they believed was caused or made worse by their current or past work, 180 workers were killed at work, and thousands of people died of mesothelioma and other occupational cancers and lung diseases; reaffirms the right of all workers to work in a safe and healthy workplace; and calls on the Government to officially recognise Workers' Memorial Day as a day of national remembrance.

.....

#### EDM 491 MAXIMUM WORKPLACE TEMPERATURE

McDonnell, John

41 signatures

Anderson, David

*Austin, John*

Bottomley, Peter

Campbell, Ronnie

Caton, Martin

Clapham, Michael

*Clark, Katy*

Cohen, Harry

Cook, Frank

Corbyn, Jeremy

Cryer, Ann

Davies, Dai

Dean, Janet

Dismore, Andrew

Drew, David

Etherington, Bill

*Gerrard, Neil*

Hancock, Mike

Harvey, Nick

*Hopkins, Kelvin*

Illsley, Eric

Jenkins, Brian

Jones, Lynne

Keetch, Paul

Lloyd, Tony

Llwyd, Elfyn

Mann, John

Mason, John

McCafferty, Chris

Prosser, Gwyn

Reed, Andy

Riordan, Linda

Simpson, Alan

Strang, Gavin

Truswell, Paul

Vis, Rudi

Wareing, Robert N

Williams, Betty

Williams, Hywel

*Wood, Mike*

That this House notes that whilst there is a legal minimum workplace indoor temperature, there is no clear legal maximum workplace temperature so that conditions can vary greatly from employer to employer; further notes the many employees, particularly those working in bakeries, are often subjected to very high temperatures which can impact seriously on their health and well-being with effects ranging from discomfort, stress, irritability and headaches, to extra strain on the heart and lungs, dizziness and fainting and heat cramps due to loss of water and salt; and urges the Government to provide clear and coherent guidelines to employers about how to combat heat in the workplace, and to introduce a maximum working workplace temperature of 30C (86F) and of 27C (81F) for those doing strenuous work.

.....

EDM 192 GROCERY MARKET OMBUDSMAN

George, Andrew

79 signatures

Austin, John

Baker, Norman

Berry, Roger

*Bottomley, Peter*

*Breed, Colin*

Brooke, Annette

Burt, Lorely

Caborn, Richard

Campbell, Gregory

Campbell, Menzies

Carmichael, Alistair

Caton, Martin

Cook, Frank

Corbyn, Jeremy

Cryer, Ann

Davey, Edward

Dean, Janet

Dismore, Andrew

Dodds, Nigel

Donaldson, Jeffrey

*Drew, David*

Durkan, Mark

Etherington, Bill

Farron, Timothy

Flelo, Robert

Foster, Don

Gerrard, Neil

Hamilton, Fabian

Hancock, Mike

Harris, Evan

Harvey, Nick

Heath, David

Holmes, Paul

Hopkins, Kelvin

Howarth, David

Hoyle, Lindsay

Hunter, Mark	Illsley, Eric	Jenkins, Brian
Jones, Lynne	<i>Kawczynski, Daniel</i>	Keetch, Paul
Leech, John	Lloyd, Tony	Llwyd, Elfyn
Luff, Peter	Mason, John	McCafferty, Chris
McCartney, Ian	Moore, Michael	Mullin, Chris
Naysmith, Doug	Oaten, Mark	Owen, Albert
Pelling, Andrew	Pritchard, Mark	Pugh, John
Reed, Andy	Rennie, Willie	Russell, Bob
Sanders, Adrian	Simpson, Alan	Simpson, David
Stunell, Andrew	Taylor, Ian	Teather, Sarah
Truswell, Paul	Turner, Desmond	Vis, Rudi
Webb, Steve	Weir, Mike	Williams, Betty
<i>Williams, Hywel</i>	Williams, Mark	Williams, Stephen
Winterton, Nicholas	Wyatt, Derek	Younger-Ross, Richard

That this House welcomes the Competition Commission's establishment of a strengthened Grocery Supply Code of Practice (GSCOP) following its inquiry into the UK grocery market which found that supermarket practices which transfer excessive risk to suppliers, such as retrospective unilateral changes to the terms of supply agreements, charges for loss or damage to goods after delivery and withholding payment without cause could have an adverse effect on investment and innovation in the supply chain, and ultimately on consumers; notes the Commission's recommendation that for the GSCOP to be effective it must be monitored and enforced by an independent ombudsman; is disappointed that the supermarkets affected have failed to agree voluntary undertakings to establish an ombudsman which offers the opportunity for independent verification of their commitment to the principles of fair trading; believes that the current recession has increased pressure on suppliers; further notes that UK supermarkets continue to report healthy profits from their grocery business; recognises that fair treatment of primary producers is crucial to achieving UK commitments to eradicating poverty in the developing world and guaranteeing food security for the UK; and calls on the Government to act on the considered recommendation of the Commission

to introduce the necessary legislation to establish the proposed ombudsman to protect the interests of suppliers and consumers alike.

# ANNEX TWO

## Letters

The Right Honourable Yvette Cooper MP  
Secretary of State  
Department for Work and Pensions  
Caxton House  
Tothill Street  
London  
SW1H 9DA

*16<sup>th</sup> October 2009*

Dear Secretary of State,

Re: Workers Memorial Day Consultation

We are writing on behalf of the Bakers Union Parliamentary Group in response to the Department for Work and Pension's Workers Memorial Day consultation and to request a meeting with you to discuss the issues involved.

As you may be aware, the Bakers' Union Parliamentary Group consists of around 30 Labour MPs and meets regularly along with the Bakers' and Allied Food Workers' Union (BFAWU) regarding issues effecting the food industry. BFAWU itself was founded in 1847 and is the largest independent food workers union in the British Isles, covering England, Scotland, Wales, Northern Ireland and the Republic of Ireland. It has a proud tradition of successfully campaigning on health and safety issues that have blighted the food industry - from the outlawing of cellar baking to the setting of maximum exposure limits to flour to from the recognition of Bakers Asthma as an industrial disease to the campaign for a maximum working temperature.

Workplace health and safety is obviously a crucial issue for any trade union and worker. According to the Health and Safety Executive, between 2007 and 2008 around 2.1 million people were suffering from an illness believed to be caused or made worse by their work. However, the statistics relating to fatalities in the workplace provided by the HSE are an underestimate, since they do not account for those killed in work-related road traffic incidents, those killed at sea, non-workers killed by work activities or indeed those killed by occupational illness (who could number as many as 50,000 per year according to Hazards). Research by Professor Steve Tombs and Dr David Whyte published by the Centre for Crime and Justice Studies concluded that being a victim of a fatality or injury at work is far more likely than experiencing traditionally feared violence and homicide.

Therefore, since January 2009 the Bakers Union Parliamentary has focussed on raising the profile of the trade union movement's long standing campaign to get Workers' Memorial Day recognised as a national remembrance day through

meetings with ministers and tabling EDMs. On behalf of the Trade Union Co-ordinating Group, we hosted a successful parliamentary reception to commemorate Workers' Memorial Day on 28<sup>th</sup> April 2009. The event was attended by over 26 MPs and included speeches by Ronnie Draper (National President, BFAWU), Mike McClelland (National Official for Health and Safety, Napo), Hilda Palmer (Acting chair of the Hazards Campaign) and Linda Wheelan (Founding member of Family Against Corporate Killers and mother of Craig Wheelan who died whilst working as a steeplejack aged 23 in 2002). There was also a minute of silence to honour the people who have died or been injured simply as a result of carrying out their day to day employment – invariably as a result of failings by employers to ensure adequate health and safety measures.

We were delighted that this the Government responded positively to the campaigning of the trade union movement by issuing a statement this year recognising the day and indicating their plan to *'consult with stakeholders on how (to) can recognise and commemorate Workers Memorial Day in a more official way in the future.'* We welcome the commitment to tackling inadequacies in workplace health and safety enforcement and are very keen to engage positively with the Government throughout this process.

We would like to see Workers Memorial Day to be a National event and welcome any proposals that encourage maximum participation in such an important day. This includes publication on Government websites, ministerial involvement, a National memorial and a National memorial service. Most importantly we support the introduction of a public holiday on the 28<sup>th</sup> April out of respect for those who have lost their lives through work.

We also feel that the most appropriate way in which we can honour those tragically kill at work, is to improve workplace health and safety enforcement. Unfortunately we feel that the HSE is not adequately funded to allow it to carry out its purpose effectively; as a result more people are injured or killed needlessly. We would like to see a significant increase in the funding of the Health and Safety Executive. The HSE has already lost 25% of jobs in the last five years, and there is a danger that further relocation projects will result in the loss of important expertise which may compromise the HSE's ability to provide a good service.

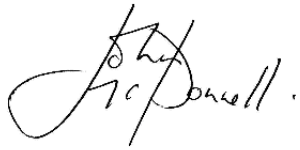
TUC figures suggest that around 85% of major injuries are never investigated and the total number of inspections has fallen over the last few years. If the Government are willing to officially recognise Workers Memorial Day, this should go hand in hand with an acknowledgement that current systems of prevention and enforcement are not adequate and a commitment to provide the funding necessary to stop more people dying or receiving injuries unnecessarily.

We feel that it would be appropriate for the Government to consider timetabling a topical debate on workplace health and safety during the coinciding week, in order to allow for a debate regarding improving workplace health and safety.

We hope that you find these comments useful and will take these concerns into consideration. We would welcome the opportunity to discuss this issue with you directly and would therefore like to invite you to meet with a small delegation from the Group, or for you to attend a full Group meeting if you would prefer. The meetings are informal and would provide for a constructive dialogue and exchange of views with members of the Group and officers of the unions.

We would be grateful if your office would liaise with our parliamentary co-ordinator, Simeon Andrews (details below) who will make whatever arrangements are necessary for such a meeting.

Warm Regards



John McDonnell MP  
Chair, Bakers' Union Parliamentary Group

David Crausby,  
Vice-Chair, Bakers' Union  
Parliamentary Group

.....

Lord McKenzie of Luton  
Department for Work and Pensions  
Caxton House  
Tothill Street  
London  
SW1H 9DA

Nov 2009

Dear Lord McKenzie

Maximum Working Temperature

I am writing to on behalf of the Bakers' Union Parliamentary Group to seek your response to the HSE's Review on workplace temperatures recently published and to ask for a meeting to discuss these issues further.

As you may be aware, The Bakers' Union Parliamentary Group consists of around 30 Labour MPs and meets regularly along with the Bakers' and Allied Food Workers' Union (BFAWU) – the largest independent food workers union in the British Isles, covering England, Scotland, Wales, Northern Ireland and the Republic of Ireland, with members throughout the food sector from production to retail - regarding issues effecting the food industry. You will remember that we met with you last July before the review and feel that it would be useful revisit our discussions.

Working Temperatures is an issue of concern for the Group in that many BFAWU members working in bakeries are being subjected to very high temperatures which can have very serious effects ranging from discomfort, stress, irritability and headaches, to even causing extra strain on the heart and lungs, dizziness and fainting and heat cramps due to loss of water and salt. As you will be aware temperature is a major factor determining comfort in the workplace and in the 2006 TUC Safety Representatives' Survey, one in three (34 per cent) safety representatives cited high or low temperatures as one of their top concerns.

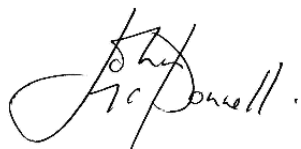
BFAWU have informed us that whilst some employers do take measures to ensure a 'reasonable' working temperature (as required by Regulation 7 of the Workplace (Health, Safety and Welfare Regulations - 1992), this can vary greatly from employer to employer leading to an ad-hoc approach across the UK.

Therefore the Group supports BFAWU supported by the TUC in their call for the government to provide clearer, more coherent and enforceable guidelines to employers about how to combat heat in the workplace - including the introduction of a maximum working temperature of around 30°C (86°F) as the point at which control measures to manage the heat must be implemented.

The Bakers' Union Parliamentary Group would therefore welcome the opportunity to discuss these and other issues with you directly and would like to invite you to meet with us at your earliest convenience. Our group meetings are informal and would provide for a constructive dialogue and exchange of views with members of the Group and officers of the union.

I would be grateful if your office would liaise with our parliamentary co-ordinator, Simeon Andrews on 0207 219 1626 who will make whatever arrangements are necessary for such a meeting.

Yours sincerely



JOHN MCDONNELL MP  
Chair, BFAWU Group

.....

Rt. Hon. Lord Mandelson,  
First Secretary of State & Secretary of State for Business, Innovation & Skills  
Ministerial Correspondence Unit  
Department for Business, Innovation & Skills  
1 Victoria Street  
London SW1H 0ET

*10<sup>th</sup> November 2009*

Dear Lord Mandelson

Below Cost Selling

I am writing on behalf of the Bakers' Union Parliamentary Group to request a meeting with you to discuss our ongoing concern at the affect of persistent 'below-cost' selling on the food industry.

As you may be aware, the Bakers' Union Parliamentary Group consists of around 30 Labour MPs and meets regularly along with the Bakers' and Allied Food Workers' Union (BFAWU) – the largest independent food workers union in the British Isles, covering England, Scotland, Wales, Northern Ireland and the Republic of Ireland, with members throughout the food sector from production to retail - regarding issues effecting the food industry.

The Group is concerned at the practice of persistent below-cost selling, particularly of bread and other staple food items, that is widespread in the UK retail grocery sector. Whilst we recognise that promotional pricing is generally accepted as a part of the competitive process, we are concerned that persistent and long term below cost selling can disrupt production schedules and drives down the price of the product at the point of purchase from the supplier.

Both of these effects can have seriously damaging consequences since the 'cost' of paying for the discount is usually transferred to the supplier, inevitably resulting in low-cost operations with a negative impact on the quality of the products and a reduction in working conditions. In the longer term this also increases the pressure upon the profitability and even viability of smaller outlets / suppliers.

We believe that amendments could be made to legislation in the UK – as in the USA or Germany - where below cost selling is regulated in a way to stop unfair advantages to retailers and the driving out of business of small and diverse growers.

We also agree with the TUC that the Supermarket Code of Practice could be strengthened to prohibit predatory below cost selling, and enable complaints against code breaches to be made under an entirely independent mechanism with strict confidentiality or through trade associations, thereby protecting the complainant from any adverse reaction from powerful retailers. We broadly supported the proposals to establish an Ombudsman to arbitrate on disputes between retailers and suppliers and investigate complaints which was proposed

during the Competition Commission's (CC) second consultation on the new Groceries Supply Code of Practice (GSCOP). In light of being unable to establish an agreement with retailers, we understand that the CC has begun to formally recommend that you take steps to establish the Ombudsman instead. We support this recommendation and await further developments.

The Group understands that some aspects of this matter may fall under the other departmental remits and therefore we have already met with the Rts Hon Hilary Benn MP, Secretary of State for Environment, Food & Rural Affairs earlier this year. We would welcome the opportunity to also discuss these issues with you directly and would like to invite you to meet with us at your earliest convenience. Our group meetings are informal and would provide for a constructive dialogue and exchange of views with members of the Group and officers of the union.

I would be grateful if your office would liaise with our parliamentary co-ordinator, Simeon Andrews on 0207 219 1626 who will make whatever arrangements are necessary for such a meeting.

Yours sincerely



JOHN MCDONNELL MP  
Chair, BFAWU Group

.....

Rt Hon Hilary Benn MP  
Secretary of State for Environment, Food & Rural Affairs  
Defra  
Nobel House  
17 Smith Square  
London SW1P 3JR

*10<sup>th</sup> November 2009*

Dear Hon Hilary Benn MP

Below Cost Selling

I am writing on behalf of the Bakers' Union Parliamentary Group to request a meeting with you to discuss our ongoing concern at the affect of persistent 'below-cost' selling on the food industry.

As you may be aware, the Bakers' Union Parliamentary Group consists of around 30 Labour MPs and meets regularly along with the Bakers' and Allied Food Workers' Union (BFAWU) – the largest independent food workers union in the British Isles, covering England, Scotland, Wales, Northern Ireland and the Republic of Ireland, with members throughout the food sector from production to retail - regarding issues effecting the food industry.

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between retailers and suppliers and investigate complaints which was proposed during the Competition Commission's (CC) second consultation on the new Groceries Supply Code of Practice (GSCOP). In light of being unable to establish an agreement with retailers, we understand that the CC has begun to formally recommend that you take steps to establish the Ombudsman instead. We support this recommendation and await further developments.

The Group understands that some aspects of this matter may fall under the other departmental remits and therefore we have already met with the Rts Hon Hilary Benn MP, Secretary of State for Environment, Food & Rural Affairs earlier this year. We would welcome the opportunity to also discuss these issues with you directly and would like to invite you to meet with us at your earliest convenience. Our group meetings are informal and would provide for a constructive dialogue and exchange of views with members of the Group and officers of the union.

I would be grateful if your office would liaise with our parliamentary co-ordinator, Simeon Andrews on 0207 219 1626 who will make whatever arrangements are necessary for such a meeting.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John McDonnell'.

JOHN MCDONNELL MP  
Chair, BFAWU Group

# ANNEX THREE

## Parliamentary Debates

Written Ministerial Statement (HL):  
Workers Memorial Day  
28<sup>th</sup> Jan 2010

**The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton):** My right honourable friend the Secretary of State for Work and Pensions (Yvette Cooper) has made the following Written Ministerial Statement.

I am pleased to announce the publication of the Government's response to the consultation exercise proposing the official recognition of Workers Memorial Day.

The Government's response (Cm 7789) has been laid before Parliament and will be published later today.

The consultation exercise attracted a large number of responses, the overwhelming majority of which were strongly supportive of the proposal. I am therefore delighted to announce that the UK will officially recognise Workers Memorial Day, and that this recognition will take formal effect this year on 28 April, the International Day of Action for Safety and Health at Work. The day is already widely commemorated in the UK and official recognition will reinforce its significance and raise awareness of the workers who are killed, disabled, injured or made unwell each year by their work.

Commemorations will continue to be led by individuals, employers, trade unions and community organisations. In keeping with the outcome of the consultation, the Government will encourage commemorations to be held on the day itself throughout the UK. The Government and Ministers will help support and promote these commemorations.

Official recognition is a tribute to all those who have campaigned long and hard for such recognition, including bereaved families, trade unions, campaign groups and many other organisations and individuals. It is also recognition of the importance of work to improve health and safety among the working population.

.....

Written Ministerial Statement:  
The Government's Response to the Competition Commission  
recommendations on the UK Supply of Groceries.

13<sup>th</sup> January 2010

**Minister for Further Education, Skills, Apprenticeships and Consumer Affairs, Kevin Brennan MP:** Today the Government is publishing the Government response accepting the Competition Commission's recommendation to establish an enforcer to monitor and enforce the Groceries Supply Code of Practice (GSCOP).

The Government wants to ensure that the GSCOP can be independently enforced, and have the important power to hear anonymous complaints. However, the Government is mindful of placing unnecessary costs on to business especially in a period of economic difficulty, which is why we plan to issue a consultation on how best to take matters forward.

We have also taken the decision to revoke the Land Agreements Exclusion Order following a recent public consultation resulting from a related Competition Commission recommendation. We will proceed to make the Revocation Order at the earliest opportunity but give businesses a transitional period to ensure that their agreements are compatible with competition rules.

Copies of the responses, have been deposited in the Libraries of the House and will be available on the BIS website at [www.berr.gov.uk/files/file54194.pdf](http://www.berr.gov.uk/files/file54194.pdf)

.....  
Department for Business, Innovation And Skills Question Time  
14<sup>th</sup> Jan 2010

Grocery Ombudsman

**Andrew George (St. Ives) (LD):** What plans he has to respond to the Competition Commission's recommendation for the creation of a grocery supply chain ombudsman. [310584]

**The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan):** My Department published the Government's response to the Competition Commission's recommendation for the creation of a grocery supply chain ombudsman yesterday. The Government have accepted the need for independent enforcement of the grocery supply code of practice, and we will consult on the detail of the body and its powers.

**Andrew George:** As I chair the grocery market action group, perhaps I should declare an interest. I have been campaigning for this for the best part of 10 years. Therefore, I warmly welcome the Minister's announcement yesterday-I have to say, it was not before time. What timetable does he envisage for the implementation of this vital recommendation, bearing in mind that although the grocery supply code of practice will be unenforced, it will be implemented on 4 February?

**Kevin Brennan:** On the time taken, the Competition Commission made its formal request to the Government only last August. In the meantime, I have met the hon. Gentleman and his group, the British Retail Consortium, the National Farmers Union, the Food and Drink Federation, Consumer Focus, Divine Chocolate and the Office of Fair Trading, so a proper consultation has been taking place. The formal consultation will start shortly after the code comes into force on 4 February. How quickly we can implement the measures depends on the solution and whether or not it needs legislation, and that will ultimately depend on the design of the body.

**Mr. Lindsay Hoyle (Chorley) (Lab):** Of course we welcome movement on this from the Government, but we need real teeth and real power. The power of the supermarkets puts pressure on the farmers, and we want fair farm-gate prices and a purchasing policy for local communities. That would provide the teeth and the power we need. We need that commitment from the Minister.

**Kevin Brennan:** Of course the purpose of the enforcement body is to enforce the code, which has been broadly welcomed by everyone as having the teeth necessary. We just need to ensure that it is independently enforced, and we have accepted the case for that. Ultimately, we accepted it on the grounds that the Competition Commission made it clear that it believed that in the long term this was in the interests of shoppers and consumers, because it would provide the kind of certainty in the supply chain that will produce better prices and choices for them.

**Mr. Mark Field (Cities of London and Westminster) (Con):** Does the Minister regard the appointment and powers of this ombudsman to be complementary to or in addition to the existing powers of the OFT and the Competition Commission, which, as he will know, have held almost continuous inquiries into the supermarket sector over the past decade or so?

**Kevin Brennan:** The powers of those bodies remain as they were previously in the event of there being matters that they need to investigate. The job of the independent ombudsman will principally be to enforce the code, but we are also consulting, as part of how we design the body, on exactly what the powers will be.