

## Chapter 9. *Plus ça change*: the coalition government and the trade: The Coalition government and trade unions

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### Introduction

One of the first announcements made by the majority Conservative government on coming to power in the UK in May 2015 was in relation to proposed legislation on trade unions. The newly appointed Business Secretary Sajid Javid stated on the *BBC Today Programme* that 'We've already made clear, in terms of strike laws, that there will be some significant changes... it will be a priority of ours. We need to update our strike laws. We've never hidden away the changes we want to make. I think it's essential to make these changes' (BBC News 2015). At first sight, this might suggest that the return to a Conservative majority government signalled a significant change in the way relationships were to be structured with trade unions, reflective of the significant legislative attacks on trade unions under the Thatcher and Major Conservative administrations of the 1980s and 1990s.

In this chapter, however, it is argued, that the origins of the proposed Trade Union Bill - with its aims of not simply introducing thresholds for industrial action ballots, but also of regulating the collection of membership subscriptions and time-off given to trade union representatives in the public sector, of restricting picket line and social media activity, and regulating the funding of political activities by unions - also reflects a number of significant developments in employment relations and the relationship between the British state and trade unions during the period of Coalition government between 2010 and 2015.

In this sense the Bill represents a useful lens through which to look back at the relationship between the Coalition government and trade unions. However, the danger of solely using the Bill to seek to understand this period of is that it can lead to an analysis that is both fragmented and narrow in scope. This chapter will, therefore, try to analyse the relationship between the Coalition government and trade unions from a wider context, namely the role ascribed to trade unions by successive UK governments. It starts by looking briefly at the relationship between the New Labour administrations and the trade unions, highlighting how attempts at substantive trade union renewal were constrained by government support for neo-liberal policy prescriptions; a limited and individually focused legislative programme; and by deliberate attempts by New Labour to re-focus trade union purpose. It is argued this left the union movement in a weak position when the Coalition government was formed to resist the attacks largely conducted under post-financial crisis austerity politics. However, there was a growing polarisation within the union movement between those unions seeking to make substantive gains from the partnership and union learning opportunities offered by New Labour and those which sought to rebuild a more traditional relationship with New Labour and a more adversarial one with employers.

This provides a framework for analysing the relationship between the Coalition government and the unions. While aspects of the Coalition's labour market and employment law reforms and the impact of austerity on public sector employment relations are covered in chapters five and ten respectively, this chapter will focus specifically upon three areas where the Coalition government sought to address the most forceful challenges from the unions.

Firstly, the chapter will examine the Coalition's response to the direct challenge of the Public and Commercial Services (PCS) union, which developed active campaigns and industrial action strategies in proposing an alternative to austerity. Secondly, it explores the government's response to the threat posed by the deployment of an effective 'leverage' strategy by Unite-the-union (Unite) across a number of key sectors. Finally, it highlights the role of the government in seeking to pressurise the leadership of the Labour Party to marginalise trade union 'influence' within the party in the wake of an internal party investigation into the operation of Unite's political strategy in Falkirk.

The central argument to emerge from this analysis is that, from a broad policy perspective, the Coalition government's approach to trade unions was consistent with previous post-1979 administrations, seeing them primarily as a potential economic and political challenge to the policy goals of modernisation, privatisation and austerity, and thus seeking to attack the unions' attempts to foster, and mobilise, opposition to these neo-liberal goals. In this respect the Coalition government's relationship with the union movement reflected the state's imperative of marginalising opposition to neo-liberalism, and played an important role in the continuation of, and current extension of state policy toward trade unions, as reflected in the Conservative government's 2015 Trade Union Bill.

### **1997 and all that**

By the time of the 2010 General Election the trade union movement was at a low ebb, both despite, and because of the legacy of the 1997-2010 Labour Government. Governmental action undertaken by New Labour provided no substantive means for unions to re-establish their influence and, through 'modernisation' strategies, also pressurised the unions' new heartland of the public sector. By 2010, both union membership and density had declined, albeit at a much slower rate than between 1979 to 1997. Total union membership stood at 6.5 million, representing a density of 26.6 per cent. Trade union density stood at 56.3 per cent in the public sector (down from 61.3% in 1997) and 14.2 per cent in the private sector (down from 20.2%). Collective bargaining coverage had also contracted to 30.8 per cent of all employees 16.8 per cent in the private sector (down from 22.0 per cent in 1997) and 64.5 in the public sector (down from 74.9 per cent in 1997) (Achur 2010). The union movement had not recovered membership or significant workplace or political influence after thirteen years of New Labour governments. While the framework provided by the government provided scope for unions to pursue revitalisation policies, the weakness of employment law passed and the refusal to countenance any meaningful changes to legislation on industrial action, left the unions treading water.

How had this situation come to pass? Certainly, the origins lay in the Conservative governments of 1979-1997. The Conservative governments used state power, as economic manager, legislator and employer (Hyman 2009) to undermine trade unions by altering the structure of the economy and employment and changing the way the employment relationship was regulated to exclude organised labour, notably through a series of anti-union laws circumscribing industrial action, union governance and internal affairs. By 1997 union membership and density and collective bargaining coverage were all approaching half their 1980 figures. The fulcrum of the union movement switched from the private to the public sector.

The New Labour election victory, however, saw some legislation, much of it derived from European Union directives, favourable to a 'floor' of workers' rights and to trade union representation. Prominent among the latter category were a process by which unions could pursue legal recognition for collective bargaining purposes with employers (Employment Relations Act, 1999); the introduction of the right to paid time off for union learning representatives (ULRs) (Employment Act, 2002); and use of state funds to permit trade unions to modernise (Employment Relations Act, 2004). From about 2005 onwards, however, unions increasingly identified problems with Labour's legislative programme, from the problems of using the recognition law to the weak implementation of both the Working Time and Information and Consultation of Employees Regulations, which failed to provide the scope for rebuilding collective organisation at work.

At the same time, trade unions sought to develop more effective strategies for addressing membership decline and loss of influence. It is argued that unions moved away from what had been termed a 'servicing model' of trade unionism characterised by a 'passive and disengaged membership relying upon a bureaucratic union officialdom to remedy workplace problems as they arise' (Cooper 2001, 435) and which focused upon recruiting members through providing individual services and benefits rather than collective action (Hyman 1996, 72-73).

Three strands were evident: organising, partnership, and educational provision. The most prominent strategy was that of organising. This emphasised the importance of member participation and workplace organisation, building membership through highlighting workplace grievances and expanding the unions into new sectors and workplaces, whilst targeting under-represented groups of workers (Heery *et al.* 2000). Optimism spread as approximately 3000 new recognition deals had been secured achieved by 2005 (Nowak 2009, 133). While organising placed an emphasis upon challenging employers, the TUC also developed a parallel, neo-unitary partnership approach. The partnership strategy also has to be viewed in the context of the relationship between unions and New Labour. In this sense partnership was promoted by New Labour as part of the 'third way' it proposed, where relations between state, trade unions and business were redefined, and offered the union movement, through the TUC, limited influence at the national policy level as well as stability in the workplace. The final major area of trade union activity since 1997 was in the area of educational provision. Workplace learning was increasingly advocated by British trade unions, promoting the Labour governments' strategy of 'lifelong learning'. The TUC Learning Services department (later renamed Union Learn), and the introduction of Union Learning Representatives (ULRs), following the establishment of the Union Learning Fund, was a major initiative of the Labour government. ULRs received (limited) statutory rights, including paid time-off for union learning activities, in workplaces where unions were recognised. This provided some £81 million of state funds for union learning activities by 2006 (Clough 2007).

Some argue that New Labour through its minimalist legislative programme, support for partnership and state funding of unions for learning activities was essentially trying to re-conceptualise the role of trade unionism (Smith and Morton 2009). For example, McIlroy (2009) argues that New Labour's notion of trade unionism was rooted in partnership and HRM techniques, with the emphasis on non-conflictual partnership between employees (rather than unions) and employers. He highlights union learning as a means to refocus

trade union activities away from organising workers and pursuing joint regulation, to incorporating unions as an extended arm of the state, delivering skills training, to compensate for the lack of employer-led training (McIlroy 2008). This role perceives unions as organisations helping to deliver productivity and growth, with a limited role in regulating the employment relationship, implementing (rather than formulating) state policy, excluding a more oppositional role promoting redistribution and challenging, through collective bargaining and industrial action, managerial decision making.

The clearest examples of how these rival conceptions of trade unionism impacted upon the relationship between New Labour and the union movement were to be found in the public sector, particularly over the contested concept of 'modernisation'. Restructuring, privatisation and private-public partnerships emphasised the continuity between the New Labour administrations and their Conservative predecessors. Attempts to pursue this modernisation strategy, particularly through restructuring terms and conditions of employment, resulted in industrial action throughout many parts of the public sector, with almost three fifths of all working days lost due to strikes occurring in the public sector between 1997 and 2006, and with increasing days lost in the period 2002 to 2006 (Lyddon 2009, 320). Senior Labour ministers' actions highlight the extent to which New Labour was prepared to address the challenge of adversarial trade unionism. The most serious dispute involved the firefighters between 2002-2003, where the Fire Brigade Union's (FBU) demands for a significant wage rise opened up negotiations over working practices and where Deputy Prime Minister John Prescott intervened to scupper an initial agreement (Seifert and Sibley 2005). When the Prison Officers' Association (POA) also called a one-day national strike in 2007, over the staging of a Pay Review Body award, the Home Secretary Jack Straw announced legislation to restore the ban on strikes by prison officers (Lyddon 2009, 323).

Overall, the New Labour era left the weakened union movement divided over strategies. While some unions became embedded in partnership and union learning and used organising simply as a recruitment tool, others tried to focus upon a more adversarial form of organising, with some unions withdrawing from the TUC Organising Academy, due to conflicting opinions and 'unrealized expectations' as to the aims of organising (Simms and Holgate 2010). Nevertheless, the cost of organising led many unions to adopt it as a mechanism to 'fill-in' membership gaps in recognised work places rather than to secure new recognition agreements. At a political level this polarisation was also represented by the election of a growing number of union leaders advocating a more adversarial approach to industrial relations and demanding a more critical political stance. Dubbed the 'awkward squad' by sections of the media, this group of general secretaries, representing unions such as National Union of Rail, Maritime and Transport Workers (RMT), Communication Workers Union (CWU), Public and Commercial Services Union (PCS), Fire Brigades Union (FBU) and the predecessor unions that formed Unite, were often ambivalent about their unions' relationship with New Labour.

### **The Coalition, the politics of austerity and trade union responses**

The Coalition government, formed following the May 2010 general election as a result of successful negotiations between the Conservative and Liberal Democrat political parties, was founded upon a shared understanding of the need to improve the public finances,

following the financial crisis, and to do this primarily through policies of austerity. However, associated with austerity policies was a fundamental attempt to radically restructure the welfare state. While the case for reducing public debt was highlighted as the main reason for the austerity agenda, underpinning this was the re-assertion of neo-liberalism, contrasting Coalition policy with what had been perceived to be the more centralised economic management exercised on the part of the Brown Labour government to the unfolding financial crisis from mid-2007 (Painter 2012, 4).

This re-focusing of neo-liberal policy was pursued with rigour in relation to labour market deregulation. The impact of the resultant detrimental changes to individual employment rights; the access to, and cost of, employment tribunals; to health and safety legislation coverage; as well as privatisation of public services and the impact of public expenditure cuts on jobs, terms and conditions and notably pensions are covered elsewhere in this book. However, the substantive focus here is the measures taken by the Coalition government in relation to some of the most significant challenges by the trade unions to its labour market policies. We discuss, in turn, the Coalition's responses to trade union militancy in the civil service in particular, to the adoption of new forms of union protest and campaigning, and to the relationship between organised workers and the main opposition party, the Labour Party.

#### **The PCS: alternative visions and the new model employer.**

The PCS is the largest civil service union, created in 1998 following a series of mergers among unions covering staff up to those in middle management grades.. Many of these predecessor unions had traditionally been led by officials who sought to establish partnership arrangements to ameliorate the worst impact of government reform across the civil service. This was the position of the leadership following the merger to create the PCS, which had signed a partnership agreement in 2000. However, the election of Mark Serwotka as general secretary and the success of left-wing factions in securing control over the national executive committee saw the union shift markedly to the left, leading to a more combative strategy with 'an increased emphasis on a militant bargaining agenda... "ambitious" bargaining goals; and a willingness to use collective mobilisations, such as strikes, to achieve the union's bargaining aims' (McCarthy 2010, 186-187). This was backed up by a strong commitment to the organising agenda, focused upon building membership, workplace representatives and mobilising for industrial action. The PCS subsequently saw an impressive growth in membership. It rose from 295,063 in 2003 to 311,998 by the end of 2006. However, membership did fall following the financial crisis as a result of the public sector cuts pursued by New Labour, to 301,562 by the end of 2009 (Certification Officer 2003; 2006; 2009).

In response to the austerity agenda of the Coalition government, in 2010 the PCS published a pamphlet entitled *'There is an alternative: The case against cuts in public spending'* (PCS 2010). This directly challenged coalition policies, arguing for policies aimed at stimulating economic growth through public investment in housing, renewable energy and transport (using the publically owned, bailed out, banks to facilitate that investment); opposing plans to privatise public services which would lead to worse terms and conditions for staff (reducing potential tax revenue), poorer services and loss revenues; and highlighting the need to focus upon tax collection, with estimates of the total annual tax gap (avoidance,

evasion and non-collection) at over £120 billion, rather than focusing on benefit fraud (PCS 2010). This alternative set of policy proposals formed a central plank of PCS political campaigning and was followed by further campaigns, with the publication in 2012 of a follow up pamphlet *Austerity isn't working: There is an alternative* (PCS 2012). In this pamphlet, the PCS took the Coalition Government to task over its austerity record, highlighting the comparatively poor performance of the UK economy, the significant increases in unemployment and increased borrowing and the failure to bring down public debt. The central focus of the critique was the spiralling inequality, with real wage falls for most workers, but significant increases in wealth at the top of society (PCS 2012).

These political challenges to the government were developed further when specific sections of the civil service and related sectors were subject to the threat of privatisation. One of the key planks used in campaigns to defend the Land Registry from privatisation and against cuts in the culture sector were the alternative vision documents authored by academics Seifert and Ironside (2013; 2014). In the case of the Land Registry, for example, the alternative vision underpinned PCS campaigning and strike action in 2014, which led the government to shelve plans for privatisation.

It can be argued that the civil service became the key employment relations battleground during the Coalition government. While the PCS developed their wider anti-austerity campaigns, austerity policies immediately focused upon the civil service. As Hodder (2015, 938-939) notes, three problems coalesced: a recruitment freeze across the civil service for 2010-2011, public sector pay caps, and detrimental changes introduced through the Superannuation Act (2010), leading to reduced Civil Service Compensation Scheme (CSCS) entitlements for compulsory and voluntary redundancies. The PCS used a combination of (unsuccessful) legal challenges and industrial action throughout 2011 on pay, pensions and the CSCS changes. Despite mobilising against the proposed changes the PCS were ultimately unable to resist the cuts imposed through scheme changes, secure substantive pay increases above the government pay cap or halt job reductions, with 66,900 jobs lost from the civil service between 2008 and 2013 (ONS 2013).

The Coalition government's success in implementing their austerity policies led them to pursue further cuts in terms in conditions. In December 2012, HR Directors in government departments received a letter from the Cabinet Office asking them to review terms and conditions, including working hours, leave entitlements, flexi-time arrangements, childcare, special leave and parental leave arrangements, career breaks and sick leave and pay entitlements (Hague 2012). Despite overwhelming opposition to these proposals (French 2014), research and consultation within the PCS indicated that members were not prepared to mobilise nationally to oppose the proposals.

At the same time, the Coalition government began focusing its attention directly on the PCS with two further 'reforms', the facilities time granted to lay union representatives and check-off arrangements for paying union subscriptions through employers' payroll. In July 2012, the government launched a consultation into the level of facilities time. Again this was linked to austerity policies, with both the Taxpayers Alliance pressure group and the right-wing Conservative Party Trade Union Reform Campaign highlighting the costs in public expenditure of funding arrangements for public sector trade union activity. As a result of the

consultation, the Cabinet Office oversaw moves to: limit the time spent on union work, so that trade union representatives would be required to spend at least 50 per cent of their time at work on their civil service job; place a cap upon the costs of all facility time of 0.1 per cent of each department's paybill in the first year; and introduce rigorous systems to monitor and record how much time is spent on union work (Cabinet Office 2012).

The next attack on the unions in the civil service related to the decision to end the check-off. In December 2013, the Cabinet Office minister Frances Maude circulated a letter suggesting that government departments should seek to charge unions for the check-off facility, which the PCS offered to pay (estimated to be about £350 per annum). Maude subsequently stated that it was not desirable for civil service employers to provide an unnecessary service for unions and, despite a successful legal challenge by the PCS in the Department for Communities and Local Government (costing the taxpayer £90,000), seven departments subsequently moved to end check-off, with the largest departments, the Department for Work and Pensions and HM Revenue and Customs, implementing it ahead of the 2015 election (CLASS 2015, 1).

The impact of all these attacks was significant. As a result, primarily, of job losses, PCS membership had fallen to 231,359 by the end of 2014 (Certification Officer 2014), and it was estimated that around 153,000 members needed to be signed up to direct debit - 100,000 of whom had been signed up by February 2015 (PCS 2015a). With the decision not to pursue a possible merger with Unite, the PCS had to undergo internal restructuring to address falling membership income, while seeking to maintain a strong organising agenda. At the same time, union representatives tried to ensure that members received support and representation on significantly reduced facilities time. This not just affected the PCS, but also other unions operating in the civil service. Research by Hanks (2015) into Unite representatives in the Ministry of Defence (MoD) has highlighted the impact of its 'Employment Relations Review' on workplace organisation and member representation, with fewer full-time representatives able to cover a geographically dispersed sector, and requiring additional support from already stretched national and regional union officials, all at a time when further privatisation initiatives were being pursued.

By imposing austerity policies on the civil service, the Coalition government actively revised the concept of the state as 'model employer', seeking to send a clear signal to business and society that public sector employment and terms and conditions should be kept tightly under control. Further, in attacking the PCS, notably in relation to check-off and facilities time, the coalition indicated how relationships with trade unions should be recast in the public sector, demonstrating that challenges from a militant union would not stop austerity policies and further reforms. It is not surprising, therefore, that both the limiting of facilities time and, belatedly, the ending of check-off made their way into the later 2015 Trade Union Bill in relation to the public sector as a whole. The Coalition government and its Conservative successor have, therefore, focused their attention on the key areas of union organisation in the public sector, and taken on its most militant union, with the aim of diminishing union strength and influence in order to maintain a neo-liberal policy agenda.

### **Between leverage and protest: Ineos and the Carr Review**

After the retirements of Tony Woodley and Derek Simpson from the positions of joint general secretaries of Unite, in November 2010 Len McCluskey was elected as sole general secretary. Notwithstanding the size of the union and the different sectors represented within it, Unite has been a strong advocate of the organising model, but has also developed a strong community section to try to integrate unorganised and unemployed workers into the union movement and link grassroots political campaigning with industrial issues (Goulding 2012). The outcome of these developments was a union clearly on the left of the union movement, seeking to develop strong workplace influence. Although these developments pre-date the changes to the union's rulebook, the 2015 rules revision conference provided an indication of this through the following key aims of the union (Unite 2015, 1), namely to:

organise, recruit and represent workers, and strengthen workplace organisation to achieve real union power for its members; help our members win in the workplace, using the union's resources to assist in that process, and to support our members in struggle including through strike action; and have a strong political voice, fighting on behalf of working peoples' interests, and to influence the political agenda locally, regionally, nationally and internationally, so as to promote a socialist vision.

One of the new strategies developed by Unite under McCluskey's leadership was the creation of a specific team to develop leverage strategies. Leverage is defined as a strategic campaign, unique to each employer, involving an analysis of what will change the position of the employer; an escalating targeting of all areas of weakness, both indirect and direct, to tactically and deliberately exert pressure and uncertainty, thereby creating maximum instability within the apparatus of the employer (Unite 2012). In this respect it reflects a new union strategy to address the weaknesses of trade unions under global neo-liberalism. As the Unite Leverage Strategy document (Unite 2012, 2) notes:

Increased marketization and globalisation has changed the face of employers; multinational companies have grown in power and reach, whilst local and public employers have diversified and increasingly undertaken market led reforms. Modern capitalism is lazily viewed as bordering on the impenetrable for organised labour-but in addition to increased threat, change has also created new opportunities to win.

It is crucial to understand, in this context, that leverage is a highly resource intensive strategy, where the union undertakes a highly focused analysis of the subject employer, including shareholders, suppliers, employers with whom that specific employer works; and communities within which the employer operates and customers. The success of leverage requires in depth research and planning and the ability once a campaign is running, to be able to escalate and build pressure. As such the extent of leverage campaigning is limited to key disputes where it is no longer possible through conventional industrial strategies to shift the employer. As a result, prior to the 2015 general election, only seven leverage campaigns had been run, all of which were won: Honda in 2011; MayrMeinhoff Packaging, Liverpool Mutual Homes, BESNA and the London Buses Olympic bonus in 2012; Howdens and Crossrail in 2013.



However, while leverage, as defined by Unite, is a centralised resource intensive strategy, to be used in a limited capacity, this does not stop the union's industrial and community branches developing their own local forms of 'leverage type' activities when pursuing disputes using traditional forms of industrial action or developing campaigns. These could include protest meetings, leafleting, social media campaigns and working with other grassroots activists such as UK Uncut, 38 Degrees and living wage campaigns. Examples of wider campaigns would include the activities to highlight the use of zero hour contracts by Sportsdirect (Butler 2015) and the tipping policies of major high street restaurants such as Pizza Express (Gayle 2015), as well as the use of inflatable 'protest rats' in a number high profile industrial disputes such as the strike at St Mungo's Housing Association (Unite 2014a).

These tactics should not be conflated with the central leverage campaigns, though this is exactly what occurred during the Ineos dispute in Grangemouth. Triggered by the suspension of the senior convenor, Stevie Deans, at Ineos in July 2013, Unite sought to ballot members on industrial action based on the alleged victimisation of the convenor and Ineos' use of agency workers. In one of Unite's best organised workplaces turnout was 86 per cent, and 90.6 per cent of those workers voted in support of industrial action short of a strike. The issue then shifted to management raising concerns about the continued viability of the refinery, with the dispute escalating and management threatening to close the plant, unless 800 workers accepted a new contract based upon detrimental terms and conditions and pension provision (Carr 2014, 26-28). With ACAS talks failing, the threat to shut the plant was announced in October 2013, but was swiftly reversed following a government guaranteed £230 million loan to build a gas terminal, which will enable Ineos to store and process ethane from cheap US shale gas (Sharman and O'Connor 2014) and acceptance of the new contracts by Unite members (Seymour 2013).

During this dispute Unite organised a series of protests, claimed to be targeted at the business properties and activities of the Ineos Chairman Jim Ratcliffe, in public locations, at financial institutions linked to Ineos and Ratcliffe, at Ineos suppliers as well as the personal properties of Ratcliffe. These were identified in the press as examples of bullying and intimidation deployed by the union against target employers, with an unnamed Grangemouth manager reporting that it 'was a mob, a threatening mob. They were trying to humiliate me. Trying to portray me as a nasty boss, a nasty capitalist. To portray me as someone evil' (Dixon 2013). The events at Grangemouth led to the Coalition government commissioning a public enquiry, the Carr Review, into the 'use of extreme tactics in industrial disputes, including so-called leverage tactics; and the effectiveness of the existing legal framework to prevent inappropriate or intimidatory actions in trade disputes' (Carr 2014, 16).

It is important to note how quickly the Coalition government moved to a full review and how it subsequently expanded the review to cover a range of sectors where managers claimed that bullying and intimidation, usually during industrial disputes, was practiced by union members and officials. It was notable that London Underground and the Fire and Rescue service were both identified, sectors where the respective unions, the RMT and FBU, have attempted to resist restructuring and austerity measures. This approach fitted nicely with Ineos' own definition of leverage as:

Action [that] takes different forms but the common theme is an attempt to publicly intimidate or humiliate the individual or entity in question in order to pressurise the employer to make concessions in the industrial dispute which it would not otherwise make due to the personal or economic consequences of such action (Carr Review 2014, 11).

In the end the scope of the Review, which reported in October 2014, was modified at the request of the investigator, as the deliberations were becoming conflated with political campaigning ahead of the 2015 election, notably around the issue of ballot thresholds applying to London Underground disputes, and because TUC-affiliated unions and ACAS declined to participate in the review process (Eurwork 2014). Nevertheless, Carr reported that the Unite protests and activities at Grangemouth were not part of a substantive leverage campaign and that the evidence, including that submitted by the Hampshire Constabulary, did not indicate the Unite protests were anything but peaceful. Indeed, Carr (2014, 97-98) specifically noted in his review the need for state and police to protect freedoms of assembly and expression, even if the ideas being promoted might shock or offend others, constrained only by compelling evidence of the likelihood of serious violence or disorder.

While the Carr Review explicitly did not make recommendations, following the re-scoping of the review by its author, and he highlights that there should be scope for unions undertaking public protest, the Ineos dispute, and the claimed use of leverage, is significant because of the subsequent Conservative government's inclusion of sections on public order and – initially – social media use in the 2015 Trade Union Bill. Sections in the proposed legislation on picketing highlight further governmental concern with unions taking industrial action and seeking to mobilise protest in support of that action. This is consistent with a wider agenda to use executive and legislative action to limit protest affecting the implementation of neo-liberal policies that was visible under the Coalition government (Hallsworth and Lea 2011; Garland 2012; *inter alia*). Concerns included the police use of kettling, the handling of anti-fracking and tuition fee protests, as well as the scope given to how local authorities interpret and order bans against protest in the Anti-social Behaviour, Crime and Policing Act (2014).

### **Unite's Political Strategy – all roads lead to Grangemouth!**

As highlighted in the previous section, upon winning the general secretary election and control of the National Executive Council, the United Left within Unite concentrated on political as well as industrial strategies, focusing upon their relationship to the Labour Party. Indeed, Len McCluskey claimed in the general secretary election campaign that he was constantly being asked by Unite members why the union donated so much money to the Labour Party (Hasan 2011). Against this backdrop a Political Strategy was developed in 2011 and formally approved at the union's 2012 Policy Conference, with the explicit aim of 'reclaiming' the Labour Party. The central aims of the political strategy were outlined in four key areas: winning Labour for working people which aims to elect MPs, councillors and MSPs who share Unite's trade union and socialist values; winning working people for Labour by recruiting Unite activists to the Labour Party and encouraging them to become active at all levels; building a broad alliance to defeat the Conservatives and their policies, including

the work of community branches; and winning a Labour government which will govern in the interests of working people and move towards a socialism for the 21<sup>st</sup> Century (Unite 2011).

The main focus of the strategy document related to Unite's influence within the Labour Party by increasing activists' involvement and participation in Constituency Labour Parties (CLPs) in order to secure the adoption of candidates sympathetic to trade unions and advance the union's policy agenda through the party's structures. In terms of outcomes, by the end of 2014, 40 Unite-supported candidates had been selected by CLPs to fight the 2015 election (Ross 2013).

However, the events that developed when Falkirk MP Eric Joyce resigned from the Labour Party in February 2012, after a fight in a House of Commons bar, were to lead to attacks on the union's strategy from both within and outside of the Labour Party. Unite put its strategy into place in preparation for the 2015 general election, when Joyce would stand down. Stevie Deans (Unite convenor at Ineos) was elected chairman of the Falkirk West CLP, which covered about 70 per cent of the Falkirk parliamentary constituency. It was subsequently alleged that he recruited Unite members into Falkirk West CLP and paid their membership fees, which, at the time, was in line not only with Unite policy but also with Labour Party rules. This enabled them to vote in the selection process for parliamentary candidates, with Karie Murphy, the former Chair of the Scottish Labour Party, and a close friend of McCluskey, announcing her intention to be Labour's candidate in Falkirk (Lodge and Thoms 2015).

Allegations then arose that Unite members had been recruited without their knowledge, or pressured into signing direct debit forms (Peterkin 2014), resulting in the suspension of the selection process and of Karie Murphy and Stevie Deans, an internal Labour Party inquiry and an eventual police investigation. The ensuing police report and Labour's unpublished enquiry found no evidence of wrongdoing, and the suspensions of Murphy and Deans were lifted (Wintour 2013). However, as Jones (2015) argues, the actual facts had very little to do with the backlash against Unite by the Conservative Party and the mass media, who, spotting Labour's weakness, demanded that the party leader, Ed Miliband, take action (Telegraph View 2013); especially in the light of the subsequent events at Grangemouth, examined above, where Ineos suspended Deans for actions relating to the Falkirk selection (Jones 2015).

In direct response to these events, Miliband established the Collins Review into Labour Party Reform in July 2013 to examine and make recommendations for reform, including developing a new relationship between the party and its affiliated trade unions. After a six-month consultation period, Collins reported in February 2014 recommending a range of new constitutional measures. Crucially, affiliation of trade union members to the party was to be changed, to ensure such members would actively consent to this process, rather than being affiliated by their union. This new group of 'affiliated supporters' would in turn gain certain rights such as voting in the one-member, one-vote leadership elections, though not for constituency candidates (Collins 2014). In a special Executive Council meeting in February 2014, the Collins Reforms were supported (Unite 2014b), and were backed by 86 per cent of a special party conference in March 2014. The Unite national executive took

immediate action following the special conference halving its affiliates to 500,000 (Watt 2014).

While the unfounded allegations against Stevie Deans and the attacks upon Unite's strategy from within the Labour Party highlight the extent to which the party-union relationship had deteriorated under the New Labour administrations, and is further reflected in the internal divisions since the election of Jeremy Corbyn as party leader, the real consequence of these developments under the period of the Coalition government was to provide opportunities for the press, in particular, to further smear the trade union movement and its links to Labour ahead of the election. More importantly, it also provided part of the rationale for further legislative intervention in the relationship between union electoral campaigning and the Labour Party and into union internal affairs. This came first through Parts 2 and 3 of the Coalition's Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act, 2014 (the Lobbying Act; see also chapter eleven). The Conservatives' subsequent 2015 Trade Union Bill intervenes further in the internal affairs of the Labour Party and its relationship with the trade unions, specifically by changing the way parts of union members' subscriptions are used to fund political activity by their union (Institute of Employment Rights 2015).

### **Conclusions – plus ça change, plus c'est la même chose**

Following the 2015 election, the Conservative government has been explicit in its attempt to further weaken trade unions, namely through the proposals in the Trade Union Bill to place further hurdles in the way of taking industrial action, restricting facilities time and requiring public sector unions to effectively re-recruit their members and making it harder for them to use their members' money for political activity, including funding the Labour Party. What this chapter has argued, however, is that many of the issues covered in the Bill had immediate triggers in the period of Coalition government, supported directly or indirectly by the Conservatives and – to a greater or, latterly, lesser degree – Liberal Democrats. These include the restriction of facility time in the civil service, the establishment of the Carr Review and the support for austerity policies aimed at cutting and fundamentally restructuring public services. The Coalition government's actions against more oppositional trade unions, such as Unite and the PCS, that sought to challenge government policy and use industrial action and political campaigning to pressure employers, hardened the position taken by the Labour administrations of 1997-2010. This is because, under a dominant neo-liberal paradigm, the 'legitimate' role for trade unions is, at best, one based upon productivity coalitions, life-long learning and individual representation, not collective organisation, industrial struggle and political campaigning. Certainly, the official endorsement of attacks on facility time was a relatively novel feature of the Coalition, even if Conservatives had previously contemplated the possibility of this line of assault on trade union representative ability. As Smith (2015, 356) observes, Liberal Democrat opposition prevented the Coalition moving to restrict the law on industrial action, but we find no similar coyness in the Coalition's approach to other aspects of union activity and functioning.

In terms of lessons for the trade unions, despite the difficulties experienced under the coalition, the activities of Unite and PCS highlight how austerity related neo-liberalism can be challenged at the workplace and politically. Despite the severe problems faced by the PCS it has retained its organisation, responding to cuts in facilities time and the ending of

check-off and still seeks to challenge the contraction of public services, notably in the long and bitter dispute at the National Gallery (PCS 2015b) over privatisation, terms and conditions and the re-instatement of a sacked representative. Similarly, Unite has maintained membership through organising and continues with its leverage campaigns; it is rebuilding its organisation at Ineos, has played a major role in securing a collective agreement at Hinkley Point power station and was heavily involved in securing the election of both Jeremy Corbyn and Tom Watson to leadership positions in the Labour party. With the cut to state funded trade union education now in place, general cuts to adult education and strong pressure from the Conservative Trade Union Reform Campaign to end all state funding of union activity, the future for dominant partnership and Union Learn based approaches is also under threat. It will be interesting and important to examine how the outcome of general secretary elections at the GMB and Unison impact on these large unions' strategy and how effective public sector unions, in particular, will be in addressing the challenges posed by a Trade Union Bill, which was 'made' under the 2010-15 Coalition government.

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