

Chapter XIX

A Slingshot at Goliath: Campaigning against NATFHE

(a) Little Fish Get Smart

At the end of 1985, Bis Weaver thought the case might well be over before the New Year was very much older but that aspiration evaporated by February 1986. When 1986 came to an end, she had no idea when the NATFHE 'nightmare' would cease. As 1987 ended, with no light at the end of the tunnel, the case had the appearance of permanence - it seemed interminable.

During those early years she kept the campaign for justice aflame by campaigning primarily within NATFHE in an attempt to rally NATFHE 'activists' to involve themselves in action that would bring her difficulties to an end; and to prevent NATFHE bureaucrats from accusing her of not complying with Rule 24, irrespective of the inappropriateness of this rule. The type of campaign waged and the specific issues may have altered over time but the underlying theme remained - 'racism', whether individual, group, bureaucratic and institutional or in whatever form it revealed itself to be. Throughout the whole of this conflict with forces inside NATFHE, her protagonists had attempted to: (i) remove her from her job; (ii) subvert procedures both inside and outside the union; (iii) cover up the type of complaint registered; (iv) deny that racism was ever introduced as a motive; (v) introduce motions to apply pressure on her; (vi) seek to minimise its significance both inside NATFHE and publicly, while throwing in the occasional smear as a substitute for substance. The year 1988, not surprisingly, was to be no exception.

Recent publicity - limited though it was, to a wider audience and the LEA's unprecedented public statement - albeit concealing the real findings, had given encouragement to Bis Weaver and me. Nonetheless, we realised there was a great deal more to be done to expose what had been going on. Press releases were tools to stimulate interest and they gave us a limited opportunity to show the 'unique' way NATFHE honoured the labour movement's pledge to eliminate racism from the workplace. Maintaining the offensive might attract the attention of the wider labour movement. On the down side, our acquaintance with the way NATFHE officials and officers addressed serious issues threatening their interests was sufficient warning of the risks of triggering further slurs against Bis Weaver

from NATFHE bureaucrats. Their conduct over a lengthy period of time at different levels of NATFHE's organisation made it unlikely for them to change.

Disregarding this prospect, we went on the offensive by opening up another front among Labour MPs and MEPs. We expected MPs and MEPs, or some of them, to contact NATFHE head office to hear its version of events. When these requests arrived on NATFHE's doorstep, our expectation was that NATFHE bureaucrats would respond in the same vein as Triesman's dismissive rebuff to Clare Short and *7 Days*. However, if NATFHE's response was repeated we might never be in a position to set the record straight because we could hardly send out a rejoinder, based on Triesman's response to Clare Short, in advance of any response NATFHE head office might send out this time. However, the risk of falling foul of NATFHE's 'dirty tricks' brigade was secondary to the publicity on NATFHE's policy that might be achieved. The press release was rewritten to produce a campaign letter, headed, "Union's Right to Discriminate Upheld", with a subheading, "Change the Law on Harassment in the Workplace" *

The letter explained NATFHE's policy on tenure and its relevance to all trades unions following the Employment Appeal Tribunal's decision. It dealt solely with the principles and implications involved and made no mention of any of the people involved other than Bis Weaver. A *resumé* was provided of matters leading up to the Industrial Tribunal; NATFHE's deficient defence at the Tribunal; and the reasons for the Tribunal's decision in NATFHE's favour – the protection of tenure even when a complaint had merit. After this brief account, the consequence of the subsequent EAT decision was pointed out, namely, “the virtual impossibility of using the Race Relations Act or Sex Discrimination Act to eliminate indirect discrimination...[or] prevent institutions from evading their responsibility...by hiding behind blanket policies or rules.” We called for “Urgent action...to change the law on harassment and discrimination in the workplace and to change the operating policies and practices of trades unions...” MPs and MEPs were asked to take the necessary action “to ensure women and members of racial minorities are not discriminated against...”¹

Working through a list of all Labour MPs and MEPs, we sent out twenty letters every few days, which took about six weeks to cover them all. This 'trickle' approach was adopted for maximum impact, as we thought those Labour MPs interested in discrimination issues would be likely to contact NATFHE and we wanted to set in motion a regular stream of

* We knew there was little chance of the law being changed - this had been made clear enough by Clare Short.

enquiries going from MPs at Westminster to Britannia House. This would show those residing at NATFHE head office that the EAT decision did not end the matter and NATFHE officials would not be allowed to bury the issue in its archives. What had not been achieved in the Tribunals might be accomplished in the court of labour movement opinion – recognition that NATFHE’s ‘anti-racism’ and ‘anti-sexism’ policies were naught but lip-service serving as a front for its non-existent practices.

The initial response was encouraging as MPs and MEPs sent messages of support and requests to be kept informed of developments. Positive sounds also came from MEPs who wrote in support of the action taken by Christine Crawley. Tony Benn, MP, intended contacting Peter Dawson for his comments on “a totally unsatisfactory situation” and to ask him “to put before his executives a recommendation that the union rules be changed to cover this point.”² Bernie Grant wanted “details of the case, including the full judgements of both tribunals.” Describing the judgements as unjust and NATFHE’s position “even more disgraceful,” he pointed to a situation where the victim’s livelihood could be threatened by the activities of a discriminator. * Bernie Grant intended to discuss the case with other Black MPs at their next meeting.³ The information requested was sent to him. **⁴ Ken Livingstone wrote of his dealings with NATFHE and Bis Weaver’s difficulties had come as no surprise to him. He referred to what he described as NATFHE’s “similar racist track record in London.”⁵ Jack Straw, who as a student leader had criticised Triesman’s *modus operandi*,*** passed his copy of the letter to Labour’s education spokesperson, Derek Fatchett, who replied to say changes in the law are unlikely under the present Government but “when a future Labour Government takes office, [he] would hope [it would] look to employment legislation designed to give greater protection...at the place of work includ(ing)...a commitment to end discrimination.”⁶ Jo Richardson was “making enquiries into the principles raised by the

* This was something NATFHE would be fully aware of because Bis Weaver had faced this problem not only from the stressful effects of harassment but from the recommendation by NATFHE’s regional official for the branch committee to attack Bis Weaver’s tenure for the benefit of the harasser. NATFHE should also be aware of these consequences from the many studies carried out into the effects of harassment on victims

** Bernie Grant was no stranger to NATFHE’s spineless anti-racism. When leading a group of trade unionists and Black activists in support of Jon Fernandes in 1983, he accused NATFHE of ‘institutional racism’ and of compromising its (so-called) anti-racist stance.⁷

*** Jack Straw was well acquainted with Triesman. In 1969, Jack Straw criticised Triesman’s activities during the Essex University demonstrations by saying “It is a sad day when a small sectarian group whose members cannot be bothered to present their own ideas stop others from doing so. There is no excuse for this detrimental behaviour when it is possible for any student to put his views before the Committee either in writing or personally.”⁸

Tribunal's decision and understands that...the Front Bench Employment team are aware of [the issue]."⁹ Alice Mahon wrote of her recent attempts to "force a debate on the sex discrimination act [and will] look for the opportunity of raising the problem of trade unions defending their own members against themselves, as it were, both inside and outside the House of Commons."¹⁰

After the first three weeks of campaigning among the politicians, the positive responses encouraged us to extend the campaign to the trade union movement. The campaign letter with an amended sub-heading of *Change Union Policy on Harassment in the Workplace* drew attention to the policy "in the hope that [they] will take...action...to change the discriminatory policies of trade unions, as revealed by NATFHE officials., towards women and members of racial minorities."¹¹ The letter went out to national trade union leaders and to trades union branches in the Birmingham area on the 21st January 1987. A similar letter was sent to the TUC, on the same day, and to TUC regional secretaries (26th January 1988) and Trades Councils (9th February 1988) with an additional request asking them "to bring this letter to the attention of affiliated unions."

The response from trade unions was minimal. The Birmingham branch of the NUT was first into print and its secretary gave the campaign letter the elbow. He told us that

"There is nothing that the NUT can do, or is prepared to do, in relation to this case as we do not on principle or in practice, interfere with the affairs of another Trade Union for obvious reasons."¹²

A short reply went to the NUT explaining our intention was not for the NUT to "interfere with the affairs of another Trade Union" but to bring this policy to the attention of his union for it to be raised in the appropriate forum in order to change a policy that "NATFHE claim is the policy of all trade unions." The letter ended with an apology if that intention "was not made clear."¹³ The secretary of Birmingham NALGO explained that its "policy is quite different to that described...[as its] position is that [it] will always support members bringing justified cases of racism and sexism...[and] if the allegation is considered to be of substance, then no representation will be given" to any "member charged with either racial or sexual harassment." He ended his communication by wishing the campaign well.¹⁴ Yet another strike against Triesman's declaration of what was supposed to be a collective trade union policy. In fact, it was Triesman, via the Tribunals, who had struck at the trade union movement by getting NATFHE's so-called policy established as a precedent.

The Yorkshire and Humberside TUC explained that to raise the issue in council would require a proposal from an affiliated union and the secretary suggested that a proposal

was channelled through an affiliated union to “generate a debate on this serious and fundamental issue to the Trade Union movement.”¹⁵ Linking together the campaign among the MPs with that in the trade unions, a letter was sent to Alice Mahon, an MP in that region, to ask if she “is in a position to have the issue raised” through one of the region’s affiliated unions.¹⁶

A major figure in the trade union movement also made contact. Bill Morris of the Transport and General Workers Union wrote to say that “In line with [the] suggestion requesting some form of action, [he had] written to the CRE and the TUC.”¹⁷ In this letter, he expressed surprise at the Tribunal decision and welcomed the views of these bodies “as to what, if any, action can be taken.”¹⁸

The press campaign, covering different aspects of the case, continued without let-up although it was virtually impossible to get into the ‘national league’. Coverage of the case continued through some local West Midlands papers; the ethnic minority press; and a couple of socialist papers. An open letter to the TUC was published pointing to its 1984 resolution on racism that

reaffirmed the TUC’s total opposition to racism and resolved that ‘it will further encourage affiliated unions to pursue vigorously cases of discrimination despite current legislation which puts the onus of proof that discrimination has taken place squarely on the shoulders of the complainant.

NATFHE, due to its policy on tenure, was undoubtedly one “TUC affiliated trade union...not complying with the...resolution” and as NATFHE is claiming

its policy is universally applied by all trade unions, will the TUC, and affiliated unions now act to end racially and sexually discriminatory policies and rules within the trade union movement.¹⁹

In a further press release, we welcomed the intention of some local authorities to re-examine their policies on racial harassment and highlighted the difficulties associated with these cases. The problems arose because

Complaints of harassment, racial or sexual, when registered under either local authority or trades unions grievance procedures are investigated, invariably, by an administrative committee, which is left to decide on the merits or demerits of the complaint, whether or not they have any expertise in dealing with these specialist types of complaints. And there is the reluctance of investigators, or of their superiors, to refer tentative findings and evidence to specialist bodies for assessment. Even when the findings uphold the complaint, gross professional misconduct is seldom attributed to harassment but to some other cause, such as conflict of personalities, insubordination, general offensive behaviour etc.²⁰

An Asian Times reporter produced an article covering the incidents of harassment in Bournville College; the LEA’s ‘watered down’ conclusions; and quoted the Industrial

Tribunal's criticism of "Mr Triesman in forming an opinion that Mr Gates was not a racist."²¹ NATFHE's policy and its implications was linked to anti-Semitism and reproduced in the Jewish Chronicle ²² and was also published in the Irish Post as discrimination affecting Irish people.²³

With the iron hot, another element in NATFHE's *roulette wheel* for complainants came off the forge. A letter to NATFHE's Black Lecturer's Group, circulated to national and local trade unions, exposed NATFHE's negotiations with the employer to change established procedures for dealing with complaints of racial harassment. These *ad hoc* NATFHE-inspired arrangements "contravened the original agreement, between the [Birmingham] City Council and representatives of the professional associations, establishing the procedures for dealing with grievances brought by employees of the LEA." The 'evidence' provided by NATFHE's regional official at the Industrial Tribunal was quoted, where he claimed that it was "the first time to his knowledge, the Local Education Authority was conducting a preliminary investigation prior to a possible disciplinary hearing" and this official went on to say "he regarded them (the changes) as potentially detrimental to his members in general."

We included what the official had omitted from his evidence, which was "that it was he who suggested and negotiated for the changes to be made." We also pointed out that as this NATFHE official was representing the three accused; and as the complainant was unaware of these negotiations or changes; "then any detriment...would...be to the complainant because this official would not, and did not, negotiate changes that were detrimental to the interests of the three he was representing." It was stressed that NATFHE's regional official had said "this was the first time, the...grievance procedures had been changed; [and we added]...this was to deal with a Black woman's legitimate complaints: and that NATFHE/ASTMS members had been involved in changing those procedures."

We recognised that

some trade union officials and officers may applaud the attempt by NATFHE officials to protect union officers (and the union) from the consequences of their behaviour towards a Black woman trade union member...but for anti-racists and/or those concerned with the rights of rank and file trade union members and/or justice and accountability within trade unions it should be a matter of considerable concern... NATFHE officials had shown themselves to have acted "contrary to the spirit of the 1984 TUC resolution on combating racism in the workplace and contrary to the CRE's recommendations to Trades Unions, which NATFHE claims to endorse."²⁴

Another press release widened the arena to include the employer – Bournville College and the Birmingham Education Authority. Also mentioned was the chair of governors, who, "contrary to the decision in the *McGoldrick v Brent* case,...handed the matter over to the City

Education Department” and he was now claiming “it was not the responsibility of the Board of Governors to deal with a complaint of racial harassment.” He also claimed “that on legal advice from the City Education Department he did not formally inform the...Governors.” All of them “now disclaim responsibility.”²⁵

The campaign against NATFHE’s policies and activities brought a great deal of satisfaction to us bearing in mind that NATFHE’s bureaucratic strata of officials and officers had closed down every union avenue in 1986 to stifle Bis Weaver and put her under considerable stress. There was a feeling of exhilaration after the morbid and depressive years of having to avoid slipping down the greasy pole that NATFHE had smeared with an ersatz lubricant of fabrications and misrepresentations. The time was ripe for NATFHE bureaucrats to reap the whirlwind they had so irresponsibly and disreputably sown and they were in no position to hand down directives to MPs and others not to respond to her letters or any letter written by her representative. A different game was being played and NATFHE officials had no control over the rules or policies, whether written down or custom and practice or conjured up expediently when the occasion arose. Another way of dealing with NATFHE had been discovered. NATFHE was incapable of extricating itself from its own history and, as expected, the NATFHE card was released from its smear-machine dispenser but on this occasion it was not an unwelcome one. NATFHE played the Knave again but it was to be trumped by what NATFHE thought was the lowest card in the pack – a Black deuce.

After we had spent several weeks putting the record straight in an unsullied manner, NATFHE’s dank and foreboding presence reappeared in a response from Britannia House to an enquiry from a member of parliament in a Lancashire constituency, Ian MacCartney. * This query received the usual ‘etched in stone’ message that served as NATFHE’s burnt offering to its deity - distortion. Triesman’s anthology of the Weaver case went off to the enquiring MP, who passed it on to me asking for my comments.²⁶

True to form, Triesman’s compilation was set in the same mould as the one sent to Clare Short but on this occasion he did not condemn the MP’s enquiry nor was he as caustic – things were not quite the same, at least insofar as not denouncing this MP’s enquiry. But no surprises were in store from Triesman’s contribution and the hair on the back of our necks no longer stood out when reading his usual belittling, deprecating and grossly inaccurate presentation of the Weaver case.

* Ian MacCartney later became chair of the New Labour Party with Triesman as general secretary – a relationship peppered with disagreement.²⁷

Triesman opened with a mixture of pride and regret – an interesting gambit, but the latter emotion did not outlast the end of the first sentence. “NATFHE has a proud record in anti- racist work”, claimed Triesman, and he was “saddened that Mr Weaver should circulate his attacks on the union to an ever wider number of MPs and others.”

He depicted NATFHE as a responsible, considerate union, which had “immediately understood that Mrs Weaver believed she had a grievance against one of her colleagues.” He trotted out the same old line of having “offered her every facility to pursue that [grievance] under the union’s rules [but] She declined to do so.” His second point was an attempt to justify NATFHE’s actions by claiming that the union “did not assist her in presenting her case against her colleague to their employer on the grounds that (a) she was seeking the dismissal of her colleague as a racist guilty of harassment when there was no evidence whatever that it was true and (b) we could not assist someone to such an extreme outcome unless we were satisfied as to the truth of the allegation.” This explanation made no reference to the regional official deliberately avoiding an investigation of the claim of racism and Triesman’s offer being merely a reappraisal of the original decision, specifically excluding any investigation of racism. But why spoil a smear with the truth when diverting attention from NATFHE’s failings.

Triesman introduced a novelty on this occasion. After declaring that the Tribunals “found for us”, that is for NATFHE, he admitted that the Tribunals (Industrial and Employment Appeal) had “expressed anxieties about [NATFHE’s] procedures...[but] did not make ‘extremely critical’ comments” of NATFHE. Apparently, the Tribunal’s comments on Day and on himself did not constitute ‘extreme criticism.’ This was how Triesman passed off Day’s ‘deplorable’ actions and his own method of assessing Gates’ motives. Well over two years of harassment, intimidation and disingenuity faced by Bis Weaver were ‘dealt’ with by Triesman in a spate of denial. We, too, felt ‘saddened’ by NATFHE’s constant misrepresentation of the facts.

Triesman expressed the view that “issues highlighted by the Tribunals are presumably those of the greatest importance to lawyers [but] For the union, [he was] more concerned with the justice or injustice of trying to get a member fired who has not done the thing alleged.” Not a single word about the union’s policy of not assisting victims of racist and sexist harassment whether meritorious or not, which was the topic of my letter to MPs and, presumably, the reason for this MP’s enquiry. Instead, as to be expected, the long history in the anti-racist movement of the accused came into play as did the ‘close friendship’ the accused was supposed to share with the Weavers.

He concluded by offering his own explanation for the cause of this twenty seven months struggle waged by Bis Weaver. Triesman put it thus: “They fell out over an argument at work where he [Gates] challenged Mrs Weaver’s role as a line manager [during which] He used non-racist language but did use swear words for which he apologised.” * Obviously, to Triesman, racist behaviour consisted of well-known abusive terms directed at ethnic minorities without taking into account the context in which abuse and intimidatory behaviour occurred or the extended time frame of the behaviour. Triesman’s punch line to explain it all was that “The falling out of these former friends seems to have taken on a terrifying life of its own and that background is, perhaps, the key to what has followed.”²⁸ Needless to say Triesman remained silent on the fact that the anti-racist movement outside of NATFHE, including the CRE, was not swallowing this indigestible tripe and had voted with their feet by boycotting a NATFHE anti-racism conference in December 1987.

Triesman had been expected to produce a response in this particular strain and he had not disappointed us with his oft-repeated slurs against Bis Weaver. On this occasion he certainly went that ‘extra mile’ in doing so.

We had waited patiently in the hope that a MP making enquiries to NATFHE would send us a copy of the expected jaundiced response to give us an opening to show the true face of NATFHE and those whom Triesman was keen to defend. Triesman had shown a degree of consistency by duly obliging Bis Weaver with such a favourable opportunity to take advantage of his rashness. He had made similar errors of judgement before: (i) in June 1986 when he advised her to go to the CRE, which had resulted in the grievance to the LEA; and (ii) in July 1986 with his revelation of NATFHE’s discriminatory policy that opened the door for the Industrial Tribunal case. No one could deny that Triesman, on occasions, displayed a degree of generosity or perhaps it was arrogance or naiveté or plain incompetence. If only Triesman had been so inclined to display these qualities in January 1986 when he first contacted Bis Weaver then she would not have endured several months of additional stress and time-wasting trying to get NATHE to honour its much publicised obligations to members. Nonetheless, since June 1986, despite the additional stress put on Bis Weaver, Triesman was proving to be her greatest asset. We felt like sending Triesman a *Thank You* card or, perhaps, a *Get Well Soon* card!

How many copies of this maligning fiction had gone out to other interested parties

* But no apology came for over two years and it was not made to Mrs Weaver directly or solely to her about his behaviour

was not known but it was more than likely that other people had received this type of response and some might even believe Triesman's cocktail of illusion. We did wonder if anyone would be taken in by Triesman's account. How likely would it be for a complaint of racial harassment and the consequences that had arisen from it to have gone before the Employment Appeal Tribunal on the basis of the trivialised version of a minor disagreement at work as Triesman was now presenting it? Triesman exhibited a lack of imagination when he tried to pass this account off as a legitimate explanation or, perhaps, it was a surfeit of imagination in expecting this curdled explanation to pass the health and safety inspectors. He also displayed a serious error of judgement in presenting the issue as "the falling out of former friends" and expecting this to be expected as an explanation; in claiming NATFHE had acted reasonably; and in questioning her veracity when there was so much evidence to show the real situation confronting her.

Triesman did get one thing right and that was 'former friends' do fall out with serious consequences. Gates physical attack on Julie Frew was a testament to this but Triesman remained silent on that incident. In Triesman's circle of friends, is this what men do to women friends and to the wives or partners of male friends? Yet, in spite of this evidence of Gates' capabilities, NATFHE officialdom was still asserting with such vehemence that nothing really was amiss with Gates' behaviour and was defending him to the hilt.

By continuing this line and peddling it as the truth, Triesman was in effect attacking the victim's integrity. He was effectively saying there was absolutely nothing in her claim against Gates but she was pursuing it for reasons other than the ones stated by her, although Triesman never disclosed what those reasons might be. But if the myth is repeated often enough, the myth maker will believe the myth to be reality. Trying to get Triesman to understand was like firing into cotton wool; the hole made at the moment of impact was quickly covered by a multitude of fibres and all remained as before.

The opportunity presented itself, or was presented to us, to effectively put an end to Triesman's continual misrepresentations, slurs and trivialisation of the issues. Like a pea in the same pod as Day, Triesman had cast slurs on her integrity. On three occasions in this relatively short letter, Triesman had more than implied that Bis Weaver was not telling the truth. He had not hesitated to state, with regard to her claim of racial harassment against Gates, that the union was "not satisfied as to the truth of the allegation"; there was "no evidence whatever that it [the allegation] was true"; and Gates "had not done the thing [racial harassment] alleged". An unusual defence bearing in mind NATFHE had refused to investigate claims of racism against Gates. Triesman had not suggested that Bis Weaver was

possibly mistaken in her assessment of Gates' motivation or had misinterpreted Gates' behaviour. There could be no mistaking or misinterpreting the reasons for Triesman's claims – to extricate himself and his fellow bureaucrats from the mess they had stirred up for NATFHE. Triesman, like so many others in NATFHE, refused to recognise that one of their comrades had shown his commitment to anti-racism by harassing a Black woman for months and his commitment to anti-sexism by physically assaulting a woman during a disagreement at a union conference.

The Tribunal had stated Triesman was “completely free of any racial bias” in his dealings with Bis Weaver, and she, not disputing this assessment, had put it down to lack of understanding on Triesman's part of the situation faced by Black people in Britain. But his incompetence did not justify the constant accusations he made about Bis Weaver making unfounded allegations of racial harassment. Nor did his incompetence justify converting a serious debilitating situation faced by a Black woman into a relatively trivial argument at work when he was fully aware of the extent of the harassment she was experiencing and of NATFHE's determination to discredit her claims.

This response followed the one established in NATFHE's Industrial Tribunal submission in which she had been implicitly accused of playing the Race Card. The implications in Triesman's letter and those in the Tribunal submission were of the same genre, namely, Bis Weaver made deliberately false allegations. Perhaps Gates' allegations in February 1985 about Bis Weaver's so-called lack of veracity when he called her a “fucking liar” had rubbed off on Triesman albeit expressed by Triesman in a less crude manner. Triesman must surely have known he misrepresented the purpose behind my letters to MPs. He viewed them as “attacks on the union” when they happened to be attacks on the union's policies and those implementing the policies or what they claimed to be the union's policies. To officialdom and officers operating around head office and in the West Midlands, this would be one and the same thing because they saw themselves as the union - with their Gaullist attitude of *L'etat est NATFHE*, and that the union must be defended at all costs because it was where their own personal interests lay.

In our campaigning against NATFHE, we had concentrated on the principles involved but NATFHE introduced personal factors - alleged friendship and alleged personal failings on Bis Weaver's part. The purpose for doing this was to redirect blame away from NATFHE officials and officers in order to distract attention from NATFHE's perverse actions. On that basis, therefore, the same rules of engagement would now apply to us, albeit with a significant difference - Bis Weaver's contribution would be consistent with the facts; and

authenticity would remain at a premium. We had no qualms in introducing personalities or fear any consequences about naming participants or identifying what they had done since we intended to quote from the Industrial Tribunal report; and every other statement we made could be supported by documentary evidence.

To ensure that NATFHE head office was ‘fully apprised’ of what we were writing to "an ever wider number of MPs and others", a copy of everything would be sent to Britannia House. If any of the parties cited in our rebuttal wanted to wage a challenge to the accuracy of this *exposé*, either directly with us or in a court of law, they were free to do so, as sufficient evidence was available to support everything we brought into the open. NATFHE did not take up either option. Maybe the union thought it too trivial an issue for such a course of action but it was more likely that NATFHE’s silence was attributed to its inability to rebut the evidence in a public arena where facts and reasoned inference are at a premium. A very different situation to NATFHE’s constantly repeated fabrications. The smoke filled rooms and bars; and surreptitious correspondence that Bis Weaver was probably expected not to see, appeared to be a more appropriate setting for NATFHE officials to reproduce their myths - working off stage, out of the limelight and away from public scrutiny when inserting the knife. *

A six page rejoinder was produced in response to Ian McCartney’s request for comment on Triesman’s letter. It was a rebuttal of Triesman’s mythical construction of the Weaver v NATFHE case. Triesman had diverted attention from the substantive issues raised by the case, therefore, the rejoinder opened by noting that “it is not unexpected to find that a NATFHE official has attempted to move attention from the principles involved in Mrs Weaver’s complaint against NATFHE...on to some kind of personality issue, as well as misrepresenting the issue.” NATFHE’s response came as no surprise as “this has been [its way] for some considerable time...of deflecting attention from the behaviour of these officers; the failure of NATFHE to deal with their behaviour; and NATFHE’s policy of refusing assistance to members of racial minorities or women...” Details were provided of: (i) the events after Mrs Weaver’s complaint had initially gone to the union; (ii) the regional official's enquiry and report, including the dual role played by Mr Day as adviser to Mr Gates, which was unknown to Mrs Weaver at the time; and his subsequent role as adjudicator of the complaint; (iii) the deficiencies in Day’s ‘report’, including attacks on “Mrs Weaver’s

* “News and talk is increasingly dominated by comment and opinion that is personal speculation masquerading as information”²⁹ This observation was made fifteen years after NATFHE’s efforts, which showed NATFHE officials and officers to be well ahead of their time in disguising reality

professional and personal integrity” and “contravene[ing] her right to natural justice”; (iv) Triesman’s intervention and the discrepancies surrounding the re-run investigation offered to her; (v) the removal of Mrs Weaver’s trade union rights in the branch recommended by the branch executive of which Mr Gates and Ms Pattinson were members, which “prevented [Mrs Weaver] from collecting information from the Branch Committee,” and of Mr Triesman being fully aware of this “but he did not intervene”; (vi) the general secretary’s rejection of a motion from the REC calling for “a full scale investigation into [her] complaints against Mr Gates and the Regional Official”; (vii) and NATFHE’s refusal to provide assistance when she made a complaint of racial harassment to the Bournville College governors.

Addressing Triesman’s disavowal of the ‘extreme criticism’ delivered by the Industrial Tribunal on Day and Triesman, quotes were reproduced from the Tribunal report. The Tribunal: (i) was “critical” of Triesman’s manner of determining racism; (ii) expressed “criticism” of Day for failing to investigate racism following Mrs Weaver’s vehement allegations of racial discrimination; and (iii) described Day’s actions as “deplorable”. It was also explained that although the Tribunal was ‘extremely critical’ of NATFHE, it found in NATFHE’s favour on the grounds “that NATFHE had an obligation to defend tenure irrespective of the merit of the complaint.” The Tribunal had considered Mrs Weaver’s complaint against Mr Gates to have merit, which the “the City Education Department’s findings of (serious) professional misconduct against Mr Gates would testify.”

Ian MacCartney’s attention was drawn to NATFHE’s Industrial Tribunal submission to show additional misrepresentation, especially NATFHE’s claim that Mrs Weaver did not mention racial harassment until after the conclusion of the regional official’s enquiry. NATFHE had claimed that it was only “as the dispute developed and the Applicant became dissatisfied with the attempts of the Union to resolve it that the question of racial harassment was introduced.” NATFHE “knew this not to be true and documentary evidence submitted by Mrs Weaver” to the Industrial Tribunal confirmed NATFHE’s claim to be untrue. Mr Triesman knew “only too well that Mrs Weaver was subjected to, what the reasonable person might conclude was, persistent and systematic harassment from Mr Gates not only for several months before she submitted her complaint to NATFHE, in June 1985, but also for eight months after Mr Day produced his so-called report....”

The time had arrived to exorcise the ghost of the NATFHE-created so-called friendship between ‘the Weavers’ and Mr Gates. The MP was told the real story, which was that Mr Gates “was known to us at work, and for almost a year in 1984/5, both Mrs Weaver and myself were associated with NATFHE’s campaign in support of the NUM, as was Mr

Gates.” It was pointed out that “NATFHE first introduced this red herring [of friendship] in its written submission to the Industrial Tribunal, October 1986, as a means of deflecting attention from Mr Gates’ behaviour...and the inaction of NATFHE officials in dealing with his behaviour. Since October 1986, this particular red herring has become more bizarre...with Mr Triesman adding yet more to this claim.” Triesman’s letter to Clare Short was included so that Mr McCartney could see for himself how the form of this alleged friendship had expanded under Triesman’s penmanship. It was also mentioned as significant that “Mr Day, who was doing his level best to extricate Mr Gates from the consequence of his behaviour towards Mrs Weaver, never claimed this [friendship] at all in his November 1985 report.” As for Mr Gates’ apology, the MP was informed that at no time had Mr Gates apologised to Mrs Weaver. She only became aware of an indirect apology being made three months after Mr Gates had sent a letter of apology to the LEA in March 1987, after he was “found guilty of...serious professional misconduct.” At no time was any apology sent to her and “It is interesting to note that Mr Triesman,...secretary of NATFHE’s Anti-Racism National Panel, would consider an indirect apology sent to a third party 25 months after the harassment began as sufficient for the 16 months persistent and systematic harassment, which the only Black member of Bournville staff had to endure.”

Digging into the catalogue of events, the MP was informed of the physical assault committed by Mr Gates, chair of the regional delegation, on a woman delegate at NATFHE’s annual conference leading to his subsequent withdrawal from the conference. Also mentioned was Gil Butchere’s approach to Mr Day offering to give evidence to his enquiry into Mrs Weaver’s complaint; citing ‘bullying’ at Bournville College; and of her own experience of being bullied at the college by a senior lay officer, whom she had named in a letter sent to Day. Additional information was provided about Gil Butchere being married to a Trinidadian and of Day’s refusal to act on her letter. Also disclosed was that Gil Butchere had “attempted to bring a complaint against the person concerned but because of ill health and pressure on her from interested parties [she] reluctantly abandoned that attempt in 1986.” It was suggested that “Perhaps, Mr Triesman might like to comment on what he sees as the background key to these two issues.”

Summing it all up, “it might appear to the reasonable person that NATFHE, and its officials, have something to hide [and]...the B Weaver v NATFHE case has placed in perspective Mr Triesman’s claim that ‘NATFHE has a proud record in anti-racist work.’” In the event of Ian McCartney following this up with NATFHE, “Mr Triesman can be assured that I will continue to circulate to interested parties the details of NATFHE’s failure to defend

members of racial minorities and women, despite his continued attempts at misrepresentation of the issue.” The MP was thanked, on Mrs Weaver’s behalf, for his interest in following up her difficulties, and I added that “gross misrepresentation by Mr Triesman is but one minor example of those difficulties.”³⁰

NATFHE officials had shown an eagerness to use the slur as a weapon. Initially, NATFHE’s dissembling did have a measure of success but NATFHE could not hide indefinitely behind slurs, misrepresentations, innuendoes and phoney expressions of concern because the reality of the situation was being broadcast loud and clear. The playing field had begun to level out and any claims made by union officials could be so easily disposed of by widely circulated facts. Only the dogmatic doctrinaires, who never admit to making mistakes or could not perceive themselves to ever be in error, would accept the NATFHE line. After several years of being on the defensive, warding off NATFHE’s blows, it was the union now on the rack, although NATFHE still privately tried to poison the atmosphere with the same old slurs and innuendoes. However, it was open season on NATFHE publicly – it felt like shooting big fish in a barrel.

The day after receiving Ian McCartney’s letter, my rejoinder was on its way to him, with the additional inclusion of the Industrial Tribunal Report; Triesman’s letter to 7 Days and my unpublished rebuttal; the letter to the BLG describing NATFHE’s negotiations with the LEA to subvert the grievance procedures; Gil Butchere’s October 1985 letter to Day; and minutes of NATFHE’s Annual Conference recording the Gates-Frew incident. Triesman had provided a not-to-be-missed opportunity to circulate comprehensive background details of the case to an even wider audience and, within a week, 240 plus copies of a four-page condensed version went out to every Labour MP and MEP.

The reason for this second release was explained to MPs and MEPs introduction as necessary after being sent a copy of a response sent out to an MP by a NATFHE official, Mr Triesman. This official, it was explained, had “attempted to direct attention from the principles raised by the [Weaver v NATFHE] case on to some kind of personality issue in order to trivialise it.” Nor had this come as a surprise to Bis Weaver as the official had “misrepresented the issue...for some considerable time.” At the end of the four page version, it was stated that “NATFHE’s failure to intervene on behalf of members of racial minorities and women...was a brutalising experience for not only Mrs Weaver but also for some other women as well.”³¹

Two days after that and it was on its way to trades union leaders, the TUC, TUC Regional committees, trades councils, local trades unions, community relations councils, anti-

racism groups and the Equal Opportunities Commission.³² This made the 'paper bombardment' of early 1986 look like a squib.

This campaign attracted another flood of acknowledgements and letters mainly from MPs. Some MPs took the view that they could do nothing because Bis Weaver was not a constituent, somehow missing the point as the campaign letters were not about taking up the issue on a personal basis but to apply collective pressure on the union and find a way out of the severe impediment brought on trade unions by NATFHE's policy. A few thought Bis Weaver should take it up with NATFHE, which did not take account of NATFHE's policy on tenure and NATFHE's constant denials of both its policy and its legally binding effect on the trade union movement. However, interest and support was forthcoming from a number of MPs, who wanted to be kept up to date on developments.

Gwynneth Dunwoody, MP, had been following up the case since the initial campaign letter and had contacted the TGWU about its policy in the light of the Weaver v NATFHE case and the TGWU's reply was sent on to us.³³ The TGWU's National Women's Officer mentioned that both Ron Todd and Bill Morris of the TGWU had received the campaign letters, which they had brought to her attention. Apparently, NATFHE had contacted the TGWU Women's Officer at the beginning of the year seeking "information and advice on TGWU's policy and practice on harassment at work." The TGWU had provided details for NATFHE and believed that NATFHE "recognises that its position is untenable and that efforts are being made to agree a practice which will not discriminate against certain groups of members." The TGWU's own position was to provide "the services and support of the local official...[to] the member suffering harassment," and "In some circumstances...the 'accused' [may] receive advice and assistance from an official who does not normally deal with that workplace." However, the TGWU might tell the harasser "that he/she is acting against union policy and will therefore, not receive the union's backing."³⁴

This letter provided an entirely different picture to the one painted by Triesman in his letter to the Birmingham Post in December 1987 when he disclosed that NATFHE was looking at its procedures but it had nothing to do with the Weaver v NATFHE case. Not only that, the TGWU's policy on harassment contradicted both NATFHE's Industrial Tribunal submission and Triesman's evidence at the hearing, which had claimed that NATFHE's policy was common throughout the trade union movement. However, how secure were the TGWU's practices now that NATFHE had successfully obtained the endorsement of the EAT for its policy on protecting tenure irrespective of merit with the additional restriction of

avoiding a conflict of interests. This particular difficulty was addressed in my reply to Gwynneth Dunwoody.³⁵

I wrote that “The Weaver v NATFHE case has raised an important point of law in that the Appeal Tribunal upheld NATFHE’s claim that its custom and practice policy overrode...[NATFHE’s] Rules of the Association,...includ[ing NATFHE] Rule 2.8, namely, ‘to protect members who are individually or collectively discriminated against on grounds of colour, ethnic origins, sex, disability or sexual orientation.’” This “decision might have consequences for other trades unions which, like NATFHE, have rules covering complaints of discrimination...[which] might override any new rules, as it did in NATFHE’s case...” It was thought necessary to clarify this issue at the Court of Appeal otherwise the recent decision “could open the way for any harasser/discriminator...refused union advice and assistance...to challenge the union’s decision in the courts.” *

Bill Morris wrote again informing us that “The TUC have requested an explanation from NATFHE.”³⁶ If NATFHE tried to palm off the feeble responses that had flowed from Britannia House over the past six months, TUC executive members had sufficient information to recognise the paucity of NATFHE’s ‘get-out-of-jail’ argument. In fact, Norman Willis had additional information on NATFHE’s deficient way of operating, which had been sent to him on a fairly regular basis. As the TUC’s position was technically of non-intervention in constituent union affairs had he passed on that information to executive members.

The time was ripe to let NATFHE members know about NATFHE’s hidden policy on harassment, which had been denied to them by the misrepresentations flowing from the centre of the imperial homeland at Britannia House – the theft of the right to the truth. To add to the ‘bombardment’, we added another group of people to the growing mailing list – NATFHE branch secretaries. On the 1st March 1988, the first batch of the initial January campaign document went out to every NATFHE branch secretary in the country on the same basis as the initial release to MPs, i.e. about 20 copies every few days to eventually cover all 600 plus branches;³⁷ and on the 28th March, the four page condensed version of our response to Ian McCartney was sent out *en masse*.

While NATFHE was trying to reinvent itself by covering up its lack of commitment to anti-racism, the new chair of the Bournville branch was treading a different path. Despite

* This situation arose in 1997, when the EAT found that the Fire Brigades Union, which had rules to protect victims of discrimination and harassment, discriminated against an alleged sexist harasser by denying him representation or legal assistance.³⁸

NATFHE's myth-making, a change was taking place in Bournville branch after the demise of the *kernel*s and their fellow travellers. The new branch chair had a level of principle and consideration not seen in the branch for some considerable time. He took the trouble to search me out to ask for my views. * He proposed removing the overall restrictions imposed by the April motion but as there was still a Rule 8 to be heard any matters relating to that Rule would be sent on to head office. This seemed reasonable enough and I accepted it on Bis Weaver's and my behalf. He proposed putting his statement to the branch for acceptance or refusal and should anyone challenge his statement he would withdraw it as he recognised that the issue of our rights in the branch was not a "proper subject for discussion, since [our] rights should not be brought into question." He expressed his sympathy to both of us for "what is clearly an almost impossibly difficult and upsetting time for yourselves."³⁹

The chair was true to his word and presented his statement to the committee, which approved it, and, early in the New Year, it was endorsed by the branch. A breath of fresh air was circulating in NATFHE's dank corridors but the fumigating effect would never extend to head office or even reach the West Midlands REC.⁴⁰ Following this meeting the branch committee and branch could return to its principal functions of advancing the interests of its membership vis-à-vis management, the LEA and government policy rather than being used by branch officers for their own self-aggrandisement.

The long-standing saga of the Rule 8 complaints trundled on and on – the rule that Triesman had informed the Industrial Tribunal was a means for seeking redress for members complaining of racist harassment to seek redress. But the Rule 8 marathon continued to have its uses since it demonstrated how long victims of racist harassment would have to wait for a hearing. ** It was already apparent that by the time NATFHE got around to dealing with the complaint any victim would be at risk of a nervous breakdown or had left the union but that might be the way NATFHE solved these problems – there would be no hearing and, therefore, no action taken against harassers. Alternatively, they could tell the complainant it was a lengthy process and offer them an informal 'non-judgemental' enquiry. NATFHE, as Baldrick would say, had a cunning plan,' or more than one.

In March - seventeen months after Bis Weaver submitted a Rule 8 complaint; fifteen months after submitting mine; and a hundred days after contacting Dawson, a letter arrived

* This was an extremely novel feature unheard of amongst the West Midland's REC and only once tried in the liaison committee with the aborted approach made in early 1986, which had been ditched when the committee unhesitatingly yielded to Triesman's March 1986 directive not to involve itself

** Rule 8 was only an option if NATFHE officials or officers defied national conference decisions by offering it as a means to pursue racial harassment cases

from NATFHE's head office. The Rule 8 complaints were of little significance to either of us, having originally been registered as a means to try to halt the direct hostility fostered by the *kernels* in the branch executive, branch committee and the branch. Our attempts had failed and the *kernels* had carried on unhindered, encouraged by the local NATFHE committees and head office. The complaints still had some point in their favour besides the time factor, namely, to expose the difficulties getting access to information that was available to the other parties, such as the discovery of documents. The tail was wagging the NATFHE dog for a change – whether it was the barking, biting or otherwise aggressive NATFHE canine.

NATFHE's letter began with the failure to agree a date for the Tribunal hearing, which was not really the case; the issue raised in the letter to Dawson had referred to procedural matters to be settled before fixing the date. These matters could have been resolved in time for one of the dates proposed for the hearing. Noting these dates had now passed, the Assistant Secretary – Membership, who sent the letter, recognised that Bis Weaver's attendance would be precluded “until matters which [she] regarded as prerequisites have been addressed.” The Rule 8 Tribunal chair was mentioned as wanting to know (a) “what rights, benefits, facilities or services” were considered to have been removed; and (b) “what specific information...- documentation etc” was held by the branch to which access was required.⁴¹ The same letter was sent to me but with the additional request to clarify who were the intended “objects” of the complaint. It noted that four individuals had been named while the branch committee was also mentioned and “is it [my] intention to name all members of the [Branch] Committee at the time [the] complaint was made.”⁴² This appeared rather late in the day for the union to get around to asking who the complaint was against, especially as dates for the hearing had been offered three months before. We took a leaf out of NATFHE's bureaucratic handbook and acknowledged the letters NATFHE-style, that is, a message was sent saying a reply would be forthcoming.⁴³ As for the documents, neither Bis Weaver nor I knew exactly what documents were there; it was a fishing expedition by little fish to find out what was in the files covering the complaints.

A few days later, I wrote, on my own behalf, referring to the length of time that had elapsed since submitting the complaint. I queried why clarification was required of the identity of the respondents and “why, at this late stage, there is confusion over this point.”⁴⁴ NATFHE replied to deny any confusion but as the composition of branch committee's change over time, “the Tribunal will require, as to who exactly, in addition to the named members”, the complaint is against.⁴⁵ In my reply, head office was referred “to the

penultimate paragraph of the formal complaint of the 27th December 1986, [as] it is stated against which Branch Committee the complaint is registered.” However, if that was not sufficiently clear, the minutes of the branch meeting of the 5th February clearly identified the parties because “a complete list of those affected by the...Rule 8 was read out to the branch.” This occurred when the branch committee sought “a vote of confidence...from Branch members,” which was “passed overwhelmingly.” It could have been added, but was not, that canvassing for support looked very much like ‘interference in due process.’ As the composition of branch committee’s change over time, I pointed out that “successive Branch Committee’s [have] refused to...remove the restrictions... [and I asked] is Head Office indicating that Rule 8 complaints should be registered against successive Branch Committees as well?” Clarification was asked for on this point.⁴⁶ NATFHE thanked me for clarifying the subjects of my complaint and asked for the information previously requested concerning the removal of rights and the documentation held in the branch.⁴⁷

Despite the odd hiccup, it had been a relatively successful period of campaigning. NATFHE head office officials were tackled from all angles and publicity was not what NATFHE wanted. NATFHE officials, who for so long had been in pole position and having all their own way, were now in a different position. NATFHE was left with little choice other than to look at its policy on harassment in the light of the *Bis Weaver v NATFHE* case, even though any efforts it was making had to take into account the Tribunals’ decision on protecting the tenure of the harasser and that was not going to be easy to overcome. We reflected on Day’s unflattering observation to the Bournville branch chair in August 1985 on Mrs Weaver being prone to write to many people including ‘our own General Secretary on matters affecting her,’ without realising, as neither did we, that this ‘proneness’ would develop into something more far reaching than writing to NATFHE’s general secretary. *Bis Weaver* had begun to shed the cloak of invisibility that NATFHE had draped over her.

(b) NATFHE’s Bid for Anti-racism Recognition: A New Draft Document

During the campaigning season, we obtained a copy of NATFHE’s *Draft Procedure for dealing with Racist and/or Sexist Harassment*, which we understood was drawn up by Triesman with the assistance of Penny Welch. The draft attempted to show how NATFHE intended to deal with these types of complaints in the future.

NATFHE’s guidelines on sexist harassment and on tackling racism underwent significant amendments to try to iron out the wrinkles in its policies resulting from the failure

to deal with the harassment of Bis Weaver – an experience generally recognised in previous union policies as “not a figment of women’s imagination.”⁴⁸ However, NATFHE’s way of dealing with a Black woman’s experiences gave the impression that harassment was merely a ‘figment’ of her imagination, which was especially noticeable in the attitudes of the two people assigned by the union to draft the document.

The preamble contained the background to two previous documents: (a) *Sexual Harassment: A Trades Union Issue (1985)* that “addressed the problem experienced by members...on the receiving end of behaviour which patronises and humiliates them and which threatens the security of their jobs;” and (b) *NATFHE Against Racism (1986)* that “emphasised the responsibility of the Association in dealing with racist harassment of members.”

The two earlier documents were described by the drafter as “identify[ing] problems, which while not identical, have many common features [for] Women, members of ethnic minorities and gays [who] are often confined to subordinate roles because of systems of discriminatory beliefs and attitudes reliant on concepts of sexual or racial superiority. NATFHE “explicitly and vigorously rejects and opposes such discriminatory beliefs and attitudes.” To deal “with them is a trade union responsibility” and three reasons were listed for NATFHE re-visiting these issue: (a) “the Association...insist that employers have, effective equal opportunities policies; (b) harassment will give rise to disciplinary and grievance issues that must [have an] impact on the Association; (c) the Association cannot allow its members to become individually vulnerable as a result of harassment.” While stating that “the onus of dealing with discrimination lies principally with the employer...NATFHE has decided that this is an area of professional conduct in which it should take a direct role.” *

“Discriminatory beliefs” were seen as giving “rise to sexist or racist behaviour” consisting of “jokes’, verbal hostility or physical abuse, and particularly when the behaviour is persistent and systematic, it constitutes sexist harassment or racist harassment...[or] it may be both.” (underlining in the document)

To ensure its members did not have to face this kind of behaviour, “The first task...is

* NATFHE had now decided to take on such a role, despite Triesman previously stating, at the Industrial Tribunal hearing, that “it was open to a complainant to complain to the employer and for the employer to remedy the situation as it was not up to the union to do this.” (see Chap XV Sect c) Yet another example of the significance of the Weaver v NATFHE case as part of NATFHE’s learning process in matters relating to racial harassment, although NATFHE would be last in the queue to acknowledge that

to achieve negotiated Equal Opportunities policies with all employers so that a consistent and effective approach exists to which employers and employees are fully committed and around which a positive training programme can be organised.” The drafters thought “it cannot be emphasised too strongly [that] Those subject to attacks suffer severe and adverse consequences [therefore] It is the responsibility of the Association to act in these circumstances...The first responsibility of a NATFHE member who harasses others is to stop because they, themselves, accept that it is intolerable. If they do not or cannot, then they must grasp the fact that they will face these new procedures.” * (s 1 of the Draft)

The second section was headed *Complaints Against a NATFHE Member* and it was emphasised that “conciliation and binding arbitration” ** between the parties was the desirable outcome “not because NATFHE regards the issues as other than serious but because the objective is that people change their behaviour if it is unacceptable and that the Association benefits from such changes. The alternative – a rapid use of discipline – is less likely to achieve a positive result for individuals and the Association.” However, the possibility of disciplinary procedures was not “ruled out where the behaviour requires” such action.

The advice given to victims was to “keep a note of the details - of who did what, when and where.” (2.1) *** The initial action of the potential complainant should be to “ask the person or people you believe is/are harassing you to stop the unacceptable behaviour giving the details of the behaviour to which you object so that there can be no doubts about what is at issue...This may not always be possible...[therefore] consider [being] accompanied by a [trusted] friend...or [send it] by a letter,...[however], in all events discussion of the matters should not take place in front of students.” (2.2) ***** In the event of the “behaviour persist[ing] or if you believe you are suffering specific adverse

* An interesting perspective on how to stop harassment. This is a very passive first step – a period for self-reflection by harassers in order to recognise how intolerable it is. Surely, these educated adults should already know that. Did NATFHE consider harassers so naïve as to not know what they were doing?

** This was in line with what Bis Weaver asked NATFHE when submitting her original complaint in June 1985 – a written apology with a guarantee that the abuse and harassment would cease permanently

*** Bis Weaver gave the regional official a seven-page detailed list of incidents, which he completely ignored

***** An interesting caveat when considering one of the ‘humiliating’ experiences that formed part of the harassment of Bis Weaver at the hands of Gates was to be undermined in her role as co-ordinator in front of a class of students, as well as being the subject of fabricated criticism in an unconstitutional meeting with students (in the absence of Bis Weaver) and having it minuted. This information was provided to the regional official conducting the ‘enquiry’, who again ignored it

consequences,” * such as officer,...[providing] “as much detail as possible.” (2.3/4/5) If the complaint was against “a branch officer or officers...the issue” should be placed “in the hands of a branch officer who is not involved, (2.4) or in extreme cases write to the regional chair. (2.12)

Under advice to branches, when the prospective complainant contacted the branch secretary, branch officers were duty-bound to provide assistance “or tell [the complainant] why [he/she] are not receiving assistance.” (2.6) “Branch officers [and]...Branch Committee members responsible for Women’s or Ethnic Minority members (depending on...[the] kind of harassment) should meet as soon as possible (in any event no later than ten days after notification) to discuss the case...[and] possible courses of actions...governed by” three factors: (a) “the Association's policies; (b) sensitivity to the experience of those who have or believe they have suffered harassment; and (c) a reasonable sense of fairness [as] there may be more than one account of what has happened and there is no substitute for a thorough investigation even if...time consuming. Obviously any branch officer against whom harassment is alleged is excluded from this procedure and must not seek to influence it.” (2.7)

The next step is to “designate one of their number as a conciliator” but in some cases the conciliator would be from the liaison committee “when the likelihood of conciliation within the branch is not high...[or] the Regional Officers [might be approached] to appoint a conciliator.” (2.8) “The conciliator should see the parties either separately or together with a view to reconciling their differences...[but] Under no circumstances should conciliation be a pretext for delay.” If the accused “acknowledges the offensive behaviour (irrespective of their account of the motives), [reconciliation] must involve a requirement on behalf of NATFHE that the behaviour ceases at once.” (2.9) In the event of conciliation failing or the behaviour persists, “NATFHE will conduct a more formal arbitral enquiry,...[which] is not optional whether a member takes part since a failure to do so may lead to a...Rule 8” complaint being taken out against the erring member. The Arbitral Enquiry Panel would: (a) “be chaired by the Chair of the Region”; (b) include at least one “woman if the complaint is of sexual harassment or...an ethnic minority if [for] racist harassment” - the latter two being drawn up by “the REC from a list of suitable members”; and (c) one from the REC. In some cases the assistance of the CRE or the Equal Opportunities Commission might be sought. The Panel’s work would be “based on the principles of natural justice.” (2.10) “The decisions of the Panel

* An acknowledgement of subjective perceptions, which neither Triesman nor Ms Welch nor any other official or officer were prepared to accept in Bis Weaver’s case, although objective conditions were also plainly in view

will be binding” and the panel had “the discretion to publish its findings in the Branch, Liaison Committee or Region.” In serious cases “suspension or expulsion from membership” may be imposed by referring it to a Rule 8 Tribunal with “additional assessors advising it drawn either from the Women’s Rights Standing Panel or the Race Relations and Anti-Racism Standing Panel, as appropriate. It is further recommended that the NEC consider an amendment to the Rules...[to] allow such nominees to be a full member of the Rule 8 Tribunal for this category of cases.” (2.11) *

The drafters “recognised that some cases...may be sufficiently serious [to] require urgent steps...[and Branch] Officers may decide to take steps such [as] (a) immediate negotiations with management to stop any practical and detrimental action against the person complaining of harassment; and (b) in cases of extreme gravity, presenting the evidence to management showing the *prima facie* case for disciplinary action.” If branch officers refuse assistance or their decision was considered unsatisfactory, the complainant should “write to the Regional Chair who will clarify (contact?) the Branch with all reasonable speed...[and] if the circumstances are appropriate, start the [Arbitral Enquiry] process...” (2.12) The point was made that NATFHE “is not a Court of Law and...Experience shows that too much formality early in a process can be a barrier to arriving at a solution.” (2.14) (All the above underlining was in the document)

There was a section on training (section 3), which acknowledged the considerable personal stress complainants may be suffering and that “It is essential to handle cases expeditiously and efficiently, and with sensitivity...” It was advocated that “Each branch, Liaison Committee and region should...have at least one person trained” and the eventual aim was “to achieve a wide spread of knowledge and practical capabilities...to deal with harassment more effectively.”

Under the section on *Complaint Against Non-Members*, the Association made it clear that it was unable “to conciliate, arbitrate or give instructions to non-members”, who may be members of other trade unions, but “branch officers and appropriate Equal Opportunities representatives will consider the most effective means of representing [a member against non-members by] (a) a formal approach to the employer through the grievance procedure...although grievance procedures are seldom the best way; (b) local negotiations with management; and (c) application through the branch for legal assistance, [which] should

* This would require a change to Rule 8 being submitted to the National Council, if anyone remembered the prohibition on race cases. Did anyone know what went on in NATFHE? It seemed to be made up as it went along

be sent to the Regional Official and to Head Office,” for the union to consider each application on its merits. * But it thought “local negotiations are the best way of proceeding and the...Regional Official may wish to contact the officials of that union to seek joint resolution.” (4)

Under employers’ responsibilities, NATFHE showed it was aware that “the Local Authority or other employer is responsible for the conduct of its employees. Sexist or racist remarks or behaviour may be an offence under the Local Authority’s own disciplinary procedures,...usually because the employer has adopted an Equal Opportunities Policy...[and] it is important to be familiar with any such document...[as] Employers have an important responsibility to change unacceptable behaviour on the part of their employees and they must be stingily [strongly?] encouraged to do so.” (5)

NATFHE did not exclude the possibility of a complainant making an application to the Industrial Tribunals, to which “A person can apply to...seek redress against employers for the actions of their employees” but formal advice must be sought from the regional official on this course of action. However, NATFHE believed “it is essential to try the methods of conciliation and arbitration in this document.” (6) The same applied with sexist harassment. (7) ⁴⁹

Irrespective of what NATFHE officialdom might constantly claim, it was clear, when we read the guidelines, that Bis Weaver’s case was undoubtedly an influence on this re-thought out policy because the proposals covered many of the discriminatory practices directed at her. NATFHE was trying to resolve issues of harassment within the union, without complainants being forced to resort to employers, outside bodies or other types of hearings, except in exceptional circumstances - in itself a commendable approach and one that Bis Weaver, in 1985, thought was available to members.

The document gave the impression of NATFHE taking harassment seriously but its purpose was, in effect, aimed at not taking action against harassers but seeking reconciliation, which in itself might seem a valuable contribution, but NATFHE should know from examples within NATFHE itself that it is an unlikely formulae. Linda Milbourne cited cases where the solution was the removal of the harasser from the college where the victim would not have to constantly face the person who caused stress and grief, or be constantly reminded of those experiences or fear the prospect of a repeat performance. The drafters should read

* This type of legal assistance was one thing NATFHE could provide since it was not covered by NATFHE policy on tenure which only applied when involving the tenure of its own members

the Birmingham women's report on sexual harassment to see the effect on women victims * - a document presented to NATFHE Annual Conference and was freely available to all, including the drafters of this new document.

If NATFHE dealt internally with the cases, it would not be able to remove the harasser from any college to give victims piece of mind nor could it recommend removal of the perpetrator because that would involve disciplinary procedures and a threat to tenure. If, however, NATFHE negotiated a transfer of an harasser to another college that would expose women and ethnic minorities in the other college to possible harassment.

NATFHE recognised the vicarious liability of employers for the behaviour of their employees and offered legal aid in certain circumstances (ss 6 & 7) but they were misreading the Race Relations and Sex Discrimination Acts or was it merely a further attempt to put the issue of race and sex discrimination firmly inside the employers jurisdiction. The responsibility of employers under both acts does not concern changing the 'unacceptable behaviour' of employees but to take firm action to prevent acts of racist and sexist harassment from taking place and to deal with such acts effectively, including removal from employment, which the union, according to its policy on tenure, must oppose.

In order to keep its members in check and avoid having to defend racial harassers NATFHE was introducing conciliatory procedures that were unlikely to have any significant effect; and Arbitral Panels that had not been thought through. If a complainant of harassment decided to complain about management's failure to take effective action against an employee how could NATFHE assist the complainant if the accused employee was a NATFHE member? NATFHE could hardly assist the complainant against management for not disciplining a NATFHE member, whose tenure would then be under threat. This would be contrary to a legally binding requirement arising out of the Weaver v NATFHE case that NATFHE would have to adhere to, despite NATFHE's apparent unwillingness to admit to that. NATFHE would also have to avoid a conflict of interest, another taboo area for NATFHE.

NATFHE might also complicate the situation because Arbitral Panels were given "the discretion to publish its findings in the Branch, Liaison Committee or Region," (2.11) which could lead to the employer using that information for disciplinary action against an erring employee, thereby, threatening the tenure of the member found to be a harasser. This was a

* An important document but not one that helped Bis Weaver because none of the NATFHE feminists involved in that report made any effort to assist her in anyway whatsoever

point Triesman made to Bis Weaver on the 12th June 1986, when he explained what might happen if Gates was expelled from the union. NATFHE might get around this problem by expelling the errant member from the union as mentioned in section 2.11. But this had problems attached to it. For the union to expel a member it would require a complaint under Rule 8 and a Tribunal convened to hear the case and with the possibility of an appeal against the decision. This could go on for months as seemed usual with any other issue brought before a Rule 8 Tribunal.

By then NATFHE might expect it to have gone away as Paul Mackney implied when writing “There is “a distinct tendency for Head Office to try to forget about the complaint.”⁵⁰ NATFHE’s approach had gone from *Kangaroo Court* to *Casey’s Court*. A victim of harassment was unlikely to get any real support from NATFHE whatever NATFHE did to its internal procedures.

The possibility of an approach to management or the use of the employers’ grievance procedures were mentioned but only with regard to complaints against non-union members with the comment that “grievance procedures are seldom the best way.” (s 4) The authors remained silent on the grievance procedure for member against member complaints because it was not a viable option for NATFHE complainants to use and it would have meant explaining why and, therefore, disclose the Industrial Tribunal and EAT findings. NATFHE’s approach to harassment had become entwined in those findings. NATFHE’s had descended a long way from the procedures outlined by Linda Milbourne in October 1987 as applying in NATFHE’s Inner London region and elsewhere. NATFHE looked likely to face litigation from its members caught up in complaints whether from the complainant or the accused if these guidelines were introduced in their present form.

Whatever reason emerged from the lips of officials and officers for introducing new procedures, this looked very much like an attempt to rid NATFHE of the increasingly infamous image it was acquiring from its deplorable treatment of Bis Weaver. This appeared to be the prime object of this exercise but it was unlikely to succeed when its architects were Triesman and Ms Welch, hardly the most zealous or informed anti-racists equipped with the necessary skills for producing a document on tackling racism. Had they not shown their inadequacy for dealing with racial harassment by portraying Bis Weaver’s difficulties as a ‘falling out of friends’ or analysing her situation as an interpersonal dispute.

The document was a pusillanimous attempt by NATFHE to promote itself as an anti-racist and anti-sexist union by ineffectually skirting around the restrictions it had placed on victims of racism and sexism. NATFHE’s solution to the serious offence of harassment with

all its distressing effects on victims, sometimes of a long-standing duration, was to treat the harasser as if he had failed to return a library book on time. This was the chat-show solution of waffling on and yet saying little of substance immortalised by the comment in section 1 that “a NATFHE member who harasses others is to stop because they, themselves, accept that it is intolerable.” Another mediocre attempt to put a few second-hand stitches into NATFHE’s shop-soiled garment.

These new procedures offered little to union members in a situation like the one Bis Weaver found herself in, which was not a unique position for Black members. Restricting an accused member or officer from participating in or influencing procedures would not prevent a partner or a close associate of the accused involving themselves in those procedures, as happened in 1985, when Gates’ partner, Ms Pattinson, was given the task of selecting witnesses for Day’s enquiry and Ms Welch, a close colleague of Gates in the Broad Left Coalition, offered to investigate the complaint. * The liaison committee attempted some form of resolution in 1986 but Ms Pattinson, as well as Gates, were present at the report back and in a position to influence any proposals. The REC had been dominated by Gates and his Broad Left Coalition supporters so any member – male or female, nominated for an Arbitral Panel was in a position to influence the decision. In fact, at the height of the Weaver case in 1986, Gates became the new chair of the region with Ms Pattinson as vice chair. Women candidates’ eligible for the Arbitral Panel, might show the same partisanship to the accused as shown by Ms Pattinson, Ms Welch and Ms Frew, amongst others. These possibilities are hardly conducive to an impartial Arbitral Panel in the West Midlands.

The intention to negotiate with employers to introduce equal opportunities policies was an important development but would that prevent officials from negotiating changes in established and statutory enforceable grievance procedures in favour of an accused officer or member? Would it prevent liaison committee officers from threatening to boycott Local Authority equal opportunities programmes if accused members were subject to disciplinary action?

While there was a section on the difficulties in bringing formal complaints against members of other unions nothing was said about complaints against members of unions employed by NATFHE, specifically regional officials – members of the ASTMS, who are

* When Bis Weaver rejected Day’s report, the issue was discussed on many occasions in the branch, liaison and regional committees and Gates participated in those discussions

investigated by the general secretary – also a member of the ASTMS, without any hearing taking place.

All these difficulties would have still faced Bis Weaver had these new procedures been operative during the 1985 – 1987 period. Nonetheless, if personnel were available in NATFHE to follow these procedures in letter and spirit they might qualify as an advance on the way things were presently done. This was not much of a commendation since NATFHE, at that time, had no effective policies for dealing with racism other than relying on the *Whitewash* brush. These efforts might be seen as a sincere attempt to redress the present inadequacies if Triesman, during the drafting of these procedures, had not been so obsessive in showing his distance from the spirit of anti-racism by presenting the extremely distressful experiences imposed on Bis Weaver as nothing more than a storm in a college tea cup when a couple of friends fell out. The suggestion of a full investigation of the complaint was also an improvement on the *Whitewash* technique practised by the regional official or relying on a self-exonerating letter sent to a head office official by the accused. As was to be said of Triesman twelve years later during the *Deman v AUT* case, he was out of touch with what went on in the workplace – a claim that could be applied to most of those in NATFHE's bureaucratic structure.

Ms Welch, as a contributor, was an officer with feet of clay, who though able to speak on women's issues was unimpressive on anti-racism, bearing in mind she was prepared to put the issue of the harassment of a Black woman through the NATFHE myth filter and come up with 'interpersonal dispute'; and had also tried to investigate Bis Weaver's initial complaint without declaring her 'close friendship' with Gates and his partner. Triesman, by his own admission of incompetence in race issues, should have excluded himself from taking on this important task of drafting such a policy. Whatever intellectual school they inhabited, they certainly were not of sufficient competence to take on the task of developing an anti-racism policy. But there was little rationality surrounding NATFHE's policy on harassment and discrimination. What could be more ludicrous than this act of delegation when NATFHE had Black and ethnic minority members with expertise in the field of race and racism to call upon?

NATFHE required more than a wordy new policy to effectively address racist and sexist harassment; it would require a new administrative structure with officials accountable to the membership and not to their own bureaucratic interest – to be democratic not demagogic. A new understanding of the phenomena of racism with its many variations and practices was required and employing people with knowledge, experience and expertise in the

field of racism to implement it. Since its inception NATFHE had directed its attention to racism, in accordance with the political demands of Leftist ideology in its variant forms, primarily against racist and fascist organisations. Scant attention was paid to racism outside of these organisations with the notable exception of the police force. NATFHE tended to overlook the existence of unattached racists and those operating in supposedly non-racist organisations, including those located within left-wing groups. These ‘unacknowledged others’ showed no reluctance to abuse, intimidate, undermine, bully and harass Black people to serve their own interests. This behaviour was used to try to oust Black employees from their employment; or influence union committees to act against or isolate Black members; or trade on the reluctance of other union members or management to intervene to assist Black members or employees. There are many ways in which racism operates – it is not all about ‘racist remarks’ and assumed ‘racial superiority;’ it is about using the particular socio-political milieu to discriminate and to continue to put Black people at a disadvantage even while spouting out the rhetoric of ‘anti-racism’ and ‘long histories in the anti-racist movement.’

(c) ‘To a Wider Extent’ Than Known to Us

In the midst of this activity, the EAT released the report of the Appeal, which Bis Weaver received on the 28th March. This immediately prompted a round of letters to deliver copies of the report to the more interested parties among MPs, trade union leaders, and others involved in the anti-racism and anti-sexism movements. A further release covered the way NATFHE dealt with complaints from members against full-time officials and the lack of procedures for such complaints.⁵¹ This was more like treading water than maintaining an all-out onslaught as we trod the way to the Court of Appeal for the hearing of the application.

The campaign amongst NATFHE branches attracted a number of positive responses; all of them supportive – enclosing financial contributions to the campaign and requesting copies of the Industrial Tribunal report. Unknown to us at the time, a branch in the Yorkshire and Humberside Region, the Shipley College branch, had unanimously passed a motion “deplor(ing) the failure of NATFHE to support the case of a member at Bournville College in a case of racial harassment and insists that the union actively supports all members making complaints of racial or sexual harassment.” The local liaison committee ruled it out of order on the grounds that the proposers were “basing [their] judgement on hearsay evidence” and

the REC ruled it out of order on the grounds that the case was *sub judice*. * How these ‘more enlightened ones’ on the liaison committee could claim it was ‘hearsay’ was barely credible because comprehensive details with substantive references on the case had been sent to every branch. Perhaps, they had been listening to the self-exonerating mish-mash of fabrication and myth that passed as an explanation at head office or had read Triesman’s letter in *7 Days*. The Shipley Branch wrote to Dawson, enclosing the motion, and “in fairness to NATFHE” gave him “the opportunity of clarifying NATFHE’s position in relation to the above mentioned failure” in not supporting “members making complaints of racial or sexual harassment.” ** They also sent a motion to national council.⁵²

Hounslow College’s branch development officer made contact over a case involving an Asian woman and an Irish man and although racial harassment was not alleged it was thought the case could possibly turn in that direction. *** This particular case showed the impracticality of NATFHE’s policy since both parties might cite racism as a factor and with the tenure of either at risk and NATFHE legally obliged to avoid a conflict of interest, which member would NATFHE assist. The only solution for NATFHE was not to involve itself – hardly the approach expected of a ‘campaigning anti-racism’ union.

The ball was kicked into the government domain via Tony Benn and Clare Short. Tony Benn wrote to say he had been in touch with Clare Short,⁵³ who in turn contacted Norman Fowler, Secretary of State for Employment, asking for comments.⁵⁴ Mr Fowler, had in turn passed it on to the Under Secretary of State for Employment, Patrick Nicholls, whose reply offered no route forward. He informed Clare Short that while “Trade unions are...subject to anti-discrimination legislation,...A trade union is free to offer members assistance in legal proceedings if it decides to make such a service available...” He included an example, namely, that if “a union rulebook provided that such assistance was to be given in specified circumstances the relevant rules would form part of the membership contract between the member and the union. Provided that such assistance did not in itself involve anything unlawful, a member could enforce the terms of his membership contract...” He then pointed to assistance available from the Equal Opportunities Commission and the CRE, which was not “affected by rules” between a member and a trade union.⁵⁵ The thought did cross our

* This was stretching the concept somewhat as it would hardly constitute ‘interfering with due process’ bearing in mind it was to be heard before a judge in the Appeal Court

** It was three months before the Branch received a reply from Head Office

*** A branch officer looking at current cases and NATFHE’s role contacted me and I sent him a copy of the Tribunal decision and explained the implications.⁵⁶

minds that if NATFHE's policy on tenure was not in the rulebook or in any standing orders and NATFHE had not brought its custom and practice policy on tenure to a member's attention at any time prior to a complaint being made then how could it form part of the membership contract. However, this was incidental because the Industrial and Employment Appeal Tribunals had found for NATFHE on different grounds and the decisions were now binding on NATFHE and apparently on other trade unions.

Our campaign activities had slowed down but by the middle of May saturation coverage had been achieved and many people active in the labour and anti-racist movements would be aware of the case and its implications. However, not all recipients of the correspondence were happy about the issue being brought to their attention. Perhaps, our campaign rubbed them up the wrong way because we were merely rank and file activists operating outside the control of trade union bureaucrats and upsetting their cosy relationships with employers or by exposing their own minimal commitment to anti-racism. The executive members of the West Midlands TUC, to whom many letters on racial discrimination and trade unionism had been hand-delivered to its office in central Birmingham, confirmed their intention to distance themselves from the issues. The secretary, who previously expressed some sympathy for Bis Weaver's difficulties, acted on behalf of the executive members, by writing that "it is not appropriate that [the TUC's Regional] Office should be continually used as a post box for the distribution of...material [to Executive Committee members] and...in future to send...communications direct to the addressees (unions')." ⁵⁷ I wrote back to say "it was my understanding that the contact address for members of the Executive...was 10 Pershore St" – the office of the WMTUC. However, now having become aware "this is not the case,...an up-to-date list of the relevant contact addresses" was requested. Tongue in cheek, an apology was tendered "for any inconvenience caused to members of the Executive Committee by...correspondence on racial harassment/discrimination; lack of adequate procedures [for complaints]; and other significant issues affecting racial minority and women trade unionists." Unfortunately, I never received a list of addresses so executive members were not able to benefit from further illumination of these issues. ⁵⁸

A little earlier in the campaign when dealing with NATFHE's policy and actions, we also began a similar campaign on the LEA's enquiry; the LEA's refusal to release the report; and the Bournville College nightmarish state of affairs. We wrote providing these details to councillors on the City Council's Education committee and on its Personnel and Equal Opportunities committee. It was possible that those outside the Labour Party leadership might be unaware or received only a sanitized version of the turbulent events in one of the LEA's

colleges and of the Labour group leader's determination to put the lid on the issue. We went to work to put that right with letters signed by Bis Weaver and co-signed by me as her representative.

Different aspects of the case, in seven different letters, were sent out every few days but they did not foster much of a response – only one Councillor intended to look into the matter, although four other Councillors replied.

Najma Hafeez, vice chair of the Education committee, wrote addressing us as Bismillah and Gordon, to say that she “will ask the Officers to keep [her] informed of progress on this matter.”⁵⁹ Hafeez had said the same to Amir Khan twelve months before. Les Byron, Chair of the Education committee, was sent a specific letter asking several questions⁶⁰ but he failed to answer any of them. Instead, he wrote to tell us that “From time to time Members of the Education Committee have to get involved in disciplinary and grievance procedures” to hear appeals. “For that reason they need to keep open minds and not get involved...before the appropriate time [and he thought] it would be in everybody's interests...[not to] write again to all Members...in case any of us need to get involved later – in which case we would obviously want to approach our task with an open mind.” The purpose of his letter seemed to be to avoid answering any questions about his own involvement.⁶¹ Keeping an open mind was something not on the agenda for this councillor on the Weaver issue. Byron would know by now that the LEA had considered the issue closed as Mrs Weaver was, according to the city solicitor, not entitled to use the grievance procedures, and if Cllr Banting and the Principal of Bournville College were aware of that, then, as chair of the Education committee, it was unlikely for him not to have been informed. At a later stage, Councillor Byron claimed to “have never seen a report [and] denied that there was a copy of a report into her case.” * As chair of the Education committee it seemed as if he had not seen the LEA's press release of December 1987 or been informed that a member of staff had left Bournville College under the shadow of disciplinary proceedings following a

* In January 1989, Les Byron, when questioned by the press, stated “An assistant education officer looked into the background to her complaint just to satisfy himself about the matter. He decided that Mrs Weaver's allegations were unjustified and left it at that. At no time did he produce a report.”⁶² Byron was another variant derived from one of the three monkeys! Just over ten years later, he defected to the Liberal Party. He said of the Labour Party “in Birmingham it has become most undemocratic...involving a small clique of people meeting behind closed doors. This is unacceptable. Labour has moved from a party listening to people to a party of telling people what's good for them.” Byron was given the task of examining “the issue of democracy and how the Labour Party damaged democracy not just in Birmingham but throughout the whole country.”⁶³ Byron would be well suited to this task as his performance in dealing with the cover-up in the Weaver case would attest

complaint of racial harassment; and two others were to be warned for their contribution to the racist situation at the college.

A few days later, Dick Knowles reappeared after a lapse of almost a year. He wrote to say that he had:

received a report from officers...and, whilst the issues are many and complex, I recognise that you believe yourselves to have a cause for grievance about the handling of Mrs Weaver's complaints...in June 1986. This Authority's employees have rights in such cases and I would advise you to follow the procedures whereby your formal grievance is sent direct to the Chair of the Governing Body, Councillor Stan Banting, to whom I am sending a copy of this letter.⁶⁴

The merry-go-round goes around and around and sitting in the middle operating the controls was Knowles, one of the principle architects of her problems with the city council.

As Knowles was responding to our correspondence to the Personnel and Equal Opportunities Committee, of which he was a member, we replied to him in that capacity. We referred to one particular item in Councillor Banting's letter of December 1987 where he stated "that there were legal restrictions on Mrs Weaver's use of the grievance procedures." We asked Dick Knowles to "inform Mrs Weaver what are the legal restrictions, which...prevented [her] from using established grievance procedures and in what document such legal conditions are to be found." *⁶⁵ Nothing was heard from Dick Knowles again in any capacity. His work had been done and all Black employees in Birmingham were worse off because of his involvement.

A Conservative councillor on the Personnel and Equal Opportunities Committee, Councillor Wootton, was another contributor. Well known for his reactionary views, he wrote a direct and blunt reply telling me that he did "not wish to receive any further correspondence relating to your wife", which, in his view, was "of no significance and a complete waste of many people's time."⁶⁶ The first thought that crossed my mind when reading this letter was the author must be a NATFHE official or close to the Labour leadership, so abrupt and dismissive was his manner but he was not – just another politico with right wing views. In reply, written solely by me, it was explained to him that "the correspondence was sent to him, as [he is] aware, not by myself on matters relating to my wife but by Mrs B K Weaver, an employee of the Birmingham City Council, co-signed by myself, as Mrs Weaver's representative." It was noted that he considered that "consistent harassment of an employee of the LEA in the workplace; and...the mishandling of the...

* Copies of this letter were sent to each member of the Education Committee and the Personnel and Equal Opportunities Committee

grievance; the contravention of the legal rights of an employee of the City, by College Management, [the] Board of Governors and City Officers; and justice and accountability were ‘of no significance and a complete waste of many people's time.’” However, “as [he] had made it quite clear...that [he did] not wish to receive, as a member of the Personnel and Equal Opportunities Committee, any further correspondence on the serious issues raised by this complaint..., [we] will respect [his] wish not to receive further information on issues that concern the situation of... a woman and a member of a racial minority whilst in the employ of the City Council.”⁶⁷

It was apparent that some sections of the Conservative Party and the Labour movement in Birmingham shared a common outlook on race issues, which was not unlike those found at NATFHE head office and in the West Midlands REC. Upon receipt of this reply, Councillor Wootton phoned the Principal of Bournville College to complain about me but as the letter was written in the capacity of a representative and had nothing to do with my employment at the college he was merely spitting in the wind – but it did show the petty-minded attitude of one councillor occupying a place on a committee whose brief was to deal with equal opportunities issue.⁶⁸

There's a green one and a pink one, And a blue one and a yellow one, And they're all made out of ticky tacky, And they all look just the same. *

The minutes of the 12th January branch meeting had not yet been released so that confirmation of the partial removal of the April 1986 motion had not yet been formally recorded. Furthermore, acceptance of the new motion did not exclude any right we had as branch members to see documentation affecting us in the branch files and we required access to those files, which was hardly likely to affect any Rule 8 tribunal.

Successive requests to the branch secretary, to see the file had not been answered, therefore, a letter was sent to NATFHE explaining why we had delayed answering the outstanding points in NATFHE's earlier letter. Head office was then asked to “authorise the Bournville branch officers to respond to...[our] correspondence,” that is, regarding documentation held in the branch and when this matter was clarified the outstanding points would then be addressed.⁶⁹

* From *Little Boxes* sung by Pete Seeger in 1963. Pete Seeger was a founder member of the folk group *The Weavers*, who were blacklisted during the McCarthy era. *The Weavers* took their name from a play depicting the rising of the Silesian weavers in 1844,⁷⁰ containing the line, "I'll stand it no more, come what may." An appropriate line for Bis Weaver after what she had been forced to face, including a McCarthyite-style enquiry

While Bis Weaver was going through a relatively quiet period, NATFHE was continually confronted with the consequences of its actions. What was about to happen was another event that would remain completely unknown to Bis Weaver and I for six months.

Norman Willis had recently opened NATFHE's new headquarters despite knowing all the ramifications of NATFHE's policy and the difficulties heaped on Bis Weaver by NATFHE officials and officers and now the TUC was preparing for a Conference on *Black Workers and the Trade Unions* to be held at NATFHE's head office on the 21st July. * The decision to hold this type of conference at NATFHE headquarters when the union had a policy discriminating against Black members did not fit easily with the TUC general secretary's letter to Bis Weaver in March in which he said that the TUC had "no power to intervene in the internal affairs of affiliated unions" but would continue to monitor the Weaver case closely.⁷¹ Under the circumstances, the decision to hold a conference on Black workers in NATFHE's Britannia homeland gave the impression, in certain significant quarters, of the TUC standing alongside NATFHE as a partisan comrade-in-arms.

There can be no neutrality or non-intervention in matters concerning racial discrimination and Norman Willis was showing that there was, in fact, no neutrality and was sending a clear message of support for those whom Freire identified as the 'powerful'. Was this how the TUC general secretary avoided involvement in the affairs of constituent trade unions? It certainly gave the impression of support for NATFHE against its Black members and that is how it looked to interested anti-racist activists. Perhaps, Norman Willis might rely on the defence of having listened to Triesman's version of events and had found no flaws in it. Ticky tacky and they all *are* just the same!

The decision to use NATFHE's home-base for the TUC conference offered NATFHE the opportunity to present to its own annual conference, which was to be held on the 28th to the 30th May at Cardiff, a picture that all was well and NATFHE had the confidence of the highest levels of the trade union movement for its approach to racism. However, shortly before NATFHE's annual conference was due to be staged, news of the TUC's proposed conference and its venue became known to *Black Rights (UK)*, a Black Law Centre in London. The Director of *Black Rights* wrote to Norman Willis expressing concern about the decision of the TUC "to hold a conference about Black Workers and the Trade Unions at the NATFHE Headquarters when this union has a policy of not representing Black members who complain of Racial Discrimination or Harassment against White members [which]...came to

* This should not surprise anyone familiar with Willis' performance during the 1984/5 miner's strike

light following” the *Mrs B Weaver v NATFHE* case. Diplomatically, the Director felt “certain that the TUC could not have been aware of this policy” when it “decided to hold the Black Workers Conference there” and he hoped “Now that this had been brought to [his] attention,” the general secretary “would agree...that NATFHE Headquarters is not a suitable place to hold such a Conference and...will take immediate action to find another venue.”

Discarding diplomacy, the Director advised the TUC that in the event of the Conference not being held at an alternative venue, *Black Rights* intended “to mount a picket outside the building and ask those delegates attending not to cross the picket line.” He also announced the intention of “writing to Mr Bill Morris, Mr Ken Gill, the Commission for Racial Equality and the Joint Council for the Welfare of Immigrants, informing them of...[the proposed] picket [of] NATFHE Headquarters...”⁷² The letter to Bill Morris explained the issue and asked him to “use [his] influence to get this Conference moved to another venue, failing that, [Bill Morris’s] assurance that [he] would not cross the picket lines.”⁷³ Bill Morris contacted *Black Rights* on the 25th May giving an assurance not to cross the picket line ⁷⁴ and the following day, the TUC replied to *Black Rights* to say that no decision had yet been made on the venue, which Mr Willis “hopes to be able to make a final decision in the near future.”⁷⁵

During NATFHE’s annual conference, delegates congregating at Cardiff watched as a relic of NATFHE's past went to the wall - the 'infamous' Rule 24 was deleted from the union's Rule Book because, it was claimed, of the union’s decision to provide its own legal services. Another red herring served up for consumption because legal advice had been available under Rule 24 although not for victims of racist or sexist harassment. A new rule was passed giving power to the NEC, whose members had all been sent a copy of the *Union’s Right to Discriminate Upheld* campaign letter just prior to the Conference, “to grant legal advice and assistance in relation to any matter...arising out of employment, professional duties or TUC activities.”⁷⁶ The NEC should have known that the provision of this ‘advice and assistance’ was subject to the applicant not threatening another member’s tenure after having the unfortunate experience of being harassed by that member.

NATFHE officials did not have a chance of promoting their so-called anti-racist *bona fides* at its annual conference because Norman Willis had decided, or had it decided for him, to hold the TUC conference at an alternative venue. Nothing was said at NATFHE’s conference about the proposed TUC conference. Anti-racism was a neglected issue, maybe due to the pending court case. Or could it be due to NATFHE’s reluctance to broadcast publicly the failed anti-racism conference planned for December 1987 due to lack of

response? Or the decision forced on the TUC not to hold a conference on Black Workers at NATFHE headquarters because of the threat to picket the conference by a Black Rights organisation in protest at NATFHE's discriminatory policy? However, the issue of racism did make an appearance at a fringe meeting. One speaker, Trevor Carter, told the gathering that "White people's commitment (to anti-racism) arose from their politics, whilst Black people's commitment arose from their experience." He felt that "There were dangers for White people in becoming 'more anti-racist than thou' and in taking away from Black people the right to speak for themselves"⁷⁷

Those whose anti-racism arose from their experience of racism were in no position to adopt expedient stances because taking a stand against racism was part and parcel of their everyday experience. They had no tap to turn off when something else turned up on the personal or political agenda.

This was particularly relevant to some of NATFHE's 'activists', since their commitment arose from politics and were able to modify their position should they be disinclined to act against racists when their comrades-in-arms were implicated; or if predisposed to dilute racist behaviour into some meaningless category when it suited personal or political pursuits.

Any delegate from the West Midlands would know that Trevor Carter's position was the line put forward by BLG members that the BLC/REC rejected with the subsequent exclusion from the WMARC of those proposing this approach. Would any West Midlands delegate at this fringe meeting be shaking their heads in disagreement and disputing the speaker's claims as they were inclined to do when Black people in the West Midlands confronted them with a few home truths? No doubt they clapped his every word, that is, if they took the trouble to attend.

When NATFHE's own princes addressed the conference in the Principality, the usual sanctimonious sophistry, bleated out consistently over the past three years, still streamed out of their mouths. President K Thomas when condemning the reactionary and dictatorial powers of the Conservative Education Secretary set about praising NATFHE for operating "on the basis of collective decision-making," (whose) officials' powers were quite limited. Did the President not know what had been going on in the union for the past few years? He appeared to be living in a world divorced from the reality of what the union and its paid officials represented. Dawson claimed responsibility for writing the rulebook and urged delegates to consider, democratically, the type of structure required for the future in accordance with "real trade union principles, and accountability to the views of the

members.” *⁷⁸ This self-righteous drivel portrayed as principle in the *NATFHE Journal* was slick enough to make the reader’s eyes slide off the page.

During Bis Weaver’s lengthy journey through NATFHE’s catacombs, stirring the dust that enveloped NATFHE’s skeletons, NATFHE was exposed as a monolithic structure dominated by officials with acquiescent lay officer allies lying down together while uttering self-serving dogma. An air of deference from officers to officials permeated the air-waves as witnessed by the performances of Ms Whitbread in May 1986 and Childerhouse in May 1987 at NATFHE’s annual conferences when fawning over Dawson. **

Was there a virus at head office causing senior lay officers to become obsequious to NATFHE officials during their term of office? The general secretary certainly knew the score and there could be little doubt he knew that what he was verbally delivering from on high bore no vestige of reality to what NATFHE represented. These Orwellian brothers were still purveying the same rhetorical hogwash about democracy in NATFHE. There seemed to be no one at the conference who heard the noise of NATFHE’s trees as they came crashing down.

A few days later, on the 3rd June, Norman Willis informed *Black Rights* that the conference venue had been changed but he stressed his decision was taken “in order to avoid the TUC’s conference being spoiled by the sort of publicity which would result from attempts to ‘picket’ the Conference.”⁷⁹ The decision to change the venue, the Director was informed, “should not be interpreted as an expressed view of the case of alleged racial discrimination within NATFHE [since] The TUC is not in a position to take a view on the internal affairs of affiliated trade unions.” *** Freire-free neutrality infected the highest levels of trade unionism but it was passed off as some kind of necessary bureaucratic non-alignment. Nonetheless, the approach adopted by *Black Rights* had done the trick. Norman Willis, in what seemed like an attempt to offset NATFHE’s difficulties with an anti-racism conference at its headquarters, had seen his gesture blow up in his face.

* Writing the rule book was hardly something to promote as an achievement considering the ease with which the rule book was disregarded

** According to Michels, the political scientist who stated that “in every bureaucracy there is arrogance towards inferiors and servility to superiors.”⁸⁰ Michels formulated the ‘iron law of oligarchy,’ which states that political parties and other membership organizations inevitably tend toward oligarchy, authoritarianism, and bureaucracy. He was a socialist who did not oppose the rise of fascism

*** Mr Willis was looking at this extremely parochially because NATFHE’s defence at the Industrial Tribunal had interfered in the internal affairs of every trade union by claiming the policy on tenure was applied by all of them, which apparently it was not. The EAT decision had now made the policy applicable to them. Furthermore, Willis seemed more interested in having a cosy relationship with NATFHE than taking a stand against NATFHE’s racist policy

The same day that Norman Willis conceded to a change of venue, NATFHE's general secretary, Dawson, was sent a letter from *Black Rights* concerning NATFHE's policy of not representing Black members. Dawson was left in no doubt that regardless of the success or otherwise of Mrs Weaver's application to the Court of Appeal, *Black Rights* wanted to know what action the union was "prepared to take to ensure Black members...receive equal treatment." NATFHE was accused of "mak[ing] public statements, ([albeit] very rarely) about eliminating racial discrimination but discriminate against Black members whenever" the opportunity arose. He informed Dawson of *Black Rights*' intention to ask the TUC "to check that other unions do not have the same policy...and to take some action against any union that is operating a similar policy." He warned Dawson that unless the union was able to assure *Black Rights* of its intention to change this policy, *Black Rights* intended to mount a campaign urging Black members to leave NATFHE.⁸¹

The Director also wrote to Ron Todd of the TGWU and the general secretaries of 55 TUC-affiliated trade unions raising the policy on tenure and "counting on [their] support to ensure all unions affiliated to the TUC and the Labour Party promote their services to all members irrespective of...race, colour, ethnic or national origins."⁸²

NATFHE's chickens were coming home to roost oven-ready.

One thing was certain, the publicity was bringing considerably more pressure on NATFHE than we had realised at the time. We did know, reported to us by anti-racists in other trades unions, that when news of NATFHE's policy began to spread amongst them, it became increasingly difficult for NATFHE members attending anti-racism conferences to say anything about anti-racism. When they did speak of NATFHE's commitment to anti-racism, their contributions were met with the word *Weaver* – a name to conjure up images of artisan forebears, part of the early English radical tradition,⁸³ and now the adopted name of a woman of Malaysian origin pursuing that same radical tradition of confronting the usurpers of rights.

History repeats itself in unusual guises and does not always reappear as farce.

¹ GW to MPs/MEPs, various dates from 1 Jan 1988 File J 42 - 43

² TB to GW 7 Jan 1988 File V 28

³ BG to GW 14 Jan 1988 File V 29

⁴ GW to BG 17 Jan 1988 File J 45

⁵ KL to GW 19 Jan 1988 File X 32

⁶ DF to GW 18 Jan 1988 File V 30

⁷ THES 3 Jun 1983

⁸ Times 25 April 1969

⁹ JR to GW 28 Jan 1988 File X 34

¹⁰ AM to GW 5 Feb 1988 File V 34

¹¹ GW to TUC & Others 21 Jan 1988 File J 51 - 52

¹² NUT to GW 27 Jan 1988 File X 33

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- 13 GW to NUT 28 Jan 1988 File J 55
14 Nalgo to GW 2 Feb 1988 File V 33
15 Y & H TUC to GW 5 Feb 1988 File V 32
16 GW to AM 10 Feb 1988 File Z 37
17 BM to GW 9 Feb 1988 File V 35
18 BM to TUC/CRE 9 Feb 1988 File V 36
19 DN 7 Jan 1988; Voice 19 Jan 1988; Campaign Briefing Jan 1988; Labour Briefing 12 Jan 1988
20 CT 4 Mar 1988; DN 3 Feb 1988; Post 8 Feb 1988; AT 12 Feb 1988; Voice 16 Feb 1988
21 AT 19 Feb 1988
22 JCh 19 Feb 1988
23 IP 19 Mar 1988
24 GW to BLG & TUs 14th Feb 1988 File J 61 - 62
25 Labour Briefing 10 Feb 1988
26 IM to GW 18 Feb 1988 File V 37
27 Tribune 18 Mar 2004
28 DTr to IM 8 Feb 1988 File V 38
29 American Dream: Global nightmare, Sardar Z & Davies M W, 2004, Icon Books, Cambridge
30 GW to IM 23 Feb 1988 File J 63 - 68
31 GW to Labour MPs, MEPs & others 24/25 Feb 1988 File J 69 - 72
32 GW to TUs & others, between the 27 Feb 1988 to 27 Apr 1988 File J 69 - 72
33 GD to GW 28 Feb 1988 File V 39
34 TGWU to GD 12 Feb 1988 File V 41
35 GW to GD 5 Mar 1988 File K 1
36 BM to GW 7 Mar 1988 File V 40
37 GW to NATFHE branches 1 Mar 1988 File X 26 - 31
38 FBU v Fraser (1997) IRLR 671 EAT
39 GV to GW (undated) 14 Dec 1987 File V 17 - 18
40 Br Mtg 12 Jan 1988 File R 67 - 68
41 NATFHE to BW 10 Mar 1988 File K 5
42 NATFHE to GW 10 Mar 1988 File K 3 - 4
43 GW & BW to NATFHE 15 & 16 Mar 1988 File K 6 - 7
44 GW to NATFHE 20 Mar 1988 File K 10
45 NATFHE to GW 11 Apr 1988 File K 12
46 GW to NATFHE 23 Apr 1988 File K 17
47 NATFHE to GW 10 May 1988 File K 22
48 NATFHE Sexual Harassment Policy, NJ Apr 1985
49 NATFHE Draft Guidelines DT/dw/010987 File X 67 - 70
50 PMc to DE, copied to DTr & others, 8 Apr 1986 BW IT Bundle 55
51 GW to BLG & TUs 1 May 1988 File K 20 - 21
52 Shipley to PD 6 May 1988 File X 57; DTr to Shipley Coll 11 Jul 1988 File X 58; T/p Conv Shipley & GW 17 Mar 1989 File Y 13; GW to Shipley Coll 17 Mar 1989 and Shipley Coll to GW 6 Apr 1989 File X 54 - 56;
53 TB to GW 12 Apr 1988 File X 72; CS to GW/BW 14 Apr 1988 File X 71
54 CS to GW 5 May 1988 and PNic to CS 28 Apr 1988 File X 42 - 43
55 PNic to CS 28 Apr 1988 File X 43
56 PN to GW 22 Mar 1988; & GW to PN 29 Mar 1988 File X 48 - 50
57 WMTUC to GW 17 May 1988 File K 23
58 GW to WMTUC 19 May 1988 File K 24
59 NH to BW/GW 16 Mar 1988 File P 76
60 BW/GW to LB 30 Mar 1988 Rec'd Del M 348737 File P 77 - 78
61 LB to BW 31 Mar 1988 File P 79
62 BEM, Post and E & S, 9 Jan 89
63 BEM, Post, 25 Apr 2000
64 RK to BW/GW 8 Apr 1988 File P 80
65 BW/GW to RK & others 13 Apr 1988 File P 81 - 82
66 Cllr RAW to GW 14 Apr 1988 File P 83
67 GW to Cllr RAW 15 Apr 1988 File P 84
68 Conv, admin officer to GW 21 Apr 1988 File Y 12
69 GW to NATFHE 28 May 1988 File K 25
70 Hauptmann, G, [1892] Die Weber (The Weavers: a Drama of the Forties)

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- ⁷¹ NmW to BW 30 Mar 1988 File X 40
⁷² BR (UK) to NmW 19 May 1988 File K 41 - 42
⁷³ BR (UK) to BM 19 May 1988 File K 43 - 44
⁷⁴ BM to BR (UK) 25 May & 8 Jun 1988 in BR (UK) to BM 14 June 1988 File K 51
⁷⁵ TUC to BR (UK) 26 May 1988 File K 48
⁷⁶ NJ Summer 1988
⁷⁷ Carter T, [1987] Shattering Illusions, West Indians in British Politics, Lawrence & Wishart, London, in NJ
May 1988
⁷⁸ NJ Summer 1988
⁷⁹ NmW to BR (UK) 3 Jun 1988 File K 49
⁸⁰ Michels R [1962] Political Parties, The Free Press, New York
⁸¹ BR (UK) to PD 3 Jun 1988 File K 50
⁸² BR (UK) to BM 14 Jun 1988 File K 51
⁸³ Thompson E P [1970] Making of the English Working Class, Pelican, Harmondsworth