



"The cause of trade union freedom and the establishment of laws to reflect fundamental collective human rights is a just cause. Our union has been proud to support and play a part in the United Campaign over the years."

**Joe Marino, General Secretary
BFAWU**

**BAKERS
FOOD
AND ALLIED
WORKERS
UNION**



**RECLAIM
OUR
RIGHTS!
UNITED
CAMPAIGN**

Conference 2008

An Update on the Trade Union Freedom Bill

The United Campaign and BFAWU — Campaigning to Extend Rights at Work

For the third successive year the United Campaign to Repeal the Anti-Trade Union Laws has encouraged an Early Day Motion in support of the Trade Union Freedom Bill. So far 47 MPs have signed **EDM 1604**.

We are writing to MPs who have yet to sign and are encouraging readers to write to their own MPs. There is a model letter on our website for affiliates and supporters and those who recognise the need for more trade union freedom at least to comply with fundamental rights.



The United Campaign hopes to get support for amendments to the Employment Bill in the House of Commons to incorporate all or some of the provisions of the Trade Union Freedom Bill. We have amendments already drafted which will be given to MPs who are prepared to raise the issues involved.

Later in the year we intend to encourage another Trade Union Freedom Bill – this time as a 10 Minute Rule Bill. Along with our supporters we hope to arrange a rally to coincide with the reading

of the bill.

In addition there have been a number of union motions covering the Trade Union Freedom Bill. We welcome the BFAWU motion at conference and the added impetus that this gives to the campaign for collective rights and the abolition of unlawful anti union laws.

Over the page we comment on the Viking, Laval and Ruffert judgments from the European Court of Justice linking this to the issue of temporary and agency

workers, whose lack of rights and poor terms and conditions is being used to undermine the position for working people and pensioners.

There has been some success with the agency workers, which is an example of continuous pressure producing results. To quote Paula Goodman recently: "We must keep coming back to seemingly unbreakable walls with stronger chisels".

**Read more news at
www.unitedcampaign.org.uk**

What Does the United Campaign do?

The United Campaign works together with all of our affiliated unions to campaign for a framework of positive trade union rights. The Campaign calls for the repeal of the repressive and illegal anti-trade union laws introduced by the Conservatives between 1979 and 1995.

In recent years the United Campaign has worked with BFAWU and other affiliates on a Charter of Workers' Rights and has helped to draft the Trade Union Rights and Freedoms Bill.

If enacted the Bill would significantly strengthen trade union rights, including: better protection for striking workers, simpler and fairer industrial action balloting and notice

procedures, reform of the use of injunctions by employers, allowing solidarity action in certain circumstances, prevention of the use of replacement labour during strikes, and trade-union rights for prison officers.

For more information visit our website at **www.unitedcampaign.org.uk**.

An Update on the Latest Developments

Balpa and Life After the European Court Cases

Following the Viking and Laval judgments from the European Court of Justice in December, the decision in Ruffert in April once again had human rights and fundamental freedoms for workers lose out to business rights in the EU.

Meanwhile, in the High Court in London, British Airline Pilots' Association - Balpa - withdrew their case on the third day of the hearing that started on 18 May 2008. They will not take industrial action to defend themselves and will not re-ballot for action either.

An overwhelming majority of BA's 3,200 pilots voted in favour of a strike over BA's plans to use a pilot workforce separate from its mainline operations. But BA say that even if the strike is lawful under UK law the union can still be stopped or sued successfully for every penny in lost business because the strike would breach the EU's right of busi-

ness to provide services or establish its business wherever it wants in the EU under article 43 or 49.

As the ballot was conducted in accordance with the UK's restrictive laws, the pilots' action would have been lawful if not for the ECJ's interpretation of EU treaties and law. Anyone who might have doubted the impact of the Laval case when it came out in December should have no illusions now.

The response of the ETUC and the European Parliament

The ETUC passed a motion on 4 March before the decision in Ruffert saying "In these cases the ECJ does not sufficiently recognise and allow trade unions to defend their members and workers in general against social dumping, to fight for equal treatment of migrant and local workers, and to take action to improve living and working conditions of workers across Europe."

The European Parliament clearly intended prevailing pay and conditions should be those of the country where the work is being carried out as it specifically wanted to overturn the "country of origin" principle in an earlier draft of the Posting of Workers Directive. But the unelected ECJ have overturned the Parliament in effect.

Some within the Parliament appear concerned enough to try and redress this. There is a draft motion for the Parliament to consider which includes that the Parliament: "Welcomes the Lisbon treaty and the fact that the Charter of Fundamental Rights of the European Union is made legally binding; this includes the right of trade unions to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests including strike action;"

That doesn't however men-

tion the "opt out" the British and Poles have secured from legal enforceability.

Another element of that motion calls for the temporary and agency workers directive finally to be approved as the absence of rights is another driver for "social dumping" with lower pay and poorer conditions all round.

A Small Victory For Agency Workers

As was widely reported in the press, on 21 May Andrew Miller withdrew his Private Member's Bill on Temporary and Agency Workers in the light of an agreement with Government, the CBI and unions.

If the agreement is honoured there will be an EU Directive soon to give equal pay to agency workers – albeit after 12 weeks on the job and subject to collective agreements. This is definite progress, but the devil will be in the detail and we will wait to see what the final EU directive looks like and how effective the legislation is.

How Can You Help?



- Encourage your union branch to join the United Campaign
- Visit our website for a sample motion and to download materials
- Write a letter to your MP to sign EDM 1604 and to support the Trade Union Freedom Bill
- Support and attend our rallies and events
- Sign up to receive email alerts and join the United Campaign's Facebook Group to show solidarity.

All links and downloads can be found on our website at www.unitedcampaign.org.uk/resources.html

Become a campaign supporter 2008-9

Code - AFF-0809-BFAWU

The United Campaign is financed solely by supporters fees from trade union bodies and individuals. By becoming a supporter you or your branch show your agreement with the recall to repeal the anti trade union laws, and aid the Campaign's fight.

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Please make cheques payable to United Campaign, and send to the United Campaign Secretary, 39 Chalton Street, London, NW1 1JD. Donations are gratefully received.

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