

# Britain: Employment tribunal rules Gate Gourmet strike illegal

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An employment tribunal ruled last month that the strike by Gate Gourmet airline catering workers at Heathrow airport in August 2005 was illegal.

The tribunal in Reading in the case of *Abbas and others versus Gate Gourmet London Ltd* found that the 100 or more workers claiming unfair dismissal had no redress because their union had not authorised the strike and it was their own choice not to return to work.

The dispute began on August 10, 2005, when the company summarily sacked more than 800 workers at its Heathrow factory and imposed a lockout, replacing them with eastern European agency workers it had organised as strike-breakers. In response to the lockout, some 1,000 British Airways (BA) workers staged unofficial strike action, paralysing flights for 48 hours.

Within days of this show of solidarity, the sacked Gate Gourmet workers were left to fight alone, while BA was encouraged to take action against ground staff, including the sacking of shop stewards Pat Breslin and Mark Fisher, on grounds of “gross misconduct” for leading the walkout. The principal responsibility for this rests with the trade union bureaucracy and its political apologists.

A leaked internal company document published in the *Times* on August 14, 2005, makes clear that Gate Gourmet was intent on provoking a dispute. Its plan was to “Recruit, train and security check drivers.... Announce intention to trade union, provoking unofficial industrial action from staff. Dismiss current workforce. Replace with new staff.”

At the time, the company disowned the document. But Eric Born, managing director of Gate Gourmet UK, told the employment tribunal that following a decision by workers to reject a ballot for changes in working practices and sick pay in June 2005, the company had, indeed, prepared a contingency plan.

Derek O’Flynn from ISS Security, a company that employs mainly ex-military personnel, said he had become part of Gate Gourmet’s “Operation Saffron,” providing security guards to remove workers who objected to the changes on August 10. Human Resources manager Kay Collins revealed that the Bluebird employment agency had been asked to organise about 130 workers and bus them to the factory. Another Gate Gourmet manager, Chris Snow, admitted that he was responsible for telling workers who were meeting in the staff canteen to discuss the attack on their jobs that either they return to their jobs or be sacked.

The tribunal also heard from Oliver Richardson, the Transport and General Workers Union (TGWU) official responsible for Heathrow airport. He said that Gate Gourmet managers had told the union they were going to restructure the company following the loss of a contract with Virgin Airlines and slash wages citing Airfare, another catering

company, which had already brought in cheaper eastern European labour.

The workers at Gate Gourmet soon found out that the main problem was not the well-prepared restructuring plans of the company, but the treachery of the TGWU. Within hours of the walkout in 2005, the union leadership stepped in to end action that not only threatened to bring it up against anti-union laws outlawing secondary action, but which it viewed as a threat to its “partnership” with Gate Gourmet, BA and numerous other corporations. It instructed BA ground staff to return to work, and its general secretary, Tony Woodley, assured BA, “We do not condone what happened last week and we took appropriate steps to end the unofficial action.”

At the annual Trades Union Congress (TUC), September 12-15, 2005, the Gate Gourmet workers received a standing ovation. Woodley proposed a resolution declaring it the most important business of the week. This rhetoric was for public consumption. On September 28, 2005, Gate Gourmet announced an agreement with the TGWU brokered by TUC General Secretary Brendan Barber, which achieved all of its demands—a reduction in labour costs, the sacking of its most determined opponents and the extension of a lucrative BA contract. The deal, which the TGWU recommended to a mass meeting, made 144 workers compulsorily redundant and pressured hundreds more workers to accept voluntary redundancy and sign “compromise agreements” under which they had to waive their right to take their cases to employment tribunals.

Eric Born gloated some months later, “We are now seeing real improvements in productivity at Gate Gourmet. The changes we’ve been making to working practices are clearly paying off” (April 2006). He announced that the company had increased its productivity by 56 percent and drastically reduced the amount of paid overtime—by a figure of 76 percent.

The betrayal of the strike had international ramifications, with the company stepping up its worldwide restructuring plans. In April 2006, Gate Gourmet Düsseldorf and the German catering industry trade union NGG ended a months-long industrial dispute, which allowed Philippe Op de Beeck, vice president Central Europe, to boast, “We have reached most of our aims to achieve the necessary savings for making Gate Gourmet Düsseldorf competitive.... The higher flexibility and efficiency that we have achieved through this agreement are essential requirements to meet the competition.”

Last month in Dublin, Ireland, the company announced the introduction of new working practices and the profiling of workers to weed out those most likely to rebel. Like their British counterparts, the Irish trade union leaders bluster in public but sell out their members in private. Services, Industrial, Professional and Technical Union

(SIPTU) leader Jack O'Connor described Gate Gourmet's documentation as "sinister, provocative and reprehensible," but the company insists that the changes complied with union agreements.

The union complained to the Irish Business and Employers Confederation that "there can be no doubt that Gate Gourmet, in concert with yourselves, have embarked upon a distinctly insidious strategy, specifically designed to sabotage the confidence of vulnerable workers." But it then appealed to the same bosses' organisation "to meaningfully assure us that you do not support an employer who subverts the processes of mature and responsible industrial relations."

Gate Gourmet's massive restructuring is still not enough to meet the demands of city investors. Credit ratings firm Standard & Poor's have only upgraded the company from D (imminent default) to B (very speculative). This new rating still leaves it in the non-investment or junk category. A spokesman from Standard & Poor's explained that "Management's ability to weather the current tough trading conditions is still unproven, although significant measures have already been undertaken to reduce costs."

The *Financial Times* added that the rating "reflected the group's still vulnerable operating position, although it is the second largest supplier of catering to the world's airline."

The role of the union is a warning to BA cabin crews, whose vote for strike action over changes to working practices and sick leave will be known by January 12. BA chairman Martin Broughton has already praised the unions for agreeing to "fundamental changes to working practices" with other groups of staff and said the dispute was in "stark contrast" to the way unions had helped the company tackle its £2.1 billion pensions deficit (it is planned to raise the retirement age from 55 to 60 for pilots and from 60 to 65 for ground staff and reduce benefits).

It is also a warning to workers moving to the terminal five at Heathrow in 2008. Business analysts are calling for the new terminal to be "BA's Wapping," referring to the 1986 dispute when Rupert Murdoch built a new printing plant for his newspapers and employed scab workers from the electricians' union provoking a bitter strike by 6,000 print workers.

It certainly seems the decks have been cleared to allow business as usual at Heathrow. After the BA workers returned to work in 2005, the company indicted Woodley for ordering them to strike and threatened to sue the TGWU for millions in losses. According to a document leaked to the *Guardian* last September, the sacked stewards Breslin and Fisher claimed the union had ordered them to take "illegal" strike action and received legal advice saying that they could sue it for negligence. And in response, the union paid "hush money" to them. Breslin received £300,000 and Fisher got £176,000, along with a job in the union bureaucracy on a £50,000-a-year salary. In return, the two agreed not to make any statement in relation to the TGWU's involvement in the dispute without Woodley's agreement or to use the union's grievance procedures. BA then announced it had dropped its action against the TGWU and also paid out £90,000 to Breslin and Fisher.

There is no substantive proof of the allegation that the TGWU initially supported the action taken at Heathrow. What is a matter of record, and what counts as far as BA is concerned, is that when the chips are down, the union's overriding concern is to preserve its cosy relationship with management.

Equally liable for the defeat at Gate Gourmet are Britain's left groups, such as the Socialist Workers Party, which portrayed the

action simply as one between "ruthless union-busters" and "a courageous group of largely Asian workers" and uncritically boosted Woodley and the TGWU.

The left groups argue that a new party of the working class should take the form of a rebirth of Labour-style national reformism, coupled with militant trade union action led by a breakaway left section of the existing Labour Party and trade union leadership. But the degeneration of the old organisations of the labour movement is not the product of bad leaders who need only be replaced by more militant ones. It is rooted in the failure of the nationalist and reformist outlook of trade unionism, a perspective that has proved incapable of defending the interests of the working class and that instead results inevitably in the growth of a class-collaborationist and highly privileged bureaucracy that is organically hostile to a struggle against the profit system.

When production was predominantly organised within national borders, it was still possible to extract certain concessions from the employers through strikes and protests. Today, however, the globalisation of production has established an ever-lower benchmark that forces workers to compete against one another. As a consequence, the trade unions and the Labour Party have been transformed into mechanisms through which the demands of capital for wage cuts, speed-up and sackings are imposed in order to ensure international competitiveness.

In an August 30, 2005, statement on Gate Gourmet, the *World Socialist Web Site* explained that "it is impossible to wage any successful struggle against the employers without a political rebellion being mounted against the trade union bureaucracy and a break from narrow trade union forms of struggle."

It insisted, "The working class must now undertake to construct its own socialist political party. This will provide the leadership and organisation necessary to take on and defeat the political power wielded by big business and its ability to bring to bear the power of the state against isolated groups of workers—as has been demonstrated by the legal attacks on the Gate Gourmet strike...."

"An essential function of the trade union bureaucracy is to prevent the type of unified offensive by the working class without which such global operators cannot be defeated. It is only on the basis of a socialist and internationalist perspective that the efforts of the employers to divide workers against each other can be overcome and the class struggle be effectively pursued."



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