

# Britain: Legal challenge to planned Network Rail strike

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The planned strike by Network Rail (NWR) workers faces a legal challenge in the High Court today. Management are claiming “inaccuracies and deficiencies” in the ballot in order to prevent the four day strike set for April 6-9.

If the High Court rules in favour of Network Rail, it will be the second time that legal action has been used to overturn overwhelming mandates for strike action. The first majority strike vote by cabin crew at British Airways was declared void by the High Court in December.

The strike vote included signalmen and track maintenance members of the Rail Maritime Transport Workers Union (RMT) and supervisors in the Transport Salaried Staff Association (TSSA). Maintenance workers returned a 77 percent majority in favour of action. NWR had threatened to sack the entire maintenance workforce of 13,000 and re-employ a reduced number on new terms and conditions.

The planned strike will be the first in 16 years with the capability of bringing the entire rail network to a halt.

The aim of NWR is to impose 1,500 job cuts. The state-owned company maintains the track and signalling system on which private train operating companies run train services. It also hires out track engineering and replacement contracts to private contractors, such as Jarvis.

NWR was created in 2002 after the collapse of the debt-ridden privatised Railtrack, which was associated with a series of catastrophic safety failures resulting in major crashes.

For months, the RMT had sought to head off the opposition by advocating job losses via voluntary redundancies in order to prevent a confrontation with the Labour government and its cuts agenda.

Despite RMT claims that the establishment of NWR represented the future of state ownership, the Labour government took on all Railtrack’s debts and has made deep cuts ever since. It is seeking to reduce NWR’s budget by £4 billion over the next five years, a 21 percent cut. This is on top of a 31 percent cut in the previous five years, according to the Office of Rail Regulation (ORR).

NWR management have described the cuts and reorganisation as “the most significant change in a generation”. Multi-millionaire Chief Executive Iain Croucher last year told a parliamentary committee, “Our position is, to the DfT [Department for Transport] and to anybody, that we have to take heads at our organisation to meet the efficiency challenge.”

Due to the budget cuts, subcontractor Jarvis has gone into

administration. It sacked 1,100 workers yesterday and all its 2,000 workers are under threat. NWR budget cuts have almost halved the track replacement and upgrade work offered to the company, which received only £140 million of business in the year to April 2010—half the previous year’s total.

Jarvis is only the latest private rail company to collapse.

The RMT has urged the government, the architect of the cuts, to intervene to protect jobs. Where the government has stepped in and bailed out failed private franchises, it has only been to recoup debts at the expense of workers and prepare the companies for retendering to the private sector.

As with British Airways workers, rail workers face the universal opposition of the media and political establishment—spearheaded by the Labour government. Prime Minister Gordon Brown told the press during a European Union summit in Brussels, “We cannot tolerate large-scale industrial disputes in this country, particularly at this time as the economy comes out of recession... I see no reason why this dispute should go ahead.”

Leader of the Conservative opposition David Cameron tried to top Brown by urging mass strikebreaking, stating, “I think what we’ve heard from Gordon Brown has been rather mealy-mouthed. He couldn’t even bring himself to say that he supported people who wanted to go back to work.”

In reality the Labour government has given full support to NWR contingency plans to break the strike. All the main political parties are competing with one another to prove to the banks and big business that they are the party to lead the assault on the working class and recoup the cost of the economic crisis of capitalism.

The *Daily Mail* described the strike’s timing—it is planned for the same period in which Brown is expected to announce a General Election—as a threat to British democracy.

The *Financial Times* made a more realistic appraisal of the union’s record, stating, “The RMT, one of the UK’s most militant trade unions, has a recent history of holding large numbers of ballots but calling off action after reaching a negotiated settlement with management.”

The *FT* reported on March 29: “The RMT’s Bob Crow, number one bogeyman, was at Acas, the conciliation service, yesterday trying to find a solution to a threatened strike at Network Rail. Even Mr Crow makes more threats than he carries out. There have been several stoppages at London Underground but no national rail strike for 16 years.”

Crow, an RMT executive member since 1994 and a lifelong

Stalinist, was elected general secretary in 2002 after ingratiating himself with the outgoing Jimmy Knapp. His predecessor died in 2001, after becoming a hated figure amongst rail workers thanks to his support for the New Labour project and his closeness to Prime Minister Tony Blair.

In 2004, in response to growing hostility in the working class to the Labour Party, the RMT allowed some of its Scottish branches to give finance to the Scottish Socialist Party. The RMT was expelled from the Labour Party in February the same year.

Still Crow took the opportunity to profess his union's loyalty to Labour. He declared, "Affiliation to the Labour Party is still enshrined in our rule book and will continue to be our policy. The RMT is still embedded in the fabric of the party. One hundred years of history are not changed by one letter from Old Queen Street. We will send the affiliation cheques. If Labour doesn't cash it, then, that is up to them. Let me make it absolutely clear that the union still wants the party to be reclaimed and return to its traditional roots."

Since then the Crow leadership has spent its time rebuilding relations with the Labour Party by courting its nominal left MPs. He currently heads up the Trade Unionist and Socialist Coalition (TUSC). Made up of various petty bourgeois groups such as the Socialist Party and the Socialist Workers Party, the electoral front is standing a number of candidates but focuses its efforts on campaigning for the Labour "left" and trade union sponsored MPs and for workers to vote for Labour in the general election. Its mission statement could have been provided by Crow when he said at the time the RMT was kicked out of the Labour Party, "We will work constructively with activists, Labour MPs and trade unions within the party... Change will be through waves of pressure from within and outside the Labour Party."

The political focus of the RMT's campaign over the cuts is encouraging support for a supportive early day parliamentary motion moved by a few Labour MPs. Through the pages of the *RMT News*, the union has shamelessly promoted Labour's Transport Secretary Lord Adonis—who attacked the BA strike as "deplorable"—as an ally of rail workers in their struggle against NWR. In its November/December edition it hailed Adonis for merely seeking assurances from NWR that the job losses would be on the basis of voluntary redundancies.

The RMT has collaborated with cost-cutting and job losses at NWR. During ongoing negotiations in June 2008, Crow boasted, "Our members' hard work and the £400 million in efficiencies they have already made have allowed NR to report pre-tax profits of more than £3 billion over the last two years."

Last September NWR management threatened to sack the entire workforce. This was greeted with a deafening silence by the RMT, which re-entered negotiations with the aim of preventing a series of regional disputes coalescing into a national strike.

When maintenance and signal workers handed Crow a clear mandate for a strike, he again restarted negotiations with NWR. As late as March 26 a spokesman for the RMT said, "We are drawing together a series of proposals which are aimed at resolving the issues at the heart of the dispute. That document will be submitted to Acas and once the various parties have had a chance to look at

all the issues we will be getting back round the table for face to face talks with Network Rail."

NWR now claim they have the majority of job losses on a voluntary basis, which is the RMT's policy. It has used this period to finalise strikebreaking operations.

The RMT also played a critical role in dismantling opposition in 2001 to the Labour government's part privatisation of London Underground (PPP), when strike action brought the capital to a standstill. Crow called off opposition on the pretext of assurances of no compulsory redundancies for those transferred to the private sector.

Signal and maintenance workers have been balloted on different issues and will take separate action. This is a continuation of the divide and rule strategy pursued by the RMT over the last 12 months, where record strike votes at one company after another have been isolated and betrayed. If a scab service is launched (NWR are planning to run one in five trains), these could be manned and despatched by RMT members in despatch and conductor grades who have not been balloted.

Referring to the austerity measures that will be implemented by whatever government emerges from the general election, the 26 March *Daily Telegraph* stated, "Strikes and strife are only just beginning." It warned that the scale of the measures being planned would cause more than a decade of deep political and social divisions. Elsewhere in the media, there have been warnings that strikes have the potential to win popular support and that the knee jerk hostility of the political establishment sets them on a collision course with the population.

Network Rail's legal challenge came while the company were involved in talks with the union. Crow protested the action as a "scandalous attempt by Network Rail to use the full weight of the anti-union laws to deny our members their basic human right to withdraw their labour." But neither the RMT nor any of the other unions have ever sought to mobilise to defeat the anti-union laws.

The experience of rail workers demonstrates such that the defence of jobs, wages and living standards can only go forward through an organisational and political break with the Labour and trade union bureaucracy and the building of an independent, socialist movement of the working class.



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