



23<sup>rd</sup> June 2015

## **EU Referendum in UK – Don't negotiate away our social and employment rights**

As General Secretary of GMB trade union in the UK, I write to you on behalf of our 640,000 members across a wide range of industrial and service sectors, both public and private, to raise the concerns of our members in relation to the direction of discussions on the UK government reform agenda, which will precede an in "in/out" referendum on the UK's future in the EU before the end of 2017.

For over 22 years, GMB trade union has committed Brussels based resources to support our active involvement in the development of EU legislation and policy across a wide range of valuable social and employment rights as well as other issues including energy and industrial policy, environmental policy, public procurement and tackling tax avoidance and evasion.

Our engagement has been based on our understanding that protecting and promoting the interests of our members in the 20<sup>th</sup> and 21<sup>st</sup> century goes beyond the workplace, and indeed our UK borders. It has been important for us to support our members at the EU and Global levels as well.

Our members bought in to the idea of the European Union because they wanted to see peace, improved living and working conditions, social and economic progress and prosperity for the many, not for just the few. They trusted the promise that there would be a balance between the social and economic dimensions of EU development

Yet, since the late 1990's, we have seen the commitment to maintaining this balance diminish to a point that many fundamental elements of our social Europe have in recent years come under sustained attack.

Whatever the European vision was on integration, solidarity, social and economic advancement and political stability, what we currently have isn't it.

We now find ourselves at a crossroads with the EU. The European elections in 2014 showed that disenchantment with the direction the EU is taking is not restricted to the UK, but increasingly being felt across Europe. The growth of Eurosceptic and far right parties on the back of this disenchantment cannot go ignored.

That disenchantment is set to increase if the EU does not urgently tackle the growing inequality across the EU, where sadly no member state is immune, and re-establish a genuine Social Europe.

Instead, we are seeing the UK Government and elements of the British Business Community seeking to fuel the fires of discontent by actively seeking to weaken, scale back or remove the application of vital EU generated social and employment rights such as the Working Time Directive and Agency workers Directive as part of their reform negotiations.

We need to remember that the Working Time Directive is Health and Safety legislation and is there not only to protect workers and their co-workers, but the general public. Companies won't improve their productivity by having employees work more than 48 hours a week. The dogmatic approach to maintaining the opt-out to the 48hr week by the CBI has more to do with bad management and planning, and under resourced workplaces than a need in any well-run company or service for workers to have to work such excessive hours.

The CBI is also encouraging the British Government to seek changes to the Agency Workers Directive to remove the equal pay and conditions requirement after 12 weeks. This 12 week threshold derogation for equal treatment is the subject of an agreement with the TUC, which allowed the Directive to proceed, and is already way beyond the *day one* right that applies across the rest of the EU. Our understanding is that if the CBI walks away from the 12 week threshold then day one rights would apply in the UK. We would urge EU Governments and the EU Commission not to agree to any derogations that further undermine the principles of equal treatment for agency workers or opt-outs to the protection of permanent jobs.

British workers are already less well protected than many of their counterparts across the EU, and we urge EU Governments and institutions not to allow further erosion of this situation. Any undermining of these rights would not only be detrimental to British workers but would create unfair competition for other EU member states based on a race to the bottom, which I am sure you will agree is not the way to go.

I write to you today, because I, and many of my colleagues in the British trade union movement, want negotiators to understand that if the EU Commission and Member State Governments allow Mr. Cameron and his Government in the course of the reform negotiations to undermine employment and social rights and their application to British workers, then there is a serious risk that many organisations traditionally in favour of the EU will campaign for a No vote.

This is neither bluff nor threat, but rather a statement of fact.

I am sure you will appreciate how difficult it would be for me to encourage my members to vote for a worsening of their rights and protections which we have fought so hard over so many years to achieve.

I very much hope that the contents of this letter will help inform the debate in the Council Summit later this week, and that you will resist any attempts to undermine our vital social and employment rights.

Yours Sincerely

A handwritten signature in black ink that reads "Paul Kenny". The signature is written in a cursive, flowing style.

**Paul Kenny**

**GMB General Secretary**