



BAKERS' UNION PARLIAMENTARY GROUP

Chair: John McDonnell MP

Vice-Chairs: David Crausby MP, Linda Riordan MP

**ANNUAL SUMMARY
MAY 2013 – MAY 2014**

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 the union's issues of concern. The Group is chaired by John McDonnell MP, with David Crausby MP and Linda Riordan MP as Vice-Chairs. This report is an overview of the Group's work in Parliament during its sittings between May 2013 – May 2014.

The current Parliamentary session ran from the state opening on 8 May 2013 until prorogation on 15 May 2014, which is when Parliament dissolves in advance of the Queen's Speech setting out the Government's legislative programme. This session saw the Conservative/Lib Dem Coalition push ahead with privatisations (for example of Royal Mail – sold on the cheap at a massive financial loss to the taxpayer - and the National Probation Service in the Offender Rehabilitation Bill); introduce an arbitrary cap for welfare spending; introduce measures widely seen as gagging civil society at election times; and threatening to scrap health and safety protections for self-employed workers, whilst the cost of living crisis has continued apace despite the economy having officially started to recover.

The new session of Parliament will begin on June 4 with the State Opening and Queen's Speech. All current Early Day Motions (EDMs) and unanswered questions fell at the end of the session, and we will be re-tableting fresh EDMs and questions where appropriate.

UPDATES ON KEY LEGISLATION

TRANSPARENCY OF LOBBYING, NON-PARTY CAMPAIGNING AND TRADE UNION ADMINISTRATION ACT 2014

This Act, which received Royal Assent on 5 February 2014, far from cracking down on the abuses of the lobbying industry has been widely interpreted as a means for introducing a "gagging" law, restricting the ability of charities and other civil society groups to raise awareness of government policies in an election year. Part One of the Bill, which establishes a register of "consultant lobbyists" fails to address the biggest part of the lobbying industry, ie. those employed by big corporate firms to lobby civil servants and ministers' special advisers to influence policy. Members of the BFAWU Group supported EDM 667 tabled by Grahame Morris MP calling for any lobbying register to cover 100% of lobbyists. Part Two of the Act contains the real meat of the legislation – the gagging clauses which, despite an extensive lobbying campaign by 38 Degrees and the opposition of the Labour frontbench, passed due to the failure of the Lib Dems to break ranks with the Tories. Part Three of the Act introduces burdensome new certification requirements on Trade Unions, potentially opening up new legal challenges to ballot results on the basis of issues relating to membership records. Lobbying from the TUC resulted in a delay to the implementation of these measures until after 2015 – by which time they hope a Labour government can legislate to remove these requirements.

DEREGULATION BILL

This Bill, which had its Second Reading on 3 February, contains a very wide range of measures on the basis that it would be getting rid of obsolete measures and lifting the “red tape” burden on business. The diverse measures in the Bill include limits to the power of employment tribunals to make “wider recommendations” concerning staff other than the direct complainant; measures on rail franchising;; abolishing the automatic requirement for marine accident investigations to be re-heard where new evidence comes to light; deregulating the licensing of taxis and private hire vehicles, and lots more.

Perhaps of greatest significance to the unions is the clause which removes Health and Safety duties for self-employed workers other than those on a list of prescribed occupations. This is particularly serious given that we have seen a massive recent increase in bogus self-employment where employers basically offload their employment costs like National Insurance contributions and statutory sick pay onto the workers. Removing the Health and Safety duties not only threatens to endanger these workers themselves, but also any employed workers who work alongside them on site.

The Bill completed its Committee Stage in the Commons on 25 March, and had its first day of Report Stage proceedings just before the close of the 2013-14 session on 14 May. The Bill will therefore carry over into the next Parliamentary session and complete its passage later in the year.

PARLIAMENTARY GROUP OVERVIEW

The Parliamentary Group works 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 specific 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. The union is notified of forthcoming parliamentary business on a weekly basis and a programme of work on behalf of the parliamentary group is then taken forward daily by Union Services (Simeon Andrews and his team) in liaison with BFAWU Head Office. The work of the Group in Parliament is then reported to the union Executive on a quarterly basis both as a written report and with an MP attending, parliamentary business permitting.

The current membership now stands at 27 – with Lisa Nandy MP (Labour, Wigan) joining during the period covered by this report. The Group has held its regular meetings throughout the course of this report:

- 4 June 2013
- 23 October 2013
- 4 December 2013
- 5 March 2014 (with Groceries Code Adjudicator)

The next formal meeting of the Group is scheduled for Wednesday June 25 2014, when the Group will be able to assess the Queen's Speech and the impact of any of the Government's legislative programme upon BFAWU members.

Other Parliamentary meetings:

- 19 June 2013 – Cool It strategy with Toby Perkins MP (Shadow BIS)
- 15 July 2013 – Jon Cruddas MP re Labour Policy review process
- 26 February 2014 – Cool It Strategy with Hugh Robertson (TUC)
- 8 April 2014 – Meeting with Paul Flynn MP on 2 Sisters
- 8 April 2014 – Cool It meeting with Stephen Timms MP (Shadow DWP)
- 24 February 2014 – Fast Food Planning
- 17 March 2014 – Fast Food Planning

Forthcoming

- 25 June 2014 – Meeting Lord Bill McKenzie re Cool It campaign
- 9 July 2014 – Meeting Ranjit Singh Boporan/Lord Charles Allen, 2 Sisters

BFAWU Political Schools

The BAFWU Parliamentary Group hosts political schools for the union in Parliament every few months. These provide an opportunity for BFAWU members and activists to gain an insight into how Parliament works and the role of the BFAWU Group. The itinerary includes a brief tour of Westminster, a briefing on detailed parliamentary procedures, a meeting and discussion with BFAWU Group MPs, and a chance to watch a current debate in the Chamber. Recent political schools have been held on 31st October 2013 and 15th May 2014 (including picket of McDonald's in Whitehall for Fast Food Rights)

Briefings and press releases have been regularly distributed to MPs, including:

- Press Release to national media on Maximum Working Temperature
- Briefing on Bakers Asthma in relation to the Mesothelioma Bill
- Strike Action at Hovis (Premier Foods), Wigan
- Strike Action at Hovis (Premier Foods), Wigan Update
- Second Week of Strike Action at Hovis (Premier Foods), Wigan 17/09/13
- Successful Resolution of Hovis (Premier Foods), Wigan Dispute 23/09/2013
- Briefing on the Hovis dispute/experience of Zero Hours contracts in the baking industry, ahead of the Backbench Business debate on Employment Rights, 12 September.
- Briefing on the Hovis dispute/experience of Zero Hours contracts in the baking industry, ahead of the Opposition Day debate on Zero Hours, 16 October
- Premier Foods Reaches Agreement on Joint Venture to Grow Hovis (28 Jan)
- Reports From Fast-Food Rights and Anti-Zero Hours Contracts Day of Action
- Briefing for Paul Flynn on 2 Sisters
- Press Release to national media on Fast Food Rights International Day of Action (May 15)

Media arranged as included:

- TV/radio interviews with Group members re Maximum Working Temperature. David Crausby gave live interview on EDM 414 to BBC London Radio's "Drive-Time" programme, and pre-recorded interviews to BBC TV "Week in Parliament" and ITN News. (July 2013)
- Linda Riordan, Natasha Engel and Ian Lavery all gave interviews supporting the case for a maximum working temperature to BBC local radio stations.(July 2013)
- Ian Hodson was interviewed by Paul Mason for the Channel 4 News about the Fast Food Rights campaign action at McDonald's, Whitehall (May 15)

Correspondence in the period has included:

- Letter to Gavin Darby, CEO, Premier Foods
- Letter to Mark Fairweather, CEO Allied Milling and Baking
- Letter to Jonathan Warburton, CEO Warburtons
- Letter to Christine Tacon (Groceries Code Adjudicator) (X2)
- Letter to Ed Miliband re Cool It! campaign
- Letter to Ed Miliband re Fast Food Rights
- Letter to Lord Allen re 2 Sisters

The Group has sponsored and supported a number of Early Day Motions (EDMs) throughout this Parliamentary session which can be seen in the annex. The end of the previous parliamentary session, in advance of the Queen's Speech, heralds the closure of these EDMs being available for signature. New EDMs will be tabled as our campaigns develop. (see annex)

A number of detailed briefings have been distributed to MPs and Peers by the Group during this period on our key issues detailed below.

KEY CAMPAIGNS

ZERO HOURS CONTRACTS

The major industrial dispute in the period covered by this report was over the use of agency labour on zero hours contracts at Hovis (Premier Foods) in Wigan. The BFAWU Parliamentary Group has been at the forefront of the campaign in Parliament against the exploitation of workers on zero hours contracts, having raised the issue in an EDM as early as 2011, at the time of the dispute at Park Cakes in Bolton. This was before the issue had been taken up prominently by the Labour front bench and the TUC, and at the time the “Swedish derogation” loophole that allowed companies to circumvent the Agency Workers Directive was not widely understood. Since then, the use of zero hours contracts has grown substantially, and received a good deal of attention in the media and in Parliament.

The dispute at the Hovis (Premier Foods) Bakery in Wigan, began as the consequence of the company, having already reduced the hours, and subsequently the pay of staff in a bid to reduce the need for redundancies, nevertheless deciding to proceed with job losses, even after protracted discussions with the union. Yet once the redundancies had been made, the company decided to renege on long standing recognition agreements and make up the ensuing staff shortfall with agency labour, with many being utilised on an ‘as and when’ basis, in other words; zero-hour contracts.

When the result of the ballot of industrial action was announced, and the dates of strike days announced, the BFAWU Parliamentary Group was alerted and immediately offered messages of support. Local constituency MP Lisa Nandy played a very active role in supporting the BFAWU workers in Wigan, and worked with the Parliamentary Group to table Early Day Motion 461 on Bakers’ Industrial Action over Zero Hours Contracts which received the support of 37 MPs.

A Backbench Business debate on Employment Rights was held on 12 September, as the strike was still ongoing, and John McDonnell MP used the occasion to highlight the dispute at Hovis:

John McDonnell (Hayes and Harlington) (Lab):

Let me give four brief examples of abuses in parts of industry that we need to address in the House. The Bakers, Food and Allied Workers Union is currently involved in a dispute at the Hovis company in Wigan. Hovis has been taken over by Premier Foods, and there have been a great many layoffs. The union has negotiated as best it can in order to secure the long-term future of the company, as well as what is best for its members who are being laid off, but there have been abuses, one of which seems to be occurring in other parts of industry as well.

Hovis in Wigan started to take on workers who were paid less and had less favourable conditions than the existing workers, and also to use zero-hours contracts. That led to a strike. A negotiation took place and the union thought that the dispute had been resolved, but the company then started to employ agency workers. It used what is referred to as the “Swedish derogation”, which means that an agency can employ staff directly, and those staff can then work alongside others while being

paid less and experiencing less favourable conditions. Members may recall that the hon. Member for Harlow (Robert Halfon) raised the issue in the House only a month ago, in connection with Tesco. Such practices cannot be acceptable according to anyone's standards of decency or justice, and we need to look into the Swedish derogation and how it is being abused by some employers.

The Hovis dispute is still going on, and is becoming bitter as a result of the Government's intransigence and its use of various different devices. The union has taken every possible opportunity to try to secure a negotiated settlement....

Following the resolution of the dispute, the Parliamentary Group publicised the successful outcome, highlighting the commitment to end use of third party suppliers using zero hours contracts under the "Swedish derogation", with the employment on a full-time basis of all 24 workers previously on such contracts. As a briefing to the Group explained,

This landmark action by two hundred and ten members of a modest sized Union along with meaningful negotiations with the company has brought about significant change that could potentially have a positive knock-on effect throughout the entire labour movement. The leadership shown by BFAWU full-time officials and shop stewards in addition to the immense support received from fellow Unions, Trades Councils and Members of Parliament along with the general public and other activist/political organisations, has helped to achieve a settlement that has fully justified the direct action taken by those concerned.

The positive outcome of the Hovis dispute was reflected in Labour's Opposition Day debate on Zero Hours Contracts, held on 16 October. A number of BFAWU Parliamentary Group members made interventions, and the Hovis dispute was raised directly:

Lisa Nandy (Wigan) (Lab): ...I was proud to stand alongside the Hovis workers in my constituency when they went on strike because 28 workers who had had full-time contracts were replaced by people on zero-hours contracts. They stood alongside one another and said that they would not accept two people doing the same job at different rates of pay and with different levels of security. That sort of two-tier work force is the thin end of the wedge and is bad for everyone. I was proud that Premier Foods accepted that argument, stepped in and reversed the situation. Premier Foods has gone from being a buzzword for bad employment to being a buzzword for how to take action to become a good employer. I am proud that that happened in my constituency.

Ian Lavery: Is it not the case that a number of Hovis workers were made redundant and that other people were taken on on zero-hours contracts to save the company money?

Lisa Nandy: Indeed. I am grateful to all the hon. Members who supported those workers and me. That situation reflects something that is happening in their constituencies as well.

The Hovis strike was not just about zero-hours contracts. As my hon. Friends have made clear, there is a growing casualisation of the work force in this country that is corrosive and is deeply worrying to all of us. As the shadow Secretary of State said,

we have one of the most deregulated labour markets in Europe. Many more people are now in temporary work and low-paid jobs. Clamping down on zero-hours contracts and their exploitation is just one part of what we must do. I hope that the Minister understands that.

This problem affects young people disproportionately. We know from history that when young people are trapped in situations in which they cannot advance themselves or their families, it causes hopelessness, despair and anger, and the associated problems that go with those feelings. We owe young people better than that. I would like to hear what the Minister proposes to do urgently for those young people.

What we are saying is not anti-business. We have heard much about the employers who are using the flexibility that zero-hours contracts provide to exploit the work force, but there are many employers who are not doing that. The shadow Secretary of State gave the example of Asda, which is taking a stand against such treatment of the work force. It is essential that the UK leads the way in showing that things can be levelled up, not levelled down, for the benefit of everybody. Otherwise, employers such as Asda who are making decent choices, doing the right thing and investing in their communities will be at a disadvantage and we will be tilting the playing field.

As many hon. Members have said, this problem affects entire sectors. We should be very concerned about that because, as I have said, such contracts are not a stepping-stone. I am particularly worried about the care sector and home help. This problem affects the low-paid people—mainly women—who work in that sector. It affects their children, their parents and their whole family. It also affects us, because if we value that profession so little that we allow this practice to be used across the country, we allow people to be given no money for travel time between appointments and we allow packed rotas that mean that older people get 15 minutes to have all their care needs met, what does that mean for our parents, our grandparents and our neighbours? I hope that the Minister will listen to the voices of people around this country who are devastated by what they are seeing.

Finally, the Secretary of State spoke a lot about getting redress and taking on employers, and about a code of conduct. In truth, however, it is incredibly difficult for someone who is being threatened with no more work to take action. Have we learned nothing from the blacklisting scandals that my hon. Friend the Member for Edinburgh South (Ian Murray) has done so much to uncover and condemn? When Ministers say that we want to give people the ability to take action on that issue, why are they restricting access to legal advice and hiking up employment tribunal fees?

It strikes me that the Government are frightened of challenge, and they are standing together with their friends in the business community to stop people who have everything to lose from being able to take action. Whatever the Government do, the Minister must understand that rights are no good without the means to enforce them, and we need concrete action to ensure they can be enforced.

Sadly, although even a number of Conservative backbenchers acknowledged the real concerns over abuse of zero-hours contracts, the government has not indicated any plans to stop these practices, but merely to open a consultation which will “seek views on the issues that are causing concern”. Recent speculation suggests that Vince Cable might look at banning exclusivity clauses, but not take action on the wider principle. Similarly, Labour has

committed itself to ending the “worst abuses” of zero hours contracts, but has not specified which abuses it is happy to leave in place.

In the wake of the zero-hours contract dispute Wigan, the Group has sought assurances over jobs, pay and conditions at Hovis from Premier Foods’ management, especially in the light of media speculation over the possible sale of the company. In response to a letter from Group Chair John McDonnell, Gavin Darby (Chief Executive, Premier Foods) has indicated that the company will be willing to meet the Parliamentary Group to discuss the future of the bread business, once the joint venture with private equity concern Gores Group has been agreed by the company shareholders.

A press release has been circulated cautiously welcoming the prospect of £200m investment in the bread division, but seeking further details about the company’s long-term plans.

In respect of the use of zero hours contracts, the union were notified of the Consultation being conducted by the Department of Business, Innovation and Skills (BIS) which closed on March 13, having received 30,000 responses.

FAST FOOD RIGHTS

The Parliamentary Group has played a leading role in helping to facilitate the Fast Food Rights campaign, and has advised on campaign strategy, branding, booked rooms for planning meetings, and supported the fast food workers’ international day of action of May 15, with John McDonnell and Jeremy Corbyn joining a picket of McDonalds in Whitehall.

The BFAWU Parliamentary Group has also been making Parliamentary interventions to highlight the use of zero-hours contracts in the Fast Food industry, for example with John McDonnell’s contributions in the Westminster Hall debate on Zero Hour Contracts (19 March 2014)

John McDonnell (Hayes and Harlington) (Lab): With the bakers’ union, we have just launched a campaign in the fast food sector not only for the living wage, but to oppose the imposition of zero-hours contracts, because they are used by managers to intimidate workers. For example, if a worker seeks to join the union or seeks to exercise or make representations about their rights, they will be denied work under zero-hours contracts for the following week. We are seeing them being used as an intimidatory tool, as well as one of exploitation.

Alison McGovern: My hon. Friend is right. One of the worst things about zero-hours contracts is what I call “zero-hours contracts as a management tool”. People have brought cases to me where, for whatever reason, somebody’s face did not fit and they did not end up getting any hours. That is no replacement for the usual practices of good management and all the rest of it, so it is something that we absolutely need to be aware of.

[...]

In her reply to the debate Lib Dem Minister Jenny Willott, though defending the use of zero hours contracts in some instances, was forced to agree that examples given of their use in the food industry was unacceptable:

Jenny Willott: As I said, zero-hours contracts can have a place in the labour market. They can suit some people—students, people with caring responsibilities and others—but clearly they are not appropriate for everyone. Anecdotal evidence, including that highlighted by the hon. Member for Wirral South and by the hon. Member for Hayes and Harlington (John McDonnell), suggests that some individuals are being pressured into working when it does not suit them and have the implied threat hanging over them of being denied future work, which removes the flexibility for those individuals.

John McDonnell: I will give hon. Members just one example. The bakers' union convened a meeting of fast-food workers a month ago, and a Costa worker turned up. Because he had not smiled enough that day, he was not going to get any work for the following week. These contracts are used as an intimidatory tool by managers, and we all have to condemn that, do we not?

Jenny Willott: I completely agree. The behaviour that the hon. Gentleman describes is not right and is not appropriate for a responsible employer. I am sure that hon. Members on both sides of the House completely agree with that.

The Group will continue to lobby government and opposition to legislate to prevent exploitation of workers via zero hours contracts and end the scandal of poverty pay, in the fast food sector and beyond. John McDonnell has also tabled EDM 1067 in support of the Fast Food Rights campaign on behalf of the Group, which has so far attracted the support of 32 MPs, and will be working with group member Gordon Marsden to apply for an adjournment debate on the subject in the next session. Following an approach to Ed Miliband, we will also be seeking to have discussions with Shadow Secretary of State for DEFRA Maria Eagle and other relevant frontbench ministers.

2 SISTERS FOOD GROUP

For some time now, the BFAWU Parliamentary Group has sought to raise the union's concerns over the extent of job losses at companies owned by the 2 Sisters Food Group, under the direction of its owner and Chief Executive Ranjit Singh Boparan. The Group raised this at the time of the RF Brookes dispute and subsequent site closure in Leicester.

During the period covered in this report the company confirmed the closure of the Solway Foods site (Corby) and the Avana site (Newport) with the loss of in excess of 1500 jobs across the two sites.

In response, the Group has tabled Early Day Motion 1225 on the Order Paper of the House of Commons, highlight the extent of the damage inflicted on the industry and arguing that "Boparan appears deliberately to be undermining job security, pay and conditions of employees of the companies he has acquired"

MP for Corby, Andy Sawford, signed the EDM and spoke at a public rally following the announcement of the closure of Solway Foods' Corby site, despite the council's offer of financial assistance in relocating to another site in the town.

A meeting was held with Paul Flynn MP on 8 April about the closure of the Avana site in his Newport constituency, following which he was able to raise the issue at Prime Minister's Questions:

Q11. [903608] **Paul Flynn (Newport West) (Lab):** Some 2,400 jobs have been destroyed in Leicester and Corby, and last Friday 650 in Newport, by one single firm that specialises in cynically buying up firms, degrading the pay and conditions of staff and then abandoning them to unemployment. What protection will the Government give to those blameless, hard-working people who suffer from the scourge of that new vulture capitalism?

The Prime Minister: I am happy to look at the individual case that the hon. Gentleman raises, but—in terms of the job situation in the UK at present—in the last week we have had 8,000 jobs from Birmingham city airport, 12,000 jobs from Asda and more than 1,000 jobs from Vodafone. What we are seeing is businesses wanting to locate in Britain, take people on in Britain and grow in Britain, but if the hon. Gentleman has an example of bad practice, I am happy to look at it.

Since then, Flynn has been in discussions with the Business, Innovation and Skills Minister Vince Cable about the practices at 2 Sisters and has been provided with information by the Parliamentary Group.

In response to a letter written by Group Chair John McDonnell outlining these concerns, 2 Sisters Chairman Lord Allen, has written agreeing to meet with the Group along with Boparan. We are currently liaising with the company and relevant MPs over dates for this meeting, which will probably take place during the new session of Parliament beginning in June.

Investigative journalist David Hencke has also been briefed on the situation at 2 Sisters and will report back with any further findings of potential use to the Group.

COOL IT! – MAXIMUM WORKING TEMPERATURE

The Parliamentary Group continues to campaign – along with other supporting unions in the joint union **Cool It!** campaign – for the introduction of a legal maximum working temperature, beyond which employers would have a statutory duty to implement suitable control measures. Unsurprisingly, the issue receives greatest media prominence in the Summer when hot temperatures can be a major issue. Last Summer, Linda Riordan tabled EDM 414 on this issue on behalf of the Group, and gave a number of media interviews on the subject. A key priority now is to get a commitment to introduce such a maximum temperature included in the next Labour manifesto.

In June last year (19), a roundtable seminar was held with Toby Perkins, Labour Shadow BIS minister, who was keen to establish that the policy would not be strongly opposed by employers, and encouraged member unions to identify employers who would be willing to openly campaign for the regulation. Whilst off-the-record discussions with employers suggested there was no great hostility to the measure from their part, they were not disposed to join the union in public campaigning for this measure.

Meanwhile, pressure was kept on government via the tabling of written Parliamentary Questions. The response one tabled by Group Vice-Chair David Crausby brought a predictable if disappointing response from Employment Minister Mike Penning replying for the Government, following a previous question in which he said employers had to provide “reasonable” working temperatures:

Industrial Health and Safety: Temperature

Mr Crausby: To ask the Secretary of State for Work and Pensions pursuant to the answer of 29 November 2013, *Official Report*, column 489W, on industrial health and safety: temperature, what steps he has taken to clarify with the Health and Safety Executive what level of temperature in the workplace would exceed that considered reasonable. [188440]

Mike Penning: HSE does not specify a level of temperature in the workplace that would exceed that considered reasonable. It would not be appropriate to give a single maximum figure as it depends on the work activity and the environmental conditions of the work place.

The Group helped to convene a strategy meeting of the Cool It! Campaign on February 26 with TUC Health and Safety Officer Hugh Robertson and representatives from a number of the supporting unions. This agreed a strategy aimed at influencing the Labour frontbench and the National Policy Forum process, and agreed that the unions would all be involved in the meeting with Shadow Employment Minister Stephen Timms (8 April).

Here, in addition to BFAWU, representatives from Unite, Usdaw, CWU, NUT, NASUWT, and RMT attended along with Chair of the Trade Union Group of Labour MPs Ian Lavery MP, John McDonnell MP, Hugh Robertson representing the TUC, and Tom Jones from Thompspon's solicitors. The point was made over and over again that the only surprising thing about this measure was that it was not already in force. Timms' initial response was entirely positive conceding that the unions had made a strong case for the policy, and agreeing to take it up with his frontbench colleagues. Whether his support will remain so clear once those discussions have been held remains to be seen. However, we will continue to push for its inclusion in the next manifesto, and the union will be looking to table amendments to the policy review documents in time for Conference.

We will also now be pursuing a meeting with Lord Bill McKenzie who was responsible for this area of policy when Labour were last in government, and to explore the potential for tabling an amendment to the National Policy Forum's policy documents. The TUC have supplied a dossier of information to Timms detailing the various sectors of work affected and will be pressing for a maximum working temperature to be addressed by Labour in its future policy commitments as one the movement's demands.

POWER OF THE SUPERMARKETS

It will be recalled from previous reports that, following joint campaign from charities, suppliers, and trade associations and unions including BFAWU over the excessive power of the major supermarkets over their supply chains, the government brought forward the Groceries Code Adjudicator Act which received finally royal assent towards the end of the last Parliamentary Session. A significant concession was won from the government during the course of the legislation which established the Groceries Code Adjudicator, in respect of the power to levy fines on supermarkets.

Following an invitation, Christine Tacon, the recently-appointed Adjudicator agreed to attend a meeting of the Parliamentary Group on 5 March, at which members raised concerns about

the way supermarkets treat their suppliers. Tacon explained her powers were strictly limited to enforcing the existing Groceries Supply Code of Practice (see Annex), but did make it clear that she would be looking carefully at the degree of “reasonable notice” that supermarkets given their suppliers of an intention to de-list, particularly the supplier is heavily dependent on a particular contract and has invested in equipment in order to fulfil it.

In a follow up letter, we highlighted the issue of Tangerine Confectionary Ltd where management have said that as a supplier to Marks and Spencer they are required to take on 2% of their staff as workfare, whilst the company is also making compulsory redundancies. This can be read as a threat to de-list a supplier on non-commercial grounds, prohibited under the GSCOP. We have also raised this issue with the Shadow Business and Employment teams who have agreed to investigate further.

Back in July 2013, this was also raised at a private meeting with Jon Cruddas MP who is heading up the Labour party’s Policy Review process, and he acknowledged this is an issue which potentially unites a broad range of unions, campaigners, development organisations and consumer groups. .

There is also an opportunity to submit evidence to the All-Party Parliamentary Group on Food Poverty inquiry, which includes under its terms of reference “To examine the effectiveness and sustainability of our food model in providing universal access to healthy, affordable food in this country.” Clearly the model where supermarkets are able to force suppliers to drive down costs in order to sell at below cost price is not sustainable, and leads to a reduction in the quality of food available to the consumer. The deadline for submitting written evidence is Monday 30 June. For more information see <http://foodpovertyinquiry.org> The BFAWU Parliamentary Group will continue to monitor progress on policy development in this area, and contribute to the process where opportunities arise

BAKERS’ ASTHMA

The HSE estimates that bakers rank the second in the league table of all occupations where workers are most likely to suffer from occupational asthma. Only car/van spraying ranked higher in terms of numbers affected:

The industry division with the highest rate of occupational asthma as seen by chest physicians was ‘Manufacture of motor vehicles, trailers and semi-trailers’ (12 cases per 100 000 workers per year) followed by the ‘Manufacture of food products’ (6 cases per 100 000 workers per year).

<http://www.hse.gov.uk/statistics/causdis/asthma/asthma.pdf>

The Parliamentary Group endeavours to raise the importance of improved monitoring and enforcement of exposure levels, and the 2nd reading of the Mesothelioma Bill (relating to a different, more aggressive form of occupational respiratory disease which can prove terminal) was an opportunity to raise the issue of other prescribed industrial diseases like Bakers Asthma.

Ian Lavery made this point in the main chamber of the House of Commons (2 December):

Ian Lavery (Wansbeck) (Lab): Why is this about mesothelioma only? The employers' liability insurance for which the employers paid premiums covered them for claims arising from all "bodily injury or disease", not just asbestos-related disease, and certainly not just mesothelioma. By limiting the scheme to mesothelioma, the Bill excludes 50% of all victims. Those suffering from asbestos-related lung cancer, asbestosis and pleural thickening have been cast aside. Among other industrial prescribed diseases that might be considered—I pick this one out of the air—is baker's asthma, a disease that is crippling for people who work in the baking industry, whereby they suffer the same conditions although it does not have such drastic problems with regard to latency and shortened life expectancy.

<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm131202/debtext/131202-0003.htm>

John McDonnell also tabled Early Day Motion 825 on Bakers' Asthma on behalf of the Group to coincide with the debate (see annex) which commended Prof. Paul Cullinan of Imperial College London and the Royal Brompton Hospital on his research into the disease, and welcomed the agreement of supermarket chain Morrisons to work with him on identifying measures to limit this exposure in its bakeries.

Prof. Cullinan has also told the group that he has heard the Health and Safety Executive intends to make occupational asthma in bakeries a key priority area this year, which is very welcome news.

Trade Union Co-ordinating Group (TUCG)

BFAWU is a founder member of the TUCG which was established in 2008 to coordinate campaigning activities in Parliament and beyond on issues of common concern between member unions. The TUCG currently comprises ten trade unions, BFAWU, FBU, NAPO, NUJ, NUT, PCS, POA, RMT, UCU and URTU and represents over one million trade unionists throughout the UK. PCS is Chair from 2014 and John McDonnell MP is the TUCG Parliamentary Convenor. The Executive Council meets every two months at General Secretary level, and provides an invaluable space for the interchange of updated information between unions and to enable member unions to hold strategic discussions in a confidential and supportive environment.

Like the rest of the movement the TUCG was devastated by the tragic death of Bob Crow. Bob had been a key driving force behind the formation of the TUCG and had always played an active part in its meetings. Unions have made their respects known individually but on behalf of the TUCG a simple message was placed in the RMT on-line book of condolences which read:

"Bob Crow was our comrade, and one of the finest trade unionists of our generation. His loss to the movement is immeasurable.

TRADE UNION COORDINATING GROUP (bfawu, fbu, napo, nuj, nut, pcs, poa, rmt, ucu, urtu) on 13 March 2014.”

Discussions at the TUCG Executive over the past year have focused on the need for greater coordination of industrial action on the full range of union concerns arising from the Government's austerity agenda. Issues dealt with have included pensions, pay, privatisation, employment and TU rights, health & safety and the full TUC General Council Agenda. In order to try to influence the Labour Party's policy review in advance of the 2015 General Election the TUCG has facilitated a number of meetings for member unions, including the BFAWU, with the Labour Party Policy Co-ordinator Jon Cruddas MP. Jon has also been invited to attend one of the next Group Executive meetings and continue to meet with the unions in the coming months.

The TUCG has continued to support its member unions in their fights against privatisation, pension reform and attacks on work place terms and conditions. Every union dispute is highlighted on the TUCG web-site and TUCG Twitter Account and messages of support from sister unions are facilitated and circulated. 2013-14 has seen the TUCG produce several booklets including 'The Real Cost of Privatisation' which was widely distributed amongst trade unionists and MPs and the TUCG '10 Point Plan for a Future Government' which was launched at the TUCG annual reception in October.

The TUCG has maintained a presence at STUC and TUC conferences with two successful meetings held at TUC in Bournemouth 2013, one focusing on austerity and the other launching the privatisation booklet. A packed fringe meeting at the STUC in Dundee this year which included speakers from FBU, BFAWU, PCS, NUJ, POA and UCU entitled 'Fighting Austerity after the Referendum'. Two fringe meetings are planned for this year's Congress in Liverpool, the second of which will be at the Jury's Inn Hotel on Tuesday 9th September at the rise of Congress – all welcome.

The TUCG web-site (www.tucg.org.uk) continues to develop and is now being used to host more original content as well as the full range of parliamentary and union action.

The TUCG also hosted its annual Tolpuddle seminar in July 2013 which included speakers from several member unions, blacklisting organisations and John Hendy QC. A similar seminar this year is planned and will focus on the campaign to gain rights for workers in the fast food sector. This year the TUCG has also given its support to the 'Ripped Off Britain Index' which is being co-sponsored with PCS and Unite and will produce its first report in June. The TUCG has also commissioned two further booklets on the cost of living crisis which are to be researched, written and produced in time for the Congress and the TUCG Parliamentary Reception in October.

ANNEX ONE

Early Day Motions

EDM 1125 – 2 SISTERS FOOD GROUP

McDonnell, John

22 Signatures

Campbell, Ronnie	Caton, Martin	Champion, Sarah	Corbyn, Jeremy
Crausby, David	Flynn, Paul	Hancock, Mike	Havard, Dai
Hood, Jim	Hopkins, Kelvin	Lavery, Ian	Llwyd, Elfyn
Long, Naomi	McCrea, Dr William	McDonnell, John	McGovern, Jim
Meale, Alan	Morris, Grahame M	Osborne, Sandra	Sawford, Andy
Simpson, David	Skinner, Dennis		

That this House notes with great concern the closure of Solway Foods' Corby site, owned by 2 Sisters Food Group, with the loss of approximately 900 jobs; regrets that management have referred to the site as unviable and refused to commit to the long-term future of the business in Corby, despite the council's offer of financial assistance with relocating to an upgraded facility elsewhere in the area; further notes that the redundancies follow on from around 2,400 redundancies at firms, including RF Brookes, Vion and Avana, forced to close within two years of their acquisition by 2 Sisters Food Group; believes that the company's owner and Chief Executive Mr Ranjit Singh Boparan appears deliberately to be undermining job security, pay and conditions of employees of the companies he has acquired; further notes that the overall turnover of 2 Sisters rose by 23 per cent last year to exceed £2.8 billion; and therefore supports members of the Bakers, Food and Allied Workers Union in campaigning to defend their members and calls on management to enter meaningful negotiations to protect jobs in the industry.



Chair: John McDonnell MP

Vice Chairs: Dave Crausby MP, Linda Riordan MP

EDM 1067 - FAST FOOD RIGHTS CAMPAIGN

McDonnell, John

32 signatures

Campbell, Ronnie	Caton, Martin	Clark, Katy	Cooper, Rosie
Corbyn, Jeremy	Crausby, David	Cunningham, Jim	Cunningham, Tony
Davidson, Ian	Durkan, Mark	Edwards, Jonathan	Evans, Chris
Flynn, Paul	Galloway, George	Glindon, Mary	Hancock, Mike
Hopkins, Kelvin	Lavery, Ian	Llwyd, Elfyn	Long, Naomi
Marsden, Gordon	McDonnell, John	McGovern, Jim	Meale, Alan
Riordan, Linda	Ritchie, Margaret	Rotheram, Steve	Russell, Bob
Shannon, Jim	Sheridan, Jim	Stringer, Graham	Wood, Mike

That this House notes that the fast food industry in the UK sees revenue of over £5 billion every year; further notes that the sector is dominated by multinational corporations delivering vast profits for their shareholders; is appalled that many employees in the industry are not paid a living wage and are employed on zero-hours contracts; believes that workers should be able to join a trade union without fear of recrimination from employers; welcomes the initiative of the Bakers, Food and Allied Workers Union which, together with other campaign groups, has launched a Fast Food Rights campaign for workers in the industry; further notes that the campaign will be calling for a day of action on 15 February 2014 at branches of McDonald's UK, Burger King and Costa Coffee on London's Oxford Street; and calls for the management of the companies concerned to enter into meaningful discussions with the union over pay, conditions and trade union representation in their outlets.



Chair: John McDonnell MP

Vice Chairs: Dave Crausby MP, Linda Riordan MP

EDM 825 – BAKERS' ASTHMA

McDonnell, John

39 signatures

That this House notes with concern recent Health and Safety Executive statistics which demonstrate that employees in the baking industry remain approximately 40 times more likely to develop occupational asthma than the average worker due to exposure to flour and other bakery dusts; further notes that the real incidence rates are higher still, given academic data on the under-reporting of the condition in the UK; believes that every worker has the right to work in a healthy and safe workplace and is extremely alarmed that thousands of bakers could be at risk of developing an incapacitating respiratory condition; further notes that local authorities lack the resources to conduct regular inspections of exposure levels in supermarket scratch bakeries and small, independent craft bakeries; recognises the outstanding research work done over many years by Professor Paul Cullinan of the National Heart and Lung Institute, Imperial College, London; welcomes the agreement of supermarket chain Morrisons to work with Professor Cullinan on identifying measures to limit this exposure in its bakeries; and further calls on the Government to meet the Bakers, Food and Allied Workers Union in order to ensure that all relevant employers implement such control measures to protect bakers from developing asthma.

Bottomley, Peter	Campbell, Ronnie	Caton, Martin	Clark, Katy
Corbyn, Jeremy	Crausby, David	Cunningham, Tony	Dobbin, Jim
Durkan, Mark	Edwards, Jonathan	Flynn, Paul	Francis, Hywel
Galloway, George	Godsiff, Roger	Hancock, Mike	Hermon, Lady
Hopkins, Kelvin	Lavery, Ian	Leech, John	Llwyd, Elfyn
Marsden, Gordon	McCrea, Dr William	McDonnell, Alasdair	McDonnell, John
McGovern, Jim	Meale, Alan	Murphy, Paul	Osborne, Sandra
Qureshi, Yasmin	Riordan, Linda	Ritchie, Margaret	Rotheram, Steve
Russell, Bob	Shannon, Jim	Sharma, Virendra	Sheridan, Jim
Skinner, Dennis	Stringer, Graham	Williams, Hywel	



Chair: John McDonnell MP

Vice Chairs: Dave Crausby MP, Linda Riordan MP

EDM 461 – BAKERS' INDUSTRIAL ACTION OVER ZERO HOURS CONTRACTS

Nandy, Lisa

37 signatures

That this House expresses grave concern over the rise in the number of UK workers employed on zero hours contracts and the growth of casualisation across the labour market; notes the serious and detrimental impact of zero hours contracts on many people who lack the ability to plan their lives or budget effectively; resolves to support workers at Hovis (Premier Foods) in Wigan who have rejected the employment of agency labour on zero hours contracts following recent redundancies and have been left with no choice other than to take industrial action over these concerns; believes that the company's failure to withdraw agency labour from the site sets a damaging precedent, undermines current terms and conditions, creates a two-tier workforce and leaves a poor legacy for subsequent generations of people who may be employed at Hovis in the future; further notes the outstanding messages of solidarity from members of the public; and urges the company to re-enter negotiations with the Bakers, Food and Allied Workers Union to resolve this dispute fairly, amicably and in accordance with the strength of feeling among the workforce and the general public.

Campbell, Ronnie	Caton, Martin	Corbyn, Jeremy	Crausby, David
Cunningham, Jim	Dobbin, Jim	Durkan, Mark	Edwards, Jonathan
Flynn, Paul	Francis, Hywel	Galloway, George	Glindon, Mary
Godsiff, Roger	Hepburn, Stephen	Hopkins, Kelvin	Howarth, George
Lavery, Ian	McDonnell, Alasdair	McDonnell, John	Meale, Alan
Mearns, Ian	Morris, Grahame M	Murphy, Paul	Nandy, Lisa
Osborne, Sandra	Pearce, Teresa	Ritchie, Margaret	Rotheram, Steve
Roy, Lindsay	Ruane, Chris	Shannon, Jim	Sharma, Virendra
Sheerman, Barry	Sheridan, Jim	Skinner, Dennis	Williams, Hywel



Chair: John McDonnell MP

Vice Chairs: Dave Crausby MP, Linda Riordan MP

EDM 414 - MAXIMUM WORKING TEMPERATURE

Riordan, Linda

30 signatures

That this House notes that whilst there is a legal minimum workplace indoor temperature there is no legal maximum workplace temperature, so that conditions can vary greatly from employer to employer; further notes that whilst Regulation 7 of the Workplace (Health, Safety and Welfare) Regulations 1992 and the associated Approved Code of Practice suggests that the temperature in all workplaces inside buildings shall be reasonable, this guidance leaves considerable uncertainty as to the upper limit beyond which control measures must be in place; understands that employees in a wide range of workplaces - from industrial bakeries to school classrooms - are often subjected to 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; observes that the consequent reduction in cognitive function, attention span and visual motor tracking can contribute to workplace accidents and fatalities; commends the Trades Union Congress for passing a resolution in 2012 adopting a maximum working temperature as its official policy; and therefore urges the Government to resolve uncertainty for employers about their duty to combat excessive heat in the workplace by introducing a maximum working workplace temperature of 30C (86F) and of 27C (81F) for those doing strenuous work.

Anderson, David	Barron, Kevin	Campbell, Ronnie	Caton, Martin
Clark, Katy	Corbyn, Jeremy	Crausby, David	Davidson, Ian
Dobbin, Jim	Durkan, Mark	Edwards, Jonathan	Engel, Natascha
Flynn, Paul	Hancock, Mike	Hopkins, Kelvin	Lavery, Ian
Llwyd, Elfyn	McDonnell, John	Meale, Alan	Mearns, Ian
Miller, Andrew	Osborne, Sandra	Riordan, Linda	Ritchie, Margaret
Sharma, Virendra	Sheerman, Barry	Sheridan, Jim	Simpson, David
	Weir, Mike		
Skinner, Dennis			



Chair: John McDonnell MP

Vice Chairs: Dave Crausby MP, Linda Riordan MP

ANNEX TWO – GROCERIES SUPPLY CODE OF PRACTICE

Schedule 1 – The Groceries Supply Code of Practice

PART 1 – INTERPRETATION

1. Interpretation

(1) In this Code:

Buying Team means those employees of a Retailer from time to time whose role includes at least one of the following:

- (a) direct involvement in buying Groceries for resale;
- (b) (excluding the role of the Code Compliance Officer) the interpretation and application of the provisions of the Code or this Order;
- (c) immediate management responsibility for any or all of those employees described in (a) and (b) above;

Code Compliance Officer means the person from time to time appointed in accordance with Article 9(1) of the Order; **De-list** means to cease to purchase Groceries for resale from a Supplier, or significantly to reduce the volume of purchases made from that Supplier. Whether a reduction in volumes purchased is 'significant' will be determined by reference to the amount of Groceries supplied by that Supplier to the Retailer, rather than the total volume of Groceries purchased by the Retailer from all of its Suppliers; **Groceries** means food (other than that sold for consumption in the store), pet food, drinks (alcoholic and non-alcoholic, other than that sold for consumption in the store), cleaning products, toiletries and household goods, but excludes petrol, clothing, DIY products, financial services, pharmaceuticals, newspapers, magazines, greetings cards, CDs, DVDs, videos and audio tapes, toys, plants, flowers, perfumes, cosmetics, electrical appliances, kitchen hardware, gardening equipment, books, tobacco and tobacco products, **Grocery** shall be construed accordingly;

Order means The Groceries (Supply Chain Practices) Market Investigation Order 2009; **Payment** or **Payments** means any compensation or inducement in any form (monetary or otherwise) and includes more favourable contractual terms;

Primary Buyer means, in relation to any individual Supplier, the employee or employees within a Retailer's Buying Team who are responsible from time to time for the day-to-day buying functions of the Retailer in respect of that individual Supplier;

Promotion means any offer for sale at an introductory or a reduced retail price, whether or not accompanied by some other benefit to consumers that is in either case intended to subsist only for a specified period;

Reasonable Notice means a period of notice, the reasonableness of which will depend on the circumstances of the individual case, including:

- (a) the duration of the Supply Agreement to which the notice relates, or the frequency with which orders are placed by the Retailer for relevant Groceries;



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(b) the characteristics of the relevant Groceries including durability, seasonality and external factors affecting their production;

(c) the value of any relevant order relative to the turnover of the Supplier in question; and

(d) the overall impact of the information given in the notice on the business of the Supplier, to the extent that this is reasonably foreseeable by the Retailer;

Retailer means any person carrying on a business in the UK for the retail supply of Groceries;

a Retailer will **'Require'** particular actions on the part of a Supplier if the relevant Supplier does not agree, whether or not in response to a request or suggestion from the Retailer, to undertake an action in response to ordinary commercial pressures. Where those ordinary commercial pressures are partly or wholly attributable to the Retailer, they will only be deemed to be ordinary commercial pressures where they do not constitute or involve duress (including economic duress), are objectively justifiable and transparent and result in similar cases being treated alike. The burden of proof will fall on the Retailer to demonstrate that, on the balance of probabilities, an action was not Required by the Retailer;

Senior Buyer means, in relation to any individual Supplier, an employee (or employees) within a Retailer's Buying Team, who manages the Primary Buyer (or Primary Buyers) for that Supplier (or is otherwise at a higher level than the Primary Buyer within the management structure of the Retailer);

Shrinkage means losses that occur after Groceries are delivered to a Retailer's premises and arise due to theft, the Groceries being lost or accounting error;

Supplier means any person carrying on (or actively seeking to carry on) a business in the direct supply to any Retailer of Groceries for resale in the United Kingdom, and includes any such person established anywhere in the world, but excludes any person who is part of the same group of interconnected bodies corporate (as defined in section 129(2) of the Enterprise Act 2002) as the Retailer to which it supplies; and

Supply Agreement means any agreement which must be recorded in writing pursuant to Article 6(1) of the Order.

Wastage means Groceries which become unfit for sale subsequent to them being delivered to Retailers.

(2) Compliance with the Code does not exclude any person from, or restrict the application of, the Competition Act 1998.

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PART 2 – FAIR DEALING

2. Principle of fair dealing

A Retailer must at all times deal with its Suppliers fairly and lawfully. Fair and lawful dealing will be understood as requiring the Retailer to conduct its trading relationships with Suppliers in good faith, without distinction between formal or informal arrangements, without duress and in recognition of the Suppliers' need for certainty as regards the risks and costs of trading, particularly in relation to production, delivery and payment issues.



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PART 3 – VARIATION

3. Variation of Supply Agreements and terms of supply

(1) Subject to paragraph 3(2), a Retailer must not vary any Supply Agreement retrospectively, and must not request or require that a Supplier consent to retrospective variations of any Supply Agreement.

(2) A Retailer may make an adjustment to terms of supply which has retroactive effect where the relevant Supply Agreement sets out clearly and unambiguously:

(a) any specific change of circumstances (such circumstances being outside the Retailer's control) that will allow for such adjustments to be made; and

(b) detailed rules that will be used as the basis for calculating the adjustment to the terms of supply.

(3) If a Retailer has the right to vary a Supply Agreement unilaterally, it must give Reasonable Notice of any such variation to the Supplier.

4. Changes to supply chain procedures

A Retailer must not directly or indirectly Require a Supplier to change significantly any aspect of its supply chain procedures during the period of a Supply Agreement unless that Retailer either:

(a) gives Reasonable Notice of such change to that Supplier in writing; or

(b) fully compensates that Supplier for any net resulting costs incurred as a direct result of the failure to give Reasonable Notice.

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PART 4 – PRICES AND PAYMENTS

5. No delay in Payments

A Retailer must pay a Supplier for Groceries delivered to that Retailer's specification in accordance with the relevant Supply Agreement, and, in any case, within a reasonable time after the date of the Supplier's invoice.

6. No obligation to contribute to marketing costs

Unless provided for in the relevant Supply Agreement between the Retailer and the Supplier, a Retailer must not, directly or indirectly, Require a Supplier to make any Payment towards that Retailer's costs of:

(a) buyer visits to new or prospective Suppliers;

(b) artwork or packaging design;

(c) consumer or market research;



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- (d) the opening or refurbishing of a store; or
- (e) hospitality for that Retailer's staff.

7. No Payments for shrinkage

A Supply Agreement must not include provisions under which a Supplier makes Payments to a Retailer as compensation for Shrinkage.

8. Payments for Wastage

A Retailer must not directly or indirectly Require a Supplier to make any Payment to cover any Wastage of that Supplier's Groceries incurred at that Retailer's stores unless:

- (a) such Wastage is due to the negligence or default of that Supplier, and the relevant Supply Agreement sets out expressly and unambiguously what will constitute negligence or default on the part of the Supplier; or
- (b) the basis of such Payment is set out in the Supply Agreement.

9. Limited circumstances for Payments as a condition of being a Supplier

A Retailer must not directly or indirectly Require a Supplier to make any Payment as a condition of stocking or listing that Supplier's Grocery products unless such Payment:

- (a) is made in relation to a Promotion; or
- (b) is made in respect of Grocery products which have not been stocked, displayed or listed by that Retailer during the preceding 365 days in 25 per cent or more of its stores, and reflects a reasonable estimate by that Retailer of the risk run by that Retailer in stocking, displaying or listing such new Grocery products.

10. Compensation for forecasting errors

(1) A Retailer must fully compensate a Supplier for any cost incurred by that Supplier as a result of any forecasting error in relation to Grocery products and attributable to that Retailer unless:

- (a) that Retailer has prepared those forecasts in good faith and with due care, and following consultation with the Supplier; or
- (b) the Supply Agreement includes an express and unambiguous provision that full compensation is not appropriate.

(2) A Retailer must ensure that the basis on which it prepares any forecast has been communicated to the Supplier.

11. No tying of third party goods and services for Payment

(1) A Retailer must not directly or indirectly Require a Supplier to obtain any goods, services or property from any third party where that Retailer obtains any Payment for this arrangement from any third party, unless the Supplier's alternative source for those goods, services or property:



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(a) fails to meet the reasonable objective quality standards laid down for that Supplier by that Retailer for the supply of such goods, services or property; or

(b) charges more than any other third party recommended by that Retailer for the supply of such goods, services or property of an equivalent quality and quantity.

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PART 5 – PROMOTIONS

12. No Payments for better positioning of goods unless in relation to Promotions

A Retailer must not directly or indirectly Require a Supplier to make any Payment in order to secure better positioning or an increase in the allocation of shelf space for any Grocery products of that Supplier within a store unless such Payment is made in relation to a Promotion.

13. Promotions

(1) A Retailer must not, directly or indirectly, Require a Supplier predominantly to fund the costs of a Promotion.

(2) Where a Retailer directly or indirectly Requires any Payment from a Supplier in support of a Promotion of one of that Supplier's Grocery products, a Retailer must only hold that Promotion after Reasonable Notice has been given to that Supplier in writing. For the avoidance of doubt, a Retailer must not require or request a Supplier to participate in a Promotion where this would entail a retrospective variation to the Supply Agreement.

14. Due care to be taken when ordering for Promotions

(1) A Retailer must take all due care to ensure that when ordering Groceries from a Supplier at a promotional wholesale price, not to over-order, and if that Retailer fails to take such steps it must compensate that Supplier for any Groceries overordered and which it subsequently sells at a higher non-promotional retail price.

(2) Any compensation paid in relation to paragraph 14(1) above will be the difference between the promotional wholesale price paid by the Retailer and the Supplier's non-promotional wholesale price.

(3) A Retailer must ensure that the basis on which the quantity of any order for a Promotion is calculated is transparent.

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PART 6 – OTHER DUTIES

15. No unjustified payment for consumer complaints

(1) Subject to paragraph 15(3) below, where any consumer complaint can be resolved in store by a Retailer refunding the retail price or replacing the relevant Grocery product, that Retailer must not directly or indirectly Require a Supplier to make any Payment for resolving such a complaint unless:

(a) the Payment does not exceed the retail price of the Grocery product charged by that Retailer; and



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(b) that Retailer is satisfied on reasonable grounds that the consumer complaint is justifiable and attributable to negligence or default or breach of a Supply Agreement on the part of that Supplier.

(2) Subject to paragraph 15(3) below, where any consumer complaint cannot be resolved in store by a Retailer refunding the retail price or replacing the relevant Grocery product, that Retailer must not directly or indirectly Require a Supplier to make any Payment for resolving such a complaint unless:

(a) the Payment is reasonably related to that Retailer's costs arising from that complaint;

(b) that Retailer has verified that the consumer complaint is justifiable and attributable to negligence or default on the part of that Supplier;

(c) a full report about the complaint (including the basis of the attribution) has been made by that Retailer to that Supplier; and

(d) the Retailer has provided the Supplier with adequate evidence of the fact that the consumer complaint is justifiable and attributable to negligence or default or breach of a Supply Agreement on the part of the Supplier.

(3) A Retailer may agree with a Supplier an average figure for Payments for resolving customer complaints as an alternative to accounting for complaints in accordance with paragraphs 15(1) and 15(2) above. This average figure must not exceed the expected costs to the Retailer of resolving such complaints.

16. Duties in relation to De-listing

(1) A Retailer may only De-list a Supplier for genuine commercial reasons. For the avoidance of doubt, the exercise by the Supplier of its rights under any Supply Agreement (including this Code) or the failure by a Retailer to fulfil its obligations under the Code or this Order will not be a genuine commercial reason to De-list a Supplier.

(2) Prior to De-listing a Supplier, a Retailer must:

(a) provide Reasonable Notice to the Supplier of the Retailer's decision to De-list, including written reasons for the Retailer's decision. In addition to the elements identified in paragraph 1(1) of this Code, for the purposes of this paragraph 'Reasonable Notice' will include providing the Supplier with sufficient time to have the decision to De-list reviewed using the measures set out in paragraphs 16(2)(b) and 16(2)(c) below;

(b) inform the Supplier of its right to have the decision reviewed by a Senior Buyer, as described in paragraph 17 of this Code; and

(c) allow the Supplier to attend an interview with the Retailer's Code Compliance Officer to discuss the decision to De-list the Supplier.

17. Senior Buyer

(1) A Retailer's Senior Buyer will, on receipt of a written request from a Supplier, review any decisions made by the Retailer in relation to the Code or this Order.

(2) A Retailer must ensure that a Supplier is made aware, as soon as reasonably practicable, of any change to the identity and/or contact details of the Senior Buyer for that Supplier.



Chair: John McDonnell MP

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ANNEX 3: BFAWU PARLIAMENTARY GROUP

Name	Constituency	Party
Dave Anderson MP	Blaydon	Labour
Anne Begg MP	Aberdeen South	Labour
Joe Benton MP	Bootle	Labour
Katy Clark MP	North Ayrshire and Arran	Labour
Jeremy Corbyn MP	Islington North	Labour
David Crasby MP	Bolton North East	Labour
Mary Creagh MP	Wakefield	Labour
John Cryer MP	Leyton and Wanstead	Labour
Jonathan Edwards MP	Carmarthen East and Dinefwr	Plaid Cymru
Natascha Engel MP	Derbyshire North East	Labour
John Healey MP	Wentworth and Dearne	Labour
Julie Hilling MP	Bolton West	Labour
Kate Hoey MP	Vauxhall	Labour
Kelvin Hopkins MP	Luton North	Labour
Ian Lavery MP	Wansbeck	Labour
Gordon Marsden MP	Blackpool South	Labour
John McDonnell MP	Hayes and Harlington	Labour
Anne McGuire MP	Stirling	Labour
Catherine McKinnell MP	Newcastle Upon Tyne North	Labour
Austin Mitchell MP	Great Grimsby	Labour
Paul Murphy MP	Torfaen	Labour
Lisa Nandy MP	Wigan	Labour
Theresa Pearce MP	Erith and Thamesmead	Labour
Linda Riordan MP	Halifax	Labour
Valerie Vaz MP	Walsall South	Labour
Mike Wood MP	Batley and Spen	Labour
Lord McKenzie of Luton		Labour