The Thirteenth Countess Markievicz Memorial Lecture

The New Right:

Retreat from Consensus

Matt Merrigan

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The New Right: Retreat from Consensus

MATT MERRIGAN

The Countess Markievicz Memorial Lecture has been established by the Irish Association for Industrial Relations with the support of the Department of Labour. Countess Markievicz was appointed Minister for Labour in the Executive of the first Dall Eireann in 1919. The object of the Memorial Lecture is to provide an occasion for a substantive contribution to discussion in the Industrial Relations area by a distinguished practitioner or academic.
The Thirteenth Lecture was given by Mr. Matt Merrigan, at the Royal College of Surgeons, Dublin, on November 7, 1988. Mr. Merrigan was District Secretary of the Amalgamated Transport and General Workers Union (recently retired). He served as President of the Irish Congress of Trade Unions in 1985 - 86. He is currently a member of the Employment Appeals Tribunal.

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What exactly does the phrase "new right" seek to explain in economic, political and sociological terms?

To some the new right is the old right in manifestly changed economic conditions which allows once more the free flowering of laissez faire in all its varies hues. This attempted reversion topre-Taff Vale, pre-Osbourne Judgement times, as fare as the trade unions are concerned, will be the catalyst which will change the political face of Ireland.

If the unions are pushed outside the mechanisms for the orderly adjustment of industrial matters through collective bargaining, directly with employers and through the political lobby which is a respected norm of a democratic society in action, the unions must increasingly turn towards politics of a parliamentary and extra parliamentary nature as never before to re-establish title to their lost hinterland!

Our essentially petit bourgeois ethos in industrial and political matter, which was mainly Ireland-centred, led to a measure of consensus more in keeping with the social democratic notion of society as was experienced in most Western European countries after World War Two, interspersed with a touch of paternalism as the owner/employer was identifiable. One could tough him he was so close. Intimacy created a bond which sometimes transcended class or caste.

Smaller traditional indigenous industry, gave way to a more transnational character to take advantage of Ireland's membership of the E.E.C. This development has some pluses and many minuses. The pluses were a more competitive climate with the ending of protection which had bred indolence and inefficiency. Management became more professional as it measured up to the new tasks presented by the changing economic circumstances. Training and education of managers, shop stewards and union officials assumed a new momentum. Work measurement, Work Study, Payment by Result, Measured Day Work and Productivity Bargaining were the buzz words in the 1960's and 1970's. These management tools rested on a large area of mutuality, bringing the workforce into production and programming for the first time (if one discounts piece and task work which operated in certain industries like textiles and boot and shoe manufacturing).

Bridgeheads were established by workers and unions where the absoluteness of management had to give way to some extent in the exercise of managerial preogatives to secure improvement in efficiency and productivity. Even in the cosy quasi-paternalism of the pre E.E.C. epoch in Irish Industry management never shared any area of that function. Friendly maybe, but unequal. The E.E.C.

also opened up vistas of industrial relations disciplines and practices underpinned by statutory regulations and directives that were new to the Irish scene. Anti-discriminatory, equality and protective legislation on top of the combative role of trade unions irked and continues to irk employers.

Regrettably, the burgeoning protective legislation was in inverse proportions to the loss of jobs to be protected by statutory instrument or trade union action. The scale economy factor began to operate on our small and now open industrial base. As was predicted by the anti E.E.C. lobby, the stronger industrial powers in the Community would cannibalise the small Irish market by more competitive price structures based on optimum size and investment in technology. Many Irish employments and businesses have now closed down and the irony was that these same employers in 1972 put notices in the pay packets of their employees promising El Derado if they voted for the E.E.C. in the Referendum. How wrong they were then and how wrong when again their contemporaries still in business urged working people to vote for the S.E.A. Nineteen ninety two and beyond will see the completion of the internal market and the total destruction of Ireland's industrial and commercial base.

The continuing reform of C.A.P. must inescapably lead to a contraction of Irish agriculture. Instance the war for milk and the rationalisation of the Dairy Industry, and the troubled co-operatives. Rural unemployment on a mass scale must attend this process further depressing purchasing power in the Irish economy and causing tax problems to sustain those out of work and imposing intolerable burdens on those diminishing numbers still at work. Against this background must be seen the rod licence controversy. Leisure and tourism must be seen to offer some prospect of livelihood. Are we to become a nation of ghillies and grouse beaters on the periphery of a community harbouring immense wealth and power? Reduced to third world status without having the political sovereignty to avert this disaster?

These economic cataclysms have had an immense impact on industrial relations. The very terminology has changed because of different perceptions of management of the work force. "Personnel Relations" had a benign ring to it. It conjured up a concern for people on some civilised level whereas "Human Resource Management" is clinically forboding and anti-personal in essence. One wonders is this penchant for word spinning a mere incantation to a perception of change rather than the reality of change being worked for? On balance I would say that those who see all things in an economic determinist way and see the marketplace as the final arbiter in the buying and selling of labour power also see men and women as a resource component in the production process, no more, no less.

The sheer inhumanity of this concept has within it the seeds of its own destruction. Even in the grimmest of industrial Bastilles men and women will not be driven like oxen spurred on by the whiplash of a quarter million unemployed and the beckoning emigrant ship. The human spirit, whether in prison or slave camp, will not be extinguished. History and the Trade Union Movement itself are testimony to this truism. The question is then posed: How do we secure increasing levels of productivity and growth and how do you motivate alienated workers without recourse to coercion and arbitrariness in the workplace? That question has exercised the minds of industrial psychologists for many years without definitive answers being forthcoming. Paternalism without tangible rewards failed. The cosmopolitan and transnational character of modern industry and the division and sub-division of labour induces remoteness in ownership/management and reduces job satisfaction even if the tangible rewards are reasonable.

In an industrial society of private ownership, albeit in an advanced corporate form, there is an adversarial element between owner/managers and workers. Their basic socio-economic objectives are to a large extent opposites. Pay and conditions are an important cost factor in labour intensive industry, particularly more especially so due to the competitive dynamic of capitalist production on costs, prices and profit. Profit is the litmus test in the whole equasion and it is always under threat from business competitors and the work force making cost increasing demands from the same production plateau. What of industrial democracy in private enterprise? Democracy implies subscribing to a common value system. I have shown above that there is no common value system and the process falls down on ownership equalling ex-parte control. Joint consultation is sometimes confused with industrial democracy which it is not. It is what it says: **Management will consult with representatives of workers about decisions to be made by Management!** Management may or may not respond to any input from workers' representatives and rarely do as all the strategic decisions are made **before** the process of "consultation" begins.

How does a share owning arrangement lead to a more democratic involvement by workers in private sector industry and society at large? Very little, if any. Shareholders play no pivotal role in the management and control of industry. This the perogative of the board of executive management and the director board is largely dependent on it for the effective day-to-day operation of the company. Any involvement of workers in the running of an enterprise which does not have representation on the management board is virtually a useless form of participation. Therefore it is unlikely **that** share-owning workers would ever constitute a take-over threat in the accepted sense that we understand as the equity is small, personal and atomised and tradeable in the marketplace.

Should company law be changed to insist that 50% of equity be held in a corporate trust by the workers' trade union or association, tradeable only on the basis of a substantial majority of the current numbers of the trust agreeing thereto, then share owning by workers will be protected from the predatory forces of the stock market and allow for the decision-making by workers at all levels of the enterprise. Its is highly unlikely therefore that such legislation would be enacted by governments who share the ethos of a private property-owning private enterprise society.

This then pitches the industrial relations process back into the area of cut and thrust Controlled tensions led in the past to workable consensus or a co-existentialist dialectic where it was sought by both sides. Where it was sought by one side and rejected by the other, force majeure or uncontrolled tensions led to industrial unrest which deepened as it developed its own malignancy. May industrial failures could be attributed to this self-distrust syndrome. It is not unknown that certain employers who had a pre-history of censensual civilised management hit the "Rambo" road to contrive a chaotic industrial relations situation to cover a closure or walk-away decision for purely commercial reasons. Invariably the workers and their unions would be blamed but only they would be aware of management's malevolence. Rarely if ever are unions or their members in such situations dealt with evenhandedly by the media.

In other circumstances, procedure agreements are torn up by employers who wish to run through major programmes of change and rationalisation without seeking agreement through negotiation and conciliation. Resistance by industrial action is then described as: "Ludditism, irresponsible and lacking in realism." Unless our industrial illness is terminal after 1992 employers would be foolish to assume that such behaviour will be forgotten when the tide turns. Workers have long folk memories and the sowers of dragon's teeth will reap the whirlwind in due time. For so long as the property relations which mark off workers from owners/managers exist, trade unions will be around no matter how hostile the legal situation may be from time to time. Indeed, in times of legal adversity there is a greater affinity of workers with their organisations. Loyalty and solidarity is more pronounced and politics become real in the nakedness of the class war where they were masked before.

Their has been a recrudescence in Britain, particularly of what the Americans used to call a "Yellow Dog Contract" which renounced trade union membership and pledged absolute loyalty to the employer in all circumstances. Though not so crudely put, some modern pre-entry closed shop agreements in Britain and Ireland have objectionable clauses on strikes and union factory floor institutions, like shop stewards and committees. Under some duress from employers, jointly agreed procedures have been altered (Packard and Hanlons) to include non-strike clauses for a defined period.

Such agreements take away the ultimate sanction against the absolutism of an employer in his dealings with his employees and shouldn't be either promoted or acquiesced in by trade unions, or seen as an inevitable "feature in future agreements or contracts" as John Carroll expressed it in a recent interview, without even raising the demand for a diminution in the almost divine and exclusive rights of management to hire and fire and to generally apply feudal practices in their management of human beings! As we have seen in the Hanlons dispute, the total unacceptability of the company's attempt to coerce the work force by threats of closure did in effect lead to that eventuality, as it did in the Veha dispute.

These two events would lead one to conclude that closure was the objective sought to:

1. pursue more lucrative commercial ventures elsewhere

2. liquidate the company to avoid substantial redundancy payments and minimum notice claims.

3. avoid payment of overdue credits, including other traders, Revenue Commissioners and other Exchequer payments like P.R.S.I., Holiday Pay, arrears of wages to workers etc.

Reasonable employers have no need for such draconian measures. Ill disposed and malevolent employers merit the full rigour of industrial action, no strike clauses notwithstanding. Fairness and natural justice would oblige workers to repudiate such agreements on the ground in face of provocative, intransigent, hard-nosed managers seeking to exploit the situation, and regardless of official reticence in such circumstances. Usually workers are coerced by lock-out and threat of closure to accept no strike agreements. Where they figure in pre-recruitment agreements and are a mandatory condition for employment in the first instance Congress should be obliged to review the 80% rule in Clause 47 (d) where workers seek redress of this imposition from their union and when it is not forthcoming, and transfers are sought as a consequence, In that situation 51% of the workforce in a ballet by Congress should satisfy the rule on transfer of representation rights.

The right to strike and picket as the final sanction was too hard won in the face of criminal and civil duress to be bargained away too easily. Such compliance, for whatever reason, creates a climate for restrictive legislation leading to the total erosion of statutory protection for industrial action and the harbinger of perhaps an attack on other freedoms and rights. Such is the insidious nature of the accretion or of arbitrary and totalitarian state power.

The contest between capital and labour in a private property-owning society in quite unequal. Juridical concepts of employer/worker contracts postulates and equality of compliance in the fulfilling of the contract In the first instance, the terms of contract are largely determined by the economic hegemony of the employer, even in collective contracts. In addition to the tangible elements, like pay and hours, the peripheral conditions in which the contract is set and executed, are loaded in favour of the employer in terms of discipline and dismissal. The term "lawful instruction" figures prominently in unfair dismissal proceedings where an employee, within the terms of a loaded contract fails to carry out an instruction and is dismissed as a consequence.

Unions in no-strike situations rely entirely an arbitrators and institutions steeped in concepts of bourgeois jurisprudence to deal with industrial relations problems which do no lend themselves to adjustment by formal - and I would argue a quasi-legal - process which is blessed in its concepts and methodology in favour of employer by reason of the social class derivation of the practitioners. Thatcher's anti-union laws are subversive of property's private and corporate rights as being inalienable and sacrosanct, and must be dealt with as such. The depredations of multi-billionaire transnational corporations are feted whilst attempts by combinations of unions or a union to redress specific grievances see their leaders hauled into court and massive fines and sequestration used to sabotage the unions' efforts to secure some economic and social justice.

The British legislation is also directed at destablishing the relationship between the unions and the Labour Party in a overt bid by the Tory Party to maintain its hegemony into the 1990s. To some extent this has polarised the politics of some British unions who before the legislation had neither apolitical fund nor were affiliated to the Labour Party. Now they have, and will publicly support the Labour Party in the next General Election. The F.U.E. has repeatedly called successive Irish governments to emulate Thatcher in this field of legislation. Unfortunately for them and fortunately for Irish trade unionists, the only possible administration composed of hard right elements lie in a Fine Gael and Progressive Democrat Coalition, the likelihood of which is not possible in the future. The only other possible scenario is the propping up of another Fianna Fail minority government by Fine Gael on the conditions that such legislation would form part of the government's programme. Such a shift from Fianna Fail's populist position would be bound to cause it some electoral difficulties in the urban marginals unless major surgery in the four and five seat constituencies was tacitly agreed to kill off the P.D.S and the minority parties of the left serving the interests of Fine Gael and Fianna Fail. The class politics of the F.U.E. board room do not always translate in parliamentary terms in spite of the handouts to the parties by business. Its is sufficient for these parties to advert to the spectra of socialism which haunts the dreams of the right in order to score financially. Whilst money does nd can subvert the course of democratic process, it cannot do so absolutely in all political circumstances. The sovereign will of the people can sometimes confound the moneybags.

The tripartite consensus that underlay the decade of National Pay Agreements between 1970 and 1980 has been replaced in the Programme for National Recovery which is a bi-partite Agreement between unions and government. It was largely concluded without the active participation of the employers, although the 2.5% norm for each of the three years of the Agreement was an offer that could not be refused, pitched as it was to accommodate the financial crisis of the Government in respect of the public sector pay bill. The non-pay aspects of the Agreement to do with voluntary as distinct from involuntary redundancy in the Public Services, and job creation targets, and a promise by private sector employers to consider the possibility of one hour off the work week on a self-funding basis in the third year of the Agreement, was the product of a marginalised movement!

The proponents of the Agreements point to the participatory role of the unions in the informing of government policy. Compare this with the total exclusion of the British unions from the process of informing government policy there. Yet in spite of the plethora of draconian anti-union laws, the British unions have been securing increases in all sectors of 5% to 7% per year and reductions in working hours funded by employers. Haughey is a supremely clever politician and repeatedly the carrot of consultation and the stick of anti-union legislation have worked in government/union nexus down the years when Fianna Fail have been vulnerable as a government Employers in the private sector have benefitted from these gambits as they will in the current instance where the private sector is experiencing a minor boom. With inflation and interest charges down to low single figures, there is not a job in sight in this beneficent climate that private investors kept telling all and sundry was essential for job creation. Instead employer bodies clamour for more deregulation in the labour market and more anti-union laws, and the government shakes out its own workforce rather than raise more revenue by widening the tax base whilst the declining P.A.Y.E. sector carries increasing tax burdens and more is foreshadowed as we moved toward the completion of the E.E.C. market in 1992. Further loss of jobs by reason of scale economy in all sectors, industrial, agricultural and commercial, will compound the position of tax burdens on a decimated workforce.

Like lemmings, we move towards the social and economic abyss, mouthing incantations about the challenge inherent in a market place of 300 million people for our small entrepreneurs in a milieu of multi-national giants. The elementary economic law of size and growth begetting size and growth and technological efficiency is lost on the government and the captains of our small scale economy. The competitiveness dynamic of capitalism in a free market leads to concentrations of economic and political power and the carte lisation of production and distribution. Witness the Nestle/Rowntree and the Grand Metropolitan/Irish Distillers battles for supremacy in the completed internal market. This process will accelerate as we move towards 1992. Workers and small time employers and managers will move with the capital if jobs as ghillies and grouse beaters are not available in sufficient numbers in the poorer regions of the E.E.C., like Ireland.

In these developing circumstances, for employers and government to hassle trade unions and their members is again a refusal to recognise the recurring phenomena of social attitudes being determined by economic considerations. If the foregoing hypothesis materialises, the F.U.E. and the I.C.T.U. will, in industrial relations terms, become almost irrelevant in an industrial wasteland. Perhaps by then the I.C.T.U. will have assumed an overt political role as a means of changing the ground rules of our political economy and salvaging a little bit of our economic and political sovereignty to redress the excesses of a neocolonialist E.C.? Somehow I doubt it The great bulk of the trade union leadership is essentially part of the lemming mass, with little understanding of the past and no perspective outside mat offered by the mandarins of Europe and their Irish mouthpieces.

Yet, even on that basis, one would have expected some ideas about one to one trade union link ups with British and Continental unions, outside the confederal E.T.U.C. and their own national centres and the international trade federations to achieve some transnational clout which is not delivered by these ultra bureaucratic and essentially nation-centred bodies. The transnational companies are much more coherently organised, flexible and responsive, and play national centres and their affiliates against each other and within national centres. Witness Ford and the A.E.U., Murdoch and the E.E.P.T.U. in Dundee and Wapping, respectively. In Ireland the almost exclusive patronage of the I.T.G.W.U. by the F.U.E. in the matter of foreign firms coming to the Republic from 1960 onwards caused concern in the I.C.T.U. In latter years, there was a slight shift towards the F.W.U.I. because of concern about the organisational integrity of the I.C.T.U. by reason of the discrimination against the other major general unions, A.T.G.W.U. and the F.W.U.I.

In a democratic society with citizens' rights enshrined in a written Constitution, it would be immensely difficult to frame industrial relations and trade union laws in the same way that a society without a written constitution (like Britain) can violate individual civil rights through corporate sanction. In the P.&O. dispute, the N.U.S. is held responsible for sacked seamen attending at Dover Docks in their personal capacity to put pressure on the scab seamen, even though the union pickets are conforming with High Court Regulations. These judicial decisions are grounded in the anti-union laws passed by parliament in which resides absolute sovereignty! The great paradox, where the so-called democratic parliamentary process is used to repress and inhibit civil and democratic rights of a large section of British society, by a mere whim of a Tory government which in electoral terms represents a minority of the British people without any appeal unless at the hustings many years away.

On constitutional and political grounds, even had they desired to do so, it is highly unlikely that the current Fianna Fail government would tamper unduly with the civil and democratic rights of Irish trade unionists through the manipulation of their corporate affiliations.

The Programme for National Recovery, if it does nothing else, will ensure a "handsoff the unions" policy, other difficulties not with standing. Mary Redmond put it thus:

"No branch of the law in Ireland is incapable of being affected by the Constitution; it is the filter through which all laws pass. To the extent that a law, whether enacted by the Oireachtas or laid down by judges, finds it difficult to pass through this filter it is likely to be declared frail."

And again:

"In a constitutional jurisdiction, the freedom of association and the freedom or right to strike cannot be regarded as wholly different things".

The document from which the above quotations were extracted was a reply to queries put by the I.C.T.U. to the Minister for Labour in response to a discussion document on the desirability of reforms in the Trade Union and Industrial Relations Acts, particularly the 1906 Trade Union Act which protects the right to strike in "contemplation or the furtherance of a trade dispute". The discussion document proposed "positive rights" legislation as a trade-off for the presumed immunities under the 1906 Act which has been substantially eroded by judicial decision's involving common law and constitutional considerations.

In spite of these of legal pitfalls in seeking immunity for certain industrial action, the unions argued that positive rights legislation would also enshrine negative constrains which could substantially circumscribe industrial actions, either in the body of the legislation or by regulation. It was argued by the unions that breaches of these could take the unions beyond Taff Vale, where swinging fines for damages could be levied against unions, even in circumstances where the union, in its corporate form, could be held responsible for individual unofficial actions of its members, as cited above in the N.U.S./P.&O. dispute. It is clear that the current British experience had an influence on the thinking of the Department of Labour in respect of legal constraints on trade unions in the realm of industrial action and its functions and structures.

Congress sought the views of affiliated unions on the discussion document Several submissions were made by affiliates and the submission by Kevin Duffy on behalf of the A.G.I.B.S.A.T.U. on the right to strike law is worth quoting:

> *"The document raises the possibility of affording workers a positive right to strike as an alternative to the immunities provided by the Trades Disputes Act 1906. However, a positive right to strike, on its own, it of no great advantage to workers. Already, the European Social Charter recognises the right to strike and the Irish Supreme Court in the case of the Educational Building Society v Fitzpatrick implicitly recognise the right to dispose of ones labour and to withdraw it as a fundamental personal right which, though not specifically mentioned in the constitution as being guaranteed, is a fundamental right which cannot be adversely affected. What is important to Trade Unions is not so much the right to strike as the right to act effectively in furtherance of a strike. The Trades Disputes Act 1906 gave workers the freedom to make a strike effective as an economic weapon by disrupting the business of the Employer against whom the strike is directed. Those immunities are far more important than the right to strike since without them a withdrawal of labour could be an impractical and useless weapon. Throughout the years since the Trade Disputes Act was enacted the right to picket has been curtailed and restricted by the Courts to the point where that right is now a mere shadow of what was set down in the 1906 Act. In any review of Labour Law a right to strike must be backed by a positive right to make that strike effective.*

While it is stated in the document (at page 2) that it is not intended to make one sided concessions to either Employer or Trade Unions in an fundamental review of the 1906 Act that would appear an impossible task having regard to the difference which exists between both sides on this subject. It would also run-counter to the general trust of the document insofar as it relates to Trade Dispute Law. In general, the Trades Disputes Act should be seen at having served workers reasonably well since its enactment. Any whittling down of the protection which that Act affords could not be tolerated. The only *circumstances in which a review of that Act could be welcomed as if it were to afford greater protection to workers and set aside may of the restrictions which have been written into that Act by successive judgements of the Irish Courts.*

Another important area which will inevitably arise in any new legislation to replace the Trade Disputes Act is the definition of the Trade Dispute. The present Act provides a very broad definition which is generally satisfactory. Undoubtly there will be pressure from Employers Groups to have a narrower definition and to exclude dispute between workmen and workmen. This type of proposal should be firmly resisted by Congress. Disputes between workmen and workmen can cover not only DemarcationDisputes but disputes concerning conditions of employment as well. In two Court cases with which this Union was concerned (GannonandothersvDuffy&DeerparkDevelopmentvO'Shaughnessy) the High Court held that a valid trade dispute existed where workmen (members of the Union) placed pickets on building sites where lumpers were employed on terms and conditions less favourable than those provided for in the Industry Agreement. It was held by the Court that where as the Union did not have any members employed by the Employer concerned the dispute was between workmen who were members of the Union and other work men who had accepted employment on terms and conditions which were prejudicial to their interest. This was held to be a valid trade dispute within the definition provided by the Trade Disputes Act 1906. The Trade Disputes Act also provides that the workmen in dispute need not necessarily be employed by the Employer against whom picketing is directed. This is also an important provision which will undoubtedly be looked at again. The Court has held that before such a dispute can be valid there must be established a discernable connection between the Union in the dispute and the Employers. In the case of the Building Industry it has been held that the existence of an Agreement covering all Unions and Employers is sufficient to establish the type of connection required to enter into dispute with any building Employer, whether or not has members of the Union employed, in connection with a matter arising from the Agreement. This is very important where unions have to enter into dispute against Employers who take on lumpers to the exclusion of Trade Union members.

These are all important provisions of the current law which Employers would wish to see changed in any new legislation. Congress would have to firmly insist that the definition of a trade dispute, in any new legislation, could not water down or restrict in any way the type of disputes which are to be regarded as valid and attracting protection for picketing.

One looks in vain in Britain and in Ireland for the same degree of zealotry in reforming company and business laws and practices which allow them to trade fraudenlly by exploiting the law of limited liability and to operate in a conspiratorial, hidden way, contrasted to the open democratic accountability of trade unions. An again, the scandal of rogue directors who are personally unaffected by collapsing companies heading up a separate "legal "entity next door or indeed in the same premises in a matter of days from the demise of the other company, whilst their victims, involving suppliers and the workers, are penurised and the Slate in large measure is usually the loser whilst offering assistance in many respects to the "new" company. So rampant is this practice that the various Institutes of Accountants who may have been retained to audit accounts find their integrity impinged by management practices which are criminal in intent by nondisclosure of vital accounting information. Accountants who may uncover such practices have a duty to alert the Fraud Squad before jobs, businesses and State payments go down the tubes.

In tandem with the proposals for reform of the Trade Union Acts were proposals to revise the Industrial Relations Acts. As the Department of Labour summarised it, the proposals envisaged:

(i) to give a new general responsibility for the promotion of good industrial relations to an appropriate body;

(ii) to encourage and facilitate a more active approach to dispute prevention and resolution;

(iii) to restore the original purpose and status of Labour Court investigation and recommendations;

(iv) to make provision for a number of new functions and services.

Congress, in a document in April 1985, summarised it thus:

Review of Existing Institutions

The objective of the proposals is "to increase the responsiveness and efficiency of the institutions" and to develop "a more coherent procedural framework at national level". The principal change concerns the establishment of a Labour Relations Commission "to foster good industrial relations at all levels and to provide conciliation, advisory, research and review services". The LRC would also have responsibility for the Equality Officer service and the Rights Commissioner service as well as a role in regard to codes of practice. It would provide backup facilities for JICs and JLCs.

The only change made in relation to the Labour Court (apart from hiving off the conciliation service. Equality Officer serviceand Rights Commissioner service) is that the Minister for Labour may direct it (or the LRC) to seek to resolve disputes, actual or apprehended, "affecting the public interest". Where a trade dispute is of "particular public importance" the Minister may direct the Court or the LRC to conduct an enquiry into the dispute.

Codes of Practice

The Industrial Relations Act will be amended to allow for the introduction of codes of practice prepared by the LRC after consultation with the social partners, for approval by the Minister. Complaints about breaches of a code of practice will be considered by the LRC and where necessary to the Labour Court which could make a recommendation on the matter

Issues on which the LRC will be asked to prepare codes of practice are given as:

- disclosure of information for collective bargaining purposes,
- protection and facilities for collective bargaining purposes,
- consultation on proposed collective redundancies
- trade union recognition
- (a "special priority") disputes procedure

The codes of practice may be restricted to employments above a certain workforce size.
Least important of the two sets of proposals is die dispute settling proposals. One's experience of seeking redress through conciliation without the final sanction of strike and effective picketing has been rueful. For many many years, as representatives of Lightkeepers, we sought through the precess of direct negotiation, conciliation and Labour Court recommendation civilised pay, hours and conditions of employment, commensurate with the skill, responsibility and unsocial nature of the job, to no avail. One Commissioner on the Board of Irish Lights likened to them to fitters' mates. The Labour Court, though not so characterising them, did little to redress the Lightkeepers' genuine grievances.

Had they been offered the hourly rate of a fitter's mate, with the premium payments for shift work, overtime and Saturday, Sunday and holiday working, and subsistence, though not accepting the description, it would have been a substantial improvement in their pay. They were a public spirited bunch of men and it was know that they had an aversion to striking, so nobody cared if they were exploited and abused if the lights stayed on! And so it has ever been. Silent suffering evokes no response from anybody. If the Lightkeepers had put out the lights, the response of the media would have been hysterical: "Irresponsible Lightkeepers put shipping and lives at risk". Who cared about the long lonely vigil of men away from home for months on end, including Christmas, anniversaries, birthdays, general social activities one takes for granted-daily? Nobody, except the family of the Keepers and without the monetary compensation that such deprivation should have entailed. The cruel irony for serving Keepers is that they are now expendable. Over the next couple of years they will be replaced by automation and thrown on an Irish labour market already sated with 250,000 jobless.

The parable of the Lightkeepers explains why the right to strike and picket effectively is cherished by unions and working people. More than ever, with demands for labour market flexibility and deregulation, working people need strong trade unions and industrial action to fight against the revanchism of the employers whose inspiration is the Combination Laws of 1800's

We turn again to the question: What should the trade union response be to the "new realism"? Some trade union leaders are busy on the merger front. This is a reactive response to the fact of declining membership, where even substantial unions - on paper - are running into cash flow problems. As 1992 approaches this position will compounded by a massive reduction in membership in all sectors of the company as alluded to elsewhere. The very survival of many organisations will imply mergers and amalgamations to retain salaries and pensions to officers and staffs and ensure some degree of protection for the members. Whilst understanding that there is a humane desire to protect the livelihood and future of persons who worked long and hard for an organisation becoming historically obsolete, there was a failure on the part of officials to warn of the dangers of capitalism's changing structures with the impoverishment of the regions in Europe and prepare the membership to take positive and calculated steps to strengthen the organisation before the crisis became an emergency.

Assuming that the various moves towards a more rational Movement materialise, will that organisational change, per se, ensure a stemming of the jobs haemorrage out of which the present crisis emerged, as is did cyclically down the years? It is different now; we as a State have no economic or political sovereignty to break the grip of the neo-colonialists in Europe by the intervention of the State into the economic sphere. The iron laws of scale economy dooms us to become a mendicant appendage of Europe, exporting our unemployed to produce our needs in Europe's factories.

To regain the sovereign right to order our own economic and political affairs is to confront our unconditional membership of the E.C. Are the Irish trade unions into that campaign? They are very definitely not. Indeed, many are committed Europeans and active participate in its functioning, in spite of the existence of 250,000 unemployed and with those numbers growing daily, and the 30,000 persons who emigrate yearly. I looked in vain for any member of the I.C.T.U.'s Executive Committee on the picket outside the National Concert Hall on July 4th 1988. Instead, many were inside listening to the bilge about "opportunities and challenges" in the single market which will produce another 150,000 lost jobs! If this means confronting the "New Realism", then let's have some "old fashioned" socialist action on the politics of the economy.

Trade union dinosaurs, without social and political objectives, will be just as ineffective in defending or improving their dwindling members' interest as our industrial and commercial base succumbs to the predations of the transnational companies. Already the battle has begun. The organisational concentration of Irish trade unions could provide the base for a national effective trade union based political party which would break the conservative consensus that has ruined the country economically and socially. The trade unions cannot be neutral or apolitic in this fight for the survival of our own people and that includes Northern Ireland.

Somehow I feel in my bones that the personal certitudes of careers and pensions in the larger units of organisation, together with the blandishments of Establishment patronage of top persons, will politically neuter the Movement, as happened repeatedly in the past. Undoubtedly more funds will allow for the mustering and publication of "socialist" portfolios on a range of economic and social policies which anti worker parties and governments will ignore as not mattering on "the day". What was that, that Stalin said about the Pope's phantom arm?

A cynical scenario you say? Maybe. I hope I can be proven wrong in the years ahead. Most trade unions, as always, sought to be part of the consensus which was in fact a euphemism for capitulation to the ideological orthodoxy for the capitalist Establishment. Their spokespersons would describe this as "living in the real world" whilst those committed to change this reality are deemed "millenarians or more prosaically, headbangers". What in effect this "New Realism" is, is adapting oneself and one's organisation to the tyranny of wealth and privilege as an ethical concept, immutable and essential leadership to build an effective political organisation based on and generally funded by the trade unions, to change the politico-economic framework which would lend credibility to the cynical rhetoric of trade union conferences over the years. Maybe Catholic disapproval of socialism as materialistic and therefore objectively atheist - or at least anti-clerical - was, and is, part of the problem? The materialism of private property, and its corporate and personal forms and wealth and privilege is seen as somewhat more Christian and socially just than a society that cherishes the inviolability of the human person and mobilises all the material and human resources to guarantee that social priority?

If that is part of the problem, then honest leaders of the Trade Union and Labour Movement, like Mintoff in Malta, must confront the Catholic Church and expose the contradictions of it's "Christian" message, with its social and political role in Irish society. Historically, Labour leaders have dodged that issue, or when pushed, like Brendan Corish, in 1969, to state his personal position on the presumed incompatibility of Catholic and Socialist philosophies, he responded: "I am a Catholic first, and an Irishman second and a Socialist third". It is that mixture of sophistry, duplicity and sheer cowardice that has led Irish working people into a political cu-de-sac time and time again and has depicted the leaders of parties of the right as paragons of truth and moral virtue. It is easy to appear so because they relate to a bowdlerised form of Catholicism which accepts the theology and spurns the social practice, on which the Church temporal is silent All the more so that leaders of radical and socialist movements be seen to smash this cynical consensus, that drives our people like dumb oxen to the dole queues and emigrant ships.

The apologists respond by describing the "challenges and opportunities" for these going abroad. Most are linguistically illequipped to grapple with cultures and situations in non-English speaking countries of Europe and are pariahs in the U.S., and to a lesser degree, in the U.K., in the first place because they are illegal and in the second place because it is impossible to find employment outside the Home Countries and impossible to find housing accommodation within the Home Counties. Usually these who extol the virtues of involuntary emigration are those who are nicely set up here and up to now have not had to face the uncertain future of the hundreds of thousands driven out by an uncaring ruling class and their kept politicians, a ruling class that sold out the Nation to an economic and political union just as ruinous as the Act of Union in 1800 which begot the Famine and the destruction and diaspora of the Irish Race.

A ruling class, urban and rural, who legally were handed billions of taxpayers' money (mainly workers' money) in grants, assistance, schemes and tax exemptions also illegally plundered the exchequers by withholding P. A. Y.E., V.A.T. andP.R.S.I. revenue and fraudulently evading the miserable amounts of tax they were obliged to pay - about 10% of the total income tax take! At the same time the kept media hypes up the miniscule few who defraud on Social Welfare, acknowledged by the Minister to be less than 3% of the total, to seek to redress the balance. Whilst not defending Social Welfare fraud, the great under class of those on Welfare are the virtuous poor. Those who defraud Social Welfare are a mirror image of their "betters" in the ruling class, men and women of substance who are supposed to be the essential fabric of society, setting standards of probity and moral virtue, but not letting concepts of social morality interfere with entrepreneurial and business practice and the pursuit of profit.

Consequently, the whole level of public and social morality, even in humanist terms, has decayed to an extreme degree. Public servants, renowned for their honesty and integrity, have been infected by the incubus of the "stroke", the practitioners of which, instead of being reviled, became fold heroes in a bizarre perversion of moral values. The flight from organised religion is symptomatic of the perceived irrelevance of the Church as a cresading force for justice and equality in a divided society of wealth and object poverty. In religious terms, there is no core morality, no moral levers which seek to put right social wrongs. Church men and women, with few exceptions , acquiesce and take refuge in the doctrine of personal salvation rather than link this with the temporal welfare of the deprived, exploited and dispossessed.

Objectively, this places the Church clearly in the centre of the conservative consensus and with no other substantial political pole of attraction to defend the weaker sections of society, their social crucifixion continues unabated. Perhaps the waning malevolent influence of the Church in political affairs will throw up more radical and revolutionary political formations in the future, committed to socialist and secular policies of major and fundamental changes in Irish Society?