

A plan for decency in the Labour Party

Labour prided itself as party of anti-racism, feminism and decency but this reputation has been tarnished in recent year. We need to take decisive action to ensure that decency prevails in the Labour Party, that we foster a culture of inclusion and respect, and drive antisemites, islamophobes, racists, misogynists, harassers, trolls and their ilk from the Labour Party.

This document sets out a plan for decency in the Labour Party. It includes measures to fight discrimination and harassment in the Labour Party. The measures aim to ensure there is effective action to deal with unacceptable behaviour, education programmes to identify and prevent it. This includes putting in place the policies, procedures and governance that are needed to deal with this problem.

The core components of the plan are set out below. This is an area where it is important to take care to ensure that there are not unintended consequences from the policies adopted. This plan therefore aims to set out a framework for action in this area but will need to be subject to revision and refinement to make sure it is as effective as possible, taking into account feedback. It also in some cases sets out different possible options for consideration.

Labour's new disciplinary processes for discrimination and harassment should be designed and developed with the close involvement of BAME Labour, Labour Women's Network, Jewish Labour Movement, the Labour Party Irish Society, Chinese for Labour, Christians on the Left, Disability Labour and LGBT Labour. These groups have invaluable knowledge of the discrimination their members face and Labour should make sure it draws upon it.

This plan is in large part based on Jewish Labour Movement's ("**JLM**") submission to Labour race and faith manifesto consultation and the ten pledges that the Board of Deputies of British Jews is asking Labour leadership and deputy leadership candidates to support. However, it sets out greater detail how the proposals by JLM and the Board of the Deputies could work and attempts to address some of the concerns raised about them. In particular, the following concerns are addressed:

- The concern that having an independent provider would compromise party democracy is addressed by suggesting that the independent provider could work to guidelines agreed by Labour's National Executive Committee (the "**NEC**").
- The concern that lifetime bans may not be appropriate on the basis people should have the opportunity to reform has been addressed by making lifetime bans optional.
- The concern about preventing supporting, campaigning for or providing a platform for those who have been suspended for discriminatory conduct should not prevent supporting the challenging of disciplinary decisions because the NEC guidelines have not been applied correctly or there has been an error of fact in the decision.
- The concern that the use of the International Holocaust Remembrance Alliance ("**IHRA**") definition of antisemitism could prevent legitimate criticism of Israel or campaigning for the rights of the Palestinians is addressed by

proposing that Labour retain the statement made by the NEC when it adopted the IHRA definition in full with all examples that this does not in any way undermine freedom of expression on Israel or the rights of Palestinians.

- The concern that Labour should not be prevented from engaging with smaller groups within a minority group has been addressed by making clear that this is meant to only prevent engagement with fringe groups that are not committed to non-discrimination, such as Jewish Voice for Labour.

Some have also suggested that Labour should wait until the results of the Equality and Human Rights Commission (“**ECHR**”) has reported on its investigation into the Labour Party and antisemitism. However, it cannot be right that Labour should sit on its hands rather than make changes to deal with the problems with its disciplinary process. We should want the ECHR to report acknowledging that Labour had taken action on this issue not saying that we have done nothing while it has been investigating. There has been no indication from the ECHR that Labour should wait for its report before making improvements to its disciplinary processes.

This plan is meant to a contribution to the discussion about what Labour does about antisemitism, bullying and harassment. It does not purport to have all the answers but is meant to be an organic document that will develop over time. It is put forward in good faith and it is hoped everyone will engage with it on that basis. Hopefully, all the Labour Party leadership and deputy leadership candidates will support all or some of it, especially as it aims to address concerns that some of them have raised.

The presence of antisemitism, discrimination, bullying and harassment in the Labour Party is a stain on it. It is time to deal with these shameful circumstances, working closely with Labour’s affiliates, with decisive, considered, and firm action. This plan sets out how this could be done.

1. An independent disciplinary process

Rather than the current disciplinary system, run by the Labour National Constitutional Committee (“**NCC**”) and Labour Party staff, there should be an independent disciplinary process, from the point that a complaint is made to when sanctions are decided.

This disciplinary process would apply, at a minimum, to complaints of racism, antisemitism, islamophobia, misogyny, disability hate, homophobia, trolling, bullying, sexual harassment and other forms of discrimination.

The independent disciplinary process could be run either by an external provider or could be established by the Labour Party with, for example, senior Labour Party supporting lawyers taking responsibility for it. In either case, it should operate to apply guidelines regarding how cases are handled using the IHRA definition of antisemitism. In this respect, political control would be retained by the NEC over the disciplinary process, but political involvement in individual cases would be stopped.

BAME Labour, Labour Women’s Network, Jewish Labour Movement, the Labour Party Irish Society, Chinese for Labour, Christians on the Left, Disability Labour and LGBT Labour should be involved in designing the new disciplinary process as well as in preparing the guidelines and monitoring the effectiveness of the new system.

2. Retaining the IHRA definition of antisemitism

Labour should retain the IHRA definition of antisemitism, as well as the statement made by the NEC when it adopted the IHRA definition in full with all examples, that this does not in any way undermine freedom of expression on Israel or the rights of Palestinians.

3. A clear deadline for dealing with complaints

A major concern regarding Labour’s disciplinary process is the time that it takes. This makes the process more stressful than necessary for complainants as well as those complained against, increases the chances of witnesses not providing evidence or forgetting details and means justice is delayed. Justice delayed is justice designed, so Labour needs to make sure that its disciplinary is made swifter.

Clear and realistic deadlines for dealing with complaints should be put in place, with regular and detailed public reporting on whether these are being met. Outstanding cases should also be dealt with swiftly.

4. No time-limits for making complaints

There should be no time-limits on when a complaint may be made and considered.

5. Same-sex complaint handlers

Where requested, same-sex complaint handlers should be available to deal with complainants.

6. Indicative tariff for disciplinary sanctions

There is a concern that the approach that Labour takes to disciplinary cases is not consistent. In order to increase consistency, Labour's guidelines for the independent disciplinary process should include an indicative tariff of sanctions for different types of wrongdoing. This should include aggravating and mitigating factors that must be taken into account decision sanctions, and set out where different types of sanctions, such as expulsion, suspensions, warnings and mandatory training are appropriate. This should include the option of lifetime bans.

7. Punishment for undermining the disciplinary process

Labour disciplinary guidelines should include the option of expulsion for those who undermine the disciplinary process (e.g. by discussing cases with the media or attempting to lobby those presiding over disciplinary cases). Staff employed by the Labour Party or by Labour MPs should also be subject to disciplinary action for such behaviour.

8. Regular reporting on the performance of the disciplinary purpose

The Labour Party disciplinary process needs greater transparency. This will make it more accountable and hopefully increase confidence in Labour's disciplinary system. This reporting should include both reporting to the NEC and public reporting of detailed statistics covering each stage of the disciplinary.

9. A ban on sharing of platforms with those have been expelled

It brings the Labour Party into disrepute where its members share platforms with or campaign for those who have been suspended or expelled for antisemitism, islamophobia, racism, sexism or harassment. Labour Party members should be subject to disciplinary sanction where they share platforms with such people or campaign for them other than where it is to challenge failings in the disciplinary process in respect of procedural failings, mistaken failings of fact or mistaken application of Labour's disciplinary guidelines.

10. Mandatory diversity, equality political education and ant-bullying training

There is often significant ignorance of the nature of antisemitism, islamophobia, racism, sexism, bullying and harassment as well as how best to challenge them. Mandatory training should be put in place for all Labour candidates, elected representatives and Constituency Labour Parties to raise awareness about the nature of all forms of discrimination, harassment and bullying and how to challenge it.

The training should be explicitly political, looking, amongst other things, at the historical, cultural and political nature of discrimination. BAME Labour, Labour Women's Network, Jewish Labour Movement, the Labour Party Irish Society,

Chinese for Labour, Christians on the Left, Disability Labour and LGBT Labour should be involved in designing and delivering the training.

11. Requiring all Labour candidates and elected representatives to confirm their commitment to non-discrimination

It should be a condition of being a Labour candidate or elected representative that you confirm your commitment to non-discrimination, including acceptance of the IHRA definition of antisemitism.

12. Audit of past cases

An audit of all complaints since 2015, using the new guidelines and independent process, should be carried out to consider whether further action in any cases is appropriate, include the option of lifetime bans for those who have been expelled.

13. Better engagement with representatives of discriminated against groups

Labour must improve its engagement with those representing groups facing discrimination. It is shameful that Labour handling of anti-Semitism has led it to the Jewish Labour Movements losing confidence in Labour's approach. Labour should strengthen its engagement with BAME Labour, Labour Women's Network, Jewish Labour Movement, the Labour Party Irish Society, Chinese for Labour, Christians on the Left, Disability Labour and LGBT, both in respect of dealing with discrimination in the Labour Party but also making sure Labour represents these groups as best possible.

Labour should engage with other appropriate representative bodies (especially where discriminated against groups do not have a group that is affiliated to Labour). This should include smaller groups within discriminated against groups but it should not include engagement with fringe groups that are not committed to non-discrimination, such as Jewish Voice for Labour.

14. A clear communication programme

Labour should put in place a clear communication plan to explain how it is changing its approach to dealing with discrimination and harassment.

15. A plan for promoting an open, respectful and democratic culture in the Labour Party

Labour should develop a plan for promoting an open, respectful and democratic culture in the party, including more clearly articulating the party's expectations for its culture and the expectation that Labour's elected representatives, party officers and senior staff will set an example by modelling good behaviour.

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