

Construction workers fight lockout

Alistair Tice

400 engineering construction workers have been locked out from work since 14 March at BP Saltend near Hull. They were told by managers that the contract of their company, Redhall, was terminated by Vivergo that runs the new bio-ethanol plant there.

On 2 March, these same workers took unofficial strike action and blockaded the BP site gates to win a victory, forcing Redhall to abide by the national industry agreement over redundancy procedures (NAECI).

On 14 March police were there in force, which means that the company must have tipped them off. And a prepared letter was handed to workers urging them to "go home peacefully... and return the next day ready for work".

Workers returned on Tuesday to be told they were locked out. Electricians and scaffolders working for two other contractors have been stood down and will be paid 38 hours this week as per the NAECI Blue Book.

But Redhall workers have been promised nothing and will only be paid 38 hours for 46 hours of work!

This is a lock-out and a tearing up of the national agreement. If the bosses can get away with this here,



Construction workers at Lindsey oil refinery strike to defend the NAECI agreement photo Sean Figg

then they will try it everywhere.

This dispute is as important as the Lindsey Oil Refinery (LOR) strikes in 2009. Redhall's workers have set up a strike committee including LOR

strike leader Keith Gibson.

At a mass meeting of 400 locked-out Redhall workers at Saltend on 21 March, the company's offer of £3,000 each was unanimously re-

jected. It was not seen as satisfactory in compensating for loss of earnings and severance and crucially it did not ensure any TUPE (transfer) rights or future employment on this

contract.

The dispute will now be escalated and the mass meeting agreed to call for national strike action throughout the industry to begin on 22 March in solidarity with these workers and to defend the national agreement. They are also calling for a national mobilisation for a demonstration at BP Saltend on 28 March.

Keith Gibson, from the Lock-Out committee, said in a personal capacity: "This lock-out represents a tearing up of the NAECI agreement and if not resisted, will give the green light to other employers to do the same on other sites and jobs. Then the Blue Book would be a worthless bit of paper.

"Therefore our fight is for every construction worker in the country. Solidarity strike action defeated the employers at LOR in 2009, we can achieve that again!"

• Messages of support to Keith Gibson: geminis@geminis.karoo.co.uk or 077431 35183

• Stop press.

At the Westburton power station construction site in Nottinghamshire on 22 March, 200 workers refused to go into work. They joined the demonstration by the Saltend workers who had travelled down to seek support. At 9am a mass meeting voted to join the mass picket at Saltend on 28 March.

Trade union victory over anti-strike laws

Alex Gordon

President RMT

On 4 March, the Court of Appeal handed down definitive judgements in two important industrial action cases.

In both *Aslef v London Midland* and in *RMT v Serco Docklands Light Railway*, High Court judges had previously granted injunctions banning strike action after finding union strike notices "defective" and union explanations about their membership data "inadequate".

The superior court has now overturned those injunctions and comprehensively disposed of arguments originally used in the High Court.

Government policies threaten to destroy up to 750,000 public sector jobs and an estimated 900,000 private sector jobs through cuts and outsourcing, while attacking wages, pensions and public services. Demands for trade unions to lead a fightback are growing, so the effect of this Appeal Court judgement is potentially explosive.

RMT general secretary, Bob Crow, described the judgment as: "not only a victory for staff on Serco Docklands and RMT's 80,000 members but also a massive victory for seven million trade unionists in the UK."

In the London Midland case, the union mistakenly sent ballot papers to two members not entitled to vote - out of 604 balloted, 86% voted to strike. But this was sufficient for the High Court to grant its injunction.

The Appeal Court ruled that this should have been dealt with as a small accidental failure. Similarly, the Appeal Court said the union's explanation of its membership data was simply for employers "to understand something about the reliability of the data supplied. Something, but not necessarily very much".

The implications of the Appeal



Lobbying parliament against the anti-union laws photo Suzanne Beishon

Court's ruling are significant and immediate. While employers will continue to apply for injunctions against strike action on spurious and vexatious grounds, many of the avenues used in recent years which relied on legal hair-splitting and nit-picking trivia are now closed.

Common law recognises no right to strike in Britain, however the Appeal Court confirmed that international law does confer a right to strike under International Labour Organisation Conventions 98 and 151. In addition, the European Convention on Human Rights upholds the right to strike as an element of Article 11(1) on freedom of association.

In a further case, RMT is taking the British government to the European Court of Human Rights for breaching international law through prohibiting the right to take sympathetic (or solidarity) action banned as 'secondary action' by the Tory government in 1980.

It is likely the Tory/Lib Dem government will propose new legisla-

tion further restricting the right to strike. There may be an attempt to extend the 'proportionality' concept, which has been imported from European law in a number of recent cases. This gives judges power to decide what forms of action (if any) are appropriate in lawful industrial disputes, something not even Thatcher's anti-union laws achieved.

For workers facing the onslaught of European Union and UK government austerity policies, the lessons are clear. The successful legal appeal by Aslef and RMT allows trade unions to fight back using strike action to defend jobs and services.

The policy of coordinated strike action to defeat austerity cuts agreed at last year's TUC conference can now be a practical reality.

As cuts start to bite in 2011, trade unions need to plan for a strike movement - generalised strike action to defend trade union members, their families and communities from the impact of government policies. There are now fewer legal impediments to doing so.

Stopping the cuts with the NSSN

Rob Williams

NSSN anti-cuts convenor

The National Shop Stewards Network (NSSN) is at the forefront of the battle against the Con-Dem cuts. The NSSN was initiated by the transport union RMT in 2006 so that rank and file trade unionists could organise together across the union movement and ensure that workers in struggle would be supported.

This role was important in 2009, when workers in the private sector fought a series of disputes at the Lindsey Oil Refinery, the Visteon and Linamar car plants and the Vestas wind turbine factory.

Now it's the turn of all workers, their families and communities as the Con-Dems look to make us pay the price for the bankers' crisis to the tune of £81 billion! They want to take us back 70 years by decimating the NHS, education, public services and the welfare state.

The NSSN has played a key role in the growing anti-cuts movement by lobbying the TUC last September to call a national demonstration against the cuts and initiating marches in London, Bristol, Cardiff, etc on 23 October.

We think that our pressure did

help in getting them to organise the 26 March demo - even though it's taken them six months!

From the beginning, our supporters have played a leading role in setting up local anti-cuts campaigns. To aid our anti-cuts work, in January, at a conference of 600 trade unionists, community campaigners and young people, the NSSN launched its anti-cuts campaign with a majority trade unionist committee which includes RMT president Alex Gordon.

We are working with the other national anti-cuts organisations but have insisted that we must fight ALL the cuts, including those of Labour councils, who shamefully have passed on the cuts. Now we must fight the implementation of these cuts - library by library if necessary.

The NSSN has a unique role to play in that we believe that the organised trade union movement has the power to stop Cameron and Clegg's cuts. But the TUC demo can't be the end - instead it should be used to give a lead to all those young and old, inside and outside the trade union movement, to coordinate national strike action to defeat the Con-Dems and their cuts.

• www.stopcuts.net

Industrial news in brief

College strikes

University lecturers and support staff at Cardiff University, Swansea University, Aberystwyth University, Trinity-St David and Bangor University went on strike on 18 March as part of rolling action called by the University and College Union (UCU).

This was part of a series of rolling strikes around the United Kingdom on pension cuts, building up to a UK-wide

day of strike action in post-16 education on 24 March on cuts to pensions, jobs and pay. Employers continue to reject the UCU's offers of negotiation or ACAS-led mediation to end the dispute.

Edmund Schluessel, Cardiff University UCU, personal capacity

May Day Greetings

Celebrate international workers' day with May Day greetings. See page 14