

Break the EU's Posted Workers Directive

Thousands of workers strike, pushing aside the resistance of their leaders, breaking the anti-union laws and sending out mass pickets. It sounds just the answer to years of retreat in Britain's unions. But the strike at the Lindsey refinery polarised the left. Stuart King examines why

A WAVE of strikes by construction workers, centred on the Lindsey Oil Refinery, owned by French oil company Total, swept across Britain at the end of January and early February. More than 20 large construction sites saw workers walk out in one of the biggest unofficial actions of the decade.

The sites included Conoco Phillips oil refinery, Longannet power station in Scotland, Staythorpe and Didcot power stations, Corus Steel Redcar, Drax power station and Sellafield, Heysham and Sizewell nuclear power plants.

More than 6,500 workers struck and were joined by many unemployed construction workers. All this was organised unofficially by shop stewards co-ordinating regionally and nationally. At the heart of the dispute was a growing revolt over the use of the EU's Posted Workers Directive (PWD). European transnationals in the construction industry are intensifying their use of subcontracted labour from all over Europe to undermine wages and conditions negotiated by unions in the UK.

It was an important dispute not just for British workers but for workers across Europe, where the same directive is being used to encourage a "race to the bottom" in relation to working conditions, pitting workers of one nationality

against another. That it exploded in the UK should come as no surprise, as the British government is completely wedded to these neoliberal measures, and openly sells the British economy as the most "open", "flexible" and exploitative economy in Europe.

The PWD allows European bosses to bring in labour forces from any country in Europe. In Britain they are allowed to ignore union negotiated agreements on hours and wages and pay what they like, the only limit being the UK minimum wage.

The strikes took place in the context of a deepening recession in which thousands of workers are being laid off every month and official unemployment approaching the two million mark. The unofficial actions were the first major response by a group of workers to the growing wave of lay-offs and stood out in stark contrast to the passivity of the union leaders in the face of the crisis.

The Lindsey dispute, and protests at other construction sites that are ongoing, have divided the British far left into those that supported the strikes, like Permanent Revolution, while arguing against slogans such as "British jobs for British workers", and those that denounced the strikes for their nationalist overtones.

Origins of the dispute

In January the National Shop Stewards Forum for construction organised delegations of workers to join a protest picket at Staythorpe power station. These included delegations from Lindsey. At Staythorpe, Alstom, a French transnational, had given a contract to two firms, Montpressa and FMM, that employed only Spanish and Polish labour under the PWD.

Unions suspected that they were being employed on conditions and rates of pay below the recognised agree-

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ment in the industry, the NAECI or "Blue Book" and indeed IREM workers at Lindsey interviewed on TV thought they were getting about €1,000 a month less than British workers. A similar dispute was brewing at the Isle of Grain in Kent, where again Alstom planned to bring in sub-contractors, Remak and Zre Katowice, and employ only Polish workers.

The issue exploded at the Lindsey Oil Refinery in North Lincolnshire at the end of January when, following the issue of redundancy notices by Shaw's, a subcontractor at Total, IREM, a non-union Italian firm, was given the contract. When it was announced that IREM had no intention of employing any of Shaw's unionised workers on the contract, or indeed any workers from the UK, a mass meeting of all the refinery's workforce – 800-1,000 workers – voted against their stewards' recommendations and immediately walked out on unofficial strike.

As the stewards resigned, apparently on the advice of their union, Unite, so they and the union would not be liable to the anti-union laws, the workers were left to run the strike. According to Keith Gibson, a member of the strike committee and Socialist Party member, it was into this leadership vacuum that the posters "British jobs for British workers" appeared, downloaded from a rank and file construction workers "Bearfacts" website.

This was a direct quote from a speech Gordon Brown gave at the 2007 Labour Party conference and was being used by the Bearfacts site to highlight what they saw as discrimination against the local, skilled and unionised workers practised by these sub-contractors.

The slogan, like Brown himself, is nationalist and reactionary. Moreover, it was not the main motive driving most of the strikers. The unjustness of the PWD was the issue. But it was not the first time – nor will it be the last – that slogans derived from reformist economic nationalism make their appearance in strikes driven by the need for workers to fight the bosses. There have been plenty of strikes where this slogan – under the old left reformist guise of "import controls" – has been raised by workers.

Serious militants engaged in the class struggle, rather than sectarian wayfarers seeking out a select few to gather around them in their lecture theatres, must not be fazed by the appearance of such slogans in the months and years ahead. We must learn how to combat them in the course of supporting struggles driven by the real need to defend jobs and put food on the tables of working class households.

Thankfully that is what happened at Lindsey. The dangerous nature of the "British jobs for British workers" slogan was quickly recognised by many of the workers on strike. Skilled construction workers on the sites are well used to working alongside workers of other nationalities, both in Britain and in Europe – indeed many British workers have worked on IREM projects in Italy. At a demonstration at Staythorpe after the strike one unemployed pipe welder made clear that the issue was not his Britishness but the right to fair access that is not thwarted by subcontracting to non-unionised firms: "We are all Europeans and all we want is a level playing field."

But the right wing and anti-European British press quickly jumped on the nationalist bandwagon, "supporting" the strikes and running anti-foreign worker campaigns. The Daily Star even recruited the head of one of the workers' unions, Derek Simpson, General Secretary of Amicus/Unite, to join its "British jobs for British workers" campaign – he duly posed with a pair of Daily Star "page three girls" outside parliament.

With a right wing media campaign and a union leadership like this, the strike committee did well to prevent the strike going in a reactionary and nationalist direction. Fascist BNP members who tried to leaflet strikers' meetings were warned off, while non-strikers who had been harassing Italian workers at their "floating hotel" (a converted ex-prison ship) were told to desist by strikers, who later produced leaflets for those workers in Italian.

By Monday 2 February a mass meeting had adopted a series of demands put forward by the strike committee: no victimisation of workers taking solidarity action; all workers in Britain to be covered by the National Agreement for the Engineering Construction Industry (NAECI) agreement; union controlled registering of unemployed and locally skilled union members, with nominating rights as work becomes available; government and employer investment in proper training/apprenticeships for a new generation of construction workers; all migrant labour to be unionised; union assistance for immigrant workers – including interpreters and access to union advice to promote active integrated union members; build links with construction unions on the continent.

These were completely progressive demands, and posters calling for "British jobs for British workers" gradually disappeared, although a few workers continued to wave Union Jacks with the slogan on them. The Bearfacts site now produced posters calling for "Fair access for local labour" an argument being used by many of the union officials. There were virtually no Unite flags or banners available as the union leadership spent its time distancing itself from the unofficial action so as not to be liable under the anti-union laws.

This is not to say the union leaderships were inactive

during the strike – they were actively trying to negotiate with the employers behind the backs of the workers. The strike committee at Lindsey only discovered this when Total management explained they had to cut short a meeting because they were due to meet Unite officials and Acas, the conciliation service, at a hotel in Scunthorpe!

The committee immediately took 50 striking workers up to the hotel, which had a large police guard, and managed to involve themselves in the negotiations. Once negotiations were under way, Unite and GMB officials spent their time trying to persuade workers who were striking in solidarity with Lindsey to go back to work and leave it to the officials to settle the dispute.

A partial victory

On the 5 February a mass meeting of Lindsey Oil Refinery workers voted for a deal brokered by the Unite and GMB officials. A total of 102 jobs on the sub-contracted work would go to local workers and no Italian workers from IREM would be made redundant. It was a partial victory for the strikers as they had forced the management to accept that they could not exclude local unionised workers from applying for jobs.

Very few strikes win all the demands put forward, but this strike had won an important principle: that sub-contractors could not use the PWD to exclude local and unionised labour from the workforce.

One of the main aims, as explained by the strike committee, was to achieve a situation where union members could work alongside the IREM workers, explain to them the NAECI rates and ensure their bosses were not able to undercut wages and conditions. The workers rightly viewed with suspicion the IREM bosses' use of a floating hotel to seal off the Italian workers. Alstom employs similar tactics. At the Isle of Grain power station its sub-contractors are leasing an "accommodation barge" and a disused army barracks to isolate its Polish workforce from local trade unionists and protestors.

Out of the strike even the Labour government was forced to push the construction bosses' association to agree that sub-contractors would "consider local skills availability and consider any applications that may be forthcoming". Of course such agreements are hollow unless the workers fight to impose them. The strength of the Lindsey workers lay in the fact they brought out all the workers in the refinery and achieved massive solidarity action from key sites across the country. Where this hasn't been fully achieved, as at Staythorpe, the actions have been limited to protests outside the sites by unemployed construction workers excluded from applying for jobs, plus delegations from other workforces and the occasional solidarity strike – which are not sufficient to force Alstom to negotiate.

To some extent the wave of strikes around Lindsey was a missed opportunity. Had the construction workers been able to generalise their struggle and build a powerful campaign to get the Posted Workers Directive itself totally withdrawn, they could have achieved a lasting victory.

To do this they would have needed to bring out all the workers at these sites, not just the construction side. This would have struck a blow for all European workers.

It points up the need for co-ordinated strike action and rank and file, union-to-union links across the EU to destroy these neoliberal directives. But the Lindsey workers have set down a marker. The PWD can be fought.

The union bureaucracies of Unite and the GMB are not planning to extend the campaign against the directive. They are pinning their hopes on the Labour government implementing the PWD in a different way – no doubt the eternally noxious neoliberal Business Minister Peter Mandelson will lend a sympathetic ear!

The importance of the strike

The Posted Workers Directive poses a real threat to workers' wages and conditions across Europe. A neoliberal measure in itself, it has been reinforced by a series of European Court of Justice (ECJ) judgements that have ruled against attempts to restrict the employers' exploitation of this measure.

In 2003 the Finnish ferry company Laval reflagged a ship and brought in an Estonian crew, cutting wage costs by 60% – the ECJ ruled in its favour. In Sweden a Latvian construction firm posted its workers on Swedish construction sites, refusing to honour the national collective agreement and paying its Latvian workers on its national low pay scale. Again the ECJ ruled in Laval's favour. It is little wonder that the ACAS "investigation" following the strike at Lindsey found the subcontractors had "broken no laws" – the laws are designed to protect the bosses. That is why they have to be smashed.

The set of demands adopted by the Lindsey strikers began to offer a fighting trade union programme to smash the PWD both here and across Europe – a set of demands that also cut against the nationalist and chauvinist approach of the union leaders. The real task is to win all of these demands, not just part of one of them as at Lindsey, and to impose them across the industry.

The construction workers during these strikes also showed how rank and file organisation can be used to

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fight against the neoliberal offensive and mass lay-offs in a recession. There is no doubt that what drove this dispute was the growing fear of recession and unemployment in the construction industry.

In the past period of economic boom in the construction industry, faced with the IREM problem, many of these workers would have just gone to seek jobs elsewhere in the industry in Britain or Europe. In a period of recession rank and file trade unionists have realised they need to stand and fight or the bosses will take advantage of the crisis to drive conditions and wages to the bottom.

The strikers also showed how to take on the anti-union laws through rank and file control of the strikes and through achieving mass solidarity secondary action. It was revealing that neither the government nor the employers were willing to use the courts against these “unlawful actions”, no doubt fearing it would spread the action in the crucial power and oil industries in the middle of winter. Even the union leaderships, normally craven before the Tory/New Labour anti-union laws, were emboldened to give a “nod and a wink” to supporting the action – all the better of course to hatch their own compromise behind the backs of the strikers.

The lesson for Staythorpe, Isle of Grain, and all other sites threatened by the bosses’ attempt to use the PWD to drive down wages, is that sustained solidarity strike

action, threatening to close down the power stations and refineries, is the way to smash the PWD. The workers need to impose union control of hiring and firing over the whole subcontracting industry, which as currently run, is a bosses’ charter for union busting.

It is also vitally necessary to build inter-union European links at a rank and file level. The union leaders’ idea of EU co-ordination is a quick visit to a top class European hotel, a good lunch and a bit of lobbying of Euro-MPs. Rank and file activists know they need to establish real solidarity, cross-national trade unions and common action against the bosses. If these lessons of the Lindsey strike are built on it could be the start of a serious struggle to roll back the neoliberal offensive and strike a blow in the long struggle for a workers’ and socialist Europe.

Left behind?

IF THE construction workers had been looking for a political lead from the far left they would have found a fair bit of confusion, and quite a bit of shrill denunciation. The right wing media campaign against foreign workers and the sight of hundreds of workers apparently rallying around a “British jobs for British workers” slogan spread panic in groups who either couldn’t remember, or chose to forget, the nationalist and job protectionist slogans that dominated the workers’ movement in the 1970s and 80s.

Then, in an era before globalisation and the massive movement of labour across national borders, the trade unions and the Labour left responded to recession by demanding nationalist and protectionist solutions. The “Alternative Economic Strategy” peddled by the Communist Party and the Labour left, was based on advocating import controls to keep out “foreign” manufactured goods and concentrated on advocating state investment in “British industries”.

The campaign against the European Economic Community, as the EU was called then, was part of this “little Englander” strategy. Meanwhile “Buy British” campaigns stuck Union Jacks on British products and railed against Japanese and German imports. Then the majority of the far left related to these workers’ campaigns, arguing against nationalist sentiments, import controls and for workers’ unity against the bosses across Europe and advancing a workers’ solution to the crisis. They did not stand on the sidelines and denounce the likes of the steel workers’ whose strikes contained explicit nationalist appeals to save British steel.

In the intervening years the far left has grown ever more isolated from the workers’ movement and the isolation has bred a new style of agitation – denounce the workers who fightback, don’t try to relate to them.

Whole sections of the far left threw their hands up in horror and decided this was an unpleasant and nationalist strike that they would not have anything to do with. Workers Power (WP) took this position to its logical conclusion, denouncing the strike as reactionary and nationalist from day one and holding to this position despite the developments in the strike.

According to WP this was a strike against Italian workers (it wasn’t), the six demands adopted on 2 February were “progressive” but it was “what was left unsaid” that counted. Quite what such a comment means is anyone’s guess.

WP ended by denouncing the result of the strike (where not a single Italian worker was sacked) because a hundred local workers recruited would mean, somewhere down the line, less Italian workers employed – by an inverted logic they ended up siding with IREM and the bosses’ right to employ any non-union labour it likes. In the name of abstract internationalism and ignorance about the actual strike WP ended up advocating outright opposition to the strike which, had they had a member there, would have meant one thing and one thing only – advocating breaking the strike.

Similarly the Alliance for Workers Liberty (AWL) declared at the start of the dispute, “The strikes echo Gordon Brown’s reactionary and populist slogan ‘British jobs for British workers’ . . . Worker fighting worker cannot be the way forward.”

But within 48 hours they had done a 180-degree turn, declaring, “the workers on strike are our people”. They managed to keep both articles simultaneously on the front page of their website (no doubt while the two factions fought out whose line would triumph).

Socialist Resistance (SR) issued a statement worrying that the demands of the strike “imply that the Italian workers should be sacked and replaced by British work-

ers". The strike they said would only be "legitimate", and should therefore be "fully supported", if it was shown that wages were being undermined by IREM. SR never managed to come to a conclusion on this during the strike, or since, as far as we are aware – it remains uncomfortably on the fence.

Even the largest organisation on the British far left, the Socialist Workers Party (SWP) refused to support the strikes. It felt compelled to issue a statement on 30 January saying that while a fightback was necessary against unemployment, the Lindsey strikes were "based around the wrong slogans and target the wrong people". It went on:

"It's right to demand that everyone is paid the proper rate for the job and that there's no undercutting of national agreements. And we need militant action, including unofficial action, to win these demands. But these strikes are not doing that – whatever some of those involved believe."

This position of non-support did not change over the course of the strikes, although Socialist Worker did try to have it both ways, as it couldn't quite bring itself to oppose the strikes outright. SW suggested that the precedents set in the Lindsey dispute were both "good and bad", good that the workers took unofficial action but bad that they demanded local or British workers be taken on alongside IREM workers:

"The answer is not to argue about hiring a quota of British workers, like Unite has done at Lindsey. It is to demand that all construction workers are paid the rate for the job and to fight against the subcontracting system that is driving down pay and conditions across the industry." (SW 14 Feb 2009).

Yet only a week later it was encouraging trade unionists to sign a petition to the TUC (www.PetitionOnline.com/jobs0209) that opposes the "British jobs for British workers" slogan but also clearly says, "We support the demands of the Lindsey Oil Refinery strike committee", demands that the SWP opposed!

In the context of these strikes against the PWD is it wrong to demand, as the Lindsey workers did, "union controlled registering of unemployed and locally skilled union members, with nominating rights as work became available"? We don't think it is. It is a version of the socialist demand for union control of hiring and firing, a demand relating to the union closed shop smashed by the Thatcher governments.

The only reason Total and Alstom use subcontractors and the PWD is to avoid using local union labour and to bust national agreements. At Staythorpe the Polish workers are not paid higher overtime rates, however many hours they work, in clear contravention of the Blue Book agreement. Union control of hiring, which would break the discrimination against local workers, would undermine the purpose of subcontracting and the PWD itself.

Are there dangers that such a policy could be turned into an anti-foreign worker one? Yes there are, just as in the closed shop, union control of hiring was used, in the print industry for example, to discriminate against women and black people by passing apprenticeships and casual jobs to family and friends. Such practices have to be fought by socialist and militants in the unions, but it does not make the demand itself reactionary.

Neither does the demand for registering unemployed and local workers have an anti-foreigner element. The PWD directive is designed to discriminate against all domiciled workers in a country of whatever nationality they are. It was revealing that in the wave of strikes in solidarity with Lindsey several hundred Polish workers from the Plymouth area's Langage Power Station joined the strike. As the strike leaders at Lindsey said, what was involved was a class issue not an anti-foreign worker one,

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the point was not to drive out the Italian labour force but to have an integrated one working on union agreed conditions.

The employers and the right wing press would certainly like to set national worker against national worker, and certainly the slogans put forward by Unite at Staythorpe, such as "Stop excluding British workers" and "Fairness for British workers", play into this trap. But really, if socialists are so worried about traps that they become paralysed – or worse – faced with workers moving into struggle against the bosses, then they should steer clear of the class struggle altogether. It is full of such traps – real socialists fight to get workers to avoid them.

The Socialist Party (SP) played a creditable role in the Lindsey strikes, winning workers to a set of demands that steered the strike away from the nationalist and anti-foreign worker filth peddled by the right wing press and expressed, albeit in a milder form, by the union leaderships.

They had the great advantage of a member, Keith Gibson, a seasoned union militant with the respect of the workforce. But the SP, while recognising that "dangerous" slogans had been raised, have since preferred to forget this and bask in what they clearly regarded as a victorious outcome. Often very long resolutions put in trade union branches in support of the strike failed to even raise the dangers of the "British jobs for British workers" slogan, or to criticise the way the Unite leadership tried to pose the campaign in terms of "Fair play for British workers".

Not surprisingly such an approach fails to deal with the genuine fears of many black, Asian and migrant workers, who see these slogans as stoking racism and nationalism, especially in the midst of a rabid right wing press campaign against foreign workers.

Taken together, the response of the left exposes the gulf that exists between its own sheltered world of "party fronts" and rotten borough trade union branches and the working class in this country. It shows a left that has lost its bearings. And it shows why we need to redouble our efforts to rebuild the movement at every level.