

CAMPAIGN FOR

TRADE UNION FREEDOM Update



Fifty blacklisted trade unionists win £1.9m from building firms

MORE THAN 50 Unite union members have won compensation totalling £1.9m after a group of construction companies eventually admitted these workers had been unlawfully blacklisted and denied work.

The compensation will be paid by the firms after they agreed out of court settlements avoiding a High Court trial that was due to start in June.

The latest round of payments means that in total, the firms have been forced in the last three years to pay compensation of £35 million to more than 1,200 blacklisted workers.

The companies also had to pay

the blacklisted workers' legal costs – another £20m – plus £230,000 to a fund that will be used to retrain the trade unionists

Howard Beckett, assistant general secretary of Unite, which brought the claims, said: "This is a historic agreement that provides some degree of justice to a further group of construction workers who had their working lives needlessly ruined by blacklisting construction companies."

Eight construction firms were compelled to apologise unreservedly to trade unionists who discovered they were being blacklisted because of their trade union activity and political beliefs.

Between 1993 and 2009, more

than 40 construction firms funded and maintained confidential files on at least 3,200 workers. The firms checked the files when individual workers applied for jobs. Those deemed by the firms to be union activists were refused work. Some of them had raised health and safety concerns on construction sites.

The files were housed in an office in Droitwich, Worcestershire, under the name of the Consulting Association. A decade ago the Information Commissioner, raided these offices and made the files available to the blacklisted workers, who then launched legal action.

CONTINUED ON BACK PAGE

SUMMER 2019

Inside this issue



UN 'Unethical' hotel chain condemned

Mexico New labour laws introduced

USA Bernie Sanders to ban anti-union laws

Derogation Swedish derogation ends April 2020

News

Unison acts on 'sleep-in' New threat to transport workers' rights Shrewsbury 24 succeed in judicial review

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www.tradeunionfreedom.co.uk

Hotel chain reported to the United Nations for 'unethical' anti-trade union behaviour

UNITE HAS lodged a formal complaint to the United Nations Global Compact over the unethical anti-trade union behaviour of the world's fourth largest and richest hotel chain, InterContinental Hotels Group (IHG), owners of the Holiday Inn and Crowne Plaza brands in breach of its obligations under the UN's international agreement.

The complaint includes a report, Unethical IHG, which details a decade of poor working practices and deliberate anti-trade union avoidance tactics across IHG's UK sites including housekeepers at a five star IHG-owned hotel being bullied, overworked, and then denied the right to have their

grievance heard collectively.

IHG, which made \$27.4bn last year, signed up to the UN Global Compact in 2009, committing to uphold its 10 principles including, principle 3; the right to freedom of association and collective bargaining – a move which helped secure its contract as the official hotel provider for the London Olympics in 2012.

Unite is urging the UN Global Compact to intervene after IHG management's repeated backtracking on allowing Unite access to the group's Holiday Inn and Crowne Plaza hotels in London to speak to workers, distribute union materials and represent members over nearly a decade of on-off negotiations.

Unite regional officer Dave Turnbull said: "Hotel staff at IHG branded properties, including Holiday Inn and Crowne Plaza, are being bullied, overworked and underpaid. Their right to freedom of association and collective bargaining denied. This is set out in the report, Unethical IHG, that Unite has submitted with a complaint to the UN Global Compact over breaches to principle 3; freedom of association and collective bargaining."

"IHG needs to be a global leader and start working with Unite to root out low pay, work insecurity, bullying and exploitation in its hotels. It's only by working with the union and

living up to its commitments that things can start to change in hospitality" Turnbull said.

IHG has 12 different hotel brands including Holiday Inn and Crowne Plaza, in 100 countries, IHG is the world's fourth largest hotel management and hotel brand franchisor. Of its 5,600 hotels only eight are directly owned and managed by the company.

The UN Global Compact was established in 2000, companies that sign up to the UN Global Compact, commit to promoting 10 universal principles on human rights, labour, environment and anti-corruption, including freedom of association and the right to collective bargaining.

Mexican trade unions to set up new body

BY TONY BURKE



MEXICO'S President Andres Manuel Lopez Obrador and his Morena-led government has

begun to enact the promised changes to the Mexico's labour laws which had previously allowed companies (many of them from the USA, Europe and Japan) to sign union recognition agreements with 'protection unions'.

These 'yellow unions' sign agreements sometimes before new business had even started up – with the employer selecting the union – as well as reaching agreements which deliberately kept wages low and maintained poor working conditions.

This has often led to violent clashes as workers began to mobilise against employer picked protection unions and the contracts.

The Mexican Senate approved the new labour law which is backed by US Democrats as a precondition for debating a successor to the Nafta trade agreement, now known as the US-Mexico-Canada Agreement, (USMCA).

US Democrats say that while approval of the changes is necessary for a debate on the trade deal negotiated last year they also want to see implementation and enforcement of the legislation.

The labour annex to the USMCA explicitly requires that workers should vote to decide on their unions and employment contracts in Mexico.

The Mexican senate voted in favour of the bill 120 to 0, with two abstentions. It was passed by Mexico's lower house earlier this month and supported by the President.

The changes give workers the right to vote on which union they want to represent them and their employment contracts through secret ballots.

In addition a new independent agency and independent courts will replace the current labour board which is supposed to resolve disputes and register employment contracts.

Currently the Mexican labour board comprises of government officials, companies and protection unions which makes it difficult for workers to organise.

Another significant development is the creation of a new labour federation, the International Labor Confederation lead by Napoleon Gomez Urrutia President of Los Mineros the mining and metalworkers union who was also elected to the Mexican Senate last year.

The ILC aims to build on the momentum created by the new government and mass walkouts by 25,000 workers at 48 "maquiladora" assembly plants in the Mexican border city of Matamoros where workers won 20 percent wages increases and bonuses.

These actions also sparked walkouts at non-union businesses. Gomez Urrutia said the strikes could spread, and the new federation would support them. He said, "It will be a question of solidarity and strategic alliances. Big corporations operate in multiple countries, and it is time that we unions globalise ourselves as well."

"As long as the conditions of exploitation continue for these workers, not just on the border but across the country, there is a risk that these conflicts will break out," he said. "We will always be ready to advise and support them."

150 Mexican union locals had already joined the ILC, others are interested in joining and the US trade union body the AFL-CIO and the United Steelworkers and Unite have expressed their support.

Unite the union, the United Steelworkers and Los Mineros are the three member unions of the independent global union Workers Uniting.



Bernie Sanders to ban anti-union laws

BERNIE SANDERS, who says he intends to run the first 'unionised presidential campaign in history', says that if elected he will enact legislation to ban the USA's so called 'right to work laws'.

"When billionaires like the Koch brothers spend millions of dollars successfully lobbying for 'right to work', for less laws, they are waging a war on workers," the Vermont senator said in a speech to the International Association of Machinists union.

Just over half of US states currently have some form of law banning unionised workplaces from negotiating contracts which require all members who benefit

from a union contract from paying union subscriptions.

Based upon the 1947 Taft-Hartley Act, such laws can be found in 28 states and in Guam, and they have spread with heavy lobbying from the US Chamber of Commerce and prominent Republican donors such as the billionaires Koch brothers.

"When we are in the White House, we are going to pass the Workplace Democracy Act that I will be re-introducing in the Senate," Sanders told the union.

In a blow to unions last year last year, the Supreme Court ruled in the case of Janus v AFSCME that government employee unions could not force

non-member workers to pay bargaining fees – thus enshrining a 'freeloaders charter'.

"This year we have seen a right-wing think tank try to follow the disastrous Janus decision with another court case that could essentially impose right-to-work on the airline industry. In a Bernie Sanders administration, that will never, ever happen," he said.

The mandatory fees banned by the Janus decision had been in place for more than forty years under the 1977 Supreme Court precedent *Abood v Detroit Board of Education*, Justice Samuel Alito ruled was as a violation of the First Amendment – the right of association.

In a dissenting opinion, Justice Elena Kagan wrote ruefully: "The First Amendment was meant for better things. It was meant not to undermine but to protect democratic governance – including over the role of public sector unions."

President Donald Trump celebrated that decision in July 2018 by tweeting: "Supreme Court rules in favour of non-union workers who are now, as an example, able to support a candidate of his or her choice without having those who control the union deciding for them. Big loss for the coffers of the Democrats!"

Swedish derogation ends in April 2020

THE 'SWEDISH DEROGATION' rules governing the use of agency workers will come to an end in April next year the government has confirmed. Parliament approved the first package of the 'Good Work Plan', including bringing into force an entitlement to a day one statement of rights detailing a new employee's pay and holiday allowance.

Under this part of the plan, which came into effect in early April, 300,000 workers who previously did not routinely receive a payslip will now do so, including those on casual or zero-hours contracts. Payslips now also need to state the number of hours worked, making it easier for workers to ensure they are paid in full and at the correct rate.

The 'Swedish Derogation' rules are currently mis-used in the United Kingdom and mean that agency workers do not receive the same pay and conditions as full time employees in a company they are assigned to, as long as they are paid between assignments.

Unions have long campaigned against the abuse of the

derogation by employers who used it as a loophole to exploit precarious workers. It is estimated that around 120,000 workers are currently affected by the misuse of the rules. However unions say they are concerned by the lack of detail on how agency workers will be treated, and which rules they will be governed by after April next year.

We're taking the fight on sleep-ins to the Supreme Court

New threat to transport workers rights

BY DAVE PRENTIS
UNISON GENERAL SECRETARY



UNISON IS fighting every step of the way to win our case on 'sleep-ins' – making sure care workers who stay

overnight with the vulnerable people they care for receive the pay they deserve for their work.

And in February we were granted permission to take our case to the Supreme Court.

That's great news for the care workers affected, an opportunity to clarify the law once and for all – and a chance to win again for low-paid women workers.

Across the United Kingdom, thousands of care staff work sleep-in shifts looking after vulnerable adults and children, many with significant, challenging needs. As a society we should be celebrating the valuable job care workers do, not expecting them to survive on a pittance.

Care employees are working on sleep-in shifts – so it's outrageous that those hours aren't counted as paid working time.

They aren't free to come and go as they please and, as often the sole member of staff, they're likely to be on their feet for much of the night – it's work, and it needs to be paid.

And as we take the fight to the Supreme Court – that's the case we'll be continuing to make.

BY MICK CASH
RMT GENERAL SECRETARY



PRIOR TO RMT's victory over proposals to greatly reduce the frequency of maintenance work on the

London Underground fleet, the spectre of a ban on industrial action on the Tube once again reared its ugly head.

Discussing that specific dispute, the Tory transport spokesperson in the London Assembly claimed that "safety [is] being used by unions as an excuse to push for higher pay without losing public support" despite the fact that the dispute had nothing whatsoever to do with pay, but was in fact about the how regularly safety checks would take place.

He went on to say that "instead of seeking to blackmail the capital, with Londoners as collateral damage, a better system would

ban strike action on public transport and replace it with a right to binding pendulum arbitration."

This demonstrates how, just three years after the introduction of the draconian anti-union legislation of the Trade Union Act and the especially vicious attention it gave public transport workers, the Tories will stop at nothing to continue to tighten the noose on working people's democratic rights.

It is worth noting that since the introduction of that particular piece of legislation the number of stoppages due to strike action has begun to increase again (from an all time low), showing that the trade union movement has begun to adapt to the challenges we are faced with.

According to the ONS, in 2017 the transport sector accounted for some 34% of all stoppages. This in turn amounted to 68% of all "working days lost" due to strike action in the UK - 187,000 out of a total of 276,000. Our disputes in

defence of the role of the guard contributed greatly to this figure.

There can be no doubt that there is a significant amount of industrial action taking place on the public transport network, a situation caused by the sweating and fragmentation of the sector by the short-term greed of private interests.

During our disputes in defence of the safety critical role of the guard, our members received significant support from across the trade union and labour movement, support which the lifting of the restrictions on solidarity or secondary action would have seen the disputes brought to a close much sooner.

The Campaign for Trade Union Freedom is a vital tool for the trade union movement today, and one which can help to put into effect the proposals from the Institute of Employment Rights and the Labour Party under Corbyn's leadership to break the chains which our movement has had to bear for too long.



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Shrewsbury 24 succeed in judicial review against the Criminal Cases Review Commission

BY EILEEN TURNBULL



MAY DAY this year was a memorable day for the Shrewsbury 24 Campaign. We were able to

announce to our affiliates and supporters that we had just won an important victory in our long struggle to overturn the convictions of the building workers who were tried in 1973/74 for picketing during the national strike.

On 30 April 2019, halfway through the Judicial Review hearing in the Birmingham Administrative Court, the Criminal Cases Review Commission conceded the case. It agreed to reconsider the referral of the convictions of the pickets to the Court of Appeal.

The pickets had asked the CCRC to refer their convictions on two

main grounds: (i) recently discovered evidence that original witness statements had been destroyed and that this fact had not been disclosed to the defence; and (ii) the broadcast of a highly prejudicial TV documentary during the first trial, *Red under the Bed*, the contents of which was contributed to by a covert agency within the Foreign Office known as the Information Research Department. After considering the case and all the evidence submitted by the Campaign since 2012, the CCRC had steadfastly refused to make that referral.

Four of those pickets, Nick Warren (for his late father Des), John McKinsie Jones, Michael Pierce and Terry Renshaw, together with the Campaign, would not be bowed by this decision and bravely pursued judicial review of the CCRC.

The CCRC defended the proceedings until the day of the

hearing, before Lord Justice Flaux and Mrs Justice Carr. Then, whilst the Campaign's QC was midway through his submissions, the CCRC conceded the case. The CCRC did not raise any arguments against the pickets' case. It agreed to withdraw its earlier decisions of October 2017, turning down the pickets' applications.

The CCRC has agreed that fresh commissioners will now reconsider whether or not to refer the convictions of the Shrewsbury 24 to the Court of Appeal.

On the train home from Birmingham that evening it was one of my greatest privileges to be able to contact those pickets that had not been able to travel to court to inform them of the great news. They were all overjoyed and overwhelmed at the remarkable result. I was also able to inform them that I had just spoken with Jeremy Corbyn, who has supported the Campaign for many years, and

who wanted to convey his congratulations and best wishes to them all.

This is a magnificent success. We are one step nearer to achieving our goal of justice for the pickets. It has been a very long 13 years since the Campaign was established in 2006, following the premature death of Des Warren who was the lead picket and who was jailed for three years in 1973.

We have never given up the fight for justice for all the Shrewsbury 24 pickets. The result is a testament to all our hard work and the support of the trade unions and Labour Party to whom we are extremely grateful.

Eileen Turnbull is the Researcher and Secretary for the Shrewsbury 24 Campaign www.shrewsbury24campaign.org.uk
PICTURE ABOVE: North Wales pickets during the 1973/1974 construction workers' strike

George Wake



GEORGE WAKE who died on the 25th April aged 95 was a lifelong trade unionist and political activist. He was a founder member of the Liaison Committee for the Defence of Trade Unions, the body bought together to oppose the anti-trade union proposals of Harold Wilson's 1964-1970 Government outlined in the document 'In Place of Strife'.

George was an engineer and an AEU activist in the automotive industry, ship repair and Central Electric Generating Board. He was a leading member of the Joint Shop Stewards Committee that led the fight for the £10

minimum wage, improved terms and conditions and a decent pension in the industry.

He was an active member of the editorial board of the rank and file newspaper The Power Worker and supporter of the left lead Engineering Gazette group.

He joined the Communist Party in the 1950s after being expelled from the Labour Party.

He was a member of the Executive Committee of the CPGB and a candidate in numerous parliamentary and local elections throughout the 1960s and 1970s.

A staunch supporter of the Morning Star newspaper and Chairman of the Peoples Press Printing Society George rejoined the Labour Party and became secretary of his Labour Party branch up until to his death

His involvement in the Liaison Committee for the Defence of Trade Unions (one of the founding organisations of the Campaign for Trade Union Freedom) he was instrumental in organising and supporting industrial struggles in the 1970, 1980s and 1990s, not least the LCDTU involvement in the successful fight to secure the release of TGWU London Dockers – (the Pentonville 5) in 1972.

George became chairman of the LCDTU and worked closely with trade unions in producing the LCDTU newsletter and organising many well supported fringe meetings at the TUC Congress.

George never wavered in his belief that socialism was the only way we could attain a fair and just society for all and he will be sorely missed by all comrades who knew and worked with him. Thanks to David Wake.

Blacklist victims share £1.9 billion

CONTINUED FROM FRONT PAGE

The eight firms include Sir Robert McAlpine, Balfour Beatty, Costain, Kier, Laing O'Rourke, Skanska UK, Vinci and Carillion.

These companies are now in dispute with Amec Foster Wheeler, as they argue it was involved in running the blacklist and should therefore pay a contribution towards the bill.

Unite had also sought to force Cullum McAlpine, whom they say was a key architect of the blacklist to give evidence at the trial. He was the chairman of the Consulting Association when the blacklist was set up.

Howard Beckett said it was "bitterly disappointing" that he would not be compelled to be cross-examined at the trial, which has been dropped as part of the settlements.

Police chiefs have also admitted that they supplied details of trade unionists to the blacklist in what they acknowledge was a "potentially improper flow" of information.

CAMPAIGN FOR TRADE UNION FREEDOM

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- National Unions 100,000 + £650
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- less than 500 £35
- Associations of TUCs £35
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