

Catalyst #19 - free

Decent Jobs for All Workers



The Lindsey Oil Refinery strike – in which over 800 workers participated in unauthorised (wildcat) work stoppages lasting over a week, with thousands more power plant workers showing their solidarity across the country – will probably be remembered as a “xenophobic” strike which called for “British Jobs for British Workers”. But what politicians of all parties and the majority of the media have failed to report, however, is that the message coming from the striking workers has been that it is not about race, and that they do not object to foreign workers. In fact, Lindsey workers were angered because they felt they didn't have a chance to get these jobs and they saw the new contract, awarded to IREM, an Italian company, as an attack on the National Agreement for the Engineering and Construction Industry (NAECI).

Local workers - who had previously done the work - were served a 90 day redundancy notice in mid November that expired on February 17th. When IREM declared that it would only use its Italian and Portuguese workforce, workers took it to be yet another attempt by their employer to dismantle the NAECI. The entire onsite workforce voted to take immediate unofficial strike action. Both Total, who own the refinery, and IREM have said that the Italians will be paid the same as local workers - but this claim is contested and the Italians are housed by IREM in a former prison ship.

Of course, Total and IREM were acting perfectly within their legal rights, according to a series of EU judgements. A 2007 ruling caters for a company

doing work in another EU country to ignore local pay rates, after a Latvian company tried to build a school in Sweden using Latvian workers on Latvian pay.

The key issue for the workers in Lindsey is one of access to work. It suits the media to portray the white working class as racist and backward and it suits politicians to discredit industrial action. But, while some involved in this have expressed racist sentiments most have realised that it's about class, not nationality. Where bigotry rears its head, it needs to be challenged – but this is best done by workers involved, rather than people like Mandelson who have never had any worker's interests at heart.

The actual demands of the workers do not make any mention of Italians or Portuguese:

- No victimisation of workers taking solidarity action.**
- All workers in UK to be covered by NAECI Agreement**
- Union controlled registering of unemployed and locally skilled union members**
- Government and employer investment in proper training /apprenticeships for new generation of construction workers**
- All Immigrant labour to be unionised.**
- Trade Union assistance for immigrant workers - via interpreters - to give right of access to Trade Union advice**
- to promote active integrated Trade Union members**

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Continued... After a week of mass meetings on the picket lines which saw the "British Jobs..." slogan dropped as quick as the BNP were told where to go by strikers in favour of "Workers of the World Unite" and calls in Italian for the IREM workers to join them, the Lindsey strikers returned to work, having gained 102 jobs for locals. Among the solidarity actions, the strike in Plymouth - in which Polish workers supported their British colleagues - is most notable. A possible further development would have been to talk to workers elsewhere in Europe - these EU rulings benefit bosses all over, so co-ordinated action against them is a good idea. They've also taught a lesson to all those of us who don't work in construction - just because solidarity action is unlawful, it doesn't mean we can't practice it!

Who we are...



Solidarity Federation believes that workers' organisation has to be based in the workplace, and must involve all workers, regardless of which union they are in - or whether they are in a union at all. Pay rises, job safety and control over how we work will not be won by representation, but by workers taking action for themselves, independent of their bosses or any would-be representatives.

"Workers rights" will only be won by direct action, or by negotiations backed up by the credible threat of direct action, regardless of legislation. To act in our interests as workers we must

build effective organisation in the workplace.

Across industries, we organise in Networks; geographically we organise Locals, to support each other in our struggles and to fight for our interests, both in and out of the workplace. We are part of the International Workers Association, organising with like minded people across the world.

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Defeating Victimisation at Metronet



Last year managers at Metronet, one of the contractors in charge of track maintenance on the London Underground, tried to sack Rail, Maritime and Transport Union (RMT) rep Andy Littlechild. Managers seized on obsolete health and safety regulations which apparently enforced the wearing of hard hats at all times and targeted Andy, a track worker at Metronet and a Safety Rep for 12 years. It was a blatant attempt by Metronet to break the RMT by attacking its reps, yet another example of how regulations that claim to protect workers can be used against them.

Andy helped build the unique organising model that Metronet workers have, in which lay reps - rather than fulltime union officials - run the show and all members are encouraged to take an interest in their own organisation. Rank and file members send delegations to deal with management on issues which affect them, giving them strength that other unionised workers lack, and has contributed to numerous victories since privatisation from London Underground (LUL).

Andy also helped organise the Workmates Council, which brought together Metronet employees and agency staff in the same organisation, and laid the foundations for RMT's successful campaigns to stop management from devaluing Metronet staff's pensions by 10% and halt mass job cuts; and last April, to open up the Transport for London (TfL) pension scheme, free travel on TfL and subsidised travel on Network Rail to new starters, all previously denied to them by Metronet.

With LUL bringing Metronet back in-house, Andy's victimisation represented part of an effort by its managers to break the union. In response, a 48-hour strike was

organised to coincide with a city-wide bus strike, and management caved in. Andy was disciplined, but after appeal his punishment was reduced to a still undeserved slap on the wrist, and the planned strike was cancelled. One condition of management's settlement with the union was that no one claimed that Metronet "caved in", but Catalyst did not sign that agreement.

Now that Metronet is back in-house, its workers are looking to roll their organising model out to the rest of the RMT on the Underground. During the transfer to LUL, the union leadership's agenda prioritised facilitating the move over the defence of its workers' terms and conditions, and subsequently, ballots on industrial action were dropped. Nowadays, Metronet activists compete with other sections of the RMT for representation in LUL. Even good union leaders have to account for the union's corporate interests, often at the expense of their own members' interests, and the Metronet organising model will not suffice without a union that defends workers above all else.

Know your rights

Redundancy

To be made redundant, you have to be sacked as part of a reduction in the workforce. Being replaced with a cheaper worker is not redundancy and may be unfair dismissal. Bosses will sometimes redefine work as a "special project" to try to get round this. The law covers England, Scotland and Wales, with similar provisions in Northern Ireland. However, if you aren't organised you may not be able to enforce your legal rights.

Redundancy is a "fair" reason for dismissal if the employer acts "reasonably". A claim for unfair dismissal through redundancy can be taken to an Employment Tribunal within 3 months. You may have a company redundancy scheme which should be better than the statutory minimum, and which is part of your contract. Find this out, and make sure you get what you are entitled to. Otherwise, these are the statutory requirements.

One week's redundancy notice has to be given for each full year employed, up to a maximum of 12 weeks. Redundancy pay is only payable after 2 years' employment. You have a right to "timely and meaningful" consultation if more than 20 workers are affected. Failure to consult can result in a protective award at an ET.

Selection for redundancy must not be discriminatory – a number of things are automatically unfair, such as singling out union members or activists. (A full list can be found in the online version of this article.) The selection can also be unfair if there was no genuine redundancy, there was a lack of consultation, an unfair selection procedure or a failure to offer alternative employment.

Temporary workers are eligible for redundancy if been employed for 2 years or more. It is unlawful to put a clause in a fixed term contract waiving the right to a redundancy payment. You can be offered alternative work but

can turn it down if the pay or status is lower. You have a right to time off during the redundancy notice period to look for work.

Statutory redundancy pay is one week's pay per year of employment up to a maximum of 20 years, with a maximum week's pay - £290 per week in 2006-7 (£5,800 in total). If the employer is insolvent, the redundancy pay (and any other pay owing) must be claimed from the Department for Business Enterprise and Regulatory Reform (BERR), and the statutory redundancy pay is subject to tax and national insurance deductions. Otherwise, redundancy pay under £30,000 is not taxable. There is a ready reckoner for the statutory scheme at: <http://www.berr.gov.uk/whatwedo/employment/employment-legislation/employment-guidance/page33157.html>

If different groups of workers have different terms and conditions (e.g. due to TUPE), some may get better redundancy pay. It's worth checking this because it could potentially be unfair.

For a more indepth version of this article: www.solfed.org.uk/rights/redundancy.htm

For more general information on your rights at work: www.stuffyourboss.com

Workplace deaths continue

Workplace deaths across the south west of the country are increasing, according to the Health & Safety Executive, a fact which it finds to be "disappointing". From March 2007 to March 2008, deaths on the job rose by 16%, with a total of 28 fatalities. Despite injuries in the workplace scaling 240,000, the authorities managed a mere 70 prosecutions across the

region; a rather low clearance rate, some might say. Some 38% of injuries were due to "slips, trips and falls" in construction, agriculture and manufacturing.

If you are unfortunate enough to be one of these many casualties and living in the north Somerset area then even more bad luck awaits you, because you'll have to wait longer for an ambulance than anywhere else in the entire country. Unsurprisingly, these delays have a knock-on effect as paramedics have to

stay with the patient until an ambulance turns up, which leads to crews being further delayed at Weston General Hospital for anything up to 45 minutes.



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Taken to the cleaners

Cleaners on the London Underground chalked up an impressive victory in January when Clara Osagiede, a Cleaners Grade union secretary with the RMT (Rail, Maritime and Transport Union), had her sacking decision overturned in a disciplinary hearing with ISS, the owners of the cleaning contract on the Tube.

Mary Boakye, another union rep whose hearing followed that of Clara, had her dismissal delayed by 24 hours due to a raucous mobilisation in solidarity with the two women on the ISS front steps. The cleaning contractor's choice to target them – who were both active in a successful strike for a London living wage (£7.45/hour) for tube cleaners – demonstrates its opposition to ongoing efforts by cleaners to improve their conditions in a contract which still doesn't offer sickness pay, despite the death of one cleaner on the job last year.

Outside the hearing at ISS' head offices in Greenwich, southeast London, Clara thanked the assembled supporters from the RMT and London Coalition Against Poverty, amongst others. "I got my job back because of your being here", she said, noting how the noisy demonstration had apparently triggered a sudden attack of conscience on the part of ISS managers.

Spurred on by the reinstatement of Clara, mobilisations have continued in support of the dismissed Mary and the growing list of sacked union activists while cleaners fight on for pension rights, free travel to and from shifts and sickness pay.



Amey do the dirty



Last September Amey plc suspended 5 Colombian cleaners at the National Physical Laboratory for publicising the excessive workload the company had put on fewer staff, as well as subcontracting work to agency staff without proper training in health and safety – vital where some labs should not be entered by cleaners while dangerous experiments were in progress – to NPL staff. They were sacked for "gross misconduct" at the end of November. When Amey took over the cleaning contract at NPL in December 2006 the largely Latin American workforce were seeking union recognition – a right afforded to all other workers at the NPL. Amey responded to what they saw as excessive pay rates and staffing levels by summoning the cleaners to a "training session" – the doors were bolted and 7 workers were arrested by police and immigration officials. They were sacked, and 3 were deported. None was replaced. The workforce was eventually reduced from 36 to just 10. Amey were actually awarded the contract not by NPL itself, but by SERCO who have the contract to manage the building. Rich multinational corporations like SERCO and Amey rely on the second-class status of migrant workers to make huge profits from contracts awarded

by the public sector. Amey's last recorded annual profit was £75m; it is also a major shareholder in the Tubelines consortium which manages part of the London Underground. This means minimum wage, skeleton staffing levels, a workforce fragmented by "outsourcing" and the use of immigration controls to discipline workers who organise. This is not about cheap foreign labour taking British jobs; it is about the "race to the bottom" – worse pay and conditions for all workers in the UK. The government and the EU are complicit in this, no matter what Gordon Brown may say. The Amey Five have been supported by protests by a coalition of groups, most notably No Borders. These have taken place at events attended by NPL, and at Amey offices in Bristol, Oxford and London. Amey Chief Executive Mel Ewell also faced a picket by 80 students and staff of Kingston University, when he was awarded a place on the university's "Wall of Fame" for its 20 most famous graduates last December. The workers' union – PROSPECT – has largely been a spectator in this, but will be representing them at Employment Tribunal. For further details, check: <http://caic.org.uk/amey>