

The Trade Union Freedom Bill – Three Years On

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 currently going through Parliament, when it reaches 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 at various conferences this year. We welcome the added impetus this gives to the campaign for collective rights and the abolition of unlawful anti-union laws.

In this issue 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 are 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".



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 saw human rights and fundamental rights 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 or re-ballot for action either.

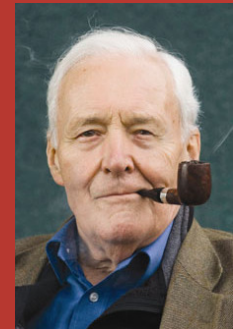
Balpa objected to British Airways plan to set up OpenSkies – a new airline subsidiary that will fly from European cities to the US, using a pilot workforce

separate from its mainline operations because the union thought it could act as a "Trojan horse" to drive down conditions throughout the airline.

An overwhelming majority of BA's 3,200 pilots voted in favour of a strike over BA's plans. 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. This is because the strike would breach the EU's right of business to provide services or establish its business wherever it wants in the EU under article 43 or 49.

Balpa decided the prospect of a

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"Congratulations on all the work you have done. With this darkening economic situation free trade unionism will become even more important.

I am very proud to be a Vice President of the United Campaign to Repeal the Anti Trade Union Laws and will do all I can to help."

Tony Benn
United Campaign
Vice President

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Further Information at
www.unitedcampaign.org.uk

- Links to **EDM 1604** and how to see whether your MP has signed
- A model letter to send to your MP
- A link to the Trade Union Rights and Freedoms Bill
- Articles and Briefing Papers on the need for a Trade Union Rights and Freedoms Bill

The Effects of the ECJ rulings on Laval, Viking and Ruffert

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long, drawn out case might be too costly and the result may still leave them without protection from being sued for BA's losses in the event of a strike.

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.

What Can You Do?

- Send a letter to your MP asking them to sign **EDM 1604** and support the Trade Union Freedom Bill.
- Encourage your union branch to join the United Campaign.
- 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

The Response of the European Parliament

The European Parliament clearly intended prevailing pay and conditions should be those of the country where the work is being carried as it specifically wanted to overturn the "country of origin" principle in 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 mention the "opt out" the British and Poles have secured from legal enforceability. And we shouldn't pass without pointing out that Cameron wants out of the Charter altogether.

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 Step Forward 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 the 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.

National Unions affiliated to the United Campaign



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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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