

**RECLAIM
OUR
RIGHTS!
UNITED
CAMPAIGN**

What Can You Do to Support the Fight For Trade Union Freedom?

- Send a postcard to your MP in support of amendments to the Employment Bill
- Send a letter to your MP asking them to sign **EDM 1604** and support the Trade Union Freedom Bill Campaign.
- Encourage your union branch to join the United Campaign.
- Attend The United Campaign and Institute of Employment Rights fringe meeting at this years TUC Congress.
- Support and attend our rallies and events or invite a speaker from the Campaign to your next union meeting
- Sign up to receive email alerts from the United Campaign

To find out further information, model letters to MPs, sample motions, flyers and newsletters visit www.unitedcampaign.org.uk

Contact the United Campaign Address: United Campaign, C/o 39 Chalton Street, London NW1 1JD
Email: info@unitedcampaign.org.uk Website: www.unitedcampaign.org.uk Phone: 0151 702 6927

Become a campaign supporter 2008-9

*** Special TUC Congress rate for individuals!**

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

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 200 individuals, branches and organisations affiliated to the Campaign

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Newsletter
For The United Campaign to Repeal the Anti-Trade Union Laws

Issue 8 September/October 2008



Collective Rights Under Attack

Derek Simpson, Joint General Secretary Unite.

action, including the right to strike, have been decimated. You and I and all the citizens of Europe and throughout the world need sound collective rights to fight against poor working conditions, poverty and discrimination.

I have raised the issue personally with union colleagues in Europe and the Prime Minister and MEP's. Unite will be putting resources behind the drive to overcome the effect of the ECJ decisions.

More action is planned and we will keep you informed and provide campaigning materials in a dedicated area on the website.

One theme running through all the decisions is that the ECJ would only permit the exercise of collective labour rights where the courts say they are 'proportionate' and 'justified', and their test for those is heavily weighted in favour of exploitative employers.

In the Laval case the ECJ ruled that unions cannot take action against companies employing imported workers at rates below

those for local workers, except to defend wages up to a universally applicable minimum.

For the UK this means no more than the National Minimum Wage.

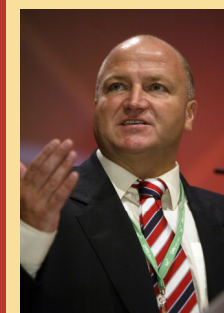
In the 'Rüffert' case the ECJ cut the member states' power to make law to protect workers' rights. It overruled the German regional government of Lower Saxony, which makes its contractors ensure that local union-backed labour standards are maintained.

A Polish contractor was allowed to get away with paying less than half the rate of pay of German workers. It won't be long before more and more employers exploit that.

The case could be used to destroy progressive agreements won, like the GLA requirement for its contractors that they pay at least the 'London Living Wage' (currently over £7 per hour) instead of the lower National Minimum Wage.

We've got a fight on our hands to reclaim Europe for workers rights instead of bosses. Join Unite in taking up this issue and seeking urgent change.

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8 September 2008 o 5.30pm o Meeting Rm 1 (Hall B West), Brighton Conference Centre

Against the backdrop of recent hostile decisions in the European Court of Justice, what national and international steps can unions take to promote fair rights and free unions?

Chair: John Hendy QC — National Secretary United Campaign & Chair IER

Speakers: Tony Benn — Vice President United Campaign, **Christine Blower** — Acting General Secretary NUT, **Brian Caton** — General Secretary POA, **Bob Crow** — General Secretary RMT & United Campaign Chair, **Keith Ewing** — President IER, **Derek Simpson** — Joint General Secretary UNITE, **Sarah Veale** — Head of Equality & Employment Rights TUC, **Tony Woodley** — Joint General Secretary UNITE.

**RECLAIM
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**THE
INSTITUTE
OF
EMPLOYMENT
RIGHTS**



The European Court of Justice — Rough Justice for Workers

Bob Crow,
United
Campaign
Chair &
RMT
General
Secretary

A spate of recent rulings from the European Court of Justice undermine basic trade union rights. ECJ judgments on the Viking, Vaxholm, Rüffert and Luxembourg cases 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 even more restrictive than the existing Tory anti-union laws.

Tory anti-union legislation restricted the right to strike by introducing stringent procedures.

Now, this unaccountable court has given itself the power to scrutinize the legitimacy and proportionality of disputes.

The ECJ is a politically-driven court. It is an EU institution designed to implement EU laws and extend the so-called internal market. It is not an independent body. It is guided by EU rules not those democratically decided by national parliaments in member states. Unsurprisingly, this EU court consistently finds against trade unions.

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 launched strike action to protest against such social dumping. Viking then began legal proceedings and the ECJ ruled that Finnish workers had no right to take action as the company's 'freedom of establishment' took precedence.

The Vaxholm case 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 employer complained that the union was seeking terms and conditions in excess of the minimum provided by the Posted Workers Directive. The ECJ ruled that as Sweden has no minimum wage legislation, trade union action was invalid.

In the Rüffert case the court ruled that a German public body was not entitled to include a clause in a public works contract requiring contractors to pay foreign workers the rates set down in collective agreements. The court also 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

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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.

These ECJ rulings run roughshod over trade union rights – rights 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.

In order to resist 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.

MORE NEWS:

Further Implications of the European Court of Justice cases

There are developments within Europe too. A motion on the Viking, Laval, Rüffert and Luxembourg cases is before the Employment and Social Affairs Committee of the European Parliament on 8 September.

This motion, drafted by the Swedish socialist MEP Jan Andersson, is a progressive move in the context of the EU and the ECJ cases and is already under attack.

Polish Conservative MEP Malgorzata Handzlik has put an opinion forward through the Internal Market and Consumer Protection Committee on a vote of 20 to 17, which backs the position adopted

Trade Union Freedom Bill News



A '10 Minute Rule Bill' adds to the Campaign An Update on Early Day Motion 1604

Depending on the progress of the Employment Bill we intend to encourage and promote the return of the Trade Union Rights and Freedoms Bill as a "10 Minute Rule Bill" before Parliament.

The United Campaign will organise a National Rally to coincide with the reading of this Bill. We will keep you informed as the Campaign progresses.

Follow the Campaign by looking out for the newsletters or signing up to receive email updates from the campaign. We need your support.

The United Campaign is continuing to encourage support for **EDM 1604** tabled by John McDonnell MP, which calls for a Trade Union Rights and Freedoms Bill.

Before the Parliamentary recess 108 MPs had signed — that's more than double the number reported in our July newsletter.

Find out if your MP has signed by visiting our website and following the links to the EDM. A model letter can be found on our website, please write asking them to sign.

by the ECJ and would have the effect of rendering the Andersson motion useless.

A plenary session before the whole European Parliament will debate and vote on the Andersson motion in October. The vote looks finely balanced. But the decision of the Parliament won't guarantee change. The European Commission decides on policy taken forward and the Commission's President Barroso did not accept there was a problem.

Further pressure in Europe needs to be built up around the Euro-

pean elections in 2009 and in relation to Barroso's desire to serve another term as Commission President. The Irish "no" vote has given an opportunity, which is not being utilised as effectively as it could.

For more information on the ECJ cases and implications as well as on the Andersson Motion visit our website.

Sign up for **email alerts** to receive the latest news updates and campaign issues straight to your inbox — visit www.unitedcampaign.org.uk

Supporting Amendments to the Employment Bill

The United Campaign continues to promote the issues contained in the TUC backed Trade Union Rights and Freedoms Bill and positive amendments to the Employment Bill continuing its way through Parliament. Everyone can help by supporting our postcard campaign encouraging MPs to support amendments.

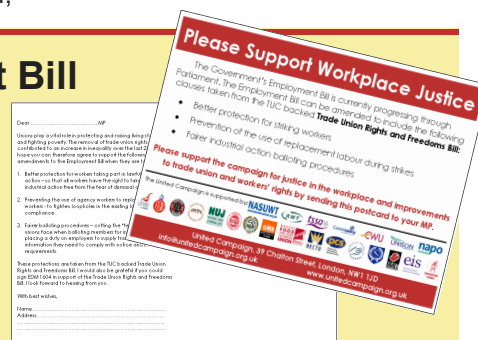
We understand that there are at least three issues in scope for amendment of the Bill. These provide for :

- Better protection for workers taking part in lawful industrial action – so that all workers have the right to take official industrial action free from the

fear of dismissal or victimisation.

- Closing loopholes in the law to prevent the use of agency workers replacing striking workers.
- Fairer balloting procedures – reducing the hurdles unions face when balloting members on industrial action such as by placing a duty on employers to supply trade unions with information they need to comply with notice and balloting requirements.

These are moderate proposals that are among a number that international bodies like the Council of Europe and the



International Labour Organisation have said are needed for the UK to comply with international treaty obligations. Until such changes are introduced the UK is in clear breach of its human rights obligations.

Please support the campaign by sending a postcard to your MP. Postcards can be ordered by emailing info@unitedcampaign.org.uk or picked at TUC Congress.