

# Why Blair fears strong unions

**W**E live in a society in which it is illegal for a group of low paid hospital cleaners — the Hillingdon strikers for example — facing a severe pay cut to appeal to other hospital workers, nurses, porters, lab technicians, to take industrial action alongside them. It is illegal for these same cleaners to appeal to other workers employed by the same spiv contractor to take similar action. If more than six of these cleaners turn up on the picket line that too is illegal.

Meanwhile it is not illegal for people to be suddenly sacked after working for an employer for one year, eleven months and thirty days, and have no legal redress and no way of winning the job back. Nor is it illegal for an employer to sack the entire workforce simply for daring in a secret ballot to vote to strike and then act on that vote. No financial penalties are proposed against British Airways, who have threatened to sack thousands of cabin crew members simply for going on strike. Nor are any financial penalties proposed against the Mersey Docks and Harbour Board, which has sacked 500 dockers simply for refusing to cross a picket line.

This is blatant class legislation, designed to make it easier for bosses to exploit workers, yet the leaders of the Labour Party claim it is fair and democratic.

In Britain today capitalist democracy is limited far more than in most countries throughout the world where similar bourgeois democratic systems exist.

In Britain today it is more difficult for workers to use effectively their numbers, organisation and solidarity to maintain their own living standards and the general level of culture as expressed through things like the NHS, than it is for workers in places like France which lack our anti-union laws.

In Britain today there exists a special apparatus of law which is specifically designed to intervene into the terms of the bargain over the labour contract — wage rates — by limiting the ability of workers to effectively organise through trade unions in order to regulate collectively the selling

price of their own labour power.

The anti-union laws introduced by the Tories since 1979 are designed to ensure that the “fair exchange” between the owners of capital and the owners of labour power is even more “fair” — from a capitalist point of view — than it is in those countries that have a relatively untrammelled labour movement. The anti-union laws function to keep the working class as atomised and disorganised as is possible within the framework of a capitalist democracy and without resorting to the full scale banning of the trade union movement.

## II

**L**OOK at the realities of the “free exchange” between labour and capital in Britain today. Building on the basic all-shaping fact that the owners of the means of production monopolise the means of life, forcing people to either work for them or face unemployment, poverty or homelessness (the average “well-off” worker with a mortgage is perhaps six months away from having their home repossessed should they find themselves

jobless), the law gives additional protection to the capitalist while limiting the ability of workers to come together effectively for mutual self protection:

- Workers have no right to reinstatement even if an industrial tribunal declares that they have been unfairly dismissed.

- Part-time, temporary and zero hours contract workers lack even the right to take issues to an industrial tribunal. So does any worker

who has not been with the same employer for at least two years. With the spread of “flexible” working, perhaps 40% of the working population now lacks even this protection.

- As the Liverpool dockers and the British Airways workers know, there is no secure right to strike. Workers can be sacked for breach of contract if they go on strike even after abiding by all the intricacies of the law regarding balloting.

- The trade union is liable to fines and the seizure of its assets if its members go on strike, unless it does the following:

---

**“The anti-union laws function to keep the working class as atomised and disorganised as is possible within the framework of a capitalist democracy and without resorting to the full scale banning of the trade union movement.”**

---

- Informs the employer of the name, home address and National Insurance number of every member balloted. If there is more than a tiny number of inaccuracies, then the whole ballot can be declared invalid.

- Gives the employer at least seven days' notice of the start of strike action.

- Disowns any walk-outs that its members may be involved in as a protest against management attacks and victimisations during the course of the dispute.

● It is entirely unlawful for workers to take strike action and even to ballot for strike action in the following cases:

- In protest against government policy, even when employed by the government.

- In solidarity with another group of workers — such as nurses — who may lack industrial muscle themselves.

- In support of workers in the same workplace who may work for contractors or for a bogus "separate" company in the same workplace.

- To win the re-instatement of workers sacked for taking part in "unofficial action".

These anti union laws — and we have only detailed a fraction of them — amount to the biggest restriction on democracy in Britain today. They hold the working class movement down and prevent it from responding to injustice according to the principle of class solidarity.

## Positive rights, or legal immunities?

**S**OME comrades argue that it is wrong to campaign for positive legal rights for workers because in doing so we accept the right of the bosses' state to interfere in the trade union movement.

This argument is based on a healthy contempt for the bosses and their state, but it is mistaken.

Immunity for trade unionists from legal action by the employers for damages resulting from industrial action is certainly something we should seek to establish. It is not counterposed to winning positive legal rights, such as the right to strike without fear of victimisation or the sack. Though it would be a huge victory to win legal immunity, that would still not necessarily protect the weakest sections of workers, those who lack industrial muscle and can easily be replaced by scabs.

Bringing in a law which prevented bosses from sacking strikers would massively change the balance of power in the workplace in our favour. For the first time ever there would be a real, legally enforceable right to strike, something that workers in Britain have never enjoyed, not even at the height of shop steward power in the Sixties.

Therefore, the fight for positive legal rights should be seen as a way of copper-bottoming the new freedoms we will win when we win the repeal of the anti-union laws.

They function to stop the working class forming itself into an effective class movement that can organise around the watchwords, "An injury to one is an injury to all!". They are testimony to the fact that contemporary capitalism requires not just a "free" economy but a strong state and a compliant trade union officialdom to police these laws and dis-organise their own membership.

They reveal that while capitalism may be moving away from giant state monopolies to privatisation it now requires more, not less, direct state intervention into — and regulation of — the basic Wage Labour/Capital relationship.

When Tony Blair declares that he is in favour of "fairness, not favours" for the trade union movement, he is telling the truth. It is just that the kind of fairness he has in mind is that which is imposed on the working class through authoritarian laws, a de-regulated "flexible" labour market and the capitalist monopolisation of the social means of production. He calls it fairness, we call it exploitation.

### III

**T**ONY Blair has made no secret of his intention that the Labour government will keep in place the essential core of the Tory anti-union laws. He has quite rightly described them as the most restrictive in Western Europe. But Blair sees this as a recommendation not a criticism.

It is not difficult to fathom why. The maintenance of the framework of anti-union law is absolutely vital to New Labour's economic strategy. Without the existing restrictions on cross union industrial action, and particularly on cross public sector industrial action, Gordon Brown's plan to keep to the Tories' public spending limits might well be blown apart by a wave of French-style industrial action.

If the anti-trade union laws were repealed, it would open up the possibility of a major re-assertion of trade union strength. Those sections of the working class that are already unionised would feel greatly strengthened, while it would be possible to launch an aggressive unionisation drive in the unorganised sectors.

Quite simply, the New Labour project of modernising British capitalism requires the use of the anti-union laws as an instrument of economic policy. The "Tory anti-union laws" are now "Labour's anti-union laws". For all their talk of skills and training, the key movers behind the government's economic strategy are united in wanting to make the British labour market more like the American, and less like the European. That means expanding the size of the lowest paid

## Workers' Liberty



**THE WORKING CLASS WILL RISE AGAIN!**

Editor: Sean Matgamna; Assistant Editor: Helen Rate;

Design: Tom Rigby; Production: Joan Trevor;

Business Manager: Alan McArthur.

Published by Phoenix Press, PO Box 823, London SE15 4NA;

phone 0171-207 4673, fax 0171-277 8462, e-mail awl@gn.apc.org.

Signed articles do not necessarily reflect the views of Workers' Liberty.

sector of the working class and breaking the protective arrangements for public sector workers presently in existence. Blair works to transform the core of the British working class into a low paid, insecure, rightless and unorganised mass whose lives are to be expended in the service of the capitalist Gods, "Flexibility" and "Globalisation".

That is why the trade union leaders are seriously mistaken in their "strategy". They hope gradually to win a few key reforms, over two whole terms of New Labour government — over 10 years! The TUC "left" pursues a strategy designed to secure repeal of the laws by the back door, and without upsetting Blair! The facts of trade union life were shown to Blair's favourite trade union leader Alan Johnson, formerly of the postalworkers' union, the CWU, by the Prime Minister's reaction when Johnson dared to raise the question of the anti-union laws on Labour's NEC.

Johnson argued that the draft Labour election manifesto lacked many reforms that are supposed to be established Labour Party policy — reforms previously supported by the NEC and even by Blair himself. The former CWU leader then went on to remind Blair that the trade union laws really are restrictive, vindictive, etc. Blair said nothing. But immediately afterwards he began to stress in public how much he supports "the most restrictive anti-union laws in the western world". Blair was telling the trade union leaders where they stood. And they just stood and took it.

**T**HE decisive question is: will Blair's hard nosed response provoke workers into raising the issue of the anti-union laws, or will it serve to further demoralise activists? The answer to that question will depend on what the serious left in the trade unions does in the days, weeks and months ahead. If we can succeed in building up a head of steam around the issue of the anti-union laws and link it to the immediate struggles of groups of workers like the Liverpool dockers, the Magnet strikers, and others, then we can make sure that the anti-union laws become an issue that refuses to go away. That's why the conference *We Need Free Trade Unions* in Liverpool, on 19 July, is so important.

The conference has been called jointly by Liverpool UNISON and the Welfare State Network. Liverpool UNISON are currently on the verge of a test case strike against the closure of old people's homes by a Labour council. The WSN is the major labour movement-based campaigning body defending the welfare state.

The conference is supported by all the major groups of workers currently engaged in battle: Liverpool dockers, Magnet Kitchens, Critchley Labels, Hillingdon Hospital, Project Aerospace, London postalworkers. It has the backing of the Trade Union Left Alliance, which unites all the Broad Lefts and rank and file groups across the unions. It is supported by the Network of Socialist Campaign Groups, which brings together the rank and file of the Labour left.

If the conference can succeed in bringing together a united, trade-union based, rank and file campaign that can work inside both the Labour Party and the unions, and actively promote physical support in solidarity with workers in struggle, then the trade union left will have regained something that it has lacked for a very long time — a coherent sense of political purpose.

The perspective of pressing ahead with a campaign that may not immediately promise spectacular results is not popular with some on the trade union and Labour left. They seek "good left wing causes" that won't create conflict with Blair. This issue cannot be ducked, however. Free trade unions — restoring to the working class the legal right to act in its own interests — are not an optional extra!

The campaign to free our unions is an irreplaceable part of the battle to transform and remake the entire workers' movement. Even limited progress in building up a demand in the working class for free trade unions will do an awful lot to put real movement back into the labour movement. And that will only be the beginning!

## Report from Germany

By Bertolt Brecht

We learn that in Germany  
 In the days of the brown plague  
 On the roof of an engineering works suddenly  
 A red flag fluttered in the November wind  
 The outlawed flag of freedom!  
 In the grey mid-November from the sky  
 Fell rain mixed with snow  
 It was the 7th, though: day of the Revolution!

And look! the red flag!

The workers stand in the yards  
 Shield their eyes with their hands and stare  
 At the roof through the flurries of icy rain.

Then lorries roll up filled with stormtroopers  
 And they drive to the wall any who wear work clothes  
 And with cords bind any fists that are calloused  
 And from the sheds after their interrogation  
 Stumble the beaten and bloody  
 Not one of whom has named the man  
 Who was on the roof.

So they drive away those who kept silent  
 And the rest have had enough.  
 But next day there waves again  
 The red flag of the proletariat  
 On the engineering works roof. Again  
 Thuds through the dead-still town  
 The stormtroopers' tread. In the yards  
 There are no men to be seen now. Only women  
 Stand with stony faces; hands shielding their eyes, they gaze  
 At the roof through the flurries of icy rain.

And the beatings begin once more. Under interrogation  
 The women testify: that flag  
 Is a bedsheet in which  
 We bore away one who died yesterday.  
 You can't blame us for the colour it is.  
 It is red with the murdered man's blood, you should know.