

MSH
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Government White Paper
"In Place Of
Strife"

OUT

North West Shop Stewards Action Committee

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The purpose of this pamphlet is to make as many workers as possible aware of the full implications of the proposed legislation contained in the Government White Paper, "In Place of Strife".

Much has been stated in the National Press in favour of the Legislation, and the impression has been given that many of the laws are good, and beneficial to workers on the whole.

We completely dispute this claim and we therefore decided that we would publish this pamphlet with all the relevant penal clauses from the White Paper, with our notes below each. We make no apology for being biased, and for having taken only the penal clauses out of the White Paper. We think these are the most important and of the most interest to workers.

We believe that the White Paper has one real intention—and that is, to destroy grass roots democracy and power, based on the shop floor. Again and again, throughout the White Paper, the penal clauses are directed against Shop Floor democracy, for the limiting of Shop Stewards' power, is in fact, a limiting of Workers' power. This, we believe, could have far-reaching political effects of the most dangerous kind in the future, if the White Paper is allowed to be passed in Parliament. The political effects have been more than amply made clear by the many political organisations of the Labour Movement in their publications. This we do not pretend to do, so we have limited the pamphlet to the actual reprinting of the penal clauses.

We hope that those who read the pamphlet will more fully understand the need to fight the Government White Paper at every opportunity, to ensure that it *never* gets into the Statute Books.

'A POLICY FOR INDUSTRIAL RELATIONS'

Paragraph 2 of the White Paper states . . .

"Our present system of Industrial Relations has failed to prevent injustice, disruption of work and inefficient use of manpower. It perpetuates the existence of groups of employees who, as a result of the weakness of their bargaining position, fall behind in the struggle to obtain their full share of the benefits of an Advanced Industrial Economy".

We Say

The Government talks of injustices and inequalities in the wage structure, as though the intention behind the White Paper is to correct these problems. We say this is a sop and an old story, anyway.

When the Wage Freeze and the Prices and Incomes Board were introduced, the same reasons were given, and everyone knows what happened to those very Workers whom the Government said they were so concerned about. For example, the Nurses, Health Workers, Local Government Workers, Seamen, Railwaymen, Farm Workers and the many other sections of Workers who were not in the best bargaining position were hammered by the Government!

The Government, by using this line of argument, are attempting to cover up their real intentions, which we believe are to depress wages throughout. If the Government are really concerned for these large sections of Workers, why have they ignored the repeated demands from the T.U.C. for minimum wage legislation?

'THE ROLE OF GOVERNMENT IN INDUSTRIAL RELATIONS'

Paragraph 9 of the White Paper states . . .

"While often voicing the doctrine of non-intervention, Management and Unions have entered into a positive and mutually beneficial partnership with the State to secure common objectives. Indeed, in their evidence to the Royal Commission on Trade Unions and Employers Associations, and in their representations to Government bodies representing both Employers and Trade Unionists, have urged further intervention and involvement—at least where they see it as advantageous to them. Demands have been made by Employers for new laws to discourage strikes, and by Unions for minimum wage legislation and Government action to force Employers to recognise Trade Unions".

We Say

It is significant in this passage, that the White Paper attempts to gloss over State Intervention as 'nothing new' and to be beneficial to both sides of Industry. It mentions in particular that on the one hand, Employers have requested laws to discourage

strikes, while the Unions have asked for minimum wage legislation. We can only conclude from this, that the White Paper represents the demands from the Employers for laws against strikes.

'THE PRESENT STATE OF INDUSTRIAL RELATIONS'

Paragraph 15 of the White Paper states . . .

"The typical British strike is unofficial and in breach of agreed procedure".

We Say

There is no great difference between an official and an unofficial strike. The reasons for so-called unofficial strikes are not unrelated to the deliberate setting-up of procedures which almost imprison the Official Trade Union Movement. Many of these procedures were drawn up in the late 1920's when the Trade Union movement was on its back. Some officials are willing prisoners to these procedures, while others recognise the prison that they are in. If the Government believe that they can eliminate unofficial strikes, (which are often cited as 90% of all strikes), by legislation with Penal Clauses, they are ignoring the facts of Industrial Relations.

The truth is that on one hand, Workers are hamstrung by the Union Rule Books which generally impede the quick solution to issues, (long procedures are included in all Union Rule Books), and on the other hand, by Employers and Union Joint National Agreements, which are meant to impede quick solutions to issues arising on the shop floor.

'THE REFORM OF COLLECTIVE BARGAINING'

Paragraph 20 of the White Paper states . . .

"In practice, an increasing amount of bargaining and an increasing proportion of the wage packet are settled outside the 'formal system', by informal understandings and arrangements between Shop Stewards and Management".

We Say

This is, of course, the complaint of all Employers. They would like all workers to be paid under the so-called 'formal system'. If workers were confined to the Flat Rate agreed at National Level, the wage bill of the Employers would be greatly reduced, and so would millions of workers' Living Standards.

Paragraph 24 of the White Paper states . . .

"In most of the public sector, including National and Local Government Service and the Nationalised Industries, and in a few Industries in the private sector (e.g. Electrical Contracting), effective industry wide collective bargaining still exists. There, actual wages and conditions continue to be settled by the National Officials, who bargain on both sides. There is no equivalent of the

disordered pay structures, or the chaotic and inflationary shop floor pressure, that are so pronounced a feature of some of our Major Industries''.

We Say

It is significant that the Government in the White Paper commend the agreements existing in the Public Sector. They would wish for similar agreements to apply to all workers.

Let's look at some of these agreements and see how beneficial they are to the workers who have to work under them. There is no worker who would claim that National Health Workers, Nurses, etc., are adequately paid, or that Council Workers, Maintenance Workers under the Whitley Council Agreement, are well rewarded for their labour. Some of the lowest wages in the country are, in fact, paid under these agreements. The Miners' reward for greater productivity was that their numbers were reduced by half. As for the Electrical Contracting Industry, what worker could agree with the J.I.B. who have the powers to impose fines of up to £100 and include rules to debar workers from the Industry?

How could any worker agree to his elected Shop Steward not being allowed to attend a Joint Shop Stewards Meeting? Is this the kind of agreement Workers want? We say NO ! ! !

Paragraph 32 of the White Paper states . . .

"The numbers and constituencies of Shop Stewards should be covered in agreements, including facilities for them to consult their members, with suitable arrangements for Shop Stewards to have Day Release with pay during training, and to be paid for work done as Shop Steward in working hours".

We Say

Training for what? Do they want Shop Stewards to be elected in a similar way to Full Time Officials, in for X number of years, thus becoming immune from the pressures of workers on the shop floor?

Paragraph 34 of the White Paper states . . .

"The relationship between the Department of Economic Planning and the Commission for Industrial Relations will be close and continuous. The C.I.R. will, however, be a completely independent body and will be free to form its own views. It will work on references by, and report to, the Secretary of State".

We Say

At £11,500 per year, will Bro. George Woodcock, Chairman of the new C.I.R., be independent of Government or Employers influence?

We feel quite sure that Mr. Blakeman, the man instrumental in firing the first shots for the White Paper, with his Penal Clauses in the recent so-called Ford's Agreement, will not be an inde-

pendant and unbiased member of the Commission for Industrial Relations.

'COLLECTIVE AGREEMENTS AND THE LAW'

Paragraph 46 of the White Paper states . . .

" . . . proposed in the Industrial Relations Bill, the modification of Section 4 (A) of the Trades Union Act of 1871, so that agreements between Trade Unions and Employers Associations will be put in the same position as those between Trade Unions and Individual Employers".

We Say

This act will give the Employers the right to take Unions and Individuals to court for breach of agreements. (The Injunction against the Unions in the recent Ford's Strike would have gone through and debarred the Full Time Officials from giving the Ford Worker any assistance).

It would also appear that the action of an Employer in a case of breach of contract, would be separate and would still leave a worker liable to the Penal Clauses in the Industrial Courts. So that in fact, a worker could be fined both in the Civil Courts for breach of contract, and in the Industrial Courts for contravening laws stated in the White Paper.

'APPOINTMENT OF WORKERS REPRESENTATIVES TO BOARDS'

Paragraph 49 of the White Paper states . . .

"There are other forms of participation, for example through the appointment of workers' representatives to the boards of undertakings".

We Say

This can only be a position for 'stooges' of management! What influence could a Workers' Representative have on a Board of Directors, whose function is to make as much profit as possible from those same workers?

'RECOGNITION OF TRADE UNIONS BY EMPLOYERS'

Paragraph 60 of the White Paper states . . .

"If, despite these efforts, a dispute is threatened, the Government will ask the T.U.C. to try to resolve the conflict between the Unions. If, however, the T.U.C. cannot persuade the parties within a reasonable time to accept a settlement, the Secretary of State will refer the dispute to the Commission of Industrial Relations. In some cases the C.I.R. may only be able to produce a durable solution by recommending the exclusion of one or more Unions from recognition. In such a situation the Government will look to all the parties involved to accept the recommendations of

the C.I.R. If they do not, the Industrial Relations Bill will propose a power for the Secretary of State where necessary to give effect BY ORDER to the C.I.R.'s recommendations. The Employer would then be liable to a financial penalty if he refused to recognise the Union or Unions which the C.I.R. recommended. A Union which used coercive action to obstruct the implementation of the C.I.R.'s recommendations would also be liable to a Financial Penalty".

We Say

It isn't hard to visualise the situation here for manipulation by the all-powerful C.I.R. and the Secretary of State. Progressive Unions in one Industry could have their control removed by the enforced recognition of 'Bent Unions'. Financial penalties for non-compliance to the directives of the C.I.R. are again a threat to the rights of freedom-to-organise Trade Unions.

In the final analysis, whilst the White Paper throughout stresses that it is not opposed to unions freely organising, and would support the right to do so, it then imposes through this clause, the Government's right to say which Union does the organising.

'THE INDUSTRIAL BOARD'

Paragraph 62 of the White Paper states . . .

"The Board will sit in panels, the members of which will be drawn from the Employee's Panel and the Employer's Panel of the Industrial Court, under the Chairmanship of the President or one of the independent legal members of that Court. The precise composition of the panel will depend on the nature of the case. The Board will have power to impose Financial Penalties on an Employer, Union or Individual Striker as it found appropriate; these penalties would be recoverable in England and Wales only in the appropriate County Court by attachment of earnings and other Civil Remedies for the collection of debts. There will be no liability to imprisonment in default of payment".

We Say

This is one of the most vicious clauses in the White Paper! This puts workers back years to the Days of Depression, Poverty and the Means Test . . . Days when workers had to suffer the indignity of being evicted from their homes and having their belongings taken from them for debts incurred. These are the implications of the Attachment of Earnings with Civil Remedies clause. If a worker contravenes any of the many clauses included in the White Paper, fines may be imposed in the Industrial Court. These fines will be deducted from his wage packet *before* he receives his wages. The only way a worker can refuse to pay the fine would be to refuse to work. Civil Remedies could then be applied so this could mean the removal of goods from his home to the value of the fine. The White Paper says "*there will be no*

liability for imprisonment", giving the impression that this is a concession. Most workers readily understand the reasons for this. The Government would not dare to imprison one worker for these so-called crimes. Neither is it a concession, when one considers that this could involve years of deductions from an already low wage.

'A CONCILIATION PAUSE'

Paragraphs 93, 94 of the White Paper states . . .

"The method proposed would be to give the Secretary of State a discretionary reserve power to secure a 'Conciliation Pause' in unconstitutional strikes", and . . .

"If despite these steps, the strike went ahead, the Secretary of State would, after warning the two sides, be able to issue an order, requiring those involved to return to work and to desist from any industrial action for a period of 28 days, and at the same time requiring the Employer to observe specified conditions or terms during the pause, the conditions being those normally being those that existed before the dispute. If either side failed to comply with this order the Industrial Board at its discretion could impose Financial Penalties".

We Say

Workers involved in the Constructional Engineering and Building Industries will immediately see the dangers inherent in this so-called 28 days conciliation clause. With such a respite, an Employer can create a whole change to the issues at stake. Conspired redundancies and physical changes in the construction could eliminate the original issue at stake. This, we are sure, can be related to all other industries.

'STRIKE BALLOTS'

Paragraph 97 of the White Paper states . . .

"The results of strike ballots under American Legislation illustrate one reason for rejecting the suggestion that ballots should be obligatory before official strikes. In major disputes the members are very often more militant than their leaders, and are likely to be less closely in touch. If the Union Leaders were always obliged to hold a ballot when using the strike threat in negotiations, they might well find their hands tied by a vote to strike in support of a claim intended merely as a bargaining point in negotiations".

We Say

This is an open admission on the part of the White Paper, that in fact they do not believe in the ballot except where it may serve to be useful at any particular time to them. If the Government made it obligatory that in all official strikes there should be a ballot, it would be necessary to include in all Rule Books a form of procedure in which this could be called for. It could even

mean some measure of control of Executives by the members in the making and finalising of agreements. This they do not want! It says 'in major disputes union members are very often more militant than their leaders'. This is true, but it also proves that the Government is not really concerned about ballots, but with the manipulation of them. The possibility of the call from members for a ballot to return to work only when *all* demands are met, could not be ruled out. They don't want that either! Double standards prevail throughout this clause.

Paragraph 98 of the White Paper states . . .

"It is, however, a matter for concern that at present it is possible for a major official strike to be called when the support of those involved may be in doubt . . .

Where an official strike is threatened, the Secretary of State will discuss with the Unions concerned, the desirability of holding a strike ballot and will seek to persuade them to consult their members unless there are valid reasons why they should not. Where no agreement is reached, the Industrial Relations Bill, will give the Secretary of State discretionary power to require the Unions or Union involved, to hold a ballot on the question of strike action . . .

Apart from giving approval to the form of the question to be put on the ballot paper, the Secretary of State will not intervene in the conduct of the ballot".

We Say

So the Secretary of State will have the power to impose a ballot if he or the C.I.R. sees advantages from their point of view when dealing with official strikes? This will not be a compulsory ballot in all official strikes for the reasons already stated in the previous clause. If, after discussions with the Executive Officers of the union concerned, the Government thought the workers would be in favour of a strike, they would make their decision accordingly.

Also, as the Secretary of State will have the power to vet what goes on the ballot sheet, this is blatant interference in Union Affairs and obviously desires to influence the vote. Even in the rare cases where unions would call an official strike, they would be unable to state the reasons in a democratic way. To call this, a ballot, is nonsense ! ! !

Paragraph 100 of the White Paper states . . .

"It will of course be open to the Secretary of State to require a ballot before an official or a conciliation pause in an unconstitutional, sympathetic strike".

We Say

The inclusion of this piece of legislation is most important to all Trade Unionists. How often are workers involved in sym-

pathetic strikes or action in support of other workers? This could apply to those many jobs where there are a number of unions involved in a dispute. For example . . . If one member of one Union were to be victimised, a call-for-support from the other Unions would be considered to be sympathetic action and *against the law*, until all the procedures of the White Paper had been followed. In this way, Employers could easily isolate the issue to one Union, and so reduce the effectiveness of the unity between Unions on that particular job.

'SAFEGUARDS AGAINST UNFAIR DISMISSAL'

Paragraph 103 of the White Paper states . . .

"Although the individual employee is protected in many ways by Legislation or collective agreements, he has no effective safeguard against arbitrary or unfair dismissal. The Government intends to end this anomaly".

Paragraph 104 of the White Paper states . . .

"The Industrial Relations Bill will make it clear that dismissal is justified only if there is a valid reason for it to be connected with the capacity or conduct of the employee, or based on the operational requirements of the job".

We Say

How does the Government propose to end this anomaly? By saying that dismissal can only take place for a *valid* reason! (For examples, the capacity, the conduct of the worker, or the requirements of labour in each place of work!)

We can cite cases of men who have worked 20 years at a job and have been dismissed for lack of capacity, unsuitability, etc. Some workers would lack capacity from an Employer's point of view simply because of their age. But from the White Paper, it appears that this would be a *valid* reason!

Misconduct is the Employers best friend if he wishes to dismiss a worker, but this is also considered to be a *valid* reason for summary dismissal. Workers know only too well how easy it is for an Employer to prove that his rules have been broken!

Finally, and worst of all, the Employer may dismiss a worker if he is Surplus to Requirements. This is the most commonly used means to get rid of men. You can drive a horse and cart through this Legislation against unfair dismissal!

'JURISDICTION OF INDUSTRIAL TRIBUNALS'

Paragraph 106 of the White Paper states . . .

"The Industrial Tribunals have proved their worth as quick and satisfactory machinery for hearing cases under several statutes affecting Industry . . .

The Royal Commission recommended that the jurisdiction of

the Industrial Tribunals should be extended to cover legal disputes arising from individual contracts of employment and claims between Employers and Employees”.

We Say

Here they are giving teeth to the Industrial Tribunals by giving them legal status! It states that previously, Industrial Tribunals have proved to be quick, fair and satisfactory in dealing with disputes between Employer and Employee. Many Shop Stewards and workers who have had any experience with these Tribunals, will tell you that the reverse has been true. The Reinstatements of Shop Stewards, among the most common cases to come before these Tribunals, are rarely successful. In most cases, the Tribunals come down clearly on the side of the Employers. On the occasions when the Tribunal has supported the Shop Stewards Reinstatement, the Employer has still, on some occasions, refused to accept the decision ! !

‘TRADE UNION RULES AND REGISTRATION’

Paragraph 109 of the White Paper states . . .

“Unions will be required to have rules governing certain matters, (e.g. Admission, Discipline, Disputes between the Union and its Members, Elections, Strike Ballots and the Appointment of Shop Stewards and his Functions), and to register refusal will lay a Trade Union open to fines by the Industrial Board”.

We Say

That taking the White Paper as a whole, its intentions are quite clear, and the requirement that the Unions have their Rule Books examined can only be for one purpose, and that must be to ensure that the rules comply with the framework of the White Paper. One can only guess at the inclusion of *‘the appointment and functions of Shop Stewards’*. Our guess would be, the limiting of his functions. Perhaps the inclusion of Discipline of Members would be a third way in which workers could be penalised and fined through their own Rule Book.

‘COMPLAINTS AGAINST TRADE UNION’

Paragraph 115 and 116 of the White Paper state . . .

“Complaints against Trade Unions by individuals who have no access to, or have exhausted, the Unions’ own appeals procedure, will be considered in the first instance by the Registrar. In cases heard by the Board, if complaints are found to be justified the Board will have the power to award damages, or reinstatement in a Union”.

We Say

This clause is intended to protect those Trade Unionists who would break strikes, and in so doing be liable to discipline from their Trade Union. They would then be able to appeal to the Industrial Court to defend their actions.

In no way is it intended to protect militants and activists who come into conflict within their unions.

Paragraphs 117 and 118 of the White Paper state . . .

"It has proposed above in Paragraph 115, 116, measures to protect the Trade Union members; it is also necessary to consider those who have conscientious grounds, for not joining a Union and who are dismissed from employment in consequence. Before agreeing to a closed shop, Employers should seek to obtain protection on conscientious grounds".

We Say

This hardly needs commenting on by any Trade Unionist. It is a protection for scabs.

The White Paper is saying that it will defend the right of Trade Unions to organise, but not to impose the 'closed shop'.

Conscientious grounds could be used by many workers to enable them to secure Trade Union rates of pay without the responsibility of Trade Union membership.

The White Paper with this clause is inviting mass exodus from the Trade Unions with legal protection to do so.

In conclusion, we are sure that the overall dangers of the proposed legislation will be apparent to all those workers who read this pamphlet.

It doesn't take much imagination to foresee the manner in which a future Tory Government would use the penal clauses, in support of the employers' organisations, big business and the Central Bankers.

Analogies could be drawn to several countries with similar restrictions against workers. For instance in fascist Spain, the unions are an extension of Government, and Union Officials nothing but the tools of the Government. Workers are imprisoned for striking and their conditions are among the worst in Europe.

The Government's proposals involving Trade Unions in the Industrial Courts, Industrial Tribunals, National Economic Development Council and the Prices and Incomes Board, all with new legal powers, all have the effect of enmeshing the Trade Unions in the running of the state for the benefit of capital. This could lead very quickly to the Corporate State as existing in Spain today.

The role of Trade Unions must be to represent workers interests independent of Government interference. We reject completely the White Paper 'In Place of Strife'.