

tsssa the union for people in transport and travel Conference 2008

United Campaign

to Repeal the Anti Trade Union Laws

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 the TSSA 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.

The United Campaign also holds various rallies and campaign meetings to raise support from the grassroots of the movement. Over this next year the United Campaign has already planned campaign rallies along with fringe meetings at most union conferences. Visit www.unitedcampaign.org.uk for more information.

The Importance of UNION RIGHTS



Britain has some of the most severe restrictions on trade unions in the West. This means your union's ability to effectively organise to defend your interests is severely undermined. These restrictions have shamefully seen our Government breach international treaties that it had signed up to - this is why I strongly support a charter of positive rights for working people.

For example, we urgently need to reduce the minefield of legal requirements that need to be fulfilled before you can take part in industrial action. The level of detail that your union is legally required to give employers is ludicrous. Two years ago, members within GNER, faced with the prospect of a mass cull of booking office windows, decided they wanted to take part in industrial action to try and stop this. Once the ballot started, GNER told TSSA that they disputed the inclusion of six members and would be seeking an injunction. To be on the safe side, on solicitor's advice, the ballot was scrapped and the process restarted.

Frankly, current laws are so inflexible that in many instances minor errors can not be rectified. It appears to me, that the common sense approach would be to

allow the exclusion of those included in error without having to go back to square one. In any case, several hundred members were involved in this dispute. The re-arranged ballot resulted in a landslide in favour of industrial action so the inclusion of those six people would have made no difference whatsoever. So the question begs, where is the fairness in allowing employers the ability to bully your union in this way!

Regretfully, you also don't have the right to show solidarity with fellow workers. Imagine what would have happened, following the recent overwhelming vote in favour of industrial action by some London Underground members, had they gone on strike. TSSA members not directly involved in the dispute would have had to cross TSSA picket lines. The employer may also have instructed them to perform the duties of those not at work to try and break the strike. We live in the 21st century, not the middle ages; workers should have the right not to cross a picket line and support fellow trade unionists. That is why I strongly believe that the anti-union laws need to be confined to where they belong - the dustbin of history!

An Update on the Latest Developments

"Social Europe" exposed by the European Court of Justice

In April 2008 the ECJ gave judgment in the Ruffert case - relating to collective union rights in Europe. Once again human rights and fundamental freedoms lost out to business rights in the EU.

The ETUC response to two earlier ECJ judgments in the cases of Viking and Laval was to pass a resolution on 4 March calling for action to clarify the EU's intentions about the future of "social Europe". The ETUC says: "...For the ETUC and its members the outcome of these two cases represents a major challenge...The ECJ judgment 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 across

Europe." "It has now become urgent for the ETUC to develop a joint and coordinated strategy with its members." We agree.

In the Ruffert case the ECJ declared a law in Germany stating that wage rates must be set by a collective agreement was to be of no effect in relation to a Polish subcontractor paying 46.7% of the wage under the collective agreement.

In their resolution of the 4 March, the ETUC also called for progress for a directive for equal treatment for temporary and agency workers to help avoid more social dumping and the apparently irresistible drive towards lower wages. In the UK the unions are still supporting Andrew Miller's private member's bill - now due in Committee in May. For further information and links to the resolution visit our website at www.unitedcampaign.org.uk

The Employment Bill - the Debate Continues

The latest session of the Grand Committee of the House of Lords took place on 3 April. Their Lordships' debate on the need to change the law following the decision of the European Court of Human Rights in ASLEF v UK did not go well. The case itself concerned the decision by ASLEF to expel a member who was also a member of the BNP. Grounds for expulsion focused on the incompatibility of his political party membership and the objectives of ASLEF. The Court judged the right of ASLEF to choose its members outweighed BNP members' right to freedom of expression.

The debate in the House of Lords should have considered the extent of the freedom for trade unions to decide their own affairs, in accordance with the fundamental human right of association and the decision in the ASLEF case. However their Lordships still do

not see it that way. As drafted, Clause 17 in the Bill is limited to changing the right of unions to expel a member in relation to membership of a political party - this is far too narrow. The Liberal Lord Lester proposed an amendment to say that unions can expel members on grounds of membership of a political party, only if they guarantee there will be no financial consequence to the member. That would mean a BNP member, sacked after a union had informed an employer they were expelling the member, might not have a good case against the employer for unfair dismissal but loss of wages could be claimed from the union!

The Lords are not keen on raising additional issues, but we are seeking further amendments to the Bill - we hope to have more success when it reaches the Commons. Our amendments are drafted and ready - we will keep up the pressure with your support.

How Can You Help?

**RECLAIM
OUR
RIGHTS!
UNITED
CAMPAIGN**

- Encourage your union branch to join the United Campaign
- Visit our website for a sample motion and to download materials
- Follow the Campaign - write a letter to MPs to support a Bill and to sign an EDM later in the year
- 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

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.

	Price
<input type="checkbox"/> Regional Unions	£60
<input type="checkbox"/> Union Branches - 500 or more	£60
<input type="checkbox"/> Union Branches - 500 or less	£30
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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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There are also over two hundred individuals, branches and organisations affiliated to the Campaign