

United Campaign

to Repeal the Anti Trade Union Laws

FOR TRADE UNION FREEDOM

**Article: “The European Court of Justice
equals rough justice for workers”**

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The European Court of Justice equals rough justice for workers

A spate of recent rulings from the European Court of Justice has undermined basic trade union rights across the European Union that are supposed to be enshrined in international law.

ECJ judgments on the Viking, Vaxholm, Ruffert and Luxembourg cases in particular have, in different ways, all found in favour of big business and against workers.

Together they represent the biggest threat to trade union rights for a generation and are far more restrictive than even the Tory anti-union laws which are still in place.

Tory anti-union legislation restricted the right to strike by introducing stringent procedures in order to carry out industrial action.

However, this unaccountable court has now given itself the opportunity to scrutinize the legitimacy and the proportionality of any given dispute and the effect on the employer.

The ECJ is a politically-driven court committed to the EU concept of 'ever closer union' of the member states regardless of national laws. It is an EU institution designed to implement EU laws and extend the so-called internal market.

This means that it is not an independent body as it is guided by EU rules not those democratically decided by national parliaments in member states.

This dictatorial approach has led to this EU court consistently finding against trade unions going about their business of protecting workers.

In the Viking case the Finnish ferry company Viking Line attempted to re-flag one of its ships to Estonia and replace Finnish seafarers with cheaper Estonian labour.

Finnish workers attempted to launch strike action to protest against this clear social dumping. Viking then began legal proceedings and, after sitting on the case for three

years, the ECJ ruled that Finnish workers had no right to take action as the company's 'freedom of establishment' took precedence.

The Vaxholm case similarly began after Swedish trade unionists attempted to prevent Latvian firm Laval paying poverty wages to Latvian builders working in the Swedish town of Vaxholm.

The ECJ ruled that the right to take action is superseded where an employer complains that the union is seeking terms and conditions in excess of the minimum provided by the Posted Workers Directive. It claimed that as Sweden has no minimum wage legislation in place trade union action was invalid.

In the Ruffert case the court ruled that a German public body was not entitled to include a clause in a public works contract that required contractors to pay foreign workers the same rates as those set down in collective agreements.

If that was enough for these euro-beaks, the court has also used the ruled that Luxembourg must remove labour laws putting national and foreign workers on an equal footing with local employees.

In all these cases the ECJ is asserting that EU rules on the free movement of goods, services, capital and labour give private firm's protection against collective action by trade unions. In other words an employer's right to "freedom of establishment" under EU rules trumps the right to strike.

Richard Arthur of Thompsons has said that the ECJ rulings run roughshod over trade union rights which have been almost universally recognised in numerous international treaties for many decades.

These draconian EU judgments and EU rules on 'free movement' – all enshrined in the renamed EU constitution, the Lisbon Treaty – represent a fundamental attack on trade union rights.

The principles of effective and democratic trade unionism are being actively undermined by EU institutions and those who promote its policies and agenda.

In order to resist it, we should be demanding the repeal of these vicious ECJ judgments and respect for the Irish rejection of the Lisbon treaty by ditching the EU's entire state-building project once and for all.