



THE EMPLOYMENT BILL

A Big Flame Supplement

5p



Photo: Andrew Ward (Report) (10)

GRUNWICKS. By 1977 it was clear that trade unions could not do enough to make the heroic struggle of these Asian women for union recognition successful. When Cricklewood postal workers decided to stop handling Grunwicks mail-order films, a High Court injunction ordered them to handle

them. Tom Jackson (UPW leader) then ordered the postal workers to comply and heavily disciplined local branch officials who wanted to carry on supporting pickets. Without such support, these pickets could not beat well-organised strike breakers and the local police.

"I assert very clearly that everyone has the right to work and everyone has the right to cross a picket line." Callaghan, as Prime Minister, on 23.1.79.

Concordat paved way for union-bashing Bill

On February 14th 1979, the TUC and Labour Cabinet cobbled together the "Concordat". The key sections of the Employment Bill on picketing and secret ballots are based on the "Concordat".

This last attempt to keep Labour in office came as groups like hospital workers and school cleaners stopped work. After four years of the "Social Contract" which had seen real wages drop by 6.4% from 1975 to 1978, unemployment almost trebled, over 30,000 hospital beds closed and prices doubled, a wages "revolt" broke out — led by the very low-paid workers the "Social Contract" was supposed to benefit.

PRESS HYSTERIA

Press hysteria broke out about "union power" and "secondary pickets". The TUC panicked. It produced the "Concordat" to bring some "common sense" to strike action. It proposed:

- ▶ Energetic steps to end unofficial strikes
- ▶ Strike action of any sort to be avoided if at all possible
- ▶ Secret ballots to be held before strike action occurs (section 5)
- ▶ Public sector workers could give up the right to strike in return for guarantees on wages and conditions (section 32)
- ▶ Unions should be more "flexible" about the "closed shop" (section 12)
- ▶ Massive restrictions on picketing including:

1. Pickets to be confined to their own workplace, customers and supplier.
2. Request to stop at picket lines to be done via union officials only.
3. If places other than your own employers are to be picketed, this should only be done via officials and after consulting other unions likely to be affected.
4. Armbands to be worn to identify pickets whose numbers "should be

no more than necessary".

5. Experienced officials should be in charge of picket lines.
6. If union members on official's instructions cross picket lines, no sanction should be applied to them.
7. Demonstrations or mass pickets should not have as their aim "blockading the workplace."

Not one "left wing" member of the TUC General Council or the Labour Cabinet voted against the Concordat — whose aim was clearly to extend official control over the membership.

NO REPEAL

It is no wonder that Eric Varley MP, Labour's official spokesman on Prior's Bill says that a future Labour Government "would not repeal" all of Prior's proposals. As for Len Murray of the TUC, after Grunwicks, Derek Robinson, Corby, Charing Cross Hospital and other major defeats, he writes:

"these proposals would turn industrial relations into a battleground."
What does he think they are now? The TUC will confine their protests to trying "persuasion" to which end a Sunday afternoon march and a "day of action" will be organised. What they will not do — is defy the law.

THE EMPLOYMENT BILL will affect every single trade unionist. It will also affect all others — whether you be hospital patient, parent, unemployed worker, pensioner, student who supports and "trade dispute". This supplement looks at what the Bill says and some of its effects. We also point out the way in which employers are producing their own "Guidelines" to cash in on anti-union feeling.

REAL TORY AIMS

"There is nothing that concentrates the mind like a bit of poverty" (leading Tory on the spending cuts)

The last few months have not been happy ones for trade unionists. Massive redundancies in British Steel, the victimisation of Derek Robinson, hospitals closing almost every week, all Oxfordshire nursery schools to shut — the list of defeats is endless.

Shrewsbury building workers — were jailed under criminal offences for picketing and were not released.

MONETARISM

Prior's Bill is intended to deal with the battles to come as the Government's economic policies dig deeper and deeper.

The backbone of the Government's attacks on us is monetarism — the policy of controlling money supply, interest rates and "cash limits" on Government spending which means that:

- If you don't accept wage cuts your job may be threatened.
- If you don't accept speed up and some sackings, the entire workplace may close (and your redundancy pay cut).
- public sector jobs, wages and services will be slashed.

The Tories are planning for a worsened crisis in 1980. In a year's time, unemployment will be over two millions. The aim is to sap our will to fight.

Prior's Bill is intended to deal with future battles. In doing so, Prior has learned from previous attempts at union controls.

NO REPEAT

Heath's 1971 Act was eventually put on ice, in 1972, after five dockers jailed under it were released by a mass unofficial strike wave. This Bill is different. There are no special judges, or courts, no cooling off periods, no Registrar. There is no central focus and all offences are part of ordinary civil and criminal law. Prior knows that although the dockers were released from Pentonville Jail, other workers — especially the

AGAINST UNREST

Prior's Bill is only part of the Government's plans for dealing with any unrest caused by their economic policies. Amongst others are:

- Guidelines to Government Departments on smashing trade unionism within the public sector (see inside).
- Plans to deduct £10 from social security payments to strikers families.
- The use of the army in industrial disputes. As Ian Gilmour, Tory defence spokesman, said: "Instead of being treated worse than other people, the Armed Forces should have been treated better. They have a unique strategic importance... They are used to keep the community services running when other workers go on strike."
- More use of laws such as the 1971 Immigration Act (and more recent additions) and the Prevention of Terrorism Act (4,000 arrests, but only 12 convictions) to harass black and Irish trade unionists.

ATTACK 'N DEFY

The Tories talk of "restoring the balance of industrial relations". The real aim is twofold:

- to restore "management's right to manage" and gain the control over workers leading to speed up, unfettered introduction of new technology etc.
- push down wages — to restore high profits.

To defeat these policies we must be prepared to attack the Bill and defy when it becomes law.



PENTONVILLE JAIL 1972. Five London dockers jailed for "secondary picketing" released by a mass strike movement. So massive were the

threatened a one day General Strike. Prior hopes his Bill will avoid head on confrontation like this one by creating no special courts and

SECRET BALLOTS

THE TORIES say they want to make unions 'more democratic'. We also think the unions should be more democratic. We are against a set-up where many union officials are never elected, where officials are elected for life, where secret deals are agreed over the heads of the members, where the members in many unions have little control over the running of their own union, or even their own meetings.

But Prior's aim is not to end any of this. After all, the Tories don't offer us secret ballots on whether we want our local hospital closed or £20,000 millions wasted on nuclear power stations.

COLLECTIVE STRENGTH

His aim is to use secret ballots to control the rank and file membership of trade unions. We are against secret postal ballots because:

the essence of trade unionism is collective discussion and action. At mass meetings we can hear both points of view, be aware of our strength of numbers and feelings, at home on our own, we are isolated and the media greatly influence who we vote for. Anyway, why

shouldn't our workmates know how everyone voted? secret ballots can greatly weaken our strength if an immediate vote is needed - as when someone is suspended or sacked, where health and safety are involved, or over a bonus. Very often the threat of immediate action is enough - and no actual strike is needed.

Ballots are not as accurate as is claimed. In the recent Leyland postal ballots, an AUEW(TASS) survey showed that of 1130 members 14% had not received a ballot paper, 11% had received two papers and 1% more than two papers. This is in addition to ex-Leyland workers who got a vote."

UNFAIR DISMISSAL

THE UNFAIR dismissal procedures introduced by the last Labour government have done much to defuse conflicts over sackings. But a lot of workers have found that you can't get justice from the law - what it does is to undermine the solidarity of workmates, which is the only effective way to get justice (see box).

SACKING MADE EASIER

Government figures show that of all the cases brought (over 30,000 a year) only one in a hundred results in the worker getting her job back. The employer wins three-quarters of tribunal cases - yet the Tory proposals make it even easier for them to win by saying it is no longer up to them to prove the sacking was "unfair". Tribunals

see the issues from a management point of view. the worker is an economic asset belonging to capital, not a human being, who can miss a bus, or oversleep, or swear at a foreman.

LESS COMPENSATION

Even where the worker does win, the compensation is paltry - a few weeks' wages. (Half the payments are under £400, ¼ are under £750; the high payments are usually for sacked senior managers). Yet this is to be cut even further.

Already, last October, Prior increased from 6 to 12 months the minimum period you have to have been working for a firm before you can complain about being sacked. Now he also wants to allow small firms to have incompetent industrial relations.

MILITANTS VICTIMISED

The new proposals make it easier for management to victimise militants. The Tories expect that in a period of high unemployment, workplace solidarity will be low. It is only by building up support for the basic principles of trade unionism that we will prove them wrong.

TRIBUNALS NO ANSWER

"I was sacked for trade union activities after 25 years service. The membership stopped work but the convenors put it around that such action might jeopardise my chances at an Industrial Tribunal unfair dismissal case.

"So the members resumed work but I later lost my case for unfair dismissal even though Leyland withdrew the charges against me. But by then it was too late (7 months later) to fight for my job back.

"Later, Jim Mortimer, ACAS Chairman, told me he didn't know of a single case where a victimised shop steward had got his job back through a Tribunal."
Victimised British Leyland shop steward.

CLOSED SHOPS

THE PROPOSALS in the Employment Bill on the closed shop and union membership are a very direct attack on workers' ability to organise collectively. With the usual waffle of 'freedom of the individual' and human rights'. The proposals threaten the right of unions to refuse to work with non-members, but they do not question the fact that employers operate a blacklist and can victimise those militants they want to get out of the way.

Other results of the Bill's proposals include:

- * Making strike-breaking easier by allowing individuals to opt out of union membership.
- * We would be liable to court action if we refuse to handle the work of non-union firms. Nor will unions be able to refuse admission to past scabs.
- * In order for a new closed shop to be declared valid, it will have to be supported by 80% of those entitled to vote. Of course, no mention is made of the fact that governments are always elected by a minority - the Tories in the last election got 40% of a 75% turn-out (little more than 30% of those entitled to vote.)
- No Governments could even have been elected, if the 80% rule was applicable to general elections
- * A Code of Practice for closed shops that is likely to contain detailed advice on the role of shop-stewards, procedure agreements, and status quo clauses . . . an open cheque for making union organising more and more difficult.

for opting out are phased in, in a broad conscience clause. In practice this will give the employer the perfect excuse to defend every scab and strike-breaker he feels like.

The proposals to roll back the closed shop are part of a long-term strategy of the employers to re-assert control over the shop-floor. As the Times (8 December) put it:

"Where there is a closed shop the people working in that shop can normally control the technology that is employed and the conditions under which the technology is worked."

This is going to be one of the key issues of the struggle in the years to come - already Fleet Street employers are very unhappy about their inability to introduce new technology in the production of the national dailies.

ATTACK ON UNION DEMOCRACY

The Bill also contains proposals to curb unions' control of their membership. People 'unreasonably' expelled from or refused admission to a union are to be given the right to claim compensation (payable by the union) if they work in an industry where union membership is required.

Trade Unionists and the

SO FAR this Bill does not contain any provisions for extending the exposure of unions and union members to legal actions by firms in situations like sympathy strikes or other "secondary" action. Prior left this out of the Bill because he would rather leave it to the Courts, which under the leadership of Lord Denning in the Court of Appeal, have been doing a good job of making the unions and their members more vulnerable to legal actions. But Prior may be forced to show his hand because the ultra-conservative House of Lords has refused to do the government's dirty work for it. They have reversed the famous decision of Denning's court in the Express Newspapers v. McShane case.

UNIONS LIABLE

Denning is basically reviving the old hostility of the common law to trade unionism. In 19th century cases culminating in the famous Taff Vale case, courts held unions liable for causing breach of contracts. Political pressure led to parliament passing Acts in 1875 and 1906, which gave unions some limited protection from the common law. Basically, they are protect-

ed so long as they do it in contemplation or furtherance of a trade dispute. The effect of this is to confine union action to narrow "economism". For instance, it would leave out of statutory protection actions in solidarity with oppressed workers in South Africa or Chile,

unless there were a specific trade dispute. Now the courts, with Denning in the lead, have started to say that "secondary" or "sympathy" action may not be acceptable "in furtherance of a trade dispute".

EXPRESS TROUBLE

For instance, the McShane case arose out of the NUJ provincial newspaper strike in December 1978. In order to stop news going to the papers, the NUJ called out its Press Association (PA) members. But since not all of them were willing, the NUJ then called on its members in the national press to refuse to handle PA copy. The Express got a High Court injunction against this, which was backed by the Court of Appeal, on the grounds that the union's action

did not have a "reasonable prospect" of furthering the dispute, but was really to improve the morale of strikers. The House of Lords rejected this view, since obviously was in conflict with a trade dispute, not up to the courts to whether the particular complained about was not "further" that dispute.

UNCERTAIN LAW

This decision puts the back in the government since they are committing the legal protection of a trade union "secondary" action. The underlying reason is that, given the structure of monopoly capital in this late 20th century, the action if it is to be effective inevitably has a big effect on industry generally. That a strike is often not "political" - it can be confined into the domestic "trade dispute". To try to do so by excluding "secondary" action from protection will create great uncertainty and bring the law often into industrial conflict.

INJUNCTIONS

The main legal weapon to employers in the injunction. To get this, a firm goes to (County Court or High Court) and says that union action (strike, picketing) is causing breach of its contracts. The court give an injunction order - action complained of if it considers that the firm has a case "on the balance of convenience". The judge actually decide the case (usually be heard for months). In fact, the court generally drops the case they know that getting it out of the union members is going to be more trouble than it's worth and by then the dispute is long past. For instance, Biscuits dropped its picketing case against Reg Fall. Employers can and do get injunctions within 2 or 3 days that directly affect disputes.



Photo: Big Flame

PICKETING

Even before this new Bill, Professor Wedderburn wrote "The only indisputably lawful pickets are those who attend in small numbers . . . and who keep out of everyone's way"

SECONDARY PICKETS

The only effective answer to this has been large pickets and "secondary pickets". Large pickets are vital for morale and to stop picket lines being broken by scabs or the police. "Secondary pickets" - pickets on other branches of the same employers, on the docks or on stockpiles - are vital to stop stockpiles, imports and other workplaces doing your work while strikers freeze on picket lines outside empty workplace

CONTROL OF DISTRIBUTION

In 1980 control of distribution is as important as stopping production. Amongst the actions which will be illegal under the new Bill are:-

- * Patients and local people joining work-ins and pickets against the closure of hospitals and clinics.
- * Lorry drivers will only be able to picket their own lorry or depot, not other lorries moving their normal loads.
- * People who visit picket lines with donations and messages of support will not be able to stay to show support unless call themselves a demonstration.

* The families of Dunlops workers and the local community in Liverpool who joined the struggle against closure in 1979.

* Ford workers who picketed the docks in 1979 to prevent the imports of cars

- * Teachers and local authority who picket town halls or other public buildings.
- * Chrysler workers who picketed stocks in 1973 built up by the management as part of a well-timed lock-out.
- * pickets who physically prevent players removing stocks and materials as part of a factory or hospital

BUT REMEMBER

The police already have extensive powers to arrest pickets if they obstruct highway, having an offensive view, obstructing the police, threaten abusive behaviour etc etc. What the Bill does is to encourage them to use these powers to attack the solidarity essential to a strike. But the police know that the law can be ineffective

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How not to win: the bakers in 1978 disregarded the importance of picketing; following police regulations their strike was weakened.



Photo: John Smith (HPL)

Women Hard Hit

THE PROPOSALS in the Employment Bill to whittle away the few maternity rights which women have achieved fits in well with the Thatcher governments general policy to deny women equal job opportunities and to solve the unemployment problem by forcing women back into the home.

PROVISIONS ROLLED BACK

Womens rights to paid maternity leave and job reinstatement were established by the 1975 Employment Protection Act. This Act gives minimal rights which are less than in most other European countries.

Neither the pay nor the length of leave is sufficient and the lack of nurseries means that many women have no chance of taking it up anyway. However the Act was an important step forward not least

because it recognises that women have a right to work and that a woman does not automatically have to give up her job and restrict her activities and interest to her home the minute she becomes pregnant.

NOT SAME JOB

The government proposals mean that a woman will not have the right to return to her job after childbirth if she works for a small firm which employs 5 or less people. As small shops and offices are traditionally a large area of employment for women this means that many thousands of women will no longer have any rights under this law.

Even more seriously damaging to women's job prospects is that proposal that any employer, large or small, no longer has to offer a woman her own or a similar job when she returns to work. The job he offers her can now be worse as long as the terms are not "substantially less favourable". This opens up a large loophole in the law at a time when womens' job opportunities and career prospects are already threatened by government policy which is cutting womens' jobs. Womens' wages have declined in relation to mens, from 75.5% in 1977 to 73.9% in 1979 and these changes in the law will make progress towards equal pay slower and more difficult.

The other proposals aimed at tightening up the procedures by which a woman can claim maternity pay and leave will make it even more difficult and bureaucratic than it is at the moment. The requirement to inform her employer in writing of the expected date of birth means that a woman will not be able to work for longer before the birth and take more leave after the birth as many women would prefer to do.

WEAKEST HIT

A glance through the rest of the legislation shows that the workers worst affected will be the weakest sections of the workforce, those isolated in small workshops, the low paid and poorly unionised. Women who make up 41% of the workforce but only 28% of trade union members are of course represented in this group. Some of the bitterest disputes in recent years have involved women fighting for the right to organise such as at Grunwick.

WOMENS' UNEMPLOYMENT

These proposals contribute to the general climate of opinion attacking a womans right to work. Women workers have already been badly hit by government policy which in cutting hospitals, schools, nurseries etc, is not only cutting womens jobs but also putting the burden of caring for the old, the sick, the handicapped and the children back onto womens shoulders. It is not surprising that unemployment amongst women has now risen to 29.4%. The Corrie Bill which will restrict a womans right to choose whether or not she has a child will further deny women the right to control their own lives.

WHAT TO DO

If you do get an injunction handed out against you in a dispute, it's worth finding out exactly what it involves, contacting a friendly lawyer if possible (there are a few!).

Remember, an injunction only covers the people actually named in it (or their "agents".) So there is nothing to stop other people from carrying in on the action. After you've been given the injunction, you can be in contempt of court if you carry on doing what it tells you not to do. It usually gives a date when you can go to court if you want to object to it. At the moment, as long as the House of Lords decision stands, there are arguments that can be made that the court shouldn't give injunctions in obvious trade disputes. But you may prefer to ignore the law altogether (apart from anything else, it costs a packet.) It is up to whoever got the injunction to complain to the court if they say it is being broken. The court can then issue a summons to get them to court for a hearing to decide if they have broken it. If he thinks they have, the judge can decide the penalty (fines, jail). It's not a criminal matter, and the police are not involved unless the court issues a summons with a warrant.

DEPENDS ON STRENGTH

The task for trade union militants is to understand the law, so that decisions about action can be taken without fear or ignorance of the law. Sometimes action must be adapted to what (more or less) legally be done; sometimes we have enough strength to openly defy the law and the state.

SUMMARY OF THE BILL

BALLOTS: The Minister for Employment is given the power to set up a scheme for making payments to trade unions for secret ballots held by the union for decisions relating to industrial action or the election of executive committee members or union officials.

CODES OF PRACTICE: The Minister is given the power to draw up codes of practice on any aspect of industrial relations. These would not be law in themselves, but would be evidence in any court or industrial tribunal, and must be "taken into account" when deciding questions to which they are relevant.

UNION MEMBERSHIP: A person who thinks s/he has been "unreasonably" expelled from or refused membership of a union can take the case to an industrial tribunal. Tribunal can award compensation to be paid by the union. This will be based on the actual money loss if the union backs down; if union doesn't, the case goes to the Employment Appeal Tribunal, which can award much higher compensation (but not reinstatement).

If a person is sacked for not being a union member s/he can also bring a case for compensation for loss of the job, against the employer. The employer can add the union or anyone else as defendant if he says they pressurised him to sack the non-union worker, and they can be made to pay some or all of the compensation for loss of the job.

CLOSED SHOP: Employer sacking a person refusing to join a union where there is a closed shop agreement amounts to unfair dismissal if the person concerned "objects on grounds of conscience or other deeply-held personal conviction to being a member of any trade union whatsoever or of a particular trade union".

In future, closed shop can only be brought in if approved by secret ballot obtaining more than 80% of votes of those entitled to vote.

Employers can't sack existing workers who refuse to join the union after the ballot.

Person objecting under the "conscience clause" to joining the union given right to have no action even short of dismissal taken against him/her.

UNFAIR DISMISSAL: will not apply for first two years to a new firm employing

less than 19 people provided workers are told when they start.

A fixed term contract can only exclude dismissal if it is for one year (and not two).

When deciding fairness of dismissal tribunal can take into account size of company; also, no longer up to company to prove fairness.

Compensation reduced: only half week's pay for each year worked under the age of 22; power to reduce award taking into account employee's conduct; and compensation must be reduced if employee "unreasonably" refused reinstatement.

MATERNITY LEAVE: lose right to maternity pay if don't inform employer (in writing if he requests it) at least 21 days before starting maternity leave. Lose right to return unless you inform employer in writing both 21 days before expected date of childbirth and 21 days before date of return, that you intend to return. Also, if employer writes to you at any time after 7 weeks after childbirth you must write back confirming intention to return.

No right to return if firm employs five people or less and it is not "reasonably practical" to take you back. Any firm can offer "suitable and appropriate" alternative work on terms that are not "substantially less favourable" - they don't have to give you your own job back.

PICKETING: limited to person "at or near his/her own place of work", and union official accompanying him.

If person works not at any one place, or at a place which it is impractical to picket, can picket any premises of his employer from which he works or from which his work is administered.

ACTION AGAINST UNION SHOPS: industrial action taken against work being supplied from non-union shop will be exposed to legal action for injunction or damages. This does not apply to refusal to work with non-union members employed by a different firm within your own place of work (in-plant sub-contracting).

ABOLISHES: ACAS trade union recognition procedures. Schedule 11 provisions for claims that employer is failing to observe the recognised or general level of terms and conditions in the same industry and district.

Health Service: a special target

THE HEALTH Service is a special target for Tory plans. The Government is quite prepared to see people suffer and die as a result of cuts in health service spending.

But it will not tolerate disputes in the NHS - especially as large numbers of these disputes are against the spending cuts.

ANTI-STRIKE GUIDELINES Already, Health Circular (HC79).

20 has been sent to all NHS management offering them detailed guidelines on handling all forms of industrial dispute from overtime bans to full strikes. Taken together with Prior's Bill and the Guidelines to managements re-

present much of what the Tories have learned about the effectiveness of industrial action in the public services over the last 6 years.

the Health Services Bill (to boost private practice, alter local NHS structure and tighten Government financial control)

HELP FROM ARMY

The first section of the Guidelines claims that most forms of action are a breach of contract and local management can decide to withhold full pay if only part of the job is done (lightening strikes, etc) Pickets should not be allowed on NHS premises nor allowed to use canteen or toilets. Anyone refusing to cross a picket line should be suspended at once. Finally, health authorities are instructed to draw up contingency plans to maintain services during disputes by recruiting volunteers from existing staff, the general public, agency staff or contractors. They are also to prepare plans for assistance from the Armed Services.

For more information on struggles in the Health Service contact:



Jane Photo



Photo: John Starrook (Report) (H)

WHAT CAN BE DONE?

"BRITISH LEYLAND may reflect the shape of things to come, an aggressive employers offensive.....facing a defensive shop stewards movement..... As the industrial consensus continues to break up, BL may be a harbinger of a new kind of class war where union power is seen as illusory". (Observer 25.11.79) (Observer 25.11.79)

How can we stop the clock being turned back? How can we move forward without simply continuing the grim Labour-Tory circle of the last few years?

Lobbies, marches and leaflets may spread the word but won't stop the Act becoming law. Once it is law, many of the forms of struggle used against the cuts, against redundancies, against low wages and speed up will become illegal. But this is nothing new. Trade unionism has always had to fight the law and the state as well as employers. But the law is ineffective against a mass movement.

We know from past experience how the TUC and Labour Party will react to this — they will say we cannot break the law.

DEFY THE LAW

If we want to win the bread and butter struggles — not to mention defeating the Act there is only one starting point — we must be prepared to defy the law. This has been the fate of unjust laws in the past — it must be so again. The problem is this: who is going to defy the law and how will they succeed? We believe that it is not enough to:

- simply replace "right wing" union leaders with "left wing" ones whose actions are often no more democratic or effective.
- denounce the likes of Duffy as a traitor without explaining why it is they get away with their treachery.
- produce totally correct "demands" (like the Rank and File Code of Practice — which we support) without explaining who is going to carry out such demands.

We do not claim to have all the answer to such problems. But we do think there are two issues which should be our starting point.



Miners picket Salford coke depot.

Rank & File Code of Practice

The TUC Government is launching an attack on shop steward rights. At the Demand for Union Conference on 23 June 1979, 100 rank and file delegates voted 80% in favour of a Rank and File Code of Practice. The TUC says they want shop stewards to be elected by secret ballot. The Rank and File Code of Practice is a document which sets out the rights of shop stewards and other representatives throughout the whole country. Campaign in your union to get the Code of Practice adopted as the official policy of the whole union. Join us in the campaign to support the Code of Practice and against the TUC attack.

- 1 No crossing of picket lines;
- 2 For the building, and defence of, 100 per cent closed shop. For sanctions to be applied against any individuals breaking closed shop;
- 3 For full rank & file discussion and decision making by traditional democratic procedures—no enforced secret ballots.
- 4 Pickets to be positioned at whatever locations necessary to win the dispute and in sufficient numbers to ensure that picket lines are observed. Strikes to be run by elected strike committees.
- 5 All appeals for backing and financial assistance for disputes to be carried out wherever practicable;
- 6 Support calls made by strike committees for mass and sympathy pickets;
- 7 No settlement of disputes without full report backs to, and decision making by, the members concerned.

UNION DEMOCRACY

Union democracy is key. We cannot hope that people will defend the unions until they feel they are their unions. From top to bottom — from General Secretary to shop steward or rep. — there are ways of organising which must be changed. Many members are cynical not only about outside officials but about convenors and stewards/ reps. The reasons for this include:



- too many secret meetings with no report backs.
- too many committees and mass meetings run undemocratically.
- too many joint committees, participation bodies and long winded procedures which take stewards/ reps. away from the members but are often regarded as a "skive" by the members.
- too much reliance on "clever" deals and tactics and not enough active involvement of the members — whether it be via gang meetings or on the picket line — the "leave it to us" syndrome.
- Participation in unions is not made easy for women, black or young workers. There must be a fight for branch meetings to be held in work time — to make it easier for women to attend. And there must be positive discrimination for all minority groups.

The pattern of remote national bargaining and productivity deals which has spread rapidly has crippled trade unionism in many workplaces.

The union must become accountable to the members.

SOCIALIST POLITICS

Politics is the second key. When the Government and police are directly involving themselves in union affairs the old division between economics and politics is redundant. We cannot hope to fight redundancies or wage cuts when many workers think they are "necessary". We cannot hope to defy an unjust law when many workers think the law is "neutral".

Nor is it enough to be purely defensive. In struggles in hospitals, for example, workers have not only opposed the cuts but questioned the whole way the Health Service is run. Real socialist politics is central to rebuilding the unions into democratic bodies involving the whole membership. And only such politics can make sense of all the attacks on us and point a way out of the crisis.

The ways in which we work for this will vary. Health workers in Fightback and Fordworkers in the Ford Combine are two examples of how we can start to rebuild the strength of our movement. Many other forms will be built — some official, some unofficial, but all aiming at control of the union in the hands of the members as the only basis for a real fightback against Thatcher's policies and Prior's Bill.

TEN YEARS OF UNION LAWS

PRIOR'S BILL is only the latest of a series of legal attempts to control the rank and file membership of unions. The Tories have learned from past struggles. We must do the same.

1969 Labour Government introduces "in Place of Strife" to trim the power of shop stewards organisation with compulsory ballots, controls on official strikes and fines for striking in breach of procedure, and "cooling off periods". Proposals withdrawn after union pressure including unofficial one-day strike.

1971 Tory Government (Heath) brings Industrial Relations Act with Registrar of Trade Unions, a special court and compulsory ballots. TUC organises one march and one day of action. Bill becomes an Act and unions stamped to Register and appear before National Industrial Relations Court despite Congress policy. "Left wing" TGWU pays £55,000 fine imposed without taking any action. Two groups of workers take action that puts the Act into cold storage.

1972 First of all, five jailed London dockers are released by a mass unofficial strike movement in July 1972.

1973 Secondly the AUEW refuses to pay a fine imposed over a recognition dispute at Con-Mech (Woking). A series of one day strikes is called ending in unlimited strike call until seizure of unions assets stops. On second day of strike an "anonymous" donor pays fine imposed and lets Government off the hook. This signals end of use of Act (1973).

1973 Three building workers jailed as part of Shrewsbury 24 trials for alleged violent picketing charged under the 1875 Conspiracy Act, months after the alleged offence, they are convicted. No official support from their own unions and unofficial support too small to free them.

1974 (and 1975) Labour Government repeals Heath's Act and brings in Employment Protection Act which brings UK employment rights in line with rest of Europe. Refuses to free Shrewsbury building workers who rot in jail.

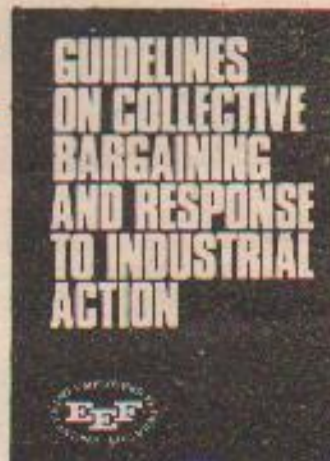
1979 Concordat signed — paving the way for Prior's Bill.

FOR MANY years, the engineering and motor industry was regarded as a stronghold of trade unionism. In recent months, the employers (with not a little help from certain union officials) have been hard at work changing this.

GUIDELINES

In March 1979, the Engineering Employers Federation circulated to its members some "Guidelines" on dealing with disputes. These (originally secret) guidelines are a model of what Prior hopes every group of employers will produce. They suggest employers:-

- *insist on only "stewards with proper qualifications who are competent for office" (4.i)
- *bypass shop stewards (4.j)
- *communicate directly with employees and organise secret ballots (4.k)
- *lock-out any employees imposing sanctions and other employees to turn them against those in dispute (5.b)
- *block income tax refunds during strikes (5.d)
- *under no circumstances do the work of strike bound plants or



employ their workers during a strike or put pressure on strike-hit suppliers to settle (5.e)

MORE CONTROL

A number of companies (including non-federated ones) have followed these policies with great success. At Talbot and Vauxhall's long and bitter disputes were smashed (helped by full-time officials.) At both plants new

"agreements" were forced through which at a stroke remove many of the gains of 30 years of struggle by imposing total flexibility between grades, shifts and plants and almost writing the steward out of procedure. At Leyland, the sacking of Derek Robinson was part of a Leyland strategy to force through an 85 page document which gives management much more control over the labour process.

Such documents and Guidelines are very much part of the Government's policy. A good example of how employers (and many officials) will use Prior's Bill was the following letter - written by Grenville Hawley (TGWU official) to the Vauxhall TGWU convenor - and handed out by the Company: "I have to advise you that the present picketing of the ports and elsewhere must cease forthwith - that is immediately - bearing in mind that this is not an official dispute. You will, of course, be aware of the difficulties that can be created for the trade union movement with the thinking of the present Government on picketing".



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