Test overline

British transport union accedes to anti-union laws, suspends strike ballot

Paul Barnes
1 January 2010

On the same day that a high court judge upheld British Airways' legal challenge to a ballot that produced an overwhelming vote in favour of strike action, the Rail Maritime Transport Workers Union (RMT) suspended a ballot for industrial action over pay at London Midland Railways (LMR).

The RMT justified its action by citing a threatened legal challenge to the ballot procedure.

This is the third time this year that London Midland Railways has exploited technicalities in the anti-union laws to force the suspension of strike action. An overwhelming vote for action was expected in opposition to what RMT described as a "derisory" offer from LMR, which is undertaking a major cost-cutting drive.

Regional union organiser Ken Usher said, "The reason for the caution by our legal advisors is due to a recent court case taken against the RMT. The company concerned received the support of the high court and we received a substantial bill—hence the extended delay to this and other ballots that have been requested across the various grades and companies where the RMT are in potential disputes."

RMT General Secretary Bob Crow, seeking to explain the union's capitulation, stated, "Back in 1999 the law changed and this was allegedly to the advantage of the unions. Unfortunately, it has had the opposite effect and has given employers even more opportunities to dispute the legality of ballots. Under the present legislation, unions must provide information that helps an employer 'make plans' to basically break a strike, and any information that the union possesses in relation to number, category and workplace MUST be supplied to the employer, and unions have to give an explanation as to how the lists and figures are arrived at."

Crow added, "This completely unfair advantage has enabled London Midland to challenge the validity of the ballot."

Crow's statement acknowledges that the Labour government that came to power in 1997, instead of abolishing Conservative anti-union laws, strengthened them behind a mask of progressive reform. For their part, the unions did not oppose this. On every occasion where the employers have utilised the anti-union laws, the trade union bureaucracy has backed down.

There has been no mention of this attack on the RMT's web site. It has been nearly two weeks since the ballot was suspended and the RMT has not broached the question of a re-ballot at LMR. After describing the anti-democratic actions of the company, Crow merely states that union negotiators are "thankfully back trying to negotiate a settlement and let's hope it comes to fruition shortly."

Neither the drivers' union, the Associated Society of Locomotive Engineers and Firemen (ASLEF), nor the staff union, Transport Salaried Staff Association (TSSA), has done anything despite all the rail unions at LMR having pledged a joint front last April to demand a significant pay rise.

The declared joint union approach was announced in response to the strong feelings for unity amongst rail workers, who have seen one section after another isolated and defeated. But as always, the unity turned out to be between the union bureaucracy and the company.

Throughout 2009, the rail union bureaucracies have spent their energies exploiting every possible division in the working class in order to prevent a national rail strike against the assault on jobs, wages and conditions.

Since April, trade union officials have greeted inquiries about the pay negotiations with a deathly silence, hoping that workers would in the end accept the company's propaganda that under the existing economic climate a significant pay rise was unrealistic. Instead, demands for action grew.

In August, LMR tried to remove a temporary agreement for double-time for Sunday working, but workers refused to accept this and forced the closure of the entire network by refusing to volunteer to work on the Sunday the agreement

© World Socialist Web Site

was due to run out.

The trade union bureaucracy threatened that the action, centred at the Northampton and Bletchley depots, might contravene the anti-trade union laws. But the rank and file forced the company to extend the agreement until January 2010. In contrast, the majority of RMT officials at both depots came to work that day.

At the end of September, the company put forward its final offer for a two-year deal, calling for a one percent pay rise this year back-dated to April, plus a further one percent from November. Next year would see a one-and-a-half percent rise and a further half-percent rise from November 2010. The company claimed it could not afford more unless the unions entered into productivity negotiations.

In a newsletter issued October 5, the RMT's Ken Usher described the offer as "derisory" and declared that all the rail unions had rejected it. The final offer was then presented to the executives of the unions. Local officials gave the impression that this would lead to a series of joint strike ballots across the company.

Instead, the TSSA leadership accepted the deal. On December 16, TSSA senior regional officer Tracy Booth launched an attack on the RMT, complaining it was holding up the pay award for TSSA members. She openly attempted to turn clerical workers against their colleagues, declaring, "The reason your pay cannot be implemented is due to the fact that RMT members have rejected the Company's pay offer… TSSA is extremely disappointed that our members will not receive their new salaries and back-dated pay until the New Year."

During a series of strikes by conductors at LMR against enforced Sunday working last spring, TSSA members in managerial and supervisory grades were sent on a hastily assembled training course lasting around three days (it normally takes a number of months to fully train a conductor) to enable them to scab during the strikes. TSSA supported scabbing by reminding its members that they must not break contracts of employment that state they are required to do any duties for which they are trained.

The drivers' union ASLEF were instructed by their executive to pursue their own separate negotiations, resulting in a tentative agreement with LMR providing a two percent pay increase this year and a similar figure next year. It did not put this to a ballot of its members. ASLEF even discussed and agreed productivity concessions which were not part of the initial pay demands.

This deal was still to be formally ratified by ASLEF's national executive. But on December 4, LMR used TSSA's and ASLEF's capitulation to send a private letter to all RMT members' homes pointing out that they had reached tentative agreement with the other unions and that they would not alter their stance regardless of strikes. Every rail worker understood the subtext that LMR would work closely with the other unions to break any strike launched by RMT members.

The RMT refused to condemn the agreements reached by the other unions. It re-started its own negotiations with the company on December 10, but claimed that these broke up without agreement. However, LMR, in a circular dated December 11, gave a different explanation of what happened that has not been challenged by union officials.

After urging the RMT to enter negotiations on productivity concessions (for which they had no mandate), LMR stated, "The relevant Company Councils [RMT negotiators] in London Midland are recommending the immediate suspension of the pay ballot and the RMT executive will meet on Monday (December 14) to consider their recommendation."

After the final offer, the RMT had declared it was in dispute with the company and initiated a ballot for strike action. Despite the other unions withdrawing, RMT workers informed the *World Socialist Web Site* that they expected an overwhelming "yes" vote and were confident they could win support from their colleagues, who have had deals essentially imposed upon them.

This possibility was thwarted by the RMT's suspension of the strike ballot and decision to enter into negotiations on productivity.

In Crow's December 17 letter of explanation, he acknowledged explicitly the purpose of Labour's redraft of the anti-union legislation. He wrote, "The legislation is doing what it was supposed to do—stop the union calling industrial action."

But apart from a long drawn out court case, the RMT is accepting that, with the support of the Labour government, private rail operators can ride roughshod over the democratic rights of its members. In complying with this legal challenge, Crow and the RMT executive have made clear they are opposed to any industrial and political struggle against the Labour government and the employers.

To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact

© World Socialist Web Site