UK’s Supreme Court legitimises compulsory workfare

Julie Hyland
5 November 2013

A major extension of workfare for unemployed claimants in the UK is underway. The move was green-lighted by the Supreme Court last week. The Department of Work and Pensions (DWP) had appealed against a ruling by the Royal Courts of Justice in February that the government had not made clear to unemployed people their rights to appeal against being made to undertake unpaid work-based “training” and the penalties they could face.

That action was taken by Cat Reilly, 24, and Jamieson Wilson, 41. Reilly, an unemployed geology graduate, told the court she had been forced into an unpaid “training period” of six weeks at a local Poundland store. She had not been informed she could opt out of the scheme and believed her £56 a week Job Seekers Allowance (JSA) would be stopped if she refused.

Wilson, an unemployed lorry driver and father of three, had received a letter informing him that he must carry out 30 hours’ unpaid work a week, for six months, or lose his Job Seekers Allowance for up to 26 weeks. When he refused, he was stripped of his benefits.

In neither case was there prospect of employment at the end of their training.

Lawyers for the pair had argued that the workfare scheme violated Article 4 of the European Convention on Human Rights, which prohibits forced labour and slavery. The court rejected this claim and asserted that the government was entitled to impose sanctions on those refusing to participate in “job training”. It ruled, however, that the government had failed to get parliamentary approval for the scheme.

Faced with the prospect of having to pay £130 million in compensation to claimants whose benefits had been curtailed, the government issued new legislation retroactively legalising the sanctions and took its complaint against the verdict to the Supreme Court.

The court concurred that the previous workfare regulations had not adequately described the schemes and penalties. But it ruled in the government’s favour that workfare did not constitute forced or compulsory labour, and stipulated that there was a “civic aspect” to benefit entitlement. DWP minister Iain Duncan Smith said the judgment “confirms that it is right that we expect people to take getting into work seriously if they want to claim benefits.”

In reality, the schemes have nothing to do with finding people decent, well-paid employment. Such jobs that do exist are rapidly being dismantled as the ruling elite use the economic crisis to carry through a catastrophic assault on workers’ rights. With 3 million out of work, including 1 million 16-to-24-year-olds, the unemployed are to be used as a stalking horse for greater assaults on welfare and to drive down wages and conditions.

Tens of thousands of young people, including graduates, are already on unpaid job placements as they desperately seek work. Meanwhile, the number of people earning less than the “living wage”—£8.55 in London and £7.45 elsewhere—stands at over 5.2 million, up by more than 400,000 in a year. According to the report by the auditing firm KPMG, nearly three quarters of 18-to-21-year-olds earn less than this voluntary wage level.

The ruling clears the way for an expansion of workfare trailed by Chancellor George Osborne at the Conservative Party conference. Some 200,000 JSA claimants unemployed for two years are to be placed on a new Help to Work scheme that will include having to do 30 hours’ unpaid “community work” for six

© World Socialist Web Site

months.

But the court rulings would amount to nothing were it not for the role of the trade unions in imposing government diktat. This is most clearly exposed in the case of the Public and Commercial Services (PCS) union, which organises those employed in Job Centres.

Many PCS members face low wages and cuts in pay and pensions as part of the government's austerity measures. Tens of thousands have lost their jobs, pension contributions have been raised, entitlements cut and pay frozen. Many public sector workers have been forced to agree on new contracts, on lower wage rates, or face the sack.

This accounts, in part, for the resolution passed at the PSC national conference this year calling on the National Executive to "explore the possibility" of non-cooperation with benefit sanctions. That nothing has been done to this end, nor will it be, was made clear by an article in the October 22 issue of the *Socialist* —the newspaper of the Socialist Party (SP)—by PCS vice president John McInally. He is also a member of the SP, although this was not acknowledged.

Published just one week before the Supreme Court was to hand down its verdict, the objective of McInally's article was not to call for mobilisation against the government's measures.

He acknowledged that the assault on welfare is part of a "calculated strategy by the ruling class to strip away all the rights and conditions that we've won as a movement over many generations," but did not mention the workfare programmes directly. Instead, what incensed McInally and the SP was a Twitter campaign by the Boycott Workfare group demanding the PSC work actively to reject the workfare programmes.

McInally asserted that the fight against workfare was "not a moral argument, it's a political question." This was just used in order to state that, under conditions in which there was no difference between Labour and the Conservatives, the hands of his union were tied.

He denounced those "who say a few thousand PCS members can refuse to implement these attacks."

"If we gave an instruction not to implement, the government would declare the action illegal. They would have no hesitation in sacking people and therefore driving to replace a union organised workforce with a non-union workforce," he wrote.

McInally ended by claiming that only a "united campaign, driven by the TUC [Trades Union Congress]", could overturn the measures.

For the pseudo-left, "unity" means only that workers—employed and unemployed—must unquestioningly accept the straitjacket imposed by the trade union bureaucracy that is administering the government's attacks.

McInally and the SP know there is no possibility of the TUC organising a fight against anything. Rather, the SP utilises the reactionary anti-working class character of the TUC and Labour to justify its own collaboration with government measures.

This is made more explicit in the statement by the SP front, Youth Fight for Jobs (YFJ). Under the heading of "No to divide and rule—Why we should support the PCS," the YFJ attacks Boycott Workfare's criticism of the PCS. It argues that "a clear distinction has to be made" between the PCS and the DWP "headed by vicious Tory Iain Duncan Smith."

The very fact that such an injunction has to be issued underscores the rotten right-wing character of the trade unions.

"The job of some PCS workers entails administering many brutal disagreeable procedures to all kinds of people like welfare claimants, migrant workers, even those convicted of crimes," the YFJ acknowledges, before arguing that little can be done about this.

Individual workers refusing to "carry out their job" would get the sack. Nor is it "straightforward" for the PCS to "refuse to participate as a whole," they argue. Even if PCS members agreed to such a stance, anti-union laws mean it would "most likely not be possible" to organise a "legal ballot," as such issues do not constitute a "strict trade union grievance."

To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact

© World Socialist Web Site