

Discussion



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Tebbit's Law: a Tory dream come true

It is somewhat premature to describe Tebbit's anti-trade union Bill as 'a Tory dream come true'. A dream, yes, but whether it comes true or is turned into a nightmare is quite another matter.

Yet this is the critical question today for the labour movement if it is to retain organisation of a mass class base in current form. In his extremely interesting article on Tebbit's Employment Bill (April issue of *Marxism Today*), Christian Tyler looks at some of its content. As a recent Labour Editor of the *Financial Times* he is also able to shed some light on the thinking of employers about what he calls Mr Tebbit's 'reforms'.

What I should like to take up is some aspects of how the most effective opposition to the Act can be generated. The TUC has adopted a united stance against it, committing all affiliated unions to a great degree of non co-operation, and itself to a publicity campaign. Most important is the TUC's decision to co-ordinate united industrial action in solidarity with a union which comes to face punishment should anti-union law be used. This is a radical step which has no parallel in earlier campaigns against legal restraints on trade union activity. It is a *positive* step towards defying the law, with notice given to the government in advance. It is a logical move in the direction of refusing to recognise courts in cases where anti-union legislation is being enforced.

The importance of this appears to escape Mr Tyler's attention and is not to be found in his often penetrating academic analysis of the Bill and possible reactions to it.

But TUC general council or conference decisions are not taken in the abstract. They reflect, with whatever delay or in however lopsided a fashion, the reality of forces within the trade union movement. It is this

fact that should direct attention to something that is intrinsically much more important than the resolutions they find expression in at general council level. I am referring to how the rank and file of the trade union movement comes into play as an *active force*, the decisive force.

Opposition to Tebbit's law cannot only or, indeed, mainly depend on whether trade union leaders are able to explain to their members 'the complicated legal issue of immunity' or on trade union members coming to realise the importance of the law when their union is 'threatened or bankrupted by damages'.

To think thus would really mean to miss the whole point. In suggesting this, Mr Tyler has led himself up an alley which opens up with his estimate that 'Mr Tebbit has concentrated his fire on two areas — the closed shop and trade union funds.' The Act is much more profound than this, in my opinion. The 'fire is concentrated' on threatening to penalise workers and their unions should they engage in the most effective forms of industrial action to defend and improve their conditions. It is really as simple as that.

The challenge to the closed shop, demands for damages and the other financial threats and inducements are *the motor*, the back-up, not in themselves the aim or direction of attack. It is important to note in this connection that it is precisely Mr Tebbit who would pretend that the main thing is 'the right of people not to belong to a trade union'. Again, the questionable allocation of some £2 million to 'compensate' workers who were dismissed between 1974 and 1979 for breaking closed shop agreements is part of this mystification that would present secondary, or more accurately, *auxiliary* fea-

tures of the Act as the real thing.

The background

Making unions liable for payment of huge sums of money as damages in industrial disputes is aimed at bankrupting unions, but only those which give backing to their members. But the Tory aim is really and more generally to intimidate unions; to encourage (browbeat) them into disciplining their members, to stop them taking industrial action of the kind that Tebbit would make unlawful. The Act is not out to destroy trade unions but to render them ineffective. One must not underestimate how effective, even if temporarily, trade union 'policing' of their members can be. The refusal to give leadership has an important effect on the membership's preparedness to fight. One has to look no further than the engineering union's betrayal of British Leyland workers and Joe Gormley's contribution to securing a low pay settlement in the mining industry, for examples of late.

Once one grasps this real purpose of the Act, one has identified the strategy the Government is pursuing and also seen it in its context. This strategy goes back some time and is not only identified with the Tories, but with something the ruling class has been pressing for for years. The Royal Commission on Trade Unions and Employers' Associations (1965-1968) under Lord Donovan was preceded by a hullabaloo about 'unofficial strikes', shop stewards' 'abuse of power' and the like. The Commission was, in fact, set up to find that lack of central trade union control over the actions of shop stewards (read 'rank and file') was responsible for unnecessary industrial unrest. The labour government published its project for disciplining trade unionists ('In Place of Strife') only seven months after Donovan's report, in January 1967, and, going beyond Donovan's conclusions, came closer to the Tories' own anti-union policy statement of April 1967 ('Fair Deal at Work'). The price the TUC paid for Labour shelving 'In Place of Strife' in the face of a massive campaign led by the Liaison Committee for the Defence of Trade Unions, was to amend its constitution to require unions to give the general council more say in industrial disputes. The Employment Acts are the latest attempt to undermine militant rank and file activity (the essence of trade union democracy) through the medium of threatening to bankrupt any trade union which refuses to police its members. That is the strategy.

Therefore, the most effective response to Tebbit must come neither from simply explaining the complexities of immunities, nor from waiting to defend a union when it is

threatened or being bankrupted. The operation of the Act can only be defeated if workers insist on conducting the struggle for better conditions, with the appreciation that the proposed legislation aims to make unlawful many of the ways in which today they conduct the class struggle.

It is the extent to which people understand that it is against all these kinds of action that the cutting edge of Tebbit's law is directed, and the extent to which they see the imperative of continuing to fight on these issues and in the most militant ways, that will determine whether the law will be defeated.

It was not the prospect of a Labour government repealing the Industrial Relations Act of 1971 that nullified it, but massive resistance and industrial action in defence of conditions. Dockers in East London picketed a container depot in defence of jobs and conditions; engineering workers refused to work alongside a free-riding non-unionist. Widespread industrial action was generated in support of these workers and the engineering union. It is in similar kinds of action that the heart of opposition to Tebbit's latest contribution to the ruling class' strategy will be found.

Space does not allow me to develop the important other aspects of the fight against the Act, especially the winning of broad support from outside the trade union movement, and the need for the unions to continue and expand their contribution to the struggle on other democratic issues.

Let it be said, however, that unless trade unionists defend their conditions and organisation and continue to battle for what unions were created to do originally, and from which they draw their mass membership, their contribution to broader struggles will be minimised.

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