

Socialist ORGANISER

Industrial Special

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*What Tory
laws mean
— and
how to
fight them*

Trade unions and the Law

The Judges

OR all I know, Lady Denning is warm, sympathetic and a gracious human being. She is certainly a rich one.

The wife of our former, justly celebrated, Master of the Rolls has more than a few nest-eggs tucked away for that rainy day, including modest shareholdings in such outfits as Lesseys, ICL, BP, Courtaulds, Reed International and Brooke Bond — which makes her a little bit better off than most old age pensioners.

All of these companies have substantial holdings in South Africa. So too do the companies in which Lord Justice Ormrod had salted away his carefully harvested lifetimes savings as insurance against a calamitous old age, notably Tube Investments and Dunlop.

Invested

And so, too, did the enterprises from which Lord Justice Lawton had invested as security against spending Christmas Day in the workhouse, such as Spillers and GEC.

It was, then, completely coincidental that when, in January 1977, Mr John Gouriet of the National Association of Freedom, discovered, to his fury, that the then Union of Post Office Workers had resolved to call on its members not to handle mail to South Africa for a week and went to the Law Courts to seek an injunction, he should behold, beaming from the bench, Lord Denning, Lord

By John
McIlroy

Justice Ormrod and Lord Justice Lawton.

Mr Gouriet's application had already been turned down by an upstart of whom, thankfully, little has been heard since.

But within hours, Lord Denning and his sidekicks had set the world to rights. The racist state could rest easy, an injunction was granted to stop the UPW action.

Banning mail to South Africa was illegal because it would mean, as Lord Justice Lawton remarked, that "for seven days very great harm will be done to the business world of this country who have business dealings with South Africa."

I would be amongst the very last to argue that Lord Justice Lawton's decision was in the slightest regard activated by his own self-interest, by the fact that he himself was in a small way part of "the business world of this country" and was acting on its behalf.

I would not pursue this line of argument anymore than I would attempt to suggest that when, in a different case, the learned Lord Justice claimed that the National Council of the National



Graphical Association was "armed with all the powers of a commissar in a Communist state" he was to the slightest degree, bringing to the bench the views he held on the hustings long ago when he stood as the Parliamentary candidate of the British Union of Fascists in Hammersmith North.

Even when, in the late seventies, the judiciary became increasingly involved in adjudicating between employers and trade unions, and it was revealed that many of the leading judges who figured strongly in these cases had bought in big with the employers I personally never said a word. I noted with



Diplock

stoic imperturbability that Lord Dilhorne, Eton and Oxford, owned 1100 ordinary shares in Shell, 600 in Unilever, 27,000 in Courtaulds, 5,000 in Imperial Tobacco and 700 in Reed International.

When I was told that Lord Russell of Killowen, Beaumont School and Oxford, held shares in Unilever, Imperial Tobacco, Plessey, ICI, Shell and British American Tobacco I held my peace and kept my incisors tightly clamped together.

The news that the noble Lord Diplock, Whitgift School and Oxford, had a small interest in Shell, Sears Holdings, Allied Breweries and Greater Universal Stores moved my lips only to inhale herb from a spliff as big as an ice cream cornet.

Nonetheless, it makes you think, doesn't it? Can judges really be independent, impartial, unbiased, if their economic interests are bound up with those of the class that owns and controls our society? Isn't there a danger that these interests may affect their judgements?

It certainly made me think and possessed by this suspicion I went to see what those far cleverer than me had written about the custodians of our law. It gave me little comfort.

The learned Professor Griffiths, for example, examining all the evidence of the background and social class of judges over the last century, concluded:



Denning

"Over the whole period the dominance of the upper and upper-middle classes is overwhelming... four out of five full-time professional judges are products of public school and of Oxford or Cambridge."

The same point is made by Professor Miliband: "... the judicial elites, like other elites of the state system, are mainly drawn from the upper and middle layers of society, and those judges who are not have clearly come to belong to these layers by the time they reach the bench."

Incomes

Professor Griffiths goes on, "... judges spend 20 to 25 years in successful practice at the bar, earning very considerable incomes by the time they reach their forties. This is not the stuff of which reformers are made, still less radicals... Judges have by their education and training acquired a strikingly homogeneous collection of attitudes, beliefs and principles which to them represent the public interest."

I was set further on the Road to Tarsus by the Judges themselves.

In some ways we have a very honest judiciary. If we look at what they themselves say about what they do, they confirm this analysis.



Donaldson

Our present Lord Chancellor, Lord Hailsham argues "there is no such thing as a value-free or neutral interpretation of the law..."

Compare Lord Justice Scrutton writing in the '20s: "The habits you are trained in, the people with whom you mix, lead to your having a certain class of ideas of such a nature that when you have to deal with other ideas you do not give as sound and accurate judgements as you would wish."

"Labour says 'Where are your impartial judges? They all move in the same circle as the employers and they are all educated and nursed in the same ideas as the employers. How can a Labour man or a trade unionist get impartial justice?' It is very difficult sometimes to be sure that you have put yourself in a thoroughly impartial position between two disputants, one of your own class and one not of your class."

With Lord Devlin writing in the '70s: "Judges are inevitably part of the establishment and the establishment's ideas are those which are operating in our minds... I think the law has to be part of the establishment."

Of course it's not only the top judges who represent the ideas of the establishment. I remember at the time of the Grunwicks picketing that trade unionists were concerned at the high rate of conviction of those arrested.

Stiffer

In September 1977 Paul Stern, a doctor, stated in a sworn affidavit that Dorothy Oakley, a Willesden magistrate, had stated to him her displeasure at "the very light sentences" Barnet Stipendiaries were handing down. She commented, "About 40% have got

off. We shall have to change all that and they will get much stiffer sentences."

But the point, I gradually realised, about the top judges in the High Court, Court of Appeal and House of Lords, is that, through the system of precedent — the decisions of the higher courts bind lower courts — and because Parliament drafts laws in such a way as to give these judges tremendous leeway, they have tremendous law-making powers, powers which they can exercise independent of Parliament in the direct interests of their own class.

This is clearly symbolised by the fact that, once they attain the highest judicial office, judges become life peers. The highest court in the land is part of the House of Lords, the unelected and unaccountable second chamber of Parliament.

Here is Lord Salmon of Sandwich (t), speaking in the political House of Lords on the Trade Union and Labour Relations Amendment Bill which, as a judge, he would have to deal with in the House of Lords (court):

"We cannot shut our eyes to the fact that there are groups who have infiltrated the unions with the intention of seizing power if they can. Their objects and ideas are entirely different from those of the trade unions which we all know and respect. Their avowed purpose is to wreck the social contract. Their ethos derives from foreign lands where liberty is dead..."

This statement could have come straight from the editorial columns of the Daily Telegraph. As could Lord Denning's attack on the Grunwick pickets: "Our laws are being disregarded right and left. The mobs are out. The police are being subjected to violence. I take no part in the rights and wrongs of these dis-

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...but I do know intimidation and violence are contrary to the law of the land."

His views are also very pertinent to current events. "You will find it implicitly accepted", he claimed on one case, "as a fundamental principle of our law that the press shall be free. A trade union has no right to use industrial strength to invade the freedom of our press."

Judges do have political views. Those views do reflect their material position and those views are very conservative indeed.

But judges also have a sense of strategy.

When in the late '70s the Court of Appeal in a series of cases drove a coach and horses through the limited protections Parliament had given to unions, the House of Lords reversed their judgement. They did so against the grain of their own instincts.

The conclusion that the law did protect trade unions was for Lord Diplock "...one which is intrinsically repugnant to anyone who has spent his life in the practice of law or the administration of justice. Sharing those instincts, it was a conclusion I myself reached with considerable reluctance ... it involves granting to trade unions a power which has no other limits than their own self-restraint to inflict, by means which are contrary to the general law, untold harm to industrial enterprises, to the employees of such enterprises, to the members of the public and to the nation itself."

Here unmasked in the impartial, objective and independent House of Lords are all the



prejudices of the right wing conservative — the law granting special privileges to unions, the overwhelming power balance which favours unions against employers, strikes holding the country to ransom, the national interest is being damaged and so on.

If, in this case, the law lords, unlike the Court of Appeal, did not allow these prejudices to influence their law-making, it was because the result would be too obvious and too blatant. It would "endanger continued public confidence in the political impartiality of the judiciary, which is essential to the rule of law" and to conning the workers.

"But," Lord Salmon firmly stated, "if this is the law, surely the time has come for it to

be altered." The law lords urged Parliament to change the law, using their impartial court as a political hustings.

Much of the Court of Appeal judgements, which they supported but reversed for tactical reasons, found their way unchanged into the 1960 and 1982 Employment Acts.

We now discover the present Master of the Rolls, Sir John Donaldson, head of the Court of Appeal, advising the government on further anti-union legislation.

The most reactionary and firm impulses of the capitalist class pass through the judiciary.

In a very real sense, they themselves paved the way for Thatcher's laws and for the anti-union legislation which they now

'impartially' administer in the NGA dispute.

They are now taking full advantage of it. They have the bit between their teeth.

The one thing that can deflect them is the power of collective action.

In 1972 every rule in the book was bent to free the Pentonville dockers. They were released from prison, to which they had been sent for contempt of court, without in any way purging that contempt.

A House of Lords judgement overruling the Court of Appeal was rushed out in unparalleled haste as a rolling strike wave began.

That is the lesson of the past. We must act on it now Urgently.

Background to the legal onslaught

The world economy is in crisis. Output in most EEC countries is below the levels of a decade ago. In the USA industrial investment fell by 4% in 1982. In France it fell by 8%. The Japanese government announced a 9% fall in manufacturing investment for 1983.

This crisis hits the British economy too. But British capitalism is, of all the 'advanced' economies, least able to deal with it.

When Mrs Thatcher told the Commons, on her return from the Athens summit, that Reagan's policies could lead to disaster within twelve months, she was reflecting the fragility of the UK's position as the pound fell to a new low, as oil prices dropped further and as Britain faces a trade deficit on manufactures for the first time this century.

Plummeted

From the early '60s British capital's fortunes in the world market have plummeted. Its strategists have had to attempt

to renovate an economy traumatically, perhaps terminally, scarred by its birth as the first capitalism.

The long post-'45 boom mitigated the decline of British competitiveness by expanding world trade and softening rivalries. But for Britain the decline began as long ago as the emergence of the USA and Germany on the world capitalist stage, but was arrested by depression and two world wars.

Decline

By the end of the 1950s, UK profitability and productivity were in severe decline while the USA, Japan and Germany and Europe generally leapt ahead.

One of the things which made Britain exceptional was its trade unions. At every turn those bourgeois politicians — Tory and Labour alike — who attempted to arrest and reverse the decline came into conflict with the trade unions.

They were the big obstacle to the transformation in the balance of class forces.



They impeded investment, productivity and profitability.

In Germany, where the unions had been smashed by Hitler, post-war unions were built on a new model specifically designed by the British TUC for class collaboration and structurally jointed into the capitalist system. There were workers' councils, worker directors and centralised union structures based on industry.

In the USA, the post-war strike wave was defeated and

the union-taming Taft Hartley Act, together with the McCarthy witch-hunt against 'Reds' and militants in industry, reversed the upsurge of militant trade unionism which organised itself in the Congress of Industrial Organisations (CIO) in the '30s.

In Japan, mass sackings, purges of militants and the smashing of shop floor organisation — as in the 100 days strike at Datsun in 1953 — provided the essential basis for capitalist rationalisation and expansion.

In Britain, it was not only the strength of the unions — organising 50% of the working class compared with 20% in the US and 30% in Germany — that constituted an obstacle to capitalist transformation, but also their structure and practices.

The British unions had a longer undisturbed history than other trade union movements. And it had a bitter, implacable, defensive tradition forged far earlier than the ethos of comparable labour movements.

The strength and extent of the closed shop providing a firm organisational base, and the ability to control and discipline the supply of labour was unique to Britain.

And, unlike many other labour movements, UK unions

were characterised in the post-war period by a relative rupture between the official trade union institutions and personnel on one side, and strong, independent workplace organisation in key sections of the economy on the other.

Staffed by shop stewards, responsible to and directly working with the rank and file, powerful shop floor organisation strengthened the relatively democratic structures many UK unions had and provided a check on the formal leadership.

The existence of multi-unionism strengthened the autonomy of the workplace from the national leadership. It provided an impetus for the creation of formal links between different unions at workplace level. Crucially, shop stewards bargained directly over money and conditions and were able, moreover, to impose a series of informal controls over the organisation and intensity of work.

Not only was the UK movement, relative to comparable organisations, unified in one trade union centre, the TUC, but it had long ago forged its own political party and established a structure for it which gave the unions potential control over that party.

This movement, stiffened by full employment, was able to successfully resist attempts to reduce wages, introduce new technology and speed up work. It even succeeded in countering attempts to use unemployment to damp down militancy. Nonetheless, it possessed the vices of its virtues.

The strong focus on the workplace limited political horizons and participation in the wider industrial and political structures.

Militancy existed over a relatively limited range of issues. Sectionalism was entrenched.

Socialist ideas, particularly hard socialist ideas, were at a minimum.

Reactionary prejudices easily co-existed with sectional money-militancy. A powerful defensive mass movement which, through a bitter history, developed a tough shell to ward off enemies, the British trade union movement showed its limitations at the moment of its greatest triumphs. Forced to go on the offensive against Heath in 1972 (the Pentonville dockers) and in 1974 (the miners), the unions fought the Tories to a standstill and set the scene for the electorate to kick them out of office. But, having removed the immediate obstacle and put Labour in, the unions then stood back and let Harold Wilson, James Callaghan and the right wing of the Labour Party, back in office, get on with their dirty work.

The state and the employers were able, in the interests of renovating the economy, to exploit and develop some of the weaknesses.

Donovan

As early as 1968 the capitalist strategists who wrote the Donovan Report saw that the weaknesses of workplace organisation could be used against the rank and file.

The union leaders had been drawn into a thousand-and-one state bodies and integrated into state purposes in the post-war period. This availed little in terms of being able to use them to police incomes policy, because the shop floor was relatively independent of them.

So, they concluded, the stewards must be integrated into the union, so that the full-time officials could exercise greater control. They must be drawn

JOHN HARRIS

"Using the law to transform trade unionism" - Thatcher and Tebbit

away from the rank and file and from bargaining at the point of production.

The exhortations in the Donovan report to create more written agreements, codify custom and practice and replace piecework by measured time systems, work study and job evaluation led to a more 'rational' link between work and pay.

Written procedures legitimised management decisions and made bargaining about, for example, discipline, more a matter of argument than force — as well as removing problems from their point of origin.

Formalised bargaining at plant or company level led to a centralisation of power at committee level and to a loss of power at section level.

The development of full-time stewards, the extension of the management run closed shop with deduction of dues at source, the extension of facilities for stewards, the blossoming of training courses — all of these worked to produce more 'civilised', 'rational' behaviour (their civilisation and capitalist rationality) and to weaken shop floor organisation.

Stewards were thereby pulled away from their members.

All of these trends were reinforced by the legislation — The Trade Union and Labour Relations Act and The Employment Protection Act.

When shop steward organisation was extended into new areas in the late '60s and '70s it tended to be based on this procedure-centred institutional industrial relations system rather than on the conflict and direct democracy model of the earlier period.

Those who had tried to solve the problems of British capitalism by intervention and incorporation, by drawing in the unions at the top and at the bottom, did have a certain success.

But as the world economy and Britain's place in that economy deteriorated, it proved insufficient.

The rate of profit by the end of the Wilson and Callaghan years had risen only marginally from its 1974 collapse point.

Output per person-hour grew only 5% in the UK between 1973 and 1978. Over the same period it rose 15% in the US, 20% in Germany and 22% in Japan.

Incorporation and the strengthened hold of national union leaders over the rank and file could not make the latter stage of Callaghan's incomes policy stick. It could not ward off the 'winter of discontent'.

The attempt to combine Healey's limited — pioneering — monetarism with an incorporationist industrial relations policy was successful in 1975-77, but ultimately failed. That led to bourgeois desire for a government independent of the union and willing to mobilise to confront them. It led to Thatcherism.

WHY THE LAWS WERE INTRODUCED

Callaghan's right wing Labour government had foundered on the contradiction between an interventionist industrial relations policy and a monetarist economic policy. Thatcher argued straight monetarism.

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The price of goods is determined by the amount of money in circulation. If the amount of money in circulation is increased then people will bid against each other for scarce goods and their price will be forced up.

If the money supply increases, so will inflation. The main reason, she argued, for inflation in recent years had been government spending on the welfare state, granting hand-outs to industry and allowing consumer spending to increase.

So the government would cut the money supply by slashing public expenditure and consumer spending. It would withdraw from intervention in industry and allow unemployment to increase.

Such policies will cut wages. With reduced wages, prices will fall. Profitability will be restored.

Thatcher realised, however, that "artificial constraints" interfere with the "perfect" working of the market. "Reasonable" levels of unemployment pay mean workers are not forced to compete as vigorously as they should for jobs and thus exercise a downward pressure on wages.

Trade unions and their activities also interfere with the free play of the market by artificially keeping up wages, limiting unemployment and by limiting the effect of what unemployment there is in forcing down wages.

Thatcher's policy in relation to unions thus has four main inter-linked strands.

*Remove the union leaders from their existing position at the top table. Rather than

running the country they should devote their energies to running their members. The government would carry on a dialogue directly with those members. When they were in a more realistic mood, the leaders could be readmitted but standing up, not sitting down.

*Use mass unemployment to undermine the power of the shop floor, strengthen the hand of the employer, introduce a new realism and accelerate the shift in power from stewards to full time officials.

*Encourage employers to break from the established systems of collaboration by returning full-time stewards to the shop floor, withdraw union facilities, break closed shops, appeal directly to the workforce. The 'Michael Edwards' model.

*Use the law to transform the nature of British trade unionism.

There was some hesitancy amongst some Tories about the use of the law. They pointed not only to the defeat of Heath's 1971 Industrial Relations Act and the impact of its defeat on workers' consciousness, but to the fact that the introduction of law causes tremendous problems in an advanced democracy like Britain's where there is a limited tradition of legal intervention and powerful unions.

In the end, the state has to guarantee the law. Refusal to abide by it can produce a confrontation with those powerful unions. It leaves the state with little flexibility. The confrontation can be provoked by individual employers, seeking to protect their own perceived interests, at the expense of capital generally. Or by dislo-

cation between different state bodies.

The judges may provoke a confrontation because of their specific vested interest in law administration which is not welcomed by an unprepared government and civil service.

Against this the Thatcherites could assert that the fight against the Industrial Relations Act was the high tide of the post-war shop stewards movement, carried through at a time of strong militancy, record strike levels and relatively full employment. But in 1980 not only were the unions — and crucially the rank and file within the unions — in a far weaker position after six years of growing unemployment and the social contract — so was British capital.

If the state of the unions encouraged them to attack, the state of capitalism drove them to go at it with a will. In a sense a radical government of capital had little choice but to urge capital forward in a way which would provoke a confrontation.

Legislation, moreover, would be the token and guarantee of their support for capital and provide management with the galvanising leadership lacking since 1945.

Thatcher knew that law depends on an uneasy dialectic between legitimacy and coercion. Coercion may not work when there is no acceptance of the law and therefore no legitimacy for it if rejection of the law is coupled with a strong ability to resist.

It was her ability to bring coercion to bear in specific circumstances that Thatcher was gambling on.

She probably felt she could rely on her ability to bring to the surface and mobilise all the backward sentiments of a working class driven onto the defensive.

If Thatcher's strategy was basically similar to that of Heath, her determination and her tactics were far superior. Concessions were made to the experience of the 1970s. The legislation was introduced step by step. This enabled Thatcher to take advantage of the weakening impact of unemployment, to relate the introduction of the

legislation to the tempo of other sectors of class struggle and it allowed for a limited testing out of each piece of legislation.

This enabled the Tories to limit opposition. The introduction by Heath of one monolithic Act stimulated resistance. The piecemeal approach limited it.

Moreover, Thatcher and Tebbit carefully avoided new institutions such as the old National Industrial Relations Court which could focus discontent and might thus provoke an early explosion.

In the early '70s the union leaders had seen the Heath Act as an attack on their specific interests. This time those sections of legislation which followed this path, the liability of union funds and the attack on the closed shop, were preceded by sections laying the ground, outlawing different kinds of action for which later union funds could be liable and attacking new closed shops.

But Thatcher realised that whilst the union leaders had fought Heath only with words, thus giving a legitimacy to rank and file action, they themselves had only acted when the rank and file moved independently.

Thatcher was trading on the fact that a shift in the balance of forces against the working class makes the bureaucracy more supine — and make the rank and file, their combativity, confidence and strength curtailed, unable to exercise the initiative which could move them.

If these were its preconditions, what was the content of Thatcher's projects? Quite simply to turn the unions into domesticated US-style organisations — their ability to interfere with the dictates of the world market in relation to British capitalism decisively diminished, their influence reduced to that of the workers' organisations in competing countries.

British capitalism's major handicap, holding it back in the world race, had to be removed. This would be a precondition for changing the ideas and transforming the existence of a relatively privileged working class nurtured on the crumbs of the first industrial revolution and

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Saltley Gates. power of the mass picket

the first industrial empire.

Thatcher's laws are intended to use coercion, the legitimacy of the legal process and the exploitation against the working class of the backward politics of British trade unionism and the utilisation of its threadbare leadership to undermine and transform all the strengths which have made British unions a problem to capital, once and for all.

What the laws mean

WHAT THE LAWS MEAN.

The first prong of the legal offensive against the unions was to outlaw vital forms of secondary action — secondary in the sense of not being directed against the immediate employer, i.e. secondary blacking and secondary picketing.

The purpose of this is obviously to weaken a union's ability to win disputes.

The NGA is not entitled to send one worker to picket the premises of Eddie Shah at Warrington. The NUJ is not entitled to black work to T. Bailey Foreman, printer, because their dispute is with T. Bailey Foreman, publisher!

SOGAT drivers are behaving illegally if they refuse to handle magazines from the strike-hit Park Royal works. The SOGAT Executive are breaking the law if they instruct members at the East Kilbride, Bristol and Leeds print works of Robert Maxwell's company not to print the Radio Times in solidarity with its members locked out at Park Royal.

The wider purpose of these provisions is of course to reinforce and make worse one of the basic weaknesses in the practice and ideology of British unions — their organisation in workplaces

and their employer base which breed a narrow, limited, sectional consciousness.

Mrs Thatcher told The Observer:

"It's the enterprise in which you're working that's the important thing. And its success and your success depends upon your company's success. It's got nothing to do with the trade union movement or the Labour Party."

Narrow down further already too limited horizons. Make workers see themselves as part of the company, not part of the union. Make them forget about solidarity, eliminate any sense of belonging to a class and to a labour movement which embraces all the companies. Drum it into workers that it's the firm that counts.

Identification with the employer is the poisoned well of trade unionism. It has to be fought at all costs, particularly when the economic situation shreds up solidarity.

The second prong of Thatcher's legal attack is to make the union leaders responsible for the illegalities trade unionists commit and enable the courts to seize union funds.

The objective is centralisation through coercion.

The Taff Vale clause in the 1926 Act intends making the cost of resistance too high, to force union leaders to abide by the law and, for fear of further penalties, force their members to toe the line. This is meant to further accelerate the transfer of control from workplace to head office.

Coercive

We can see its coercive aspect most clearly in the case of the NGA. Its normal operation is better illustrated by the experience of the last two years in the TGWU, a relatively diffused union.

In the TGWU the law has prodded officials further in the direction the recession was already taking them — soft-peddling on disputes and providing a means for disorienting those who want to fight.



The third prong of the legal assault has been on trade union organisation.

Again, the example of the NGA shows how strong unions have been able to use the closed shop as a means of gaining control over the hiring of labour and, through this, the control of

technology.

Thatcher and the employers attack the NGA because they are determined to break the stranglehold they see unions as having gained in the traditional sectors of employment by establishing the "open shop".

The Tories are determined to attack the closed shop in its established heartlands. From next autumn, employers will be unprotected against actions for unfair dismissal by workers sacked for refusing to join or remain in a union, unless the closed shop agreement is ratified by 80%, in a secret ballot, of those to be covered by it.

Even where this majority is attained individual employees have an untrammelled right to opt out, if they object to being union members on grounds of conscience or other deeply held personal conviction.

The aim is clearly to prompt an exodus from the unions. Large sums in compensation are being made legally available for strategically placed workers who take the hint, declare themselves victims of the closed shop and seek damages.

The fourth line of attack is directed against unions' involvement in politics.

The Court of Appeal's judgement in the Mercury/POEU case confirms the intentions of Norman Tebbit's Act which made it law that unions are not entitled to take industrial action against government policies.

The aim is, once again, to limit union activities and action to a narrow conception of industrial issues, thus weakening their effectiveness.

The Tories and employers are thus now deliberately exploiting the long-existing split in the labour movement between industrial and political concerns and organisations.

As Mrs Thatcher herself said, "What would please me immensely would be if the TUC was not and the trade unions were not a part of the Labour Party, or the Labour Party a part of the trade union movement. That connection, I must say, think is wrong."

The reason unions established the Labour Party was of course

A QUESTION OF SOLIDARITY

Independent Trade Unions In South Africa



90p

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to make them stronger. They realised that if unions did not take an interest in politics, if they limited themselves to bargaining with employers, they would be helpless in fighting the effects of wider decisions taken at the level of society as a whole, at the political level, and impotent to seek political decisions and legislation favourable to the working class.

If they did not seek influence over those decisions directly, they would be fighting with one hand behind their backs. And the best way of influencing those wider political decisions was through a party they themselves controlled.

In her desire to go back to the good old days of two parties of capital, Thatcher is even now steering a bill through Parliament which requires ballots on whether or not unions should maintain political funds. She is threatening to add a change in the law to make contracting in to the political levy the rule rather than contracting out.

Prong

The fifth prong in the attack is intended to make unions less democratic, less participatory and more open to the pressures of state and employers. It is intended to reduce the numbers of activists and cut them off from the membership.

Again, Mrs Thatcher said it some months ago:

"There's a Green Paper out on whether ballots for the election of union officials should be secret. I personally think that's the single most important thing."

These provisions for secret ballots are now part of the new trade union Bill — and not only for the election of officials. A secret ballot will be required before industrial action can legally be taken.

In our society, workers are at their weakest when they are broken up and atomised. They are at their strongest when they are grouped together collectively.

When they vote together in meetings where the issues



"I think that's the TUC going to see Tebbit"

involved have been thrashed out, explained, and debated, workers are in a position to take an educated decision. Democracy is not just a matter of placing a cross on a ballot paper. Real democracy is a

matter of activity, participation and education.

Thatcher's secret ballots are a recipe for manipulation of workers by the media. But, even further, they are a means of stopping meetings, debating activism. They will stifle the democratic processes which are the main barriers to the bureaucratic entrenchment of union leaders.

Entrenched

The government's objective here is clear: to strengthen layers of entrenched leaders, protected from the membership. Such leaders become very conservative if they are protected from the activists. The number of activists will wither and the professionals will be able to control the unions.

Their relative freedom from rank and file pressure opens them even more to the kinds of pressure from the state that we have been analysing.

Unions become business organisations in which democracy is a luxury.

These are the contours of Thatcher's legal attack. If they are successful we can say goodbye to unions as fighting organisations and democratic bodies. We can say goodbye to effective organisation and effective strikes. This will be a blow not only to trade unionism but to socialism. British unions would follow the path US unions followed after Taft Hartley was passed in 1947.

Techniques

Here is an observer describing the US print industry today.

"It is common to witness management techniques reminiscent of the black days of the Depression. I saw people running around the plant in order to meet schedules, people working from 8 am to midnight [no overtime]. I saw night shift workers coming in during the

day in order to keep up with their work [all this with no extra pay]. Always there was the fear of the sack.

I viewed this not from the shop floor but from a protected executive position and was sickened to see the devastating effect on unprotected people." (Letter in Sunday Times, 11 December, emphasis added).

As in the US, the union bosses will take over, membership will collapse, whole industries will be union-free, socialists will be witch-hunted.

Boom

But things in Britain may get worse than they are in America because the boom of the '50s and '60s is not likely to return to the UK.

The fate of the US unions since Taft Hartley will seem as a bed of roses to what will happen here if Thatcher wins. Trade unionism as we know it will be crucified.



Two pamphlets summing up the ideas of Socialist Organiser.

'Where We Stand' — 20p plus 15p postage. 'How to fight the Tories' — 10p plus 15p postage. Or the two together, 45p including postage. From Socialist Organiser, 28, Middle Lane, London N8.





Warrington: "The need to fight back has never been more urgent"

FIGHTING BACK

The need to stop the retreat, the need to fight back, has never been more urgent.

The vacuum in leadership has never been greater. As Thatcher moves in, all Len Murray can do is plead: "Trade unions work with employers to increase productivity, to sort out problems, to make industry more efficient."

And toady: "compulsory strike ballots could be counter-productive as well — they could prolong a dispute and make it far less easy to resolve."

Or bluesky: "Sooner or later the economy will pick up and the Tories will have to talk to working people and their representatives." (He said that after the June election!)

We need action, not talk. We need it now.

Trade union rights won through 200 years of struggle and sacrifice will vanish if Thatcher, the judges, the police and the employers have their way.

Nonetheless, there are splits in the ranks of the enemy. Eddie Shah, advised by the Institute of Directors, represents the resolute confrontationists.

Other representatives of capital prefer a more gradual and tactical use of the law to pressure the union leaders or to turn a rank and file retreat into a rout. The probing use in this fashion at Shell — when it didn't work, but also did not recoil on the employer — and the more decisive use by Maxwell to pressure an already weakening SOGAT Executive in the Park Royal dispute are recent examples.

Exploited

But whilst these differences must be exploited, the state and the employers in the end have little alternative but to close ranks around the Eddie Shahs. The Financial Times and Guardian may have split from Murdoch and Matthews over whether or not to have an immediate confrontation in Fleet Street. Still, they join these gentlemen in an attempt



to bankrupt the NGA by suing it for £3 million damages.

But here lies the lesson for the trade unions. The capitalists and their state are fighting now on their chosen ground. They can use one two-bit upstart capitalist to take on the whole might of Britain's unions whilst they watch from the safe, luxurious pavilion.

But they have no stomach for a wider confrontation.

Devour

They hope to devour the NGA undisturbed by opposition from other unions, which they have marked down to be the second, third, fourth and fifth courses on the menu.

The truth is that neither the employers nor the Tory government are as self-confident, vigorous or self-assured as they want the labour movement and the cowed and self-abasing trade union leaders to think they are. They know that in almost every important area Thatcher is a failure.

Thatcher's economic policies are a failure. Despite all the blood and thunder, despite her undoubted political victories, she has not even taken firm steps along the road of putting British capital on its feet. Despite all the bankruptcies and redundancies, UK industry remains unprofitable.

Her efforts to cut the money supply have been unsuccessful,

as her Chancellors have been unable to exercise control over the whole monetary system.

Her attempts to cut government spending have failed, as cuts in the welfare state have been matched by increasing unemployment and consequent increases in benefit cost.

Her political successes, particularly over the Falklands, have diverted attention from the fact that she has not taken the steps that the imperatives of capitalist renovation dictate.

She is still wary of the accumulated underlying power of the workers' movement.

Even at this late hour when this movement has suffered severe reversals, firm leadership to mobilise its underlying strength will receive a firm response.

We need propaganda, propaganda and more propaganda to answer the political arguments the Tories are using.

We need to intensify the ideological battle to halt their mobilisation and exploitation of the backwardness of trade union politics for their own purpose.

We need to tie this irreplaceable battle of ideas to the battle for action.

The NGA membership has rallied round their union. There is no reason to doubt that a call from the TUC on the clear class basis that the attack on the NGA is an attack on the whole movement would call forth a similar response.

The Industrial Relations Act, the TUC tells us, was defeated by a united and effective trade union response. They told us at the Special Conference at Wembley in April 1982 "... the General Council will stand ready where they are satisfied that it is warranted, to organise support in the form of pressure on employers concerned, including industrial action ..."

Point 5 of the 8 recommendations carried at that conference and distributed to thousands of shop stewards attending TUC briefings on how to fight the legislation, states under the heading: "Support from the movement" "... they [the General Council] are empowered 1) to co-ordinate action by other affiliated unions in support of the union in difficulties,

including if necessary calling for industrial action against the employer concerned, or more widely."

(All quotes from TUC publication report of the special conference, emphasis added).

Nobody has overturned these decisions. Their implementation requires an immediate one-day General Strike.

This would demonstrate to the state and employers that we will not let the NGA go down alone. It would be in the context of preparing for an all-out General Strike if the state continues to try to drive down the NGA.

To intensify and strengthen this call, militants in every area must come together to form committees to defend the unions and basic rights and fight to push the leadership into action.

Nothing less than the future of the labour movement is at stake now. The need is to stop the retreat. The need to fight back has never been more urgent.

New!

Solidarity betrayed

LESSONS OF THE BASINGSTOKE POST OFFICE WORKERS STRIKE

This new pamphlet tells the story of the victimisation of Socialist Organizer supporter Alan Fraser and how the fight to defend him was sold out by the union officials. 25p plus postage from 75 Freemantle Close, Basingstoke.