



PCS legal win on check off rights

By Nick McCarthy



STRONG PCS campaigning has successfully defended check-off and representation rights in the Department for Communities and Local Government.

On 3 September the High Court ruled that the Department for Communities and Local Government (DCLG) was acting unlawfully in ending the decades old system for collecting union subscriptions from salaries, known as “check-off”.

In July, DCLG Minister Eric Pickles, gave PCS just six weeks’ notice to sign up members to direct debit. We were denied facilities in workplaces to do this

or to hold meetings. DCLG argued that collecting union subscriptions for PCS was a waste of public funds – although check-off costs under £350 per year in DCLG and PCS offered to pay.

Civil Service trade unions have been on the sharp end of the current Government’s attacks, with the introduction of new facilities arrangements designed to reduce the level of representation trade unions can provide for members. The decision to end check-off was part of this process in DCLG, which included savage cuts in facility time.

In court the DCLG’s legal team accepted that union members have a contractual right to “ask” for check-off but that this did not mean that the department had to provide the service. In his judgement Mr Justice Popplewell referred to these arguments as

“untenable”. He ruled that the moves were a breach of contract and must be reversed.

Costs were awarded against the DCLG. So defending this ministerial decision has wasted an estimated £90,000 of public funds. Despite this the DCLG released a highly politicised statement saying that despite the High Court ruling, it remained the Minister’s intention to end check-off.

DCLG had also denied PCS representatives paid time off to attend annual delegate and group conferences. The delegates lodged formal internal grievances for breach of contract which the department has now upheld, reinstating the annual leave taken by the delegates in place of facility time.

The court victory has vindicated the campaigning and dogged determination from reps and members in the face of staff and budget cuts and worsening terms and conditions. Standing up for contractual rights has created a more positive atmosphere amongst reps and members, reinvigorating and reinforcing the commitment to defend members’ interests.

The case sends an important message to other employers that PCS will fight attacks on union rights. While in DCLG the execution of the policy was incompetent, the politics behind attacking union membership, organisation and finances remains.

The approach taken by Eric Pickles echoes attempts to stifle public sector unions in Wisconsin. Threats to check-off and union rights in DCLG continue and Pickles has already advised local authorities in the UK to end check-off systems.

The battle is not over. Across the civil service and the public sector employers are attempting to cut facility time and marginalise unions. It is important to recognise these political threats and unite in a positive campaign for trade union rights and the benefits of collective bargaining.

Nick McCarthy is PCS head of campaigns

A Cable Carr that only goes downhill

by John Usher



Labour and the unions at his party's conference.

Shapps' speech – greeted by delegates with little enthusiasm – was intended as a signal that anti-union legislation would be in the Conservative 2015 election manifesto.

We've long known which union rights laws the Tories have in their sights, though Cameron's promise of no such legislation in this parliament has enabled ministers and the London Mayor to continually re-spin them as new proposals. This lets them rack up the rhetoric in the attack on the union-Labour link while diverting attention from the cost of living crisis as part of the Tory general election strategy.

The measures Shapps' people briefed journalists on as the intended target of his speech do not, of course, have much to do with the Labour link. The end to check-off and time off for union duties, increasing the threshold before a union can apply for statutory recognition



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from 10 to 30 per cent of the workforce, raising the threshold for strike ballots to 40 per cent and axing funding for the Union Learning Fund represent a fundamental attack on trade union rights and freedoms, not "giving unions back to their members" (as Shapps put it).

And now Cable's review, headed by Bruce Carr QC, is to look at union tactics in industrial disputes. Carr is no stranger to limiting union action – he acted for London Underground in its failed attempt to stop ASLEF taking strike action on Boxing Day 2011, for British Airways against Unite in 2009

preventing strike action by cabin crew, in **Malone and Ors v BA [2010]** in relation to the long running dispute with cabin crew which resulted in the loss of valuable travel facilities for those taking action, and against the POA in **Ministry of Justice v Prison Officers' Association [2008]**.

resistance is building and brave groups of men and women are fighting back. Here in Britain we know exactly what the deal is with this government. The "Tax on Justice" from the levying of punitive of fees on workers seeking fairness in the Employment Tribunals is probably the most overt and cynical of the recent attacks. This move, supported by the Liberals and not opposed by Labour, has one objective and that is pricing working class people out of the justice system. Repeatedly we here talk from business and the Tory right about a new

The terms of reference say it will look at the "alleged use of extreme tactics in industrial disputes, including so-called 'leverage' tactics, and whether the response in terms of law enforcement has been appropriate". By rolling blacklisting into the Carr review, Cable may be trying to sweeten the pill for unions, or even be trying to stop his Tory colleagues using it as an election stunt, though it smacks more of an attempt to bury his pledge to take action against rogue employers. If he was serious about blacklisting we would have a judge-led inquiry into blacklisting, as has been demanded by the TUC, not a QC-led review of industrial relations law focused on union strike tactics. Tactics that, if the unions were a community campaign against, say, the closure of an old people's home or the building of a bypass, would be seen by politicians as legitimate. As Unite's Len McCluskey points out, leverage tactics "are part of our basic human rights, which include freedom of expression. They are as old as democracy – free speech and the right to peacefully demonstrate". Cable is calling the review a clear warning to both sides. The reality is that the Grangemouth employers have used Britain's anti-union laws, the most restrictive laws in the democratic world, to intimidate its workforce and bully the unions. Far from sending a warning to employers, it will reassure them that the government still considers unions to be the enemy within and is prepared to remove the last vestiges of rights they have. As Unite says, no trade unionist should collaborate with it.

John Usher is director of the Campaign for Trade Union Freedom

UNISON bids for judicial review

TRIBUNAL FEES

The High Court is to rule on a bid by Unison for a judicial review on the government's introduction of Employment Tribunal fees.

The union says new figures from the government which show a significant drop in the number of individual claims being taken. The statistics are not straightforward as there are a number of large on-going claims which skew the figures, but the underlying trend is a massive fall in claimants.

Unison general secretary Dave Prentis said: "The latest government statistics show a significant drop in the number of individual claims being taken to employment tribunals, which is precisely why UNISON is challenging these unfair fees. Putting a price on justice is immoral and allows unscrupulous employers to ride roughshod over the employment rights of their workers."

"Experience shows that the balance in the workplace favours the employers and pricing workers out of court is unfair and underhand."

the momentum behind the continuing campaign to sweep away every last shred of the anti-union laws imposed by the last Tory government, laws attacking ordinary working men and women that Labour, after thirteen years in power, did nothing to repeal. Tough times call for strong organisation and a militant response. They also call for the maximum unity and solidarity on an international basis. The CTUF is the unifying vehicle for delivering just that.

Bob Crow is CTUF President

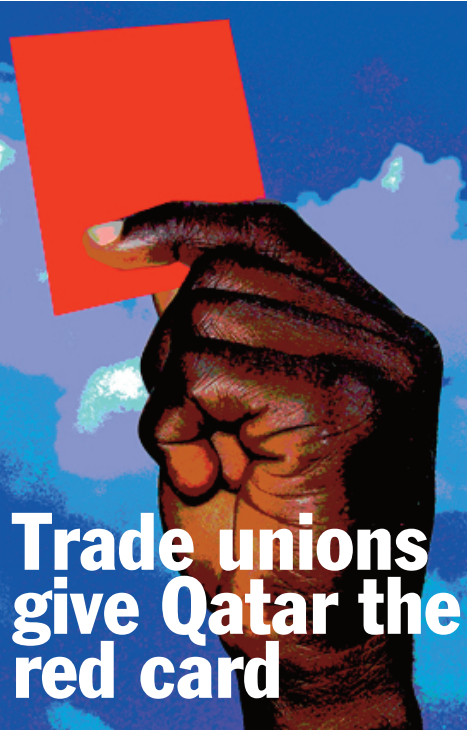
Across Europe workers' rights are under attack

by Bob Crow

Not just in Britain, under this vehemently anti-union government, but in every corner of the continent austerity, and the demands of the EU and the banks, are being used as an excuse to hammer down the working class at every opportunity. Under the guise of "deregulation", code for giving the bosses carte blanche, the EU Commission recently produced a communique "Refit – fit for growth", a manifesto for hacking back on consultation, information and health and safety.

It is these kind of far-reaching proposals, smuggled out with little fanfare, that are mapping out the future framework for a resurgent, neo-liberal Europe where even the pretence of protecting jobs and working conditions is stripped away and the true nature of the beast is allowed to run free. As the myth of "social Europe" disappears down the corridors of the Brussels bureaucracy groups of workers are fighting back. In Portugal, in Greece, in Spain and in a barrage of other disputes that a pro-business media would rather we didn't know about,

raft of anti-union laws to impose an artificial system of bent and distorted democracy on our class that no money grubbing politician would be prepared to subject themselves to. The heirs of Thatcherism consider their anti-union agenda to be unfinished business. So, through the CTUF, we have to mobilise our forces to fight off every new attack on workers' rights and freedoms that comes our way. Our campaign is the focal point for every one of those battles both now and in the future. But, importantly, we have to maintain



by Tony Burke



THE EUROPEAN Trade Union Confederation has stepped up its campaign to secure binding guarantees on employment rights from the authorities in Qatar who were awarded the FIFA World Cup Finals in 2022. The

ETUC says using Qatar for the finals must be reconsidered.

FIFA made some noises about employment and human rights following continuing pressure from unions worldwide. However FIFA's boss Sepp

Blatter shrugged off calls for reconsideration with the statement: "Qatar will host the FIFA World Cup in 2022. Voilà."

The media's main concern is the idea of moving the finals to winter rather than have footballers wilting in 50 degree heat and also on the effect on domestic football fixtures this would have – rather than the appalling employment rights record in the country.

The International Transport Workers' Federation (ITF), which represents 4.5m transport employees globally, has recently exposed the treatment of Qatar Airways cabin crew.

A crew member complained to the ITF who said that her employment contract contained "flagrant human rights abuses". Employees are required to "obtain prior permission" from Qatar Airways if they wish to get married and a woman employee can be fired if she becomes pregnant (which she is contractually obliged to disclose "from the date of her knowledge of its occurrence").

Cabin crew also alleges harsh treatment with rigid curfews and restrictions. Akbar Al Baker, the airline's CEO, when asked about the oppressive workplace environment after 35 pilots resigned en masse said loftily:

"I don't need the services of spies. We are not running an intelligence agency. We are an airline company. The reason why I know everything happening in the company is that I'm deeply involved in the smooth running of the company. I'm simply everywhere, talking to everyone, listening to them."

Qatar Airways (which sponsors Barcelona FC) also made the fascistic

statement: "If you did not have unions you wouldn't have this jobless problem in the western world. It is caused by unions making companies and institutions uncompetitive and bringing them to a position of not being efficient. If you go and ask the politicians in most of the countries in the western world they would love to have the system we have: where the workers have rights through the law, but they do not have rights through striking and undermining successful institutions that provide jobs to their knees."

In Qatar, foreign workers are legally forbidden from leaving the country without being granted an exit visa by their employer.

The case of French footballer Zahir Belounis alerted football's authorities to Qatar's feudal attitude has towards labour. Belounis, a Frenchman of Algerian descent, had been trapped in Qatar after his club – Al Jaish – refused to issue an exit visa until he dropped a court case challenging 18 months of allegedly unpaid wages.

A worldwide campaign by trade unions and football's global union FIFPro eventually pressurised the Qatar government to let Belounis out of the country.

Earlier this year Abdeslam Ouaddou – also a French citizen and a former Fulham defender – said he was the victim of a similar situation in Qatar.

"When you work in Qatar you belong to someone," he told FIFPro's website earlier this year. "You are not free. You are a slave."

Tony Burke is chair of the Campaign For Trade Union Freedom

The Campaign for Trade Union Freedom is sponsored by 25 national trade unions and over er 200 branches, trades councils and individuals and financed solely by supporters fees from trade union bodies and individuals. By becoming a supporter you or your organisation show your agreement with the call to repeal the anti-trade union laws, and aid the Campaign's fight. Please make cheques payable to Campaign, for Trade Union Freedom and send to the CTUF, 4th Floor, 1 Islington, Liverpool, L3 8EG Donations are gratefully received.

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