

Within one year of taking office the Tories had drafted an Employment Bill dealing with trade union power. The Bill became law in 1980; it was followed in 1981 by a Green Paper *Trade Union Immunities*; in 1982 by another Employment Act; and now we have yet another Green Paper *Democracy in the Trade Unions*, with a Bill promised for later in the year. The subject matter of the latest Green Paper is significantly different from its predecessors, and deals almost exclusively with the internal working of trade unions. This fact alone prompts the question of the relationship between the Green Paper and preceding legislation. How far does it represent a continuation of the repressive legislation of 1980 and 1982 aimed at curbing trade union industrial action and the closed shop? To what extent does it constitute the emergence of a new trajectory in Tory trade union strategy? And more generally, how does it relate to other areas of Tory policy, and the ideological direction of Thatcherism as a whole? In short, what is the *political* significance of the Green Paper?

The Green Paper

Let us begin with a resume of the Paper's main content. Its expressed concern is the power of trade union leaderships, at all levels of trade unionism, to pursue objectives not supported by sections of their membership, and contrary to 'the public interest'. An explicit assumption repeated throughout the Paper is that trade union leaderships are 'unrepresentative', or 'out of touch with the rank and file': an implicit assumption is that this 'unrepresentativeness' usually takes the form of militant leaderships wielding power and influence over conservative or 'moderate' members.

The Green Paper singles out three areas in which it proposes reforms designed to increase the influence of 'the rank and file' as against their leaderships: the election of union leaders themselves; the calling, and ending, of strikes; and the payment of contributions into unions' political funds.

The focus on election of trade union officers is self-explanatory, given the view that they wield overbearing power inside trade unions. The chapter on strikes reflects a deep seated Tory concern with the most visible expression of trade union power. But the final substantive chapter, on union political funds, is a novel departure for the Tories, which for the first time extends the scope of their operations beyond the trade unions and into the whole labour movement. All but three

John Kelly Tebbit changes tack



unions with political funds use them *inter alia* to pay affiliation fees to the Labour Party, providing 80 - 85% of its total annual income.

The chapter on election of officials goes over familiar ground: the problem of low turnouts in elections, occasional malpractices, the use of secret postal ballots by some unions, eg, AUEW(E), and their acceptance by all unions on certain issues, eg, amalgamation. After noting the variety of procedures in different unions, and at different levels of organisation, the Paper focuses on union executives, and clearly favours their election by secret postal ballot. Tebbit is against secret ballots held at the branch, believing too few people ever turn up to branch meetings; and he is opposed to voting by a show of hands because it denies individuals the right to vote in secret. The Paper suggests four possibilities; compulsory changes to be described in a new statute; checking of rulebooks by an 'independent' agency against model rules determined by the government; a 'bill of procedural rights' for all trade union members (similar to current US legislation); and a right of complaint for members whose unions depart from a set of model rules devised by the government. The first option is, for the

moment, a non starter: a compulsory and uniform interference, of such a far-reaching character, in the organisation of *all* trade unions could politically unite and mobilise the trade union movement on the scale of the 1970-72 campaign against the Heath-Carr Industrial Relations Act. Indeed the second option would founder for much the same reason: if enough unions refused to clear their rule books through the government appointed 'inspector' (which seems likely) the legislation would be a dead letter. This leaves the 'bill of rights' and the 'model rules — complaints' options, on the agenda.

Strike ballots

The chapter on strike ballots is very brief, not least because the issue has surfaced repeatedly in political debates in the last 20 years. The aim of this chapter is to devise some way of introducing pre-strike ballots that would mobilise the 'silent majority' reluctant to take industrial action, but believed to be lacking any voice in union decision making. But should ballots be compulsory before *all* strikes, before official strikes, or at the discretion of the state? US experience of state imposed strike ballots provides a sobering lesson for the self-appointed advocates of the moderate masses. In 155 out of 163 cases workers have voted to reject their employers' last offer and resume, or begin, their strike. Edward Heath received a similar rebuff in 1972 when he ordered railway workers to be balloted on their planned strike: they voted for the strike by

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5:1. Other possibilities are also considered: ballots could be triggered by a fixed proportion of disgruntled members, or by employers, and this second option seems perhaps the most likely given the technical problem of deciding how many and which employees would be counted.

The final substantive chapter deals with political funds, and marks a new departure for Tory labour legislation. Many unions have political funds, maintained by members paying a political levy over and above their trade union subscriptions. The funds are used to finance a variety of political activities, though most unions with such funds use a portion of them to cover affiliation fees to the Labour Party: the few exceptions include the National Union of Teachers. Since 1946 all union members whose union maintains such a fund pay into it (between 5p and £2 per

year) unless they complete a form and 'contract out'. For various reasons, the overwhelming majority of workers in unions such as the TGWU, NUR and NUPE pay the political levy. It is unlikely however, that all of these contributors vote Labour (though we have no figures for this): after all, approximately 4 million trade unionists voted Tory at the last general election. Tebbit's aim is to detach these (and other) trade unionists not identifying with the Labour Party from their unions' party political objectives, *both* to weaken the Labour Party, heavily dependent as it is on union finance, and to cut down the scale of trade union political activities.

Thatcherism

The Tories' labour legislation in general and the Green Paper in particular must be seen in relation to their wider political project, of fundamentally reshaping both the institutions and the values of society as a whole. At one level the present Tory Party is the party of free trade and market forces, anxious to roll back the state and cut public services and taxation (as part of its programme for restructuring the economy). It is also a party which has conducted an extraordinarily successful campaign of populist politics, striking deep chords with its hostility towards trade unions, the closed shop and local state bureaucracies, and its articulation of individualist ideals of choice, freedom and enterprise. In education these ideas have been expressed through attacks on state comprehensive schools, counter-balanced with proposals for parental rights and parental choice of schools. But the Tories are not simply 'for the individual' and 'against the state': they are not classic liberals. In the area of law and order, popular discontent with levels of crime has been articulated with a campaign to promote 'the strong state' illustrating what Stuart Hall described as the 'authoritarian populism' which is a central and defining feature of the ideological dimension of 'Thatcherist politics'¹.

If we then regard restructuring of the economy and restructuring of society as the two inter-connected aspects of Tory politics, it is possible to see that trade unions occupy a central position within both these aspects. Insofar as trade unions are a barrier to capital accumulation their bargaining power must be curbed. Insofar as they constitute the institutional base for the reproduction of collectivist values, alien to Thatcherism, they must be weakened or reshaped.

Prior and Tebbit have both shown in this context an acute understanding of the bases and complexity of union power. The Tories have been concerned with three areas of union power: relations with employers, with governments and with their members. The power of unions and union leadership within these sets of relations is seen, quite rightly, as the product of: full employment and economic growth; the relative absence of legal regulation; the willingness of employers to collude with, and concede to, unions; the support of the state through tripartite, corporatist structures; and the internal discipline and cohesion of unions themselves.

From the analysis of Thatcherism as both an economic and ideological project, and from this analysis of trade union power flows not *one* line of attack on trade unions, but *two*. The first involves the use of the state to raise unemployment and depress union bargaining power, as well as pass restrictive legislation. But this leaves virtually untouched the distribution of power *within* trade unions, and it is here that we encounter a second line of attack. By attempting to restructure trade union internal organisation, Tebbit (and Prior before him) is aiming to weaken the solidarity and cohesion of trade unions and to curb the 'power of leaders over their members'. At the same time they are also aiming to refashion the collectivist values which lie at the root of trade unionism and to begin supplanting them with the individualist values central to Thatcherism.

The Tory attack on union power is best understood then as a pincer movement with one arm restricting union power against the employer and the state, whilst the other squeezes and restructures the distribution of power and the dominant values *within* the unions.

From Prior to Tebbit

Jim Prior's 1980 Employment Act set both arms of the pincer movement into action. On the one hand certain forms of secondary strike action and picketing were outlawed, and changes in unfair dismissal regulations made it easier for employers to sack certain categories of worker. These measures embodied the Tory 'strong state' in action against the countervailing power of trade unionism. On the other hand, the 1980 Act also marked out the second sweep of reforms, by providing state funds for secret ballots to elect union officials and to decide on strike action. The closed shop — for the Tories the most potent

symbol of the power of trade union leaders 'over' their members — was also opened up to attack. A series of clauses made it unlawful for employers to sack (or discipline) workers for not joining new closed shops unless 80% of those potentially affected by the closed shop had voted in favour.

The Employment Act (1980) relied on the strong state to curb union bargaining power over employers but the internal power structure of the unions was treated differently. Prior did not seek to impose secret ballots, as he might have done (and certainly contemplated doing). Rather he constructed this section of the Act around the Tory belief in 'individual freedom and initiative', and the belief that individual union members would be eager to avail themselves of the chance to vote in secret. Prior's decision to facilitate, rather than impose, this type of change, also reflected his general reluctance to launch a frontal assault on trade unions. Prior knew well that many employers were perfectly willing to see the strong arm of the state deal harshly with secondary picketing. But they were distinctly nervous about a big drive against union internal organisation, a move that could destabilise many carefully cultivated long standing and orderly arrangements with local unions.

The 1982 Act took the same title as Prior's but established Tebbit's reputation as a Thatcherite hardliner with its wide ranging assault on union bargaining power. Prior's populist and liberal beliefs in the virtues of individual union members, awaiting the opportunity to reform their own unions under the benevolent guidance of the state, were nowhere to be seen. The 1982 Act was thoroughly imbued with the spirit of the strong Tory state out to deal with an equally strong opponent. It will now be easier for dismissed workers under closed shops to claim compensation from the unions involved. Employers will be legally entitled *selectively* to sack or reinstate strikers, whereas previously such discrimination could be construed as unfair dismissal by those not re-employed. Trade unionists who refuse to work alongside non-unionists, or insist on sub-contractors to a job employing only unionised labour, will be acting illegally, and the 'victimised' employers can sue the unions for damages (and presumably continue to employ cheap, non-union labour). The meaning of secondary industrial action is further restricted, opening a wider range of strike actions such as secondary picketing, to civil or criminal prosecution. And to ensure that

workers paying into such funds (as happened when proposals similar to Tebbit's were introduced in 1927 and lasted until 1946) the Labour Party's claim to 'speak for the workers' would be weakened.

From theory to practice: the contradictions of Tebbit

The political thrust of the Green Paper then is aimed at the restructuring of power within the trade unions, and at the dismantling of the organic connections which hold together what we know as the labour movement. It remains unclear however precisely how these proposals are to be implemented, and this uncertainty reflects a set of contradictions, within Thatcherism itself, and within the ruling class as a whole.

There is to begin with a tension often submerged, but always present, between the *extension* of the strong state into trade unions and collective bargaining and its *withdrawal* as part of the anti-statism of Tory individualists. It is true that until now Tory labour strategy has displayed a pincer-like movement with elements of strong state intervention against union bargaining power coupled with a mixed approach to union internal power: legal restrictions on the closed shop, and voluntary provision for secret ballots. The tension between these two different elements has been constructive rather than destructive. But the Tories now face a key turning point: no TUC union has taken state finance for secret ballots under the 1980 Employment Act. Should they give the quiescent 'silent majority' a slightly more forceful push with mild enabling legislation, perhaps a bill of rights? Or does Tory democratisation of unions require strong state action to impose the new rule books and procedures?

In part this issue turns on Tory calculations of union leaderships: just how firmly entrenched are existing leaderships? How much support do they actually enjoy? But it also turns on a profound contradiction in Tory philosophy. The 'bill of rights' approach to union reform rests on a belief in 'the people' as an *active* political force who can be mobilised (with a little help from the state, and perhaps the Conservative Trade Unionists) as part of a drive to transform trade unionism, to weaken the positions of its current 'militant' leadership. 'The people' *en masse*, and singly, can be trusted with freedoms and indeed their support for the Tory Party is taken to mean they want them. But also running through Tory philosophy is a paternalistic contempt for 'the masses', a belief that society requires continual guidance and rule from above, legitimated by reference to that passive and nebulous

register 'public opinion'. Within this perspective it is foolish to hope that trade unionists (even Conservative ones) will, of their own volition, transform their organisations from within: only the state can do that from without.

A second contradiction running through the Tory Party is between the reality of class

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struggle and the Utopia of 'one nation'. For those such as the Institute of Directors, who are a bit closer to the ground than Tebbit, it is the sharp lines of battle which impress, and which fuel their desire for a more full-blooded assault on union bargaining power spearheaded by the full weight of the state.

Tebbit, and other Tories as well, frequently indulge in the rhetoric of class war, but their more outrageous verbal attacks on trade unionism coexist uneasily with a quite different rhetoric. Here it is not trade unionism *per se* which is the fount of all (or at least a great number of) evils, a view whose logic is the repression and elimination of trade unions, but a particular stratum of *trade unionists*. If the 'militant leaderships' could be detached through secret ballots, the true, ie, moderate, face of trade unionism would be revealed, and needless conflicts, instigated by such militants, would wither away. Against the proponents of class war who see the inevitability of conflict so long as workers are organised, are ranged the Utopians, who, in the final analysis, believe in the curative properties of a purge of the militants.

This division, finally, intersects with a division *within* the ruling class itself, between the *realpolitik* of many employers who actually deal with trade unions, and the strategic political project of those who want radically to transform, or eliminate, unions altogether.

The employers are certainly a force to be reckoned with. They delayed the implementation of some of the closed shop provisions in Tebbit's 1982 Act for two years, and many will quietly ignore them even now (if they can). They came down hard against strike ballots when the idea was floated by Prior two years ago, and will do so again. Last but

not least, evidence on the growth of productivity and productivity bargains during the recession, suggests that in quite a number of firms employers are no longer finding union power to be a major problem.³ Their appetite for further restrictions on union power may temporarily have subsided.

Conclusions

Analysing the political significance of Tebbit's Green Paper (or of previous legislation) is a hazardous business. The change of emphasis towards the internal organisation of the trade union and labour movement in no way implies that the drive to roll back trade union power (or even to eliminate trade unionism itself) has abated. After all, one result of the 'Bill of union members' rights in the United States has been a growing number of ballots in which union members have voted to remove (or de-certify) their unions from their workplace. In other words, the long term objective of the Tories in this area remains unclear: elimination of trade unions, or transformation along Thatcherite lines. What *is* clear is the nature of the response. As several recent articles in the *Morning Star* (February) have argued, it is no longer sufficient (if it ever was) to organise a response to the Green Paper along the axis of unions versus the state. This is only *one* dimension (and possibly the less important) within Tebbit's strategy. For Tebbit's current aim is nothing less than to capture trade unions and reshape them organisationally and ideologically as part of a Thatcherite restructuring of the economy and society. It is the *nature* of trade unionism that has been placed on the political agenda, and it would be fatal to assume the loyalty of trade unionists to the existing forms and values of British trade unionism. That loyalty will have to be won: members will have to be convinced that their unions *do* represent their interests and views, not only within, but beyond the workplace. Tebbit may, quite unwittingly, have provided the Left with a metaphorical kick in the pants and stimulated a much needed overhaul of trade union organisation.

¹ S Hall 'Popular-democratic vs authoritarian populism: two ways of "taking democracy seriously"' in A Hunt (ed) *Marxism and Democracy*, Lawrence and Wishart. See also S Hall 'The Great Moving Right Show', *Marxism Today*, Jan 1979.

² G Hodgson *Labour at the Crossroads*, Martin Robertson 1980

³ See various studies (Numbers 186, 189, 203, 245) published by Incomes Data Services, and reports from the National Economic Development Council eg, Electrical Engineering EDC Change for the Better November 1980.