

WINTER 2018/19



## One step forward for Shrewsbury pickets

SHREWSBURY 24

BY CAROLYN JONES &amp; EILEEN TURNBULL



**I**N 1972, building workers across the UK took part in the first ever national strike. At that time, construction workers faced powerful, hostile employers. Lump labour (bogus self-employment) was common and health and safety measures were non-

existent. At the end of the twelve-week dispute, in September 1972, they succeeded in winning the highest ever pay rise in the history of the industry.

Five months after the strike ended 24 pickets were charged with over 200 offences, including unlawful assembly, intimidation and affray. Six of the pickets were also charged with conspiracy to intimidate. None of the pickets had been cautioned or arrested during the strike and there were no police complaints laid against the pickets at the time.

At the first Shrewsbury trial, beginning in October 1973, three of the pickets were found guilty of conspiracy to intimidate, unlawful

assembly and affray. They were sent to prison: Des Warren for three years, Ricky Tomlinson for two years and John McKinsie Jones for nine months.

Jailing these building workers remains one of the most notorious anti-trade union acts of the state in recent times. All the might of the police and criminal justice system were used against the pickets to deter trade unionists from organising effectively. The convicted Shrewsbury pickets were blacklisted from the industry and most were never able to work in their trade again.

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# Collective bargaining is good for workers says OECD

## COLLECTIVE BARGAINING

BY KATE BELL

THE OECD – the Organisation for Economic Co-operation and Development, sees itself as a think tank for developed countries. A lot of the thinking it's done over its history hasn't been good for workers. But in a new report, they seem to have finally realised that trade unions are the best way to deliver better jobs for everyone.

At the beginning of December last year they published their Jobs Strategy – a set of recommendations to governments around the world on what to do to deliver better jobs. The first Jobs Strategy they published, in 1994, was hostile to trade unions, and promoted so called 'labour market flexibility' – often used as code for

cutting workers' rights.

But this time its different. Following extensive research, they've found what trade unionists have known throughout our history. Collective bargaining by trade unions delivers for workers by:

- tackling inequality
- improving conditions in the workplace
- helping everyone be included in the labour market – including groups who find it harder to get work, like young people
- managing changing forms of work, by making sure everyone gets a say and helping people access training; and
- keeping people in jobs in bad economic times – for example by using short time working schemes.

Previously the OECD suggested that bargaining should only be done at a company level. But now

they've recognised that co-ordinated bargaining – for example across a whole sector – delivers the best results in terms of inequality, while bargaining at company level is also vital to improve the quality of work.

Of course, the new Jobs Strategy doesn't contain everything trade unions would want to see. But it's a pretty significant turn-around for an organisation that until recently didn't see much use for trade unions.

The strategy says that governments should "put in place a legal framework that promotes social dialogue in large and small firms alike and allows labour relations to adapt to new emerging challenges."

In the UK, that legal framework would start by repealing the Tories' unfair and undemocratic Trade Union Act.

But we know we need to go much further than just rolling back bad laws. That's why the TUC General Council passed a statement at congress calling for a new set of trade union rights. We want new rights to organise and access workplaces, stronger rights to bargain in companies, and new frameworks to deliver bargaining across whole sectors of the economy, stopping bad employers from undercutting workers' rights. Those are rights that workers in many other countries enjoy – and it's now clearer than ever that they're rights that deliver results. If even the OECD says it's a good idea, surely it's time for new collective bargaining rights in the UK.

**KATE BELL IS TUC HEAD OF RIGHTS, INTERNATIONAL, SOCIAL AND ECONOMICS**

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Carolyn Jones recalls: "I was 13 when the strike took place and I remember my dad travelling up and down the country organising meetings and flying pickets. He was also involved in the campaign to get the prisoners released and to raise money for their families. The money was raised but the prisoners remained in jail, where my Dad used to go and visit them – taking them copies of the Morning Star!

We've since discovered that every member of our family was put on the Economic League's blacklist."

In 2006 the Shrewsbury 24 Campaign was established with the aim of overturning the convictions of those building workers victimised and criminalised just for picketing during the 1972 strike. Since then, the Campaign has researched the background to the trials, digging out fresh evidence to support the case for overturning the convictions.

It's not been an easy task. The Government consistently refuses to release documents relating to the

Shrewsbury trials, denying public scrutiny and hiding behind section 23 of the Freedom of Information Act (the 'national security' exemption).

Eileen Turnbull, the Campaign's persistent researcher says that crucial documents 'missing' from the National Archives at Kew, likely show the extent of political interference in the case in the 1970s. The next review of the documents will be in 2021. Jeremy Corbyn and John McDonnell, long standing supporters of the Campaign, pledged in the 2015 and 2017 manifestos that if they were elected they would, "release all papers concerning the Shrewsbury 24 Trials."

Things are looking up. On Friday 9 November 2018 the Shrewsbury pickets won an important victory in their long struggle. In the Administrative Court in Birmingham, Mr Justice Jay gave permission for the pickets' application for judicial review to proceed to a full hearing, something the Criminal Cases Review Commission (CCRC) had consistently refused to grant.

The judge, after listening to the submissions of the pickets' counsel,

Danny Friedman QC, granted permission and the full merits hearing of the judicial review application will be heard in late spring 2019 before two judges.

The two grounds of the application that the judges will consider are:

- that the destruction of original witness statements by the police, which was concealed from the defence and court by the prosecution, amounted to an abuse of process; and,
- the broadcasting of the Red under the Bed documentary by ITV halfway through the trial was highly prejudicial to the pickets and should have led to the halting of the trial.

It is the first time that the case of the Shrewsbury pickets has been before a court since 1974 and the first time that they have achieved a success.

Campaign secretary Eileen Turnbull said: "Our case should have been referred back to the Court of Appeal at least three years ago. The CCRC has dragged its feet for over five years and then failed to apply the relevant law to the fresh evidence that we provided.

We look forward to the full hearing in the spring as we are confident that we will succeed."

Terry Renshaw, speaking on behalf of the pickets, welcomed the decision: "It is a momentous victory for the Campaign. When we left the Court we were delighted with the decision and felt a great sense of achievement after campaigning for the past twelve years to overturn this miscarriage of justice. We are nearly there."

Campaign chairperson Harry Chadwick appealed for continuing support: "I want to thank our trade union and Labour Party supporters for the unwavering backing that they have given to us as we would not have got this far without it. The fight is not over yet. We need your continued support to raise funds for the forthcoming hearing. We ask branches, trades councils and CLPs to affiliate to us for 2019 and donate to our legal fund."

**CAROLYN JONES IS CTUF ASSISTANT SECRETARY; EILEEN TURNBULL IS THE SHREWSBURY 24 CAMPAIGN SECRETARY AND RESEARCHER. THIS ARTICLE FIRST APPEARED IN THE MORNING STAR**



# BECTU representatives to be reinstated

## RITZY CINEMA

**T**WO BECTU reps unfairly sacked by Picturehouse owned Ritzy must be returned to their former positions at the Brixton cinema, an employment tribunal hearing has ruled.

The judge ruled that all the individuals involved were capable of working in a professional and mature manner after hearing evidence from the reps about

how they will be able to work at the Ritzy again.

The reps who have worked at the Ritzy for a number of years will have to be reinstated in January.

The decision is a significant win for BECTU and follows on from an earlier ruling which found that the reps had been unfairly dismissed.

At that employment tribunal the judge found that there had been a "lack of neutrality at the

investigation and disciplinary stages" and "an assumption of guilt on the part of the claimants."

Head of BECTU Philippa Childs said: "This is an extremely rare ruling and once again highlights the unreasonable behaviour of Picturehouse towards BECTU's representatives."

"These individuals have been leading BECTU activists and their reinstatement will bolster the campaign for Picturehouse staff to be paid the Living Wage. BECTU

urges Picturehouse to look closely at these two ruling and start to engage with us and the Living Wage campaign and for the union to be fully recognised."

Picturehouse staff have been campaigning to be paid the official Living Wage in London, fair pay rises for supervisors, managers, chefs, sound technicians and projectionists and company sick pay for all staff and company pay for maternity, paternity and adoption.

# GMB scores hat trick against Uber

## GIG ECONOMY

GMB HAVE hailed a 'hat trick' of legal wins for Uber drivers after the Court of Appeal upheld upheld a ruling that they should be classified as workers.

In October 2016, the Central London Employment Tribunal ruled in GMB's favour - determining that Uber drivers are not self-employed, but are workers entitled to workers' rights including holiday pay, a guaranteed minimum wage and an

entitlement to breaks.

Instead of accepting the judgement of the courts, Uber took their case to the Employment Appeal Tribunal (EAT) last year, which ruled against the ride-sharing company.

The Court of Appeal judgement is Uber's third legal defeat on this issue in as many years.

Tim Roache, GMB General Secretary, said: "We're now at a hat trick of judgements against Uber, they keep appealing and keep

losing. Uber should just accept the verdict and stop trying to find loopholes that deprive people of their hard won rights and hard earned pay. Employers are on notice that they can't just run rough shod over working people to put more on the bottom line for shareholders."

Nigel Mackay, partner in Leigh Day's employment team, said: "We are very pleased that the Court of Appeal has again upheld the Employment Tribunal's findings that

Uber drivers are workers of Uber. This is the third time that the drivers have been victorious in their fight for workers' rights but Uber has yet to give their drivers what three legal decisions have ruled they are entitled to – holiday pay and to be paid at least the National Minimum Wage. We hope that Uber now faces up to its responsibilities instead of spending time and money in the courts attempting to deny its drivers these rights."



# Workers picket Esso-UGL

AUSTRALIA

BY TROY CARTER

**A strike involving oil workers in Longford, Australia has dragged on for almost 600 days. In 2010, UGL/Kaefer were awarded a maintenance contract with Exxon Mobil.**

UGL/KAEFER began their contract 12 months late (in 2011) and reluctantly implemented the current collective agreement that was in place at the time. In 2015, the next collective agreement was due to expire and the unions set out to negotiate a new three year agreement.

This would see out the final two years of the contract and remain current should a new contract be awarded to UGL/Kaefer (or any other contractor). This is traditionally known as a transfer of business. In 2015 (prior to the agreement expiring), the workers put forward a log of claims for bargaining.

During the first meeting, UGL/Kaefer made it clear they would not consider any of the claims. Instead, they would seek to cut the wages and conditions. Throughout 2015 to early 2017, UGL/Kaefer declined to negotiate and instead put out its own proposed agreement. The workforce was forced to vote on it approximately 5 times.

The workforce declined each time. During this same period, Exxon engaged UGL/Kaefer to re-

tender a new maintenance contract using separate names UGL & Kaefer (not UGL/Kaefer). UGL also created another company called MTCT services, a paper company only (no employees or staff).

They then employed five people in Western Australia (3500 km away) to do some random tasks outside of the Oil & Gas Industry. During this period, they coerced the workers into signing a non-union, non-negotiated Oil & Gas agreement and submitted it to Fair Work Australia (our industrial relations tribunal) for validation (2016).

In early 2017 UGL/Kaefer put their proposed agreement to the vote a final time (knowing the workforce would refuse it) and ceased any further meetings with the union/s. Not long after, Exxon awarded UGL a new maintenance contract (beginning late June 2017).

In late April (2017) UGL/Kaefer gave notice to the employees that their positions will be made redundant in June, due to the expiration of the current maintenance contract. In late May, the workers were asked to re-apply for a job with UGL (not

UGL/Kaefer). At this point, there was no knowledge of the secret agreement UGL had validated or MTCT services.

One week before being made redundant, the employees were offered new employment with UGL (not UGL/Kaefer). They were required to sign a new agreement under MTCT Services, not UGL/Kaefer nor UGL and the agreement would be the one UGL secretly validated in 2016.

This would see the employees being made redundant and reoffered the same job back, under the same employer, but hiding under the name UGL. UGL would then hide under MTCT Services, and successfully slash wages by 40% with cuts to conditions that were won through fair negotiations over the past 40 years. UGL successfully used five people in Western Australia to sign away our wages & conditions, but had no awareness of what they were doing.

This allowed UGL/Kaefer (as a reward from Exxon) to win a new 7-year contract. The only difference, two new company names.

Evidence shows this had been meticulously orchestrated by Exxon Mobil in order to reduce their maintenance costs & increase profits, but carried out through UGL/K.

This gave Exxon Mobil an arm's length from any resulting consequences, ie, "this is an issue with the maintenance contractor and their employees, not with Exxon Mobil".

It was at this point, our campaign began. We refused to accept our jobs back and immediately set up the picket line. We have been there ever since.

If we allow Exxon Mobil to get away with this here, there is no stopping them (or any other company) from using the same tactics elsewhere in Australia or the world.

Visit the dispute website and send your message of support at [www.essouglydispute.com](http://www.essouglydispute.com)

**TROY CARTER IS AMWU LEAD DELEGATE AT THE ESSO/UGL DISPUTE**



# Victory for miners

## MEXICO

BY TONY BURKE

**I**N A SIGN that times are now changing for trade unions in Mexico following the election of President Andres Manuel Lopez Obrador (AMLO) the Mexican mining and metalworkers' union, Los Mineros, won an important union victory at the El Boleo Mine in Santa Rosalia in the state of Baja California Sur.

It follows a long battle going back April 2016, when workers at the mine went on strike to demand the removal of a company appointed union and free elections.

In 2016 the strike broken was by the police and a month later the company fired 130 Los Mineros supporters.

The federal authorities blocked the Los Mineros' demand for an election for two years in an attempt break the union.

Workers faced low wages, unpaid overtime, poor health and safety (including lack of proper lighting and ventilation in underground work areas) and lack of adequate safety equipment.

But in a recent vote workers at El

Boleo voted 280 - 238, for Los Mineros over an imposed protection/yellow union installed by the labour contractor, Servicios y Desarrollos Meseta Central SA de CV, without consulting the workforce.

The mine is controlled by Korea Resources Corporation (KORES), which is owned by the government of South Korea.

But there are still big problems with Mexico's current labour legislation which AMLO has vowed to change by including measures to guarantee workers' freedom of association.

On 29 November, CTM thugs broke up an election called by the Federal Labour Board at a Finnish-owned PKC automotive wiring plant, where Los Mineros are challenging the Confederación de Trabajadores de México (CTM - a 'protection' or yellow union) for representation. 6,000 PKC workers have been fighting to establish an independent union for over ten years.

In 2011, PKC signed a contract with the CTM without the knowledge or participation of the workers. In 2012, Los Mineros lost a union recognition vote by 2509 - 2311 in an election marked by PKC's

interference and intimidation in the election and sacking union activists in retaliation for their union activities.

For decades the Mexican government has supported protection/yellow unions who signed protection contracts with low wages and poor working conditions even before a plant open and workers are hired. Workers say they have never seen or voted on their contracts and some don't even know a union exists at their plant.

PKC, who recognise unions in their home country, are a subsidiary of Motherson Sumi Systems Ltd (MSSL) which is part of the Samvardhana Motherson Group. Most workers make around \$50 per week.

**'For decades the Mexican government has supported protection/yellow unions who signed protection contracts with low wages and poor working conditions even before a plant open and workers are hired.'**

Los Mineros filed a legal demand for a new election in 2012 but the Federal Labour Board used procedural objections to delay the workers' right to choose their representative for more than six years.

The company fired Los Mineros leaders in the plant, including the workers who had acted as union observers during the election.

Ten union leaders complained that they had been unjustly dismissed with the Federal Conciliation and Arbitration Board who ordered the re-instatement of four union officials in 2015. The company appealed, but the Board again issued a decision in 2016 ordering that the workers be reinstated.

PKC has continued an aggressive anti-union campaign, aided by the media and the CTM "union" (which holds 55 protection contracts in automotive companies in the region).

The company had given complete access to the workplaces to paid CTM "delegates"; excluded Los Mineros from the property; allowed distribution of anti-union materials; offered incentives to workers who oppose Los Mineros; backed a social media campaign "Save Arneses (the company) and Acuña (the town)" which repeats threats that the plants will close if the workers vote for Los Mineros.

PKC's campaign violates the Federal Labour Law, which makes it illegal for an employer to "intervene in any form in the internal regime of the union, impede its formation of the development of union activity through implicitly or explicitly reprisals against the workers."

AMLO is already planning to establish independent labour courts, and to combat employer domination of unions by guaranteeing workers' right to vote on their collective bargaining agreements as well as reforming procedures for union elections and stopping the collusion of employers and government officials.

These changes are also required by the Labour Annex to the US-Mexico-Canada Free Trade Agreement, signed by the governments of the three countries on 30 November. Also in November, the Mexican Senate ratified ILO Convention 98 on the right to organize and collective bargaining.

Labour law reform legislation was introduced by AMLO's Morena party in the Mexican Congress December 30th. With Los Mineros President Napoleón Gómez chairing the Senate Labour Committee, progressive legislation is now a real possibility.

Los Mineros (Mexico) along with Unite the union (UK & Ireland) and the United Steelworkers (USA & Canada) form the global trade union Workers Uniting.

**THANKS ALSO TO BEN DAVIS OF THE USW.**

ABOVE LEFT: Los Mineros union members and families demonstrate at PKC against protection union imposed on workers.

# Rights for the self employed

SELF EMPLOYED WORKERS

BY JOHN HENDY QC



The Committee of Ministers on 12 December 2018 adopted a resolution in my case of *Irish Congress of Trade Unions v. Ireland* as a result of which the decision of the European Committee on Social Rights can now

be made public.

The essence of the decision is that it establishes the principle that competition law is not a permissible ground for denying self-employed workers their trade union rights (under Article 6(2) of the European Social Charter) to have their union collectively bargain for them and to take the benefit of collective agreements.

This is a crucial advance for the rights of European workers who are self-employed. It also contradicts the findings of the High Court in the case of *IWGB v Deliveroo* (for which permission to appeal to the Court of Appeal is being sought).

On a technical point about specific legislation in the Irish Republic, ICTU lost but this has no bearing on the principle established by the case for the workers of all 27 member States of the Council of Europe. The door is now open for a union in one of the countries where competition law has been used against self-employed workers to challenge it in the European Court of Human Rights, which, on these matters, is very likely to follow the reasoning of the ECSR.

The National Union of Journalists has welcomed the determination confirming self-employed workers are entitled to collective trade union representation and negotiations with their employers. Michelle Stanistreet, NUJ general secretary, said: "Well done to the many trade union activists who have worked on this campaign and have never given up on achieving better rights for workers including the self-employed. NUJ freelance members are a huge and growing sector of our union and this determination from Europe shows that we are well equipped and best placed to continue the fight for employment rights for all."

JOHN HENDY QC IS VICE PRESIDENT OF THE CAMPAIGN FOR TRADE UNION FREEDOM

# Government Good Work Plan 'mouse of a measure'

EMPLOYMENT RIGHTS

BY KEITH EWING



IN CASE you missed it, the government published its 'Good Work Plan' in the middle of December last year, setting out its vision for the future of the UK labour market.

It is a mouse of a measure that attracted little publicity or discussion, drowned out by other issues notably Brexit.

Designed to implement the Taylor Review, the focus of the 'Good Work Plan' is on more transparency so that workers as well as employees will be entitled to an expanded written statement of terms and conditions of employment, though the current law is already ineffective and largely unenforceable.

The focus on transparency avoids addressing questions of substance. Workers and employees will be entitled to more information about the low standards by which they are employed, and workers will be entitled to information about the rights they don't have, and which have not been extended.

It is true that the 62 pages of the 'Good Work Plan' addresses other questions as well, it nevertheless has nothing worthwhile to say on the two fundamental questions of the moment, unsurprising given that Taylor ducked the same issues. The first is employment status, and the second is zero hours contracts.

So far as employment status is concerned,

the commitment here is to legislate to improve the clarity of the employment status tests, as proposed by Taylor. But as Taylor made clear, clarity is unlikely to make much difference in practice, while it is also the case that the government's efforts are in the process of being rendered redundant by the courts.

This is because we now have a number of key cases in which the courts are closing loopholes and addressing abuses, *Deliveroo* in the CAC and the High Court being a major exception at the time of writing. The last thing we need is clumsy legislation from an inept government turning the clock back.

The real issue here of course is not how to split hairs between who is a worker and who is an employee to determine who is entitled to what. The ambition should be to abolish the distinction altogether so that everyone who works for a living is entitled to the benefits the law provides, whether it is paid holidays or a redundancy payment.

This is what has been proposed by the Institute of Employment Rights in the Manifesto for Labour Law, and by a number of backbench MPs in the Workers' (Definitions and Rights) Bill 2017-19. Drafted in response to Taylor and in consultation with activists, the latter provides for the universal coverage of labour standards.

So far as zero hours contracts are concerned, the government is committed to the Taylor position of permitting employers to be permitted to use them because this is what workers want. All that is promised is that the employer will be required in the new written statement to specify the days and times

# Australian court rejects emp

AUSTRALIAN UNIONS

BY TONY BURKE



**A**N EMPLOYERS' group attempt to break up the merger between the Construction, Forestry, Mining and Energy Workers Union with Maritime Union of Australia and the Textile Clothing and Footwear Union in agreed in

**March 2018 has been thrown out by an Australian court.**

**CFMEU national secretary Michael O'Connor said the Federal Court decision to uphold the merger not only vindicated the union's position, but showed employer groups were "wasting their members' money waging an ideological battle" against it.**

**"Our argument throughout has been that the democratic will of union members should decide how our union is structured, bargains, and represents their interests,**

workers are required to work.

But this of course changes nothing. It will not stop the abuse of workers being denied specified hours, or being guaranteed fixed and regular hours.

The transparency obligation will be met by the employer simply saying that there are no specified days that the worker in question is required to work.

Nor will the right of workers to ask for a more predictable and stable contract, which will apply only to those with at least 12 months service. Everyone needs certainty and predictability, and also the hours to guarantee a basic income. If a worker asks for a regular hours contract and is refused, there is no guaranteed minimum hours fall back.

This is not to deny that the government has won plaudits for getting rid of the Swedish derogation in the agency workers' regulation. Although this is a welcome initiative, there is a danger of the government is getting far too much applause for this. How about pressing for retroactive compensation for workers who have been abused in the meantime?

And while we are at it, how about dealing with the British derogation, which enable employers to deny agency workers equal treatment for the first 12 weeks of engagement, cutting out almost a half of agency workers from the benefits of the regulations. It is time to take on the agencies and to either prohibit or severely curtail agency working.

None of this justifies the government's exaggerated claims about the United Kingdom being a world leader in employment standards, and none of this will alter the fact that British labour law is not universal in its application, is not rigorous in the standards it demands, and is not effectively enforced. This is no blueprint for a 'Good Work Plan'.

PROFESSOR KEITH EWING IS PRESIDENT OF THE CAMPAIGN FOR TRADE UNION FREEDOM

# Republic of Ireland bans zero hours contracts

## PRECARIOUS WORK

BY ADRIAN WEIR



**O**N 19 December the lower house of Irish parliament, Dáil Éireann, passed the Employment (Miscellaneous Provisions) Bill which was signed into law by the President on Christmas Day.

The legislation has been welcomed by the Irish Congress of Trade Unions as "one of the most significant pieces of employment law in a generation."

The new law will ban zero hours contracts "except in situations of genuine casual employment" or "in emergency situations or to cover short term absences."

Both the left of centre Sinn Féin and the Mandate shop workers' union have campaigned for the new law and both have acknowledged each other's contributions.

Sinn Féin TD David Cullinane said: "the ... Bill has two critical amendments from Sinn Féin in it. The first is the banded hours scheme; the second is the 12 month look-back period for qualification for the bands."

Banded hours work where an employee's contract provides for fewer hours than they have habitually been required to work, now the employee would be entitled to be placed on a weekly band of hours that better reflects the reality of

the hours they work.

John Douglas, Mandate General Secretary explains: "in Dunnes Stores, for example, workers are on 15 hours contracts. You might be working 40 hours per week for 10 years, but because your contract says 15, your employer can slash your hours at any time. So if you join a trade union, go on strike, or even raise a grievance, your local manager can cut your hours to 15 and spread those hours over four days so you do not have access to supplementary social welfare."

The new law also sets a minimum payment for employees called into work but sent home without work.

Needless to say the new law has not been welcomed by the employers; at an earlier stage in the parliamentary process IBEC, the Irish employers' federation, called the Bill "crude and disproportionate" and that it would have "adverse consequences."

Sinn Féin is now pressing the government to introduce the law sooner than it had planned. Its spokesman John Brady TD said: "I am asking the Minister to commence this Bill before her planned date in March. Workers were left in a very vulnerable position in their employment for long enough. They should not be asked to wait even longer."

ADRIAN WEIR IS ASSISTANT SECRETARY OF THE CAMPAIGN FOR TRADE UNION FREEDOM

# Employers attempt to stop union merger

**not employer groups using legal technicalities to serve their vested interests."**

**He said the decision had "made clear to employers that they do not get to decide how workers choose to represent their interests."**

**Maritime Union of Australia national secretary Paddy Crumlin said employer groups had "stuck their nose into working people's business and today the Federal Court has given them a well deserved**

**whack for their trouble.**

**"Like the industrial dinosaurs they are they have again confirmed their point of extinction has arrived," he said.**

**The Australian Mines and Metals Association had challenged the Fair Work Commission's decision to approve the amalgamation, arguing that it should not be allowed because the CFMEU and MUA were facing pecuniary penalty proceedings.**

**But the full bench of the Commission rejected this argument and found that civil**

**proceedings "bears its ordinary meaning and includes civil penalty proceedings."**

**The full Federal Court upheld the Commission's decision, rejecting the AMMA's construction of the Act, which it found should be read in the context of the purpose of the legislation, being "to encourage and facilitate union amalgamations."**

TONY BURKE IS CHAIR OF THE CAMPAIGN FOR TRADE UNION FREEDOM

# Virginia bid to end 'Right to Work' law

## UNION RIGHTS

THE US state of Virginia will see a bid to repeal the state's Right to Work legislation during 2019. The law has been in place since 1947. There are 27 'Right to Work' states in the US which introduced legislation which is designed to undermine union organisation and collective bargaining.

The US trade union umbrella body the AFL-CIO says: "The real purpose of right to work laws is to tilt the balance toward big corporations and further rig the

system at the expense of working families. These laws make it harder for working people to form unions and collectively bargain for better wages, benefits and working conditions."

A Bill filed by a newly elected Democratic delegate Lee Carter, a self-described socialist who took office during the recent elections, which brought in a new generation of politicians across the US hails from the Democratic Party's left.

During his election, Carter campaigned against 'Right to Work', making his feelings on the

law known when he produced a campaigning video of himself shredding a letter from the right wing National Right to Work Committee.

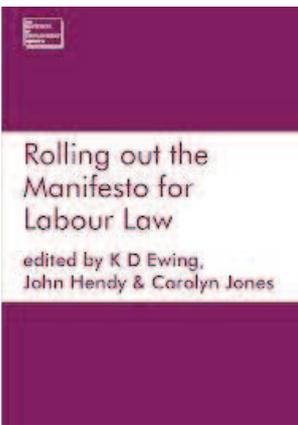
He made his position clear by tweeting to the Virginia Chamber Of Commerce: "Yes, I will work to overturn Virginia's RtW laws."

Carter's bill explicitly authorises and supports the creation of 'agency shops', which requires an employee, as a condition of continued employment, either to join the recognised trade union or to pay the union a service charge in an amount not to exceed the standard initiation

fee, periodic dues, and general assessments of the labour union.

Right wing republican leaders in Virginia have vowed to oppose Lee's effort to repeal the state's Right to Work law.

US Right to Work states are: Alabama; Arizona; Arkansas; Florida; Georgia; Idaho; Indiana; Iowa; Kansas; Kentucky; Louisiana; Michigan; Mississippi; Nebraska; New Mexico (only in some counties); North Carolina; North Dakota; Oklahoma; South Carolina; South Dakota; Tennessee; Texas; Virginia; West Virginia; Wisconsin and Wyoming.



## Rolling out the Manifesto for Labour Law

The IER's 2016 Manifesto for Labour Law garnered support from major unions across the UK, the Green Party, the Scottish Nationalist Party, and most of all the Labour Party. Indeed the Labour Party's popular and influential 2017 Manifesto For the Many, Not the Few adopted many of

the IER's recommendations as a blueprint for future reform.

The comprehensive recommendations detailed in this volume have been collaboratively authored by 26 leading labour lawyers and academics from some of the most prestigious universities in the UK. Taken together, they put

forth a new framework for industrial relations and workers' rights designed to better-fit the needs of a post-Brexit, increasingly automated and fragmented workforce.

<http://www.ier.org.uk/publications/rolling-out-manifesto-labour-law>

## 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

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National/Region/Branch
Name of secretary
Address
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We may contact you with information about the Campaign.

