

United Campaign

to Repeal the Anti Trade Union Laws

FOR TRADE UNION FREEDOM

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**RECLAIM
OUR
RIGHTS!**

**UNITED
CAMPAIGN**

A rally for trade union freedom and against inequality – 18 October 2007

The Joseph Rowntree Foundation published a report into poverty on 17 July 2007 showing that inequality between rich and poor has now reached levels not seen in Britain for 40 years. A second report, published simultaneously, found that the public thinks the gap between rich and poor is too large.

This is an issue relevant to trade union freedom. Unions are a force for good in dealing with such inequality and unionised workers are generally not those who suffer most from low pay.

The UK laws, however, are overly restrictive in relation to trade unions. But do not take my word for it. The United Nations has said repeatedly that our laws are in breach of the International Covenant on Economic Social and Cultural Rights, because they prevent us from properly exercising our collective rights. Our Government responds that they do not accept that they might be in breach of international law. These fundamental human rights are “aspirational” and that they do not need to be legally enforceable in the UK.

Is this a rational disagreement between the UK Government and an over enthusiastic part of the UN? No it is not. The UN is not alone in its criticisms of the UK. The same sort of disapproval is levied by the International Labour Organisation (in relation to ILO Conventions 87 and 98), the European Court of Human Rights in relation to the European Convention on Human Rights and), the European Committee of Social Rights (in relation to the European Social Charter).

The European Social Rights Committee reported that the UK law is excessively restrictive “...in circumstances where action ought to be permissible in order to enable workers and their unions adequately to protect and to promote their economic and social interests, and to organise their activities” and that the Government should introduce amendments which enable workers to take industrial action more freely. This has been ignored by the UK.

This is surely nothing to be proud of and gives every justification for our fight for trade union freedom. There have been developments in relation to the last two forums very recently that illustrate the issues.

Gordon Brown insisted on 10 July 2007 that the EU Charter should reflect every aspect of the deal secured by Tony Blair at the summit the previous month. It was agreed that the Charter of Fundamental Rights will be legally binding in the Union, except in the UK. Twenty six countries agree that fundamental rights are just that – they are prepared to be subject to scrutiny. But the UK is not. And the UK is told repeatedly of violations particularly about laws that tie up trade unions.

On 11 July, the Prime Minister announced the Government’s draft legislative program for the next session of Parliament. Among the proposals is an ‘Employment Simplification Bill’. This will include provisions for unions to have tiny bit more control over their own rules and how they act. The Government has agreed it must act to comply with the decision of the European Court of Human Rights in February this year in the case of ASLEF v UK. The UK laws restricting the union’s ability to expel a fascist are themselves illegal judged by reference to

Article 11 of the European Convention on Human Rights, which deals with freedom of association. In the United Campaign newsletter after the ASLEF case we said "if this Government does not repeal these laws, we believe the next one might well have to..."

But the United Campaign says that the proposals in the Employment Simplification Bill do not go far enough to comply with the judgment or the principles of freedom of association and article 11. The Government says the case is limited to its facts and there only needs to be change to deal with a union's right, in accordance with its rules, to expel those in a political party whose beliefs are opposed to those of the union.

The ASLEF case goes further to say that "under Article 11 unions must remain free to decide, in accordance with union rules, questions concerning admission to and expulsion from the union". We say that Thatcher's laws that outlawed unions from "unjustifiably" disciplining, or expelling strike breakers must go. This is another argument that we have been putting over the years – and to be fair so have others, like the TUC with the encouragement of their affiliates.

From the TUC in 2005 the unions have been campaigning for a Trade Union Freedom Bill. The Labour party conference that year passed a motion in support too. The Bill has been laid before parliament as a private member's Bill and it is very modest in its aspirations. It is so modest it would not put the UK in compliance with its international obligations. But the Government opposes it.

On 2 March the first reading of the Bill was set, but there was no debate. Government Minister, Jim Fitzpatrick, "talked out" Paul Farrelly's Temporary and Agency Workers Bill listed in front of the Trade Union Freedom Bill, so John McDonnell, who laid the Bill, was not called to put the case. The United Campaign supports both Bills, even though our primary focus is for trade union freedom. We understand that temporary and agency workers deprived of equal rights can be exploited to undermine trade union strength.

The good news is that Paul and John agreed on a tactic to enable both Bills to be listed on 19 October.

We are organising a rally in support on the day before. The United Campaign is looking to encourage TUC and others to support the rally and of course we need much support from members and activists.

There is a lot more to do to make even union members aware that trade unions are trussed up by laws in the UK that are unlawful by long standing basic international standards. And we have to go on to ensure that trade unions are free to perform their essential functions to help those who are suffering inequality.

Twenty four national unions support the United Campaign and we have many regions, branches and trades councils and individual supporters too. We need your support. Visit our website www.unitedcampaign.org.uk for more information or contact us at info@unitedcampaign.org.uk