

## The past we inherit, the future we build



IAN LAVERY MP

**WORKERS' RIGHTS** have been at the core of The Labour Party since its very creation. As a party born out of the trade unions, equality, fairness and natural justice were always going to be at the heart of our movement.

The world may have moved on since the party was formed but the key issues facing working people have not. People are still discriminated against in the workplace; wages, terms and conditions are still under attack; and people are still injured and die doing their jobs.

The rights that trade unionists have won over many years should

be recognised not as a luxury bonus but as the hard fought victories that each and every one represents.

As a trade unionist first and foremost, I am proud to represent the party that, together with the wider movement, has achieved more social progress than any other in the world. Our ties with the trade unions bridge the gap between the Westminster bubble and the real world. They ensure workers' ideas and concerns are fed into the heart of Parliament.

To create a fairer and more equal society we need to ensure this partnership is more than just asking for money when elections come around. We need to ensure trade unionists play an active role in the development of policy and law.

Workplace 2020 aims to do just that and has been welcomed not only across our membership but also by leading union representatives describing it as proof of the Labour Party's determination to improve the lives of working men and women across the country.

However, where there are triumphs there will undoubtedly be challenges. The constant threat the Conservative Party poses to the trade unions is well noted throughout our history. From the determination to break strikes and suppress workers voices from the late 1800s to the Miners' Strike of 1984 and up until the present day, we have seen the will to subdue equality and snuff out effective trade unions altogether.

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**For news, articles, blogs etc on trade union freedoms; employment rights; collective bargaining; new trade agreements and the latest details of defeats of the Tory attack on trade unions visit Campaign For Trade Union Freedom website**

[www.tradeunionfreedom.co.uk](http://www.tradeunionfreedom.co.uk)

## Union rights

The record of the “modern” Tories shows they still seek to reverse the progress previous Labour governments and trade unions have made together. Their deeply troubling attacks on democracy through the gagging law and the Trade Union Act show their intentions clearly.

The Trade Union Act 2016 received royal ascent on 4 May 2016. The hard work and commitment of Labour Party colleagues, trade union members and organisations including Liberty saw the most aggressive proposals dropped.

Among the proposals dropped following consultation were a requirement for trade unions to provide picket plans to the police and employers two weeks in advance of strike action, restrictions on unions’ use of social media and the creation of a new criminal offence of intimidation at pickets.

‘Under considerable parliamentary pressure, there was a further comedown on rules relating to picketing, with picket supervisors no longer required to wear that icon of discrimination – the armband – to identify themselves.’ (Liberty 2016)

Whilst the Trade Union Act has been considerably watered down, it will still make it harder for trade unions to operate and for their members to take strike action. The imposition of a ballot threshold in particular, that few politicians would meet electorally, leaves a particularly bad taste.

Worryingly the Government has also left space for secondary legislation to be introduced at a later stage. In particular, the door is open for laws which will allow employers to take on temporary staff to cover for staff on strike and limit facility time in public services.

Through passing the Trade Union Act the Tories have further shrunk working people’s rights in a country already described as the most restrictive in the Western world. We didn’t win entirely with the Trade Union bill and the Tories will be back to try and implement those concessions they gave into at that

time. We need to be aware at all times that they will be looking to implement some of the worst parts of the bill.

Whilst we will always oppose Conservative attacks on the unions at last year’s Labour Party conference I outlined our response. It is no good looking back to simply repeal old laws and leave us with something that was fit for past workplaces. We need to look forward and develop a new settlement for the modern workplace.

Workplace 2020 has been set up to do just that.

Workplace 2020 provides an opportunity like no other, to strengthen unions and workers’ rights, to discuss ideas and share visions of how modern workplaces should operate. We want people to plan their own Workplace 2020 meeting and bring their colleagues together to share in the biggest ever discussion on the workplace. We believe that by encouraging workers to be involved in the discussions on how they envision workplaces of the future.

We want to hear as a party from working people and employers about how we can promote good practice and raise standards across the workplace. We want to work with the trade unions to create an environment that’s fair for all. We want you to tell the Labour Party – the party of working people – exactly how you think workplaces should operate in the 21st century.

The idea is inclusive and we want people to be able to hold Workplace 2020 meetings anywhere. You can visit [workplace2020.org.uk](http://workplace2020.org.uk) and follow the link to send us your ideas and get more information to start helping us create a fair and equal workplace of the future.

The Labour Party and the trade unions stand side by side, sharing not only our proud heritage but our combined vision for a better tomorrow. As I reminded my colleagues and fellow members at conference – the old adages proudly displayed on our trade union banners remain just as relevant today: agitate, educate, organise.

The past we inherit, the future we build.

## Employment status

# Uber workers win

THE CENTRAL London Employment Tribunal has ruled that Uber drivers are entitled to receive holiday pay, a guaranteed minimum wage and an entitlement to breaks. The Tribunal decision, delivered in October 2016, has major implications for over 30,000 drivers in London and across England and Wales and for workers in other jobs.

The GMB brought two test case in July 2016. The union found that a union member working exclusively for Uber received just £5.03 per hour in August after costs and fees were taken into account, significantly below the national minimum wage of £7.20. Lawyers for the drivers also argued that Uber acts unlawfully by frequently deducting sums from drivers’ pay, often without informing the drivers in advance, including when customers make complaints.

Maria Ludkin, GMB Legal Director, said: “This is a monumental victory. Uber drivers and other directed workers do have legal rights at work. The question for them now is how those rights are enforced in practice. The clear answer is that the workforce must combine into the GMB union to force the company to recognise these rights and to negotiate fair terms and conditions for the drivers.

Uber immediately said they would appeal the decision arguing that its driver are self-employed. Legal wrangling could take a significant amount of time to resolve.

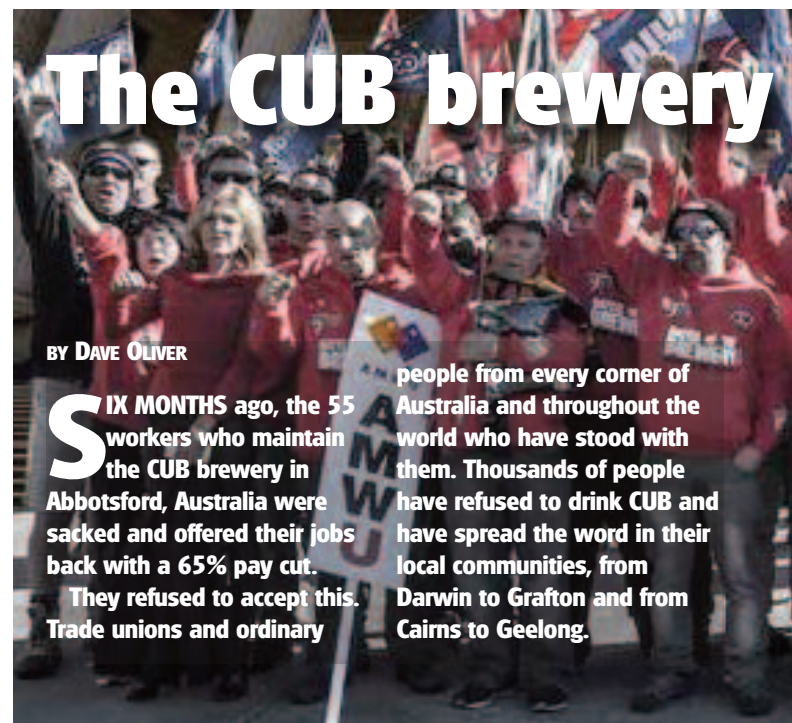
The GMB kept up the pressure on Uber by calling on HMRC (the UK tax authorities) to investigate the company over tax and worker pay and is now formally asking HMRC to investigate and guarantee that drivers are paid the legal minimum wage, and to recover National Insurance contributions and taxes owed. Things also turned sour for Uber when – after a Uber driver was fined 6,000 kroner – Denmark’s Eastern High Court ruled that the ride-sharing service is illegal.

The ruling on 18 November 2016 upheld a previous decision by the Copenhagen City Court.

The Danish court ruled that Uber’s profit motive means it is not a true ‘ride-sharing’ programme but instead is akin to an illegal taxi service.

Six Uber drivers were found guilty by the Copenhagen City Court in July and the ruling marked the first decision against drivers who appealed against the initial ruling.

Now the Copenhagen Public Prosecutor’s Office can bring a case against the San Francisco based company. Lizette Risgaard of the Danish Trade Union Confederation (LO) said: “I now expect Uber to stop offering pirate taxis in Denmark. We need to stop the illegal and unfair competition that Uber has created.”



BY DAVE OLIVER

SIX MONTHS ago, the 55 workers who maintain the CUB brewery in Abbotsford, Australia were sacked and offered their jobs back with a 65% pay cut. They refused to accept this. Trade unions and ordinary

people from every corner of Australia and throughout the world who have stood with them. Thousands of people have refused to drink CUB and have spread the word in their local communities, from Darwin to Grafton and from Cairns to Geelong.



## Access to justice

# Tribunals face further shake-up

**UK EMPLOYMENT** tribunals will face yet another shake up as part of the government's £1bn 'modernisation initiative' but the Government is saying little about access to tribunals through ending the fees regime which has resulted in a massive drop in the number of cases being taken through the system.

The Department for Business, Energy and Industrial Strategy and Ministry of Justice say tribunals 'have not kept pace with changes in society or, in particular, with the way that users want and need to interact

with our systems'.

A consultation paper states that the tribunals are managed by HM Courts & Tribunals Service while the secretary of state for business, energy and industrial strategy is responsible for policy and legislation on procedural matters in employment tribunals.

The government proposes transferring responsibility for procedural rules to the independent tribunal procedure committee. The committee's membership would be revised to include 'appropriate' representatives from the employment sector such as an

employment judge and 'suitably experienced' practitioner.

A senior president of tribunals will be responsible for determining panel composition. Non-legal members would be deployed where 'circumstances require it', rather than being called upon as a matter of course, the consultation paper states.

The Department for Business, Energy and Industrial Strategy would retain responsibility for employment law policy. The Ministry of Justice would be responsible for procedural policy.

## Workers on company boards A 5 minute wonder

FRANCES O GRADY

**I**T DIDN'T Take long for PM Theresa May to backtrack on her pledge to introduce legislation that would allow for workers on company boards.

In July last year May said: "If I'm Prime Minister, we're going to change that system – and we're going to have not just consumers represented on company boards, but employees as well."

But speaking to the CBI in November 2016 she did a U-turn telling the bosses conference: "While it is important that the voices of workers and consumers should be represented, I can categorically tell you that this is not about mandating works councils, or the direct appointment of workers or trade union representatives on boards".

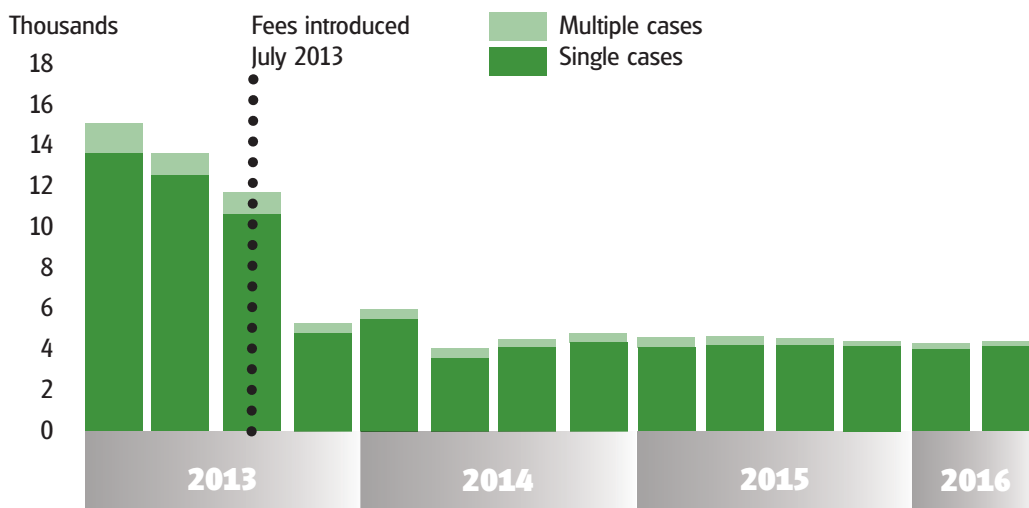
TUC General Secretary Frances O-Grady criticised the prime minister for her change of heart: "Theresa May made a clear promise to have workers represented on company boards. The proposals in her speech do not deliver on this. This is not the way to show that you want to govern for ordinary working people," she said.

GMB General Secretary Tim Roache said: "The mask is slipping – nice speeches followed by broken promises will not help working people get fairness and dignity in the workplace."

Many unions were highly sceptical about May's announcement, which was clearly aimed to stem the criticism of wage inequality and the conduct of a number of companies such as Sports Direct.

When the issue was debated in union circles many felt May's idea of workers on boards would amount to a 'token' worker with no power, rather than the sort of system that works in some European Union counties such as Germany where representatives of workers are appointed directly or by unions to supervisory boards with the power to oversee company decisions.

## Cases received by employment tribunals



**These efforts turned #BoycottCUB into the biggest consumer boycott of our generation. Alongside the 55 workers and their unions who refused to give up, it worked. The new management at CUB accepted all of the demands of the 55.**

**Wondering what drink to celebrate with? CUB beer will now be proudly union-made at the Abbotsford brewery again. Cheers to that. Our efforts show that no matter how strong a company thinks it is, if it chooses to treat its workers badly, we can stand**

**together and can beat anyone. If another company tries this on we re ready. Make sure you are too; and keep fighting with Australian unions for decent jobs**

**DAVE OLIVER IS GENERAL SECRETARY OF THE AUSTRALIAN CONGRESS OF TRADE UNIONS**



## Wal-Mart tries to stop digital organising in the USA

**T**HE ANTI UNION US retailer Wal-Mart is trying to stop its workers downloading a smartphone app designed by OUR Walmart, an organisation that is campaigning for higher pay and better working conditions for non unionised workers. It marks another development in the use of social media in union organising campaigns. Wal-Mart is the USA's largest private employer.

The app released on Android phones allows Wal-Mart workers to chat among themselves and receive advice on workplace policies and legal rights, said leaders from OUR Walmart who have not divulged the numbers of workers are using the app. It was tested on 200 users.

Wal-Mart said that OUR Wal-Mart was trying to get 'associates' to turn over personal

information by using 'deceptive and slick looking social media and mobile apps'.

OUR Walmart has staged Black Friday protests at Wal-Mart locations and it encouraged workers to download the new app over the Christmas holiday shopping weekend.

The app, called WorkIt, invites users to register by providing a name, email, telephone number and ZIP Code. Users can also share their job title and Wal-Mart store number. The app doesn't access a user's location or smartphone contacts, and lets users opt out of photo access.

Wal-Mart has a long history of fighting unions – but it recently increased the starting wage of its 1.3 million U.S. employees to \$9 per hour last year.



**S**UPPORTERS OF the Campaign For Trade Union Freedom will mourn the passing of Kevin Halpin who died aged 90 on 19 January. Kevin was a trade union activist and socialist who was also the founding chair of the Liaison Committee for the Defence of Trade Unions, which later became the Campaign for Trade Union Freedom following a merger with the United Campaign to Repeal the Anti Trade Union Laws.

The rank-and-file Liaison Committee for the Defence of Trade Unions was instrumental in leading disputes of the late 1960s and early 1970s and was instrumental in the defeat of anti-trade union proposals of from both Labour and Tory governments.

The freeing of the Pentonville Five, the "Kill The Bill" campaign against the Industrial Relations Act of 1971, the battle of Saltley Gates in the 1972 miners' strike – Kevin was at the centre of the action, organising and agitating.

## CAMPAIGN FOR TRADE UNION FREEDOM

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£35  
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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 gratefully received.

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