



## **ASLEF Response to the EU balance of competences review: Social and Employment Review**

The Associated Society of Locomotive Engineers and Firemen (ASLEF) is the UK's largest train driver's union representing approximately 18,000 members in train operating companies and freight companies as well as London Underground and light rail systems.

ASLEF firmly supports the concept of a "social Europe." The Union believes that through greater co-operation with our fellow European states, we can improve the lives of the workforce by protecting the minimum standards that should be expected and ensuring workplace health and safety. ASLEF therefore supports a great deal of employment legislation that has come from the European Union. However, there are large amounts of legislation that ASLEF oppose from Europe. Much of this has been detailed in the response on the balance of probabilities on transport. Increasing liberalisation of rail and employment practises is of concern. The EU and Britain's relationship with it must therefore be one that is working for the benefit of its population. Not one that is there to facilitate business at the expense of the workforce.

*To what extent is EU action in this area necessary for the operation of the single market?*

Clearly, any single market must have standardised and minimum standards of employment standards to prevent any race to the bottom across member states. Many jobs must be in a specific location, but other jobs are more flexible, and employment law and basic standards are important protections to stop jobs moving to "cheaper" parts of Europe and creating a race to the bottom in terms of pay and conditions.

*To what extent are social and employment goals a desirable function of the EU in their own right?*

As mentioned above, increasing liberalisation and the ease with which business can operate across the borders of the EU mean that social and employment rights are an essential part of the European Union. It should always be the preserve of member states to legislate for protections above and beyond those agreed at a European level. Not only should such protections be a necessary reaction to the creation of a single market, but also a desirable goal in itself. Any authority that is able to progress workplace protections and improve the life of workers across Europe must be embraced.

ASLEF would also point to the deficiencies in European Union legislation and its protection of the workforce across Europe. The Viking and Laval cases are examples where the companies can exploit the single market without the European Courts giving workers power to respond.

*What domestic legislation would the UK need in the absence of EU legislation?*

There would need to be a great deal of legislation in the absence of EU laws. Certain rights which are now considered the basis of employment in the UK are derived from EU laws. If these disappeared the UK would have to create its own working time directive to prevent exploitation in regard to working hours and the health and safety implications that would derive from this. Strong legislation to prevent exploitation of agency workers would also be required alongside protection and provision for pregnant workers in regard to maternity leave.

Many of the regulations requiring consultation with the workforce in regards to redundancies and the possibilities of reducing job numbers come from Europe. Parental leave and ensuring the rights of part time and fixed term workers are

also important legislation that currently derive from Europe and would have to be imposed at Westminster

Additionally a great deal of the equality legislation that prevents employment discrimination based on race, religion, gender, sexuality or disability originates from the EU. In the absence of this, it would be necessary to adopt new laws.

In short, due to much of the legislation on employment coming through the European Union, domestic laws haven't been created to protect workers as such issues are dealt with by a higher power. If these laws were not present, it would be necessary to introduce them at a national level in order to protect workers' rights and stop exploitation.

#### *Impact on the national interest.*

ASLEF believes that the commitment of EU Social Policy forwards full employment is one that should be supported. The EU gives a huge amount of flexibility to member states in regards to the fundamental principles of their social security system. ASLEF believes that a welfare state that ensures that all citizens can be assured a decent standard of living is a fundamental right. Whether this is legislated from the European Union or not, it is a principle that this Union will continue to fight for.

ASLEF believes that engagement of social partners in regard to employment and social policy is essential. The trade union movement represents 6.2 million working people in the UK. Too often trade unions are overlooked when it comes to policy making.

An example of this is the creation of the Rail Delivery Group in the UK. The Rail Delivery Group was created following the McNulty Report in order to "provide leadership to Britain's rail industry." The group consists of Britain's Train

Operating Companies, Freight Operating Companies and Network Rail. Trade Unions are not full members of the organisation. There is no voice for the workforce meaning that the group cannot hear concerns from rail workers or tap in to the knowledge that they have accumulated.

ASLEF would support any policies which promote more dialogue with social partners such as trade unions.

ASLEF would however have concerns over some elements of the social dialogue model used across much of Europe. Whilst in principle, ASLEF would support this dialogue, all parties involved must have the option to decline proposals. The Union would not accept the problems our colleagues have across Europe when following dialogue, employers are able to impose their proposals even if they are not agreed to by Union representatives. Often this leads to protracted and unconstructive discussions.

Much of the legislation that has become the corner stone of employment rights in the UK has come from the EU. ASLEF believes that where such policies originate are of little significance and the prime concern of the Union is safeguarding laws which ensure working conditions and pay that allows all workers dignity, whether it comes from Brussels or Westminster. That said, whilst there is freedom of movement within the EU, these standards should be set across the continent to ensure that employers are not able to exploit workers in one country in order to bring profit into another.