

Why should trade unionists vote to leave the EU? In a sense, it's an odd question, because the reasons for trade union members voting to leave the EU are or should be broadly the same as anyone else's: because it's bad for Britain and bad for the working class. The European Union is a capitalist club, formed by capitalism for capitalism. It means us no good.

But the world of the trade unions is a strange one. Even though polls suggest that most union members are against the EU, most unions, officially, are for it, some strongly so.

It wasn't always like this. At the time of the previous referendum, in 1975, the TUC was against staying in what was then the European Economic Community, as were most members of the Labour Party.

But then something happened, and the something was Margaret Thatcher. Let's go back to 1988, and the TUC Conference in Bournemouth, a year after Thatcher's third general election victory. Then, as now, the unions were getting hammered, and with no end in sight people were casting around for some salvation.

[That saviour came in the shape of the French social democrat Jacques Delors](#), President of the European Union. He came to Bournemouth and talked about "the establishment of a platform of guaranteed social rights", including the right to be covered by a collective agreement. He talked about "social dialogue".

The delegates lapped it up. He got a standing ovation. The delegates even sang "Frère Jacques". The TUC position paper backing the EU and moves to a single market was carried. The love affair with Brussels had begun.

But if you look back at the speech now – it's on the web, just google Delors and Bournemouth – and it says almost nothing. It certainly promises absolutely nothing. And nothing, at least nothing good, is precisely what we got.

The TUC is now one of the central defenders of the European Union, even to the point that it [supports the right of the EU to negotiate trade treaties such as TTIP](#) (though pleading for the insertion of a social conscience).

Only a handful of unions oppose the EU, [most notably the RMT](#).

Why is this? Some say that opposing the EU means lining up with UKIP and the far right. But back in 1975, when unions and their members had greater confidence and clarity, the reactionary right was also opposed to the EU/EEC, and that didn't stop unions from arguing against it. I'll come back to this.

First, I want to talk about the EU and trade unions. And right at the beginning, it needs to be said that there is absolutely nothing in EU law that gives any more protection than national legislation to the right of trade unions to freely represent their members and bargain on their behalf. There is absolutely nothing extra to protect the right to strike.

In 1984, Margaret Thatcher decreed that union membership and national security were incompatible, and [banned union representation at GCHQ](#), the government communications headquarters that spies on Britain and the world. No EU law protected unions then. And no EU law exists that could or would stop this government from setting whatever limits it wants on strike ballots in the "essential public services", including schools and transport.

In principle, EU law asserts the right to collective bargaining. But it has no say on any industrial dispute with purely national implications. It does have a say when push comes to shove and workers need to take industrial action, the right fades away when it comes into conflict with the fundamental freedoms of business, enshrined in EU treaties: the rights to provide services, to establish a business, to move labour, to invest (and de-invest) where they want.

In Greece, the European institutions have used economic blackmail to demand, successfully, huge changes in collective bargaining and even in existing collective agreements. That included reducing the role of trade unions in setting the national minimum wage, removing automatic indexing in line with price increases, and a reduction in the minimum wage itself. Call that protection?

As far as I know, only two polls have looked in detail at trade union membership and attitude to the EU, in 1999 and 2003 (see [this LSE Discussion Paper](#)), and both showed that members were more anti the EU than the population at large. You wouldn't know that from the way unions and the TUC speak.

What are the pro-EU unions saying? I've got here [a leaflet produced by Unite](#) for the last European elections, the one where about two-thirds of the electorate didn't vote.

The leaflet is headed "What has Europe ever done for us", and makes 10 points...a handy crib sheet – and a breathtaking collection of lies and half-truths. So, Unite's dodgy dossier.

1. **Protection at work.** "You are safe in your work place from dangerous machines, chemicals or any other risks to your health," it says. You'd think that there was no history of struggle over health and safety until the EU came along. Even the EU's [European Agency for Health and Safety at Work](#) says "There is a long tradition of health and safety regulation in Great Britain, as far back as the 19th century," continuing, "The foundation of the current health and safety system was established by the Health and Safety At Work etc. Act 1974." So, no thanks to the EU. In fact, few of us are actually safe in our workplaces – in particular, not safe from the health effects of overwork and stress – unless we organise to make it so.
2. **Holidays.** "Europe is responsible for making sure you get 28 days paid leave a year," says Unite. No, it isn't. I could spend the whole meeting deconstructing this lie, but to be brief: the UK Working Time Regulations are a piece of UK legislation that followed the European Working Time Directive of 1998. The Directive specified a minimum of 4 weeks' holiday including statutory public holidays. Our legislation has a minimum of 4 weeks *plus* statutory public holidays, ie 28 days. So the government could reduce the minimum holiday entitlement by over a week and a half any time it wanted to, in the EU or not. Note that none of this applies to the 15% of the working population who are officially self-employed. Others unions give misleading information too, such as [UCATT](#). You can read the [November/December issue of Workers to see how 97 per cent of employed workers gained nothing](#) from the European directive.
3. **Hours of work** – "you and your colleagues aren't made to work more than 48 hours a week and aren't made to work more than 13 hours a day". Interesting. Actually, average hours worked per week declined from 56.9 in 1870 to 42.4 in 1990 without any help from the EU. And many, many workers do more than 48 hours a week. [Even the TUC estimates that 3.4 million](#)

[employed workers do more](#). And, of course, none of this applies to the 15% of the working population who are officially self-employed.

4. “**Fairness at work** – all workers get the same rights, it doesn’t matter if they are full-time or part-time, temporary or permanent, in-house or agency” It’s hard to know what this means. Which rights are they talking about?
5. “**Sickness rights** – you don’t lose out if you are ill when on annual leave”. This is true, but it was in good collective agreements before the EU stepped in. And, of course, it doesn’t apply to the 15% of workers who are formally self-employed.
6. “**Equal pay** – men and women must be paid the same for doing the same job.” There are two points to make here. First it’s ludicrous to say that we have equal pay rights courtesy of the EU. What we have, we have courtesy of class struggle, most notably the [Ford sewing machinists strike of 1968](#), which prompted a panicked response from the government which came up with the Equal Pay Act of 1970 – a device to limit the struggle for equal pay, we said at the time, and we still say. Which brings me to the second point: men working full time in Britain [earn 14.2% more than women](#). Including part-time employment, the gap is 19.1%. Black graduates [earn 23% less](#) than white graduates, according to TUC research published on 1 February. Whatever “rights” capitalism says we have, they mean nothing unless we fight for them. And, of course it doesn’t apply to the 15% of workers who are formally self-employed.
7. “**Maternity rights** – statutory maternity leave if wanted”. Britain [introduced statutory maternity leave in 1975](#), no thanks to the EU. The only significant change said to be the result of a European directive is a reduction in the qualifying period.
8. “**Parental leave** – new parents are entitled to time off work to look after their children.” Indeed. Yes they are. [Unpaid](#). No wonder 90 per cent of men don’t take it up at all, and most of those who do are the ones who get *paid* paternity leave as a result of collective bargaining in their companies.
9. “**Discrimination** – protection from you being discriminated against for you [your] age, gender, race, sexual orientation or if you are disabled.” Protection. They must be joking.

10. “**Healthcare** on holiday – protection if you get ill when you are on holiday, you won’t have to pay for your healthcare”. I think they mean within the EU. And even then, it’s not true you won’t have to pay at all. “Each country’s health system is different and might not include all the things you would expect to get free of charge from the NHS. This means you may have to make a patient contribution to the cost of your care,” [says NHS UK](#). Note that completely separate from the EU, Britain has negotiated reciprocal health agreements covering tourists with [16 countries outside the EU](#) (some small, but the list includes Australia and New Zealand).

And that’s it. That’s what the EU has done for us! Virtually nothing. Turn over the page and there’s a letter from general secretary Len McCluskey: “...the European Union is more than just a building in Brussels, it gives us the laws and legislation that stop you being exploited by your boss and protect you on a daily basis.” Well, we’ve got news for McCluskey: the day workers stop being exploited by the boss is the day workers expropriate the bosses and run the country for their own benefit.

So much for the supposed benefits. Let’s look at the other side. Here’s my own slightly arbitrary list of 10 things the European Union is doing for us that we’d rather it didn’t.

1. *It’s negotiating – in secret – the TTIP treaty* with the United States that is meant to hand sovereignty over international trade to the transnational corporations, to open up health and education to irreversible privatisation, and lower environmental standards (see, for example, [the Independent](#), and [Workers](#)). Here’s a quote to savour: “EU states combined offer a far more attractive package to international partners that the UK does alone. This has become particularly clear in relation to the proposed Transatlantic Trade and Investment Partnership between the EU and USA.” That’s from [a TUC submission to a government review of so-called EU competences](#). The TUC went on: “The TUC believes it is important for the UK to be part of EU trade negotiations due to the principles of human rights and sustainable development which guide them.” You could do a whole comedy show based on the submission.
2. *It’s also negotiating – also in secret – the TiSA treaty* with the United States and 22 other countries that [will do for services what TTIP will do for goods](#). It will ease energy regulation – making a mockery of climate change targets, harmonise environmental

standards down (not up). It will allow companies to shift professional workers from country to country, and pay, for example, Indian workers Indian rates to work in Britain. And a lot more.

Unions are wising up to TiSA. In July last year the UCU, supported by the NUT and the NAS/UWT, [successfully moved a motion against it](#) at the Education International meeting in Canada. The motion, talking about TiSA and CETA (the Canada–EU trade deal) said “these agreements seek to go far beyond traditional tariff reductions by imposing constraints on what governments can do behind their national borders, including the promotion of regulatory coherence and convergence across countries irrespective of national priorities.”

Strange that unions can recognise the importance of national boundaries and national priorities on some issues, but ignore them when it comes to the EU overall. What do they think the “exclusive competence” of the EU on trade and commerce means?

3. *It is opening borders to cut wages and boost profits, along the way stripping countries of much-needed resources. Romania had 20,000 doctors in 2011 – [by 2013, just 14,000](#). Along the way, it is allowing employers in Britain to recruit workers from EU member countries, and what’s more, if they wish to the exclusion of British workers. (To be clear, we define as British workers anyone working in Britain and established in Britain. This definition has nothing to do with so-called ethnic origins.)*

The free movement of labour has hit unskilled workers in Britain particularly hard. It has lowered pay rates, and according even to the official [Migration Advisory Committee](#), damaged the job prospects of lower skilled natives when the labour market is slack.

Here’s an interesting thought. The TUC has told the government that the EU [should run our migration policy](#). Specifically, it said this to the Home Office during the review of EU competences: “Immigration is a global phenomenon that affects all European member states. It is thus more effective for migration flows to be managed through EU legislation rather than member states creating patch-work laws to deal with the issue.” You’ve got to ask whether the TUC thinks there is any role for a British government. And whatever you think about migration, handing control of it to the EU would be – well, look at what’s happening now in central and eastern Europe. I don’t need to say any more.

4. *The EU's austerity programme* has enforced “structural changes” in the labour market in the countries that have taken up its bailouts – Ireland, Greece, Portugal, Cyprus. In other words, it has forced through [reductions in individual workers' rights and in the scope and effectiveness of collective bargaining](#). It's truly the anti-union Union.
5. *The EU's competition law* has prevented the government from supporting key industries such as steel even when threatened with total devastation. Competition law has also prevented the government from supporting large infrastructure projects. Note: even where the law might not have been cut and dried, the government has been able to hide behind it, wash its hands and disclaim responsibility.
6. *The EU has forced through privatisation* of public services such as energy generation, rail and the post. See, for example, EU directives 91/440 on transport, 97/67/EC on the mail. And once privatised, they have become the milk cows of foreign companies... in many cases of foreign state companies. Abellio runs buses in London, trains in East Anglia, Scotland and Merseyside, etc; it's the international arm of Dutch state railways. RATP might be known to many people as the state-owned organisation that runs public transport in Paris; it runs London Sovereign buses, London United buses, Manchester's Metrolink, etc, etc. French state railway company SNCF has a stake in Thameslink...

Quote from [Workers November 2014](#): “Deutsche Bahn (DB) runs Cross Country, Chiltern and Arriva as well as the Tyne & Wear metro, and holds a half share in London Overground. RMT exposed the British government's agenda by quoting a German transport ministry spokesperson who said, “We are skimming profit from the entire Deutsche Bahn and ensuring that it is anchored in our budget – that way we can make sure it is invested in the rail network here in Germany”.

In other words, DB receives massive subsidies from British taxpayers, makes massive profits, and is completely open about investing those profits in Germany's railways.”

I could go on, but it's depressing.

7. I said earlier that there is nothing in EU law that helps trade unions to organise, bargain, strike or take action of any kind. I'll be

a bit more specific: there is nothing whatsoever in the government's current Trade Union Bill that runs contrary to EU law. No salvation from Brussels here.

8. It's worse than no salvation. It's positively lethal. Listen to the leading British labour lawyer John Hendy – dubbed [“the barrister champion of the trade union movement”](#) in trade journal *The Lawyer*. In a [detailed article](#) that you can see on the website of Trade Unionists Against the EU he looks at decisions from the European Court of Justice, the EU's “Charter of Fundamental Freedoms”, and European Commission reports and concludes, “The EU has become a disaster for the collective rights of workers and their unions.”

If I ran through all the individual court decisions – with names like Viking, Laval and Alemmo-Heron – I'd bore you to death. But bear with me while I talk about the Viking case.

Viking is a Finnish-owned and based company which operates a large ferry fleet of 8 ships. In autumn 2003, saying it was losing money, it told the Finnish Seamen's Union it wanted to reflag one of its ships to Estonia or Norway to save costs. The FSU threatened strike action, backed up by a circular from the International Transport Federation urging member unions not to negotiate with Viking about reflagging. Viking backed down.

End of story? No way.

On 1 May 2004 Estonia joined the EU. Soon Viking announced it was reflagging the ship to Estonia. With the circular from the International Transport Federation in force and the Finnish union talking about a strike, Viking went to court. Not in Finland, of course. It went to the High Court in London, using the fact that the ITF is headquartered in London, claiming that union action violated its rights under EU law to free movement and to establishment (articles 39 and 43).

The High Court sided with Viking, and issued an injunction restraining union action. The unions appealed, and the Appeal Court shrugged its shoulders and referred the case to the European Court of Justice – but of course didn't overturn the injunctions. So with the EU, British courts can intervene in Finnish labour relations...

Worse was to come.

At the European Court the unions argued that their action was a promotion of the European Union's social policy, fairness and all that. The European Court sided with Viking. No surprise, perhaps, but [listen to why](#).

First, the court established that the right to strike in pursuance of social policy cannot automatically override the right of companies to set up where they want (Article 43).

Second, the court established that the right to strike does not apply where prohibited not just under national law but also under EU law. So the EU can and will ban strikes that national legislation would permit.

Third, while not outlawing strikes over free movement in principle, it made it clear that any strike would be illegal if it was actually effective – and I quote, if “by virtue of its general effect on the holders’ rights to freedom of movement [it] is capable of restricting them from exercising their rights, by raising an obstacle that they cannot reasonably circumvent”.

Fourth, it made it clear why free movement and the right to establishment are so important. I quote: “Without the rules on freedom of movement and competition it would be impossible to achieve the Community’s fundamental aim of having a functioning common market.” So you have the right to strike, but only in disputes that the employer thinks it will win.

Fifth...yes, there is a fifth: “...the possibility for a company to relocate to a Member State where its operating costs will be lower is pivotal to the pursuit of effective intra-Community trade”. There you have it: shifting between countries to lower operating costs is pivotal to EU trade, and the full weight of the law will be brought to bear on anyone who tries to stop it.

No wonder the RMT, which represents seafarers, is so clear about the EU. You just have to wonder why the TUC is so wilfully ignorant.

The bottom line, though, is that in EU law Article 16 of the [Charter of Fundamental Freedoms](#) – “the freedom to conduct a business” – trumps everything else.

Don't believe a lawyer? Take a look at [a paper he cites](#) from a German researcher entitled “How European pressure is destroying national collective bargaining systems”.

Then read [the paper from the European Commission's Directorate General for Economic and Financial Affairs](#). Tucked away in Appendix 1, an overview of "a decade of labour market reforms in the EU", is a definition of "employment friendly" policies that should be encouraged. They include: decentralization of wage setting and collective bargaining; wider scope to opt out of industry-wide agreements at national level; "decreasing bargaining coverage" and "an overall reduction in the wage-setting power of trade unions"; oh, and "performance-related pay", reducing barriers to immigration, raising retirement age. Any of this sound familiar? Oh, and these measures aren't "employment friendly". They're "employer friendly"

This stuff is all out there on the web. Unions know about it. They choose to ignore it because the alternative – leaving the EU and fighting for ourselves rather than petitioning Brussels – sounds too much like struggle, too much like hard work.

9. The EU is doing the US's work in Europe. Some people seem to think that the EU is some kind of counterweight to the US, a social alternative to American imperialism. Nothing can be further from the truth. The US is [an ardent supporter of the EU](#). Barack Obama and his officials are [constantly saying](#) that Britain must stay in. Little wonder, since Britain is the main route by which the US maintains its influence in the EU. Look at trade, and to paraphrase Tolkien, the EU is the one ring to bind us all. Having got all the countries of the EU to hand all trade over to Brussels, the US needs only one set of agreements to enable its corporations to rob a continent.

10. The EU is a force for war. For all the blather about setting up the EU to ensure peace, it has led to war and armed conflict in Europe and outside. The worst example was the German-led break-up of Yugoslavia, which led to an estimated 140,000 deaths. Potentially even more disastrous was the EU's promotion of the Maidan coup in Ukraine, brought about by the democratically elected government's failure to sign an association agreement with the EU. The EU is a force for war because it seeks ever greater expansion on the one hand, and the imposition of its market-forces led model on the other.

I'd like now to turn to **positive reasons** for leaving the European Union.

The first is *international solidarity*. That might sound strange...after all, we keep getting told by voices in the unions and the Labour Party that leaving the EU would be abandoning solidarity with the workers of Europe.

That's not the way we see it. We say that when we voted to stay in the European Economic Community in 1975 it was the worst thing the British working class have ever done to the working classes of Europe. Never mind the consequences for us – for the workers of Europe it meant exposure to the domination of the City, the centre of finance capital, and the centre of reaction.

Don't think that the City of London is a purely ceremonial body, with the Lord Mayor's parade on New Year's day and posh banquets in the Guildhall. The Corporation of the City of London, to give it its formal title, is much more than that: it is the executive committee of finance capital.

When the records finally get revealed, don't be surprised to find out that the City has been behind just about every EU directive on privatisation, every negotiating stance on TTIP and TiSA. That's not conspiracy theory, it's the way it works.

The City has regular secret meetings, through a subcommittee of the Corporation, with top civil servants at the Treasury and other departments to talk about policy. (See, for example, [this article](#).) When BIS, the Department for Business, Innovation and Skills, consults about European Commission proposals, it is the City it takes its orders from.

And not just orders. The Civil Service takes gifts too. [A report from the National Audit Office](#) released this Tuesday revealed that over the three years to March 2015 the Corporation of the City of London was the largest single donor of gifts and corporate hospitality to senior civil servants. Cup final tickets, anyone?

It was Margaret Thatcher who championed the concept of the Single Market and had it incorporated in the [Maastricht Treaty](#), signed in 1992. Article 3 of what's called [the Consolidated Version of the Treaty on the Functioning of the European Union](#) lays out, among other things, that the EU has "exclusive competence" on customs union, the establishment of the rules necessary for the functioning of the internal market, monetary policy for the members of the Eurozone, fisheries, and a common commercial policy.

Exclusive competence means precisely that. It means that nations – in or out of the Eurozone – cannot set their own customs tariffs, define their own trade policies, determine whether to support vital national industries, or even say who takes their fish. This Article is what the EU uses to say that we cannot support our embattled steel industry, that the EU uses to negotiate TTIP, to force through the privatisation of the Royal Mail. The list goes on.

Take Britain out of the EU, and you take the City out of it too. That really would be an act of solidarity with our sisters and brothers across the Channel.

The second positive reason for leaving the EU is *national liberation*. Leaving the EU will be the first step – the essential first step – for workers to start reclaiming their own country from capitalism.

If workers were exerting their own will, we would and should be planning for a future outside the EU in which the distortions forced upon our economy while we were EU members can be steadily corrected.

We should do the things we are good at doing: making, inventing, developing culture, educating, ensuring the health of our population, teaching English to the world. We should start catching fish again in our own waters, use our coal safely and cleanly, and stop being a source of unskilled labour.

To do all this we need national sovereignty – the ability to run our own country in our own interests. Not sovereignty handed over to the EU. Nor that contradiction in terms, “shared sovereignty”.

National sovereignty will allow us to start thinking globally. Away with the “little Europeans” mentality. Our markets are global. Last June the Office for National Statistics [published a set of statistics](#) under the title “How Important is the European Union to UK Trade and Investment”. The stats show that we trade more with the rest of the world than with the EU – the EU takes 44.6% of our exports, and the trend is down...in 1999 it took 54.8%. Three-quarters of our imports from the EU are goods rather than services. Our industry and agriculture are being hollowed out. Our future is with the world.

Conclusion

Britain’s membership of the European Union has exerted a slow but tightening stranglehold over British workers. Gradually, control over

all aspects of our lives and our capacity to determine the future of our country – our fundamental democracy – is being handed over to Brussels by successive governments in the interests of capitalism. The EU has been utterly negative for workers. Its dangers to peace are growing daily.

Now we have a vital chance to reject this EU and all it stands for. We welcome a referendum, whenever it comes. We have been calling for one for more than 20 years, long before UKIP was formed.

I promised at the beginning I'd say something about UKIP. The first is, don't judge your thinking by whether others agree with some of it. David Cameron [is opposed to capital punishment](#). So am I. Does that mean, logically, that I am a conservative? Do what is right, and on any issue you will find unexpected bedfellows. Would I feel better if Cameron were pro-hanging?

The second is thing about UKIP – or any other anti-EU organisation – is to remember class and class interest. The only organisations with a stake in the EU are banks and the transnational companies. Britain has many thousands of small businesses that have no interest in the EU. No wonder their representatives gravitate to the likes of UKIP. Would we feel better if they were all pro-EU? We'll need all the votes we can get.

Don't think, either, that all those voting for UKIP are swivel-eyed xenophobes. UKIP only exists because the main parliamentary political parties won't talk about the free movement of labour. And while I'm at it, being opposed to uncontrolled migration isn't xenophobic or racist. It's common sense.

I'll give you a sensible immigration policy: employers should only take on staff from abroad if they can show that they cannot fill the position from inside the country. That, by the way, is what was before "free movement". That would massively reduce the social security bill. Using [the government's figures](#), there are 1.75 million unemployed Britons, and 2.02 million European Union citizens (an increase of more than 300,000 in one year!) and 1.2 million from outside the EU employed in this country. Are we really saying there are no jobs for the 1.7 million jobless?

A Referendum vote to leave would mark the beginning of workers here asserting our right to plan our own future, an end to the shameful spectacle of going cap in hand to beg Brussels to permit us

to make our own decisions about what happens in our economy and within our own borders.

Voting in the Referendum for the status quo is impossible. Nothing stands still. A vote to remain would be an open display of weakness, giving the green light to rapid acceleration of centralised power in Brussels, with Britain eventually forced to give up its currency and control over its borders.

Remember, too, that the scaremongering about losing everything the EU has supposedly given us is just that – scaremongering. Every single so-called benefit in the dodgy dossier from Unite – bar the one about treatment while on holiday – is incorporated into UK law and would stay when we leave. It would take an act of parliament to change any of it.

Leaving the EU will be the beginning of true European solidarity, based on mutual respect and independence. It will be joining with those workers across the EU who see the divisive reality behind the pretence European “brotherhood” which in fact sets country against country. It will be catastrophic for the whole edifice of repression and diktat.

There is no reason why we cannot leave the EU and prosper. So let's do it.