

UK: The anti-union laws and the trade union bureaucracy

By Robert Stevens
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During the ongoing rail workers dispute against the introduction of Driver Only Operated trains (DOO) and in other recent disputes, a regular comment from strikers has been that their struggles are hampered by Britain's draconian anti-union and anti-strike laws.

Workers have told WSWs reporters that they would support "all out" strikes of drivers and conductors across the many private franchises that operate Britain's rail network, but then raise that this would be "difficult" and "illegal."

The extent of anti-strike legislation in the UK is significant. It indicates the degree to which the democratic rights of the working class have been abridged in favour of capital. The Trade Union Act 2016 became law last month—enacted by a Parliament that recently initiated debates aimed at making strikes illegal in key sectors, including transport.

It builds on the Conservative government of Margaret Thatcher that enacted the Employment Act of 1980. Under this law the definition of lawful picketing was restricted to an employee's own place of work. The right to take secondary action (to strike in support of other workers) was restricted. The Employment Act of 1982 imposed further restrictions. With the 1990 Employment Act, all secondary action was made illegal.

But the reality is that this legislation has rarely been legally enforced because the ruling elite have relied on the Labour and trade union bureaucracy to impose their dictates.

Way back in April 1982, the Trades Union Congress Special Conference voted to oppose the 1982 Act. In the 35 years since, no industrial action has ever been called in defiance of the laws. In fact, the unions, with the exception of only a few legal challenges, have effectively policed the anti-union legislation.

In 2002 Unison appealed to the European Court of Human Rights (ECHR) that its right to strike had been subject to unjustified restriction contrary to Article 11 of the European Convention on freedom of assembly.

Significantly, the ECHR threw this out on the grounds that, "While Article 11 includes trade union freedom as a

specific aspect of freedom of association, it does not secure any particular treatment of trade union members by the State. There is no express inclusion of a right to strike or an obligation on employers to engage in collective bargaining."

In 2014, the Rail, Maritime and Transport Workers (RMT) union brought another case before the ECHR. The RMT argued that under UK law, the statutory requirements for a valid strike ballot notice were too strict and imposed an unjustifiable burden on a union seeking to organise industrial action. Those requirements and the ban on secondary strike action were a breach of Article 11, the union claimed.

The RMT's case was also rejected by the ECHR.

The most devastating indictment of the trade union bureaucracy's adherence to the anti-union laws—its collaboration with the Blair Labour government—was during and in the aftermath of the 2005 Gate Gourmet workers dispute. Gate Gourmet sacked 670 of its mainly female catering workforce after they walked out in protest when the firm brought in 120 temporary staff as "cover." This was while the firm was in the process of rolling out a restructuring plan aimed at firing hundreds of full-time staff. The 670 were fired after Gate Gourmet gave them an ultimatum—return to work or be sacked.

In response, 1,000 British Airways ground services staff, who, like the caterers were members of the Transport and General Workers Union (TGWU), began a 24-hour unofficial strike. This led to mass cancellations of flights and the paralysis of Heathrow Airport. The TGWU—a predecessor of the Unite union—opposed the strike and instructed its members to abide by the anti-union laws, thus isolating the striking catering workers and leaving them powerless against their employer.

A few months later the TGWU agreed to a dirty deal with management on a voluntary and compulsory redundancy scheme at Gate Gourmet to cut 675 jobs from the 2,400 strong workforce. Among these were 137 of the dismissed workers, who suffered compulsory redundancy.

Just days before, at the Trades Union Congress annual

gathering, delegates had passed an RMT motion calling for the Labour government to enact a trade union freedom bill, endorsing “lawful supportive action,” protection for workers starting from their first day at work and a cut in the notice required to hold a strike ballot.

Chancellor Gordon Brown—the second in command to then Labour Prime Minister Tony Blair—responded to this with a speech in which he confirmed, in line with government policy, that no such changes to the law would be forthcoming. Brown was even more explicit when he told Sky News—owned by arch strike breaker Rupert Murdoch—“There will be no return to the old failed conflicts of the past, or the disorder or the secondary action of the past.”

Finally, Blair himself told the union heads at the TUC’s conference dinner that evening, “It would be dishonest to tell you any Labour government is going to legislate a return to secondary action. It won’t happen.”

The 1997-2010 pro-business Labour government defended and upheld every part of decades of anti-strike legislation, with the unions refusing to oppose them.

The experiences that workers have passed through in the decades since 1979 demonstrate that the unions can no longer be described as working class organisations. They function as an arm of management in enforcing their diktats. In fact, it would be more correct to describe the legislation restricting strikes not as anti-union laws, but as “pro-trade union bureaucracy laws.”

The failure of the nationally based unions to defend the working class is evident on an international scale. The evolution of the unions into entities which serve the capitalist class at the expense of workers is not the product of this or that rotten trade union leader.

Rather, the evolution of the trade unions has objective causes and arises out of fundamental features of this form of organisation.

In his lecture “Marxism and the Trade Unions,” the chairman of the *World Socialist Web Site* international editorial board, David North, stated: “Standing on the basis of capitalist production relations, the trade unions are, by their very nature, compelled to adopt an essentially hostile attitude toward the class struggle. Directing their efforts toward securing agreements with employers that fix the price of labour power and determine the general conditions in which surplus value will be pumped out of the workers, the trade unions are obliged to guarantee that their members supply their labour power in accordance with the terms of the negotiated contracts. As Gramsci notes, ‘The union represents legality, and must aim to make its members respect that legality.’

“The defence of legality means the suppression of the

class struggle, which, in the very nature of things, means that the trade unions ultimately undermine their ability to achieve even the limited aims to which they are officially dedicated. Herein lies the contradiction upon which trade unionism flounders.” [David North, *The Russian Revolution and the Unfinished 20 th Century*, Mehring Books, pp 138-39]

In the rail workers strike, the drivers union ASLEF and the RMT have done everything to ensure that drivers and conductors—who work the same trains—are isolated from one another. In stark contrast, ASLEF drivers at Southern Govia Thameslink Railway have twice, in February and this month, thrown out a sell-out deal the union agreed with management. Most significant was the refusal on March 13—and again in a 24-hour strike this month—by those ASLEF drivers to cross picket lines of RMT conductors at Merseyrail.

Such a rebellion points the way forward for the working class in the struggles they confront. The most essential tasks facing rail workers and all others who are opposing the devastating onslaught against their jobs, terms and conditions is the development of new rank and file fighting organisations, independent of the trade unions.

In imposing DOO, train companies are implementing Conservative government policy aimed at sacking thousands of workers and increasing productivity. In this and every other struggle, workers are thrust into a conflict with all the political institutions of the capitalist state. To carry out this struggle, workers need independent organisations, but to lead it they require a political party. That party is the Socialist Equality Party.

The author also recommends:

The decline and decay of Britain’s trade unions
[20 September 2005] *The Russian Revolution and the Unfinished Twentieth Century*

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