

ETUC Response to ECJ judgments in Viking and Laval

In the light of the decisions in Laval and Viking the ETUC passed a resolution on 4 March. "One thing is very clear: for the ETUC and its members the outcome of these two cases represents a major challenge. How to establish and defend labour standards in an era of globalisation? And 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 idea of social Europe has taken a blow." the resolution goes on "Put simply, the action of employers using free movement as a pretext for social dumping practices is resulting in unions having to justify, ultimately to the courts, the actions they take against those employers' tactics."

It concludes: "It has now become urgent for the ETUC to develop a joint and coordinated strategy with its members to prevent conflicting collective agreements in cross border situations and the potential scope for abuses and manipulation arising from this...The ETUC calls on the European authorities to recognise that these cases are not solely about the models in Sweden and Denmark but have European wide implications. We call for early action to reassure unions that fundamental rights are not diminished by the free movement provisions of Europe. Already some are linking ratification of the EU Reform Treaty to correcting these cases. The ETUC supports the EU Reform Treaty, and that's why urgent action is necessary."

We will await developments with interest. Further information and a link to the resolution is available on our website at www.unitedcampaign.org.uk.

The Employment Bill

The latest session of the Grand Committee of the House of Lords took place on 13 March. But their Lordships didn't finish the business so the key debate on the need to change the law following the decision of the European Court in ASLEF v UK will be concluded on another day.

The question should consider 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. The problem for trade unionists is that their Lordships don't 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 wants an amendment to say that unions can expel members on grounds of membership of a political party, but only if they guarantee there will be no fi-

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"As an active workplace rep I've seen first hand the impact of the anti-union laws on our union and its members – ballots subject to constant legal challenge, employers given a green light to wield the redundancy axe with barely a passing nod to our rights to be consulted, and solidarity action outlawed. The United Campaign needs us to lobby, to organise, to protest, to campaign, to challenge and debate. All of us. Please join the campaign and act for fairness at work."

**Michelle Stainstreet,
NUJ President**

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United Campaign

In association with Notts, Mansfield and Nottingham TUC

Regional Campaign Meeting

Saturday 5 April 2008

10am — 4pm and evening social

John Godber Centre, Main Hall, Market Place/Ogle Street, Hucknall, Nottinghamshire
Junction 27, M1 – follow signs For Hucknall - 2 miles

Confirmed Speakers:

John Hendy QC, UC National Secretary - **Roger McKenzie**, Midlands TUC Regional Secretary - **Billy Hayes**, CWU General Secretary - **Brian Caton**, POA General Secretary - **Joe Marino**, BFAWU General Secretary - **Robert Monks**, URTU General Secretary - **Jerry Bartlett**, NASUWT Deputy General Secretary - **Ian Lavery**, NUM President - **Tosh McDonald**, ASLEF Executive Committee Member - **Keith Stanley**, NUM Notts General Secretary and National Vice President - **Steve Cottingham**, OH Parsons Partner

www.unitedcampaign.org.uk/events.html

Temporary and Agency Workers - the Bigger Picture

Andrew Miller's Private Member's Bill for Temporary and Agency Workers passed the second reading stage on Friday 22 February. Over 100 MPs were needed to stand a chance at second reading and over 140 were there to vote it through. The Government Minister reluctantly let it pass and although some Tory Ministers spent the day trying to talk the Bill out their efforts failed. Despite the success, the Government can be expected to oppose the Bill at later stages.

The following Monday, Gordon Brown met with the unions to try to convince them the future lies with a Commission to look at the matter. That could take years and the CBI have said they will not go along with a Commission to deliver the unions' agenda. The "unions' agenda" though, amounts to a manifesto commitment.

At Labour's Spring Conference last weekend, Tony Dubbins, the chairman of TULO, the group representing unions affiliated to Labour, speaking in favour of urgent talks on new reforms, said unions should oppose attempts to cap their

donations and demanded delivery for temporary and agency workers.

Tony said the government's proposal for a commission on agency workers was not acceptable since it would provide for "a third party veto" over a Labour manifesto commitment. He added that ministers had yet to give any commitments on key issues including the length of time an agency or temporary worker would have to be in employment before they could qualify for the same employment rights as a full-time worker.

The CBI are insisting on a 12-month qualifying period, whilst the unions are proposing day-one rights.

The Employment Bill—the Debate Continues

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 nancial consequence to the member. That would mean that a BNP member sacked by an employer after a union told the employer that they are expelling the member might not have a good case against the employer for unfair dismissal – BNP members are sacked from the police these days – but the fascist could claim all his or her loss of wages from the union!

In the debate on agency workers, Lord "Digby" Jones – ex CBI chief – for the Labour Government responded that: "One reason we have the most successful economy in the whole of Europe is that we have the most flexible labour market". (In other words UK workers have the worst individual and worst union rights.) He went on to say "...there is a connection between low levels of unemployment and high levels of flexibility".

But he doesn't refer to the evidence, which shows he's wrong. The fact is that the World Bank's review of more than a thousand studies "Unions and Collective Bargaining - Economic Effects in a Global Environment" found that "coordinated collective bargaining tended to be associated with lower and less persistent unemployment, lower earnings inequality, and fewer and shorter strikes."

It's also not true that the minimum wage cost jobs – as the CBI had predicted. The right for agency workers to take an unfair dismissal cases wouldn't harm the economy either. It might cost businesses behaving badly however and that's who Digby Jones is protecting.

National Unions affiliated to the United Campaign



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

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.

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