



Tories threaten new Trade Union Bill

UNION RIGHTS

BY CAROLYN JONES



THE TRADE Union Bill announced in the Queen's speech holds few surprises. We knew it was

coming. The Tories and their big business friends don't like "third party interference" in the labour market.

To them unions are a hindrance – and a popular one at that! So the Conservatives hope that by tying unions up in ever more restrictive laws, unions will fail to deliver their promises to provide a voice in the workplace and to protect workers' rights.

So what's the Tory plan of attack?

First they came for the strikers.

As John Hendy QC has quite rightly said, collective bargaining without the right to strike is collective begging. Not surprising then that the first target of the Tories is to further restrict our right to take strike action.

By demanding a 50% turnout threshold in a ballot and an additional 40% yes vote requirement in "core public services" (health, education, transport and fire services), the Tories hope to make it impossible for unions to organise lawful strikes. Add to that the new time limitations on ballot mandates and the Bill is an open invitation to employers and courts to interfere and delay legitimate industrial disputes. continued overleaf

Give us a full public enquiry!

ORGREAVE

BY MARK METCALF

THE ORGREAVE Truth and Justice Campaign (OTJC) produced a vigorous response to the announcement by the Independent Police Complaints Commission (IPCC) that it would not be conducting a full investigation into events at Orgreave coking works near Rotherham on 18 June 1984. The police watchdog had taken over two-and-a-half years to conduct a scoping (initial investigation) exercise before arriving at its decision.

OTJC members composed – within three hours – a detailed response to the IPCC's refusal to investigate and members then began responding to numerous media requests for comment. There was also skilful use of social media with updates on Twitter and Facebook. Videos of former miners who were at

Orgreave were uploaded and enjoyed a healthy audience.

An open press conference was held at the National Union of Mineworkers national offices in Barnsley and this was attended by numerous media bodies and by many OTJC supporters and members of the public.

Granville Williams from the campaign explained that despite the disappointing news the OTJC was not disappearing and that the need for a public inquiry, which was not what the IPCC would have conducted anyway, remained real.

An emotional Arthur Critchlow found it impossible to explain how he almost lost his life in the brutal attacks that striking miners suffered at the hands of the police on 18 June 1984. Paul Winter replaced him on the stage and along with Joe Rollin plus the NUM's Chris Skidmore and General Secretary Chris Kitchen they pointed out that 95 miners had been arrested after thousands

of police officers – many in riot gear, with others on horseback – brutally assaulted miners participating in a year-long strike aimed at defending jobs and mining communities.

Yet when it came to the subsequent court cases, all of the charges, including riot were abandoned when it became apparent that the police had conspired together in fabricating their statements. OTJC has consistently argued that officers should face a series of charges for their actions on the day and afterwards including assault, perjury, perverting the course of justice and misconduct in a public office. OTJC believes a public inquiry should be able to establish a paper trail that would demonstrate the police actions at Orgreave were influenced by political pressure from the Conservative government of the day led by Margaret Thatcher.

continued overleaf

continued from page 1

To make it worst, even during official industrial action, new laws will allow bosses to bus in agency workers to cover the jobs of strikers, abandoning a law that's been in place since 1973. Any attempt to picket the workplace to prevent the use of scab labour will be subject to new criminal sanctions, backed up by new and intrusive surveillance legislation.

Then they came for the trade union reps

It is a fact that workers in unionised workplaces enjoy better terms and conditions. Why? Because trained trade union reps are active in the workplace negotiating, representing and promoting the wellbeing of the workforce.

That role is ever more important as inequality in power and wealth increases. According to a recent report from the OECD "We have reached a tipping point. Inequality in OECD countries is at its highest since records began."

Trade unions help to rebalance power relations in the workplace – a fact commonly recognised by 70% of respondents in MORI polls who say unions are "essential to protect workers' interests".

To undermine that fundamental

role of trade unions, the last government put a cap on the proportion of the civil service pay bill that could be spent on trade union facility time, restricted the number of union reps given full time release and banned paid time off for trade union activities.

Now the government propose to extend those restrictions across local government and into the private sector.

Then they came for trade union finances

Plans are also in place to change how unions collect their membership fees – both through individual payments and through check-off arrangements. Believing that money is power, the Tories are determined to try and undermine trade union finances to make it difficult for unions to operate effectively.

Then they removed our rights

Undermining the role of unions at work is fuelled by Tory determination to deregulate the workplace. They want a labour market free from what they call "red tape" and what we call rights at work. They want to use the UK labour market as an example of what could be achieved throughout Europe if governments

were determined enough to resist unions, remove employment rights and restrict the rights of workers to withdraw their labour.

Then they removed our benefits

The back drop to this Bullingdon Boy Bill, is a set of additional proposals aimed at slashing benefits and creating a reserve army of workers forced to beg for any type of "apprenticeship" or free work on offer – including as scab agency workers.

Now we must stand together

This is a divide and rule Bill. The Tory aspirations are clear. They want cheap workers, unable to withdraw their labour, unprotected by either trade unions or employment rights and threatened with destitution if they refuse to accept low-standard work. The Tories believe that money is power. We know that power lies in numbers and that by standing together and supporting each other we stand a better chance of winning. Our aspirations have to be to educate, agitate and organise. We are the many – they are the few.

CAROLYN JONES IS DIRECTOR OF THE INSTITUTE FOR EMPLOYMENT RIGHTS

control of operations.

Meanwhile, the huge publicity about Orgreave has encouraged many more people to get in touch with the OTJC. The National Union of Mineworkers also are committed to campaign for a full public enquiry into the events at Orgreave.

Plans for a further series of events this year are already in place and more will follow. Speakers can be provided for trade union branch and workplace meetings. Please get in touch.

● For more information visit www.otjc.org.uk, follow on Twitter @orgreavejustice or email orgreavejustice@hotmail.com

MARK METCALF IS THE OTJC PRESS OFFICER

Applicant numbers tumble as fees bite hard

TRIBUNALS

THE TUC has welcomed an announcement that there will be a 'review' into the impact of employment tribunal fees. New figures published by the Ministry of Justice show that the number of single employment tribunal claims brought by individuals between January and March 2015 was 25 per cent lower than over the same period in 2014.

The figures also show that single claims are 69% lower than they were between January and March 2013 – shortly before employment fees were introduced

TUC General Secretary Frances O'Grady said: "Tribunal fees have been a gift for Britain's worse bosses allowing many to flout the law. Charging people up to £1,200 to pursue a claim has priced thousands out of justice and ruined lives.

"Women and the lowest paid have been the worst affected. Individual claims are still falling and are 69 per cent down on their total before fees were first introduced.

"This review is a welcome, if long overdue, announcement. However, it must not shy away from telling hard truths. It has to be transparent and prepared to recommend abolishing the current system.

"If all it does is come up with half-measures then it is likely to be viewed by many as a political stitch-up. Tribunal fees need to be scrapped urgently."

continued from page 1

The IPCC report into why it was standing aside highlighted that the organisation had been unable to locate a series of important documents including the policing operational orders that were drawn up in advance of 18 June.

Detailed analysis of the report also revealed that the IPCC – which cited the historic nature of events as the primary reason why it was unwilling to conduct a further investigation – had detailed a cover up by South Yorkshire Police (SYP) of malpractice it knew had taken place. The IPCC report largely conceded that only a public inquiry can eventually get to the truth.

"We remain committed to obtaining a full public inquiry," said Rollin at the end of the press conference. Hours later, the Home

Secretary, Theresa May, to the surprise of many in the OTJC, announced that she would consider any request to set up a public inquiry into Orgreave. As this article goes to press there was news that Labour MPs were planning to ask a series of Urgent Questions in Parliament whilst OTJC will be consulting with its members and taking legal advice about how best to respond to May's announcement.

May is, of course, a Tory but is clearly no great lover of the police – and especially South Yorkshire's – and she has a good reputation for her support for Hillsborough campaigners seeking truth and justice for the 96 Liverpool fans who died on 15 April 1989 at the FA Cup semi-final between Liverpool and Nottingham Forest when SYP lost

A licence for multinationals to make money

TTIP

BY KEITH EWING AND JOHN HENDY QC



A SMALL VICTORY for democracy was recorded at the European Parliament recently when it was announced that a long-awaited debate about the Transatlantic Trade and Investment Partnership (TTIP) was to be postponed.

TTIP is the trade deal being negotiated between the EU and the USA. Its text is secret, known only by the negotiators (including representatives of multinational corporations). Drafts are withheld from MEPs and members of all the European national parliaments (as well as US congressmen and senators). Almost two million Europeans have petitioned against it.

The agreement has been hugely controversial, partly because of the rights it is likely to give to US multinationals to “invest” in the EU, including access to markets and insulation from regulation by national parliaments. An affront to democracy, the treaty is a licence for big corporations to make money and defeat the democratic process.

But it is also an affront to the rule of law. Multinationals (and no one else) are expected to be given the power to sue the national governments which have subjected the corporations in question to unwanted regulation. This will be done, not in the ordinary courts, but by (another) secret process called the Investor-to-State Dispute Settlement procedure (ISDS).

Many free trade agreements now contain ISDS procedures of this kind, which are widely used. US-based tobacco giants are seeking compensation for the Australian Parliament’s decision to require plain paper packaging for

cigarettes, while Canada is being sued by another corporation for the loss of gas exploration permits as a result of a moratorium on fracking.

But TTIP is not only an affront to democracy and the rule of law. It is also a serious threat to workers’ rights. A major problem with free-trade agreements is the regulatory imbalance between trading partners. So it is necessary to level the playing field to ensure that one side does not have an unfair advantage, as where one party is free to compete on poor working conditions.

The problem with TTIP, however, is that it makes only very weak commitments on workers’ rights, these commitments failing to give rise to any binding obligation on the part of governments or corporations. US corporations will thus be able to compete in this free trade area on the basis of much lower labour standards than those operating in most of Europe.

As a result, TTIP will create

unsustainable pressures on EU social rights, the pressure to create a level playing field leading inevitably to a dilution of European standards rather than a rise in American standards. At a sensitive time for the EU, the implications of any such erosion are obvious, and will stretch well beyond debates about TTIP.

The postponement of Wednesday’s debate is a sign that those responsible for this wholly illegitimate agreement are on the run, fearful that TTIP will be ripped apart in a public forum. If the European Commission is to prevail, it looks like it will first have to rediscover core values the EU appears to have lost: democracy, the rule of law and workers’ rights.

KEITH EWING IS PROFESSOR IN PUBLIC LAW AT KING’S COLLEGE LONDON. **JOHN HENDY QC** IS A BARRISTER SPECIALISING IN TRADE UNION LAW

Originally published in the UK in the *Islington Tribune*.

Union membership levels are unchanged but you are still better off in a union

UNION MEMBERSHIP

BY TONY BURKE

THE LATEST trade union membership figures and statistics published by BIS in its statistical bulletin shows union membership for 2014 in the UK is ‘broadly unchanged’ on the figures for 2013.

The report shows that 6.4 million employees in the UK are union members. “The level of overall union members was broadly unchanged from 2013, with a non-statistically significant reduction of only 40,000 over the year (a 0.6% decline)” says the bulletin.

The report also points out that the number of UK employees

increased between 2013 and 2014 so the proportion of employees who were union members fell slightly to 25.0% in 2014, from 25.6% in 2013.

One interesting statistic is that female employees are more likely to be union members with the proportion of female employees who are union members standing at 28% compared with 22% for male employees.

Also union membership in the private sector fell from 3.4 million in 1995 to 2.5 million in 2010, but the new 2014 data continued to show a reversal of this trend, with union membership levels in the private sector rising for the fourth consecutive year.

The report describes the increase of 38,000 in 2013 to 2.7

million as “non-statistically significant”.

A worrying trend is that older workers account for a larger proportion of union members than younger workers. 38% of trade union members were aged over 50 but just 28% of employees are in this age group, which shows that unions are still failing to reach out younger workers and the proportion of union members aged below 50 has fallen since 1995, whilst the proportion aged above 50 has increased.

Employees in ‘professional occupations’ are also more likely to be union members than other employees. Employees in the professional occupations account for 36% of union members, but

only 20% of employees in the UK worked in these occupations.

The bulletin highlights the fact that middle-income earners are more likely to be trade union members, that employees in professional occupations are more likely to be trade union members.

The trade union premium known as “trade union wage gap”, (defined as the percentage difference in average gross hourly earnings of union members compared with non-members), is 21.6% in the public sector and 8.1% in the private sector. This is an increase of 1.7 and 0.9 percentage points respectively when compared with 2013, confirming it pays to be in a union

US and Canadian unions stand up against trade deals

TRADE

BY TONY BURKE



IN THE strongest statement yet US and Canadian trade unions expressed their opposition to the

new generation of trade agreements currently being negotiated by the EU, USA and Canada.

The American Federation of Labor and Congress of Industrial Organisations (AFL-CIO) and the Canadian Labour Congress (CLC), issued a statement, which said they supported trade, and economic policies that created good jobs and strengthened protection for internationally recognised employment rights (including freedom of association and the right to collective bargaining).

However, the statement went on to say that: "Having lived through NAFTA (the North American Free Trade Agreement between the USA, Canada and

Mexico - pushed through by Bill Clinton in 1994) we also know the danger of destructive economic rules that expand the rights and privileges of multinational corporations at the expense of working families, communities, and the environment. Neo-liberal economic policies, including many of the rules enshrined in NAFTA and the World Trade Organisation, have promoted a race to the bottom in terms of wages, labour rights, environmental protection, and public interest regulation".

US unions say NAFTA was responsible for the loss of 600,000 manufacturing jobs in the USA.

The joint statement said that the AFL-CIO and the CLC had "unrelenting support for different rules in three pending trade deals involving either the United States or Canada or both: the Trans-Pacific Partnership (TPP), the Comprehensive Trade and Economic Agreement (CETA), and the Trans-Atlantic Trade and Investment Partnership (TTIP)".

The statement also said that the trade agreements were tilted against labour and in favour of

global capital citing the investor to state dispute clauses. The AFL-CIO and CLC said the ISDS was a 'corporate power grab' which gives extraordinary legal rights to foreign investors to obtain taxpayer reimbursement for any losses on expected profits from laws, regulations, administrative decisions or virtually any other government measure - including improved employment rights and progressive social measures. The statement warned that jurists sworn to promote the public interest will not staff ISDS tribunals, but by lawyers, many of who represent investors.

Whilst there has also been a massive campaign by European trade unions against TTIP and CETA EU unions are highlighting the direct threat to employment rights citing that any improved rights introduced by a left wing government in Europe, including increases in minimum wages and job protection could be challenged by US and Canadian companies using the ISDS clauses

TONY BURKE IS CHAIR OF THE CAMPAIGN FOR TRADE UNION FREEDOM

■ Unions in Germany, Austria, Holland, Belgium and France are worried that their well-established co-determination and strong employment protections will be undermined by the trade deals. Equally the United States has long refused to sign up to ILO conventions guaranteeing the right to form unions and secure collective bargaining.

■ CETA has already been agreed and initialled and awaits formal ratification. It contains ISDS to allow corporations to sue States, a privilege denied to ordinary citizens. It promotes core ILO Conventions but does not require corporations to abide by them. Neither is ISDS required to take them into account. CETA will be used by US companies registered in Canada, with or without TTIP, establish a foothold in public services in EU countries and to sue European States.

Campaign for Trade Union Freedom

Affiliation costs

National Unions
100,000 + £650
less than 100,000 £150
Regional Unions £75
Union Branches 500+ £75
less than 500 £35
Associations of TUCs £35
Trade Union Councils £35
Strike Committees, non-union organisations & individuals £15

The Campaign for Trade Union Freedom is sponsored by 25 national trade union organisations and over 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

Union/TUC

National/Region/Branch

Name of secretary

Address

e mail

We may contact you with information about the Campaign.

