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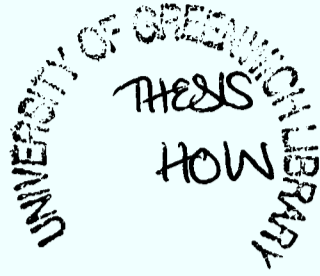
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**From 'Dockers' to 'Terminal Operator': Work and Employment  
Change in the Port of London 1989 to 2002**

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A thesis submitted in partial fulfilment of the  
Requirements of the University of Greenwich  
For the Degree of Master of Philosophy

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## **Thesis Abstract**

The National Dock Labour Scheme had protected British dockers and had provided a definition of 'dock work'. Technical innovations in cargoes handling, especially containerisation, however, had altered how dock work was performed and had reduced the numbers of men needed. This had exacerbated problems in an industry notorious for its contentious industrial relations and had helped persuade the 1979-1997 Conservative government to deregulate the ports industry. The Scheme was abolished in 1989 and trade union derecognition followed.

This thesis plots work and employment change in the Port of London between abolition in 1989 and the first test of recognition under the 1999 Employment Relations Act (ERA) in 2002. It is based on responses to a survey devised for this investigation and on interviews and conversations with both employers and cargo handlers working in the Port.

Technical innovation had not only changed the nature of dock work but had also changed the area of competition. Abolition had allowed employers to remain competitive by introducing changes in work organisation - contractual functional and temporal flexibility, for example - and by segmenting the workforce. Men working in the Port experienced these changes as a decline in terms and conditions; this was especially true for the redundant dockers in the 'new' temporary docks labour force, who had seen their employment change from secure to insecure. From about the mid-1990s, men working at various terminals had been able to regain some control over the labour process; this, however, had been outside union organisation. Although the main dock workers Branch had sustained organisation throughout the 1990s, it had suffered a decline in both numbers and power. Two Port employers had volunteered recognition under ERA. During the period covered by this research, however, this had seen only minor improvements in industrial relations.



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## **Abbreviations**

**1/10 Branch/Tilbury Branch:** 1/10 Branch, Transport and General Workers Union (T&G).

**ABP:** Associated British Ports

**BPIT:** British Port Industries Training

**BU:** Bargaining unit

**DWF:** Dock, Waterways, and Fisheries Group of the T&G.

**ETGRE survey:** Employment in the Thames Gateway: Riverside Employment survey

**ERA:** Employment Relations Act 1999.

**FTO:** T&G local full-time officer

**HRM:** Human Resource Management

**HSC:** Health and Safety Commission

**HSE:** Health and Safety Executive

**MEBO:** Management-Employee Buyout.

**NDLB/LDLB:** National Dock Labour Board/Local Dock Labour Board

**NDS:** National Docks Secretary

**NJC:** National Joint Council for Dock Labour

**PLA:** Port of London Authority

**PSO:** Port Safety Organisation

**RDW:** Registered Dock Worker

**Scheme:** National Dock Labour Scheme

**TEU:** Twenty-Foot Equivalent Unit

**T & G:** Transport and General Workers Union.



## **Chapter One: The Dock Labour Scheme, Deregulation and Change in the Port of London**

Between 1947 and 1989, the National Dock Labour Scheme (hereafter referred to as the Scheme) had underpinned employment in the British ports industry. In 1989, however, and as part of the 1979-97 Conservative government's deregulation and privatisation programme, the Scheme was abolished: this was followed in 1991 by ports privatisation. The restructuring that followed had a profound effect on the British ports industry. Employers were able to alter the ways both work and employment were organised: this was experienced by dockers as a reduction in working terms and conditions.

The main impetus behind abolition had been technical innovations in cargo handling. New technology had been the driving force behind globalisation, and had been developed in order to reduce costs and thus increase competition. Globalisation opened up new markets, and technology made transport faster and cheaper. This, in turn, stimulated world trade, approximately 98 percent of which is carried by sea (Chris Ellison, Executive Director of Maritime London to 'Maritime London' Conference, 15<sup>th</sup> March 2002).

The major technical innovations in shipping had been unitisation and containerisation (discussed in more detail in Chapter Two). These had been developed to improve competition, allowing shipping lines to introduce new operating strategies and exploit new markets, helping them to "*survive in the new global economy they have helped create*" (Slack *et al*, 1996: 289). The full impact, however, had been felt by dockers. Carried in a box rather than loose, containerised cargoes needed fewer men to handle them; as a result, the number of port workers declined throughout the world.

Taking the Port of London as a case study, this thesis discusses the long-term effects of change in a single port. It looks at how, in response to technical innovation, the employers were able to utilise abolition in order to implement changes in work and employment organisation, and at how those changes affected the men working in the Port. It also examines their impact on industrial relations and discusses how the Transport and General Workers Union (T&G) sustained union organisation within the Port during the 1990s, when the union had been derecognised by many Port employers.

The Port of London was chosen for this investigation for a number of reasons. These included London's prominence, its militant reputation, and the absence of recent research on the Port. A final consideration had been the researcher's proximity to, and because of prior research (see Howson, 1997) interest in the Port.

Historically the greatest port in Britain, London had had the largest workforce, and therefore the greatest problems associated with labour and labour relations, in an industry renowned for its militancy. London, prior to 1989, had been one of the most militant ports. These problems had, from the 19<sup>th</sup> century, made London a focus for research (see, for example, Booth, 1892, and Hill, 1976). Despite dock and wharf closures from the 1960s, London had continued to be one of Britain's leading ports. In 1999, when this investigation began, it had been Britain's busiest port by tonnage. Although the closure of the Shell Haven oil refinery at the end of 1999 saw it slip to third place overall, London was still the largest general cargo port in Britain in 2001 (the last figures available – see Port of London Authority, 2002:2). However, there had been no in-depth research carried out specifically on London since 1995 (see Mankelov, 1996); this investigation, therefore, wanted to examine the long-term effects of abolition

in what was still a major port, and to discover what happened to a militant workforce when it lost its 'voice'.

### **1:1 The Research Questions**

Technical innovation and abolition had raised questions in three main areas – the impact of technical innovation of the labour process, the effects of abolition on work organisation and the employment relationship, and industrial relations. In order to capture nuanced changes, the main questions were then sub-divided. Looking at change from the point of view of the employers in the Port of London and the men working for them, the first set of questions concerning the impact of technical innovation asked were:

- **What impact had technological innovation had on the port labour process? Had this been changed by abolition? How had 'dock work' altered as a result?**
- What impact did technical innovation have on employment and work organisation within the Port of London?
- Had this seen control of the labour process transferred from the men to the employers? What form had any resistance taken? Had the men been able to regain any of that control and, if so, how?

The second set of questions, on the affects of abolition, asked:

- **How had abolition altered the organisation of work and employment in the Port of London? What impact did this have on working conditions in the Port?**
- To what extent had the employment relationship changed following abolition? How prevalent had workforce segmentation become in the Port of London?

In particular:

- *Terms and conditions* of full-time employees: how did they compare between workers at various sites within the Port and in comparison with the temporary labourers who worked alongside them?
- *The job content* of both full-time employees and temporary labourers: Were they different and, if so, in what ways and why?
- *Skills comparison*: between temporary cargo handlers and other manual temporary workers: Were they as low skilled, and did they only work on low-skilled tasks?

The third set of questions looked at industrial relations and union organisation within the Port, and asked:

- **How had abolition affected industrial relations in the Port of London? How had the main T&G Branch coped with these changes? What impact did the 1999 Employment Relations Act (ERA) have on industrial relations?**
- Had trade union organisation been sustained in the ports industry in London following derecognition? How had the Branch attracted new members during the 1990s? How had Branch members' problems been solved?
- What steps, if any, had the T&G above Branch level taken in order to aid the (possibly) organised workforce in derecognised workplaces within the Port?
- How had the T&G at Branch level reacted to the advent of ERA? What impact would ERA have on wider employment relationships within the Port?

These questions were explored by examining the experiences of the employers and the men who worked in six companies in the Port of London - four direct employers and two labour-supply agencies (see Appendix 3: 4 for details). These firms ranged not only in size, from a small company employing 10 men directly, to large firms and divisions of companies employing between 100 and 500 people, but also by the type of cargoes handled, thus allowing a variety of experiences to be captured. In order to explore change from the point of view of the union, the research also looked in depth at the experiences of the members of the main T&G dockers Branch in London, based at Tilbury.

This thesis is divided into seven chapters. Chapter Two looks at the wider effects of containerisation on work and employment and gives a brief history of the Port of London; it also examines the ways in which it was restructured following abolition, and Chapter Three discuss how the research was carried out. The thesis then discusses the research findings. Chapter Four examines the employers' implementation of change and looks at how this affected working terms and conditions, whilst Chapter Five

discusses the men's subjective experience of those changes. Chapter Six looks at industrial relations in the Port during the 1990s, and also looks at the early effects of ERA. Finally, Chapter Seven compares the research findings with the current literature on the main areas covered by this investigation, and offers some conclusions.

However, in order to understand change, one must be familiar with what went before. In order to place this investigation in context, therefore, the following section examines the Scheme: why it was introduced, how it worked, and the factors behind its abolition.

## **1:2 – The National Dock Labour Scheme**

### ***The Scheme***

The Scheme, which covered the major ports in Britain, was introduced under the Dock Workers (Regulation of Employment) Act 1946. It was effective from June 1947 and survived virtually intact until its abolition in 1989.

Based on World War Two regulations introduced by Ernest Bevin, the former T&G General Secretary and then Minister of Labour, the Scheme was introduced in order to regulate what was then one of the most notorious of casual industries in Britain. By ending employment irregularity, the Scheme was intended to give dockers regular employment and, therefore, financial security; thus alleviating the social and economic problems caused by casual employment in the docks (Phillips and Whiteside, 1985). This was achieved by not only controlling access to dock work – by the compulsory registration of both employers and dockers so that only registered men could work for registered employers - but also by paying dockers maintenance when work was unavailable.

The Scheme was based on consent, underpinned by statutory authority (Wilson, 1972). It was administered jointly by the employers and the unions through a National Dock Labour Board (NDLB) and 22 local Boards (LDLBs). Wilson (1972: 99) called the Scheme “...*the only radical attempt to institutionalise a high degree of genuine participation*”, whilst Hill (1976: 31) wrote that, because it gave so much shared control in areas that elsewhere would have been management functions, the Scheme was ‘*unique*’ in British industry.

The Scheme provided a legal definition of ‘dock work’; who could do it, what they did, and where. The ‘who’ and ‘what’ was any person employed to perform any work connected with the loading, discharging, moving or storage of cargo, defined as goods belonging to a third party. Firms in Scheme ports that handled their own cargoes (aggregate wharves, for example, or companies such as Fords at Dagenham) were exempt from the Scheme. The ‘where’ was in or near a port, defined as any place where ships were loaded or discharged (see Jackson, 1973, 112). Except for the ‘self-handling’ firms, the definition of ‘docker’ was, in essence, a definition of ‘dock work’, as only Registered Dock Workers (RDWs) could perform ‘dock work’ at any other area in a port.

The NDLB collected and collated data on the Scheme, ran training colleges in various ports, including London, which gave induction, specialist<sup>1</sup>, and health and safety training; it also ran port medical centres (see National Dock Labour Scheme, *Annual Reports and Accounts*). The LDLBs oversaw the day-to-day running of the Scheme in individual ports, such as the Port of London, or group of ports. These, until decasualisation in 1967, acted as ‘holding’ employers, allocating men to the various

wharves and docks, or 'operational' employers. They also ensured that their local registers were in line with the amount of work available. This was achieved by overseeing recruitment and training, and by enforcing the terms of modernisation agreements; these, as will be discussed in Chapter Two, reformed working practices. This meant that those on the register would have access to more, and more regular, work and, therefore, higher incomes. Before decasualisation, if work was completely unavailable, or if an RDW did not work enough hours in a week to earn the guaranteed minimum wage, the LDLB made his wages up to that level. This was financed out of an employers' levy, and was paid as a percentage of their labour costs (see Phillips and Whiteside, 1985: 244).

For RDWs, therefore, the Scheme offered a regular income. To earn it during the casual era, they had to attend the 'call on'<sup>2</sup> regularly and, if not taken on, accept any work that was allocated to them. For the employer, the Scheme ensured that a supply of trained men was constantly available. Before decasualisation, the employer did not pay for idle time: when the men were no longer needed, they were returned to the LDLB, and it had the onus of finding new jobs for them, or paying the guaranteed wage.

Following the recommendations of the Devlin Committee, the ports industry was decasualised between 1967 and 1970. The 'call' was abolished and men were permanently assigned to various employers, who had to pay them wages whether they worked or not. Decasualisation was introduced at about the same time as the effects of new cargo handling techniques on jobs was beginning to be felt (see below) and, far from bringing peace to the industry, it only served to exacerbate its problems (see below). Decasualisation, together with the Jones-Aldington Agreement (see below),

meant that employers were unable to alter their workforce in response to business needs. Any employer who, in busy times, wished to hire extra men had to obtain permission from the LDLB; similarly, permission had to be sought for a reduction in an employer's complement of RDWs. In this case, however, the Board could, and often did, refuse to do so<sup>3</sup>.

In order to reinforce the Scheme's provisions, the LDLBs disciplined RDWs for breaking Scheme rules. If found guilty of any breach, RDWs were suspended and had their benefits removed and, in London, were moved to a different sector within the port on their return to work. However, very few men were removed from the register for disciplinary offences, prompting Hill (1976: 30) to write that, except in exceptional circumstances, RDWs had what "*effectively amounted to guaranteed employment...*"

The Scheme, however, was only one form of labour regulation in the docks. Terms and conditions were negotiated nationally at the National Joint Council for the Port Transport Industry (NJC) and supplemented by local agreements, usually between the same people who were on the LDLBs, and implemented by the LDLBs. As a result, although separate from it, industrial relations in the docks become identified with, and inextricably entangled with, the Scheme.

### ***Abolition of the Scheme***

The reasons behind abolition were three-fold: the effects of new handling technology, a militant union fighting to preserve jobs in the face of this, and a change in the political philosophy of the British government. The following sections look at these factors in more detail.



### *i. Containerisation*

All the time dock work had been labour-intensive and vast armies of men were needed to handle the ships, casual labour had remained the predominant form of employment in the docks. However, containerisation and other new cargo handling techniques reduced the labour content of dock work. When on Sunday 2<sup>nd</sup> June 1968, the *American Lancer* berthed at Tilbury docks, the first purpose-build container ship to do so, she started a revolution in cargo handling. Rather than the 176 men taking four or five days to unload her and then load her again had she been carrying traditional cargo, it took just 15 men only 13 hours to turn her around using the new cargo handling techniques. What is more, this took place over a Bank Holiday weekend when, traditionally, dockers had not worked (Brown, 1978: 132).

The *American Lancer* had berthed one year after decasualisation under Devlin Phase One. One has to ask, was there a connection between these two events? Certainly Turnbull and Sapsford (2001: 250) wrote that decasualisation had been “*intended to pave the way*” for containerisation. All the time traditional cargo handling had been performed by cheap, casual labour, port owners found this the most cost-effective method of working. However, RDWs wages, especially from the 1950s onwards, were higher than those in other sectors (by 1988, the average RDW’s earnings were nearly £150.00 a week more than other manual workers – see Mankelow, 1994: 45). This, arguably, made employers sympathetic to permanent employment – the numbers of semi-permanent and permanently employed dockers, who would work as directed, had risen since the 1950s (Phillips and Whiteside, 1985: 255) – *and* to the idea of containerisation because it reduced manpower needs and, therefore, costs.



only containerisation reduced the need for manpower and replaced the traditional docker with “*men trained in operating sophisticated equipment...*” (Green, 2000: 578).

As a result, employment in Scheme ports fell, both as a proportion of docks employment – from 80 percent in 1983 to 64 percent in 1990 (see Evans *et al*, 1993: 18) - and in absolute terms. The following Table shows changes in the numbers on the register in three port areas – London, Liverpool, and the South Coast (the ports of Southampton, Poole, and Weymouth) – between 1957 and 1988, the last figures available.

**Table 1:1 – Register Changes During the Year, 1957-1988 (year ending)**

<u>Year</u>	<u>Total</u>	<u>%* change</u>	<u>London</u>	<u>% change</u>	<u>Liver Pool</u>	<u>% change</u>	<u>South Coast</u>	<u>% change</u>
1957	74,471	-	29,912	-	15,974	-	2041	-
1960	73,144	- 1.8	29,250	- 2.1	15,837	- 0.8	2083	+ 2.0
1965	63,615	-13.0	25,309	-13.5	13,589	-14.2	2020	- 3.0
1970	44,588	-30.0	16,573	-44.0	10,797	-20.5	1728	- 14.4
1975	31,884	-18.5	9825	-40.7	7546	-30.2	2180	+20.7
1980	23,110	-12.0	5793	-43.0	4820	-36.1	1798	- 17.5
1985	11,892	-49.5	2648	-44.3	1999	-58.5	872	- 51.5
1988	9530	-20.0	1759	-44.6	1506	-24.7	785	- 10.0

\*percentage change between each period

Source: from: National Dock Labour Board, *Annual Report and Statement of Accounts* 1957 to 1988, Appendix One.

The percentage increase in the rate of decline in the total register quickened dramatically, especially between 1965-70 and 1980-5. In total, the national register fell by 85 percent, or just over 54,000 names, between 1965 and 1988. The rate of decline in individual ports, however, was more acute. Between 1965 and 1988, the Liverpool register declined by 89 percent, or nearly 12,000 names, whilst the percentage decline in London was just over 93 percent, representing 23,550 RDWs who left the industry in 23 years.

However, and as the above Table shows, the experience of dockers working in South Coast ports was largely different. Although the register did decline, the rate was uneven, with increases during some periods. The year-on-year figures showed that, between 1972 and 1974, a total of 800 names were added to the South Coast register. This, however, was the last increase and the numbers on the register declined from then on, but at a slower rate than in London or Liverpool. This was possibly a reflection of investment by Associated British Ports (ABP) and P&O Ports following privatisation (see Chapter Two), which made Southampton especially more attractive than the older ports of London or Liverpool.

### *ii. Trade Union Militancy*

Containerisation, then, became a major factor behind the confrontational industrial relations that characterised the ports industry in Britain from the late 1960s, as men used industrial action as a means of protecting jobs and defending their way of life. As mentioned above, the docks had been a union stronghold with a workforce that was among the most militant in Britain (see, for example, Turnbull and Sapsford, 1991: 237). Reasons for this included that the docks were a pre-entry closed shop: many of the older dockers participating in this research recalled that they had to be accepted by the union and get a union card *before* they could apply for port work (interview notes, various). Two rival unions represented RDWs in London between 1924 and 1982. These were the majority T&G and the minority (but more democratic) National Amalgamated Stevedores and Dockers (NAS&D) union which represented mainly stevedores. Although a party to the NJC, the NAS&D did not have a seat on it and, rather than coordinate with the T&G, would use T&G industrial action in order to pursue its own grievances (see, for example, PLA Minute Books).

Because of this, anything could, and did lead to a stoppage<sup>4</sup>. Even after decasualisation, dockers had used their collective muscle, fostered by intense loyalty and camaraderie, and the 'ring' around their jobs provided by the Scheme to wrest concessions from their employers on a cargo-by-cargo basis (see Hill, 1976: 197 and Phillips and Whiteside, 1985: 250). Hatchway strikes remained a daily occurrence into the 1980s. Any industrial action had to be immediate, otherwise the ship – and the reason for the dispute – would have sailed; because of the delays this could cause, employers were not in a position to refuse dockers' demands (see Hill, 1976: 124; and interviews notes, various).

The delays caused by industrial action prompted many shipping companies to move their ships to other ports. These included European ports, such as Rotterdam or Antwerp, where cargoes for Britain were discharged and transhipped to Britain, or British ports, such as Felixstowe (which became the largest container port in Britain), which were outside the Scheme. As these ports had none of the manning or other restrictions imposed in Scheme ports, they were able to attract investment, especially from international ports and shipping companies, thus becoming more competitive. Similarly, in case it fell under the Scheme, new businesses, such as ferry or shipping companies handling third party cargoes, were reluctant to open on redundant Scheme port land (see Chapter Two). As a result, the Scheme became more and more confined to older, decaying ports whilst non-Scheme ports prospered. By 1989, non-Scheme ports were handling 30 percent by weight (or 50 percent by value) of all UK traffic (see Phillips and Whiteside, 1985: 268 and Blyton and Turnbull, 1998: 146).

The Jones-Aldington Agreement, signed following the 1972 national dock strike (itself partly due to the effects of containerisation on jobs - see Lindop, 1998), gave RDWs 'a

job for life' by guaranteeing no compulsory redundancies. If, therefore, a registered firm closed, the men working there had to be re-allocated to other firms within that port. This further increased the labour costs of the companies still in business, becoming a major factor in the closure of especially the small stevedoring firms that hired men to load and discharge ships. The Agreement had provided that if this was to occur, then the men would become the responsibility of the port authority, which became 'employer of last resort' (Jack Jones, interview notes, 16/6/00).

RDWs, then, had a guaranteed job and guaranteed wages. The growing labour surplus (because of the effects of containerisation on job numbers) meant that, the only way the employers could persuade men to leave the industry was through severance payments. A national voluntary severance scheme was introduced in 1973. However, London and Liverpool, where the problems of surplus labour were the most acute, also had special severance schemes, paid for by the government through the Ports (Financial Assistance) Act 1982. Severance, however, seemed to have exacerbated manning problems in the docks. This was because, as they could find work elsewhere, in London at least, severance tended to attract younger men<sup>5</sup>, leaving a workforce of increasingly older, more infirm men who were less likely to be employable outside the docks. The Port of London Authority (PLA), for example, estimated that, in 1978, 1278 RDWs, or 31.4 percent of its total workforce of 4078, could only perform limited duties (see Port of London Authority Minute Book, 6<sup>th</sup> March 1978).

By the late 1970s, the PLA was heavily in debt. There were a variety of reasons for this, including changes in trading patterns, the effects of strikes, severance payments and the wages of the less productive workers re-allocated to it. In a bid to save money, the PLA

closed the West India docks in 1980, followed by the Royal Group in 1981, transferring its operations to Tilbury. However, the debt continued and, in 1982, the government wrote off PLA debts totalling £28 million (it also cancelled Mersey Docks and Harbour Company debts of £36 million: see Port of London Authority Minute Book, 15<sup>th</sup> December 1982).

Scheme ports, then, were becoming less productive and more uncompetitive. As mentioned above, the LDLBs were controlled jointly by the employers and the unions so that, in theory<sup>6</sup>, both sides had an equal say on recruitment, discipline, and severance. However, Scheme port employers believed that the only way to enhance competitiveness was to regain total control of the dock labour force. This could only be achieved if the Scheme was abolished. Various attempts by the employers to negotiate amendments to the Scheme with the T&G resulted in threatened or actual strikes (see Turnbull, Woolfson and Kelly, 1992: 109). For the PLA, however, a strike in 1983 was '*the final straw*'. Describing the Scheme as '*an anachronism*' which needed to be '*modified or completely abolished*', it began to lobby the government for abolition (see Port of London Authority Minute Books, 4<sup>th</sup> July 1983 and 20<sup>th</sup> February 1984).

### ***iii. Changes in Political Philosophy***

The abolition of the Scheme was part of the 1979-97 Conservative government's deregulatory programme. Millward, Bryson and Forth (2000: 4) felt that the main aim of deregulation was to weaken the power of the unions; Brown and Wadhvani (1990: 58) saw it as reducing the influence of national agreements, thereby reducing the unions' capacity to employ sanctions. This, in turn, would allow the dismantling of industrial relations systems that dated back to the 1960s or (as in port transport) beyond.

Rather than regulated by statute, prior to the 1979 Conservative government's reforms, British industrial relations had been characterised by voluntarism. Even the 1968 Royal Commission on Trade Unions and Employers' Associations (chaired by Lord Donovan) had recommended an enhancement of worker power by the extension of collective bargaining: this, however, remained voluntary (see Blyton and Turnbull, 1998: 22 and 158). Blyton and Turnbull (1998: 201) felt that, because the Donovan reforms had undermined workers' respect for management, it had become: "*not so much a case of workers gaining control as of management losing it*". Industrial relations continued to deteriorate and Blyton and Turnbull suggested (1998: 144) that the failure of the Donovan reforms "*paved the way for the Thatcherite strategy of the 1980s*". It is clear that the Conservatives planned an anti-union, anti-organised labour strategy well before the 1979 election (see *Economist*, May 1978). The Social Contract between the 1974-9 Labour government and the trade unions had given trade unions legislative protection by extending individual workers rights and trade union immunities (leading to an upward pressure on wages). By 1979, trade union membership in Britain stood at 55.3 percent of the labour force, the highest it was to reach (Beck and Woolfson, 2000: 41).

Coming to power just after 'the winter of discontent', the Conservative government took a step-by-step approach to weakening the power and strength of organised labour. Each Act significantly altered the balance of industrial power in Britain, making it more difficult for workers to take official action. The 1980 Employment Act, for example, restricted the closed shop, repealed trade union recognition procedures, and outlawed secondary picketing. Further Acts between 1982 and 1993 outlawed 'political' strikes, opened up union funds to sequestration, introduced secret (1984) and, in 1995, postal



ballots before industrial action, and made pre-entry closed shops illegal (see Blyton and Turnbull, 1998: 177-9).

The Conservative government saw registration via the Scheme as the root cause of inefficiencies and industrial conflict on the docks (Saundry and Turnbull, 1996: 11). Phillips and Whiteside had written in 1985 that: “*abolition would seem to offer only small and nominal benefits, more than outweighed by the disruption and conflict it would provoke*” (Phillips and Whiteside, 1985: 268). By 1988, however, there were less than 10,000 RDWs nationally (see Table 1:1 above) and, as mentioned above, the growth of non-Scheme ports had seen Scheme ports become marginalised; as any disruption would, therefore, be minimal, it was possible that the Scheme might have been allowed to die of inertia<sup>7</sup>.

However, the government’s proven willingness to take on strong unions and its support for employers that did likewise<sup>8</sup>, and its desire to improve competitiveness in the ports industry, made it more amenable to the employer’s lobbying for abolition. Mankelov (1996: 2) suggested that, coming exactly one hundred years after the 1889 London Dock Strike which heralded general unionism, abolition had had a significance for the government. It was aimed at crushing what was one of the last bastions of union militancy, thus undermining the trade union movement as a whole<sup>9</sup>.

The government announced its intention to abolish the Scheme in April 1989 and the Dock Work Act, which abolished the Scheme, was passed in July 1989. Because of employer delaying tactics (see, for example, Turnbull, Woolfson and Kelly, 1992: 139), a strike in defence of the Scheme could not take place until one week after abolition.

This left striking dockers without the Scheme's protection and vulnerable to any changes that the employers wished to implement. The employers issued mass redundancies, paid for in part by the government through the Dock Labour Compensation Scheme, which ran from July 1989 to June 1992. The initial payments were £35,000, falling in gradations throughout the life of the compensation scheme. By the time the scheme ended in 1992, approximately 7200 ex-RDWs nationally – including approximately 1,000 from London - had either been made, or had applied for, redundancy (see Turnbull, 1994a: 69 and Mankelow, 1996: 11).

Abolition had other consequences for the British ports industry. Labour deregulation was followed by the privatisation of some ports and the sale of others, often to foreign interests (see Chapter Two). Smith and Morton (1993: 105) found that employers in many sectors, including trust ports, road passenger transport, and British Steel, had accompanied privatisation with industrial relations restructuring. These included the introduction of individual contracts and performance-related pay, the devolution of bargaining, and the hiring of contract labour. They also wrote that “*a significant development*” had been the sub-division of single sites into separate units, and cited Tilbury (which was split into six divisions following abolition) as an example (1993: 106 and 110).

Gallie, Penn and Rose (1996: 5) pointed out that the Conservative anti-union legislation had given employers the means to replace voluntarism with new procedures if they chose to do so. The National Association of Port Employers, the employers' side of the NJC, was disbanded following abolition, allowing employers in many ports, including London, to derecognise the trade unions (see Chapter Six). As a consequence of both

abolition and derecognition, and as Chapters Four and Five will discuss in more detail, the employers were able to impose a variety of changes, including contractual flexibility, work intensification, and the re-introduction of 'casual' labour.

Another change was to rename RDWs – 'dockers' became 'terminal operators'. One employer remembered this was "*a knee-jerk reaction: the term 'docker' was seen as pejorative. We wanted to close the door on the past and start again and this was a way of doing it*" ('Paperco' Managing Director, interview notes, 16/8/00). The men, however, saw this in a different light: "... *'Oh, like termites?' [---] termites work hard, and that's what we were expected to do*" ('Roy', interview notes 26/11/01).

### **Conclusion**

The Abolition of the National Dock Labour Scheme allowed profound changes to occur in the British ports industry. In order to understand their impact, this Chapter has looked at conditions under the Scheme and has discussed the reasons for its abolition.

The Scheme had been introduced to safeguard casual dock labourers. By registering both employers and dock workers, and defining what a docker could do and where, the Scheme gave access to more regular work and, therefore, higher wages. After decasualisation in 1967, when men were assigned permanently to one employer, the Scheme's *raison d'être* was no longer valid. The Scheme, however, continued and the union side of the LDLBs were able to protect jobs and working practices that had become obsolete as a result of new handling technology, especially containerisation.

Had it not been for containerisation, it is possible that the Scheme might not have been abolished, or at least, not when it was. However, containerisation reduced the number of men needed and changed the nature of the work they performed and offered the

opportunity for Scheme ports to become and remain competitive. Scheme port employers needed to have control of this new type of workforce and be able to exert pressure in order to increase management control. They therefore lobbied a receptive government with a deregulatory ethos for abolition, which was enacted in July 1989.

The Chapter also outlined the questions raised by abolition and technical innovation that this investigation wished to examine. In order to start answering those questions, the following Chapter discusses the wider ports industry and looks at the effects of deregulation on work and employment in the industry.

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<sup>1</sup> The National Dock Labour Scheme *Annual Report and Accounts* training Appendices are a useful source for plotting the introduction of new cargo handling technology to a port. For example, the first straddle carrier driving (see Chapter Two) training in London was in 1970, suggesting that was when it was introduced.

<sup>2</sup> The 'call' was the traditional form of hiring casual dock labour. In London, in a practice unchanged since the 19<sup>th</sup> Century, huge gangs of men would go to one of the approximately 200 'call on' stands scattered throughout the Port. Men working on a job were 'called on' first. If, however, a firm needed extra men (because a ship needed to be loading or unloading, for example, or a work gang was short of men), there would be a free-for-all for work as men, attempting to catch the hiring foreman's attention, jostled each other. The 'call' continued in London until 1967 and many of the ex-RDWs participating in this investigation who started working in the docks at that time had vivid memories of friends fighting each other for a day's work (interview notes, various. See also Phillips and Whiteside, 1985).

<sup>3</sup> Many employers taking part in this investigation, such as the 'Paperco' Managing Director, recalled repeatedly asking the London Dock Labour Board to sanction deductions in their RDW compliment, and constantly being refused (interview notes, 16/8/00).

<sup>4</sup> For example, retired RDWs participating in the investigation remembered, "*there was always some excuse or something to strike about – silly reasons*" or "*if we wanted a day off, we had a strike*" (interview notes, various).

<sup>5</sup> The term 'younger men' is relative. By 1988, the average age of an RDW was just over 47 years. One reason for this was that, because to the effects of containerisation on jobs, there had been a moratorium on recruitment since the early 1970s.

<sup>6</sup> Many employers participating in this investigation recalled that, because of the impact any form of industrial action could have on productivity, they were reluctant to make an

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issue of any situation. They also remembered the unions as the dominant force on the London Dock Labour Board (interview notes, various.).

<sup>7</sup> Many of those taking part in this investigation, both trade union activists and employers, believed that, until early 1989, abolition had not been a priority for the Thatcher government and that it would be allowed to fade away. Other participants (one employer and two union activists), however, believed that, given the government's deregulatory stance, abolition was inevitable.

<sup>8</sup> Turnbull, Woolfson and Kelly (1992: 163) wrote that the defeat of the union had been planned since early 1989, and that both the employers and the government saw London as a '*key battleground*'. In 1986, the government had praised Rupert Murdoch for taking on the print unions when he sacked all the union printers at Wapping and replaced them with those willing to accept complete management authority.

<sup>9</sup> Dockers in London also recognised the significance of abolition. Talking about the funeral procession of Jack Dash, the 1960s unofficial London leader who died during the 1989 strike, 'Andrew', a dismissed activist, recalled that it was "*like... we were marching out of history [---] like the funeral march of the end of our bloody era, a hundred years of dockers power – over*" (interview notes, 23/1/01).

## **Chapter Two: Technical Innovation, Deregulation and Effects on the Port Transport Industry**

The preceding Chapter looked at work and employment under the Scheme and examined the reasons behind its abolition. This Chapter continues to set this investigation into context by examining the ports industry in the 1990s; looking at why and how it changed, and at the impact technical innovation had on the ports labour process. By reviewing the literature on deregulation, segmentation, labour law and union marginalisation, the Chapter then examines the wider world of work that dockers were thrust into on abolition.

### **2:1 – The Port Transport Industry in the 1990s**

#### ***The British Ports Industry***

Unlike ports in many other parts of the world, where both the port and its facilities were in common, often municipal, ownership, individual facilities within a British port were privately owned. The ports themselves were also owned and operated in one of three ways. The nationalised British Transport Docks Board was sold to form Associated British Ports (or ABP) in 1982, and other ports, such as the Port of Bristol, were municipally owned. Lastly, yet other ports, including the Port of London, were trust ports, or non-profit making public corporations established by individual Acts of Parliament. Ports nationalisation and regulation, especially the Scheme's definition of what cargo was and who could handle it (see Chapter One), had made Scheme ports especially less attractive to take over and acquisition.

However, the 1991 Ports Act<sup>1</sup> enabled ports that wished to do so to transfer from trust status to public limited companies. Only six ports - Tees and Hartlepool, the Forth Ports Authority, The PLA at Tilbury, and the Medway ports (1993), Dundee (1995) and Ipswich (1997) – had taken advantage of the Act by 1999. In keeping with the extension

of popular shareholding, the government's preferred option was that the ports were sold to a management-employee-buy-out (or MEBO) (see Thomas, 1994: 143).

The aim of the 1991 Act had been to enhance ports' development prospects by giving them access to public funds. This would not only make the ports more accountable, but would also allow surplus port land to be redeveloped. This allowed some companies, such as ABP and P&O Ports (see Table 2:1 below) to diversify into property development as well as into distribution and shipping. It also allowed port owners to withdraw from cargo handling and for other, previously non-port operators such as temporary labour agencies, to enter the industry. Deregulation and privatisation also opened up the industry to different forms of ownership. By 1997, an estimated 70 percent of British ports were in private hands (Saundry and Turnbull, 1999: 285). These included foreign port operators. In their appraisal of changes in port ownership and operating structure following abolition, Turnbull and Weston (1993b: 113) estimated that one in five of the 230 organisations they surveyed in 1990 were foreign owned.

### ***The Port of London***

The Port of London stretches from Teddington Lock to a point off the Nore Lighthouse in the Thames Estuary. There were, until the 1960s, 10 dock systems (built piecemeal during the 19<sup>th</sup> and early 20<sup>th</sup> centuries) stretching from Tower Bridge to Tilbury, and a large number of private wharves and warehouses lined the river.

Between 1909 and 1993, the dock systems in the Port had been under the auspices of the PLA, a trust established under the Port of London Act, 1908, and responsible to the Board of Trade. Members of the Board of the PLA were elected by port users, such as ship owners and wharfingers (owners of the wharves) or nominated by the Board of

Trade. Uniquely in a British Port, the PLA Board also had representatives of labour, appointed by the Board of Trade (see Howson, 1997). Although restructuring of the PLA following abolition saw the removal of the labour representatives, the structure of the PLA Board remained virtually intact (see Port of London Authority *Annual Review* 2002 for a list of current Board members).

At the same time as dockers in London and in other Scheme ports across Britain were given permanent employment after 1967, economic factors, such as changes in trading patterns (which shifted cargoes away from London) and technical factors were leading to docks closure. However, the major factor in this decline was containerisation. London suffered '*the most comprehensive decline*' of any European city port (Baird, 1996: 151) because of this. At 80 metres draft at low tide, the Thames around the Isle of Dogs and at Beckton was too shallow for even the smallest container ships (see Hill, 1976: 3 and Baird, 1996: 149). Consequently, the upstream docks became redundant and were gradually closed from the late 1960s, with the Royal Group, the last docks in London proper, closing in 1981. This left only Tilbury Docks, designated a Port within the Port of London in 1988, and a decreasing number of wharves in the upper Port open. Despite perceptions that the Port became mainly confined to Tilbury (compare Barton and Turnbull, 2002: 143 with Miscellaneous Appendix One, for example), as Appendix 2 shows, ships carrying a variety of cargoes continued to call at riverside wharves as far upstream as Tower Hamlets and Greenwich.

Following the 1991 Ports Act (see above), the Port of Tilbury, then part of the London trust port, was sold to a MEBO, allowing the PLA to withdraw from cargo handling. Although cargo handlers working at Tilbury became shareholders, they did not have any



influence in the running of the Port. The MEBO sold Tilbury to Forth Ports in 1995, the working shareholders became “...*standard, straightforward employees of Forth Ports*” (‘Paul’, interview notes, 22/2/01). Still a trust Authority, the PLA continues to own the tidal riverbed and the shore to the high water mark, and retains various statutory responsibilities (see *PLA Annual Report and Accounts 2000: 6*).

By 1999, both abolition and the Ports Act had facilitated new operational structures. This investigation, however, found these extremely complex and difficult to unravel (see also Chapter Three). For example, many companies, including the PLA at Tilbury, had decentralised part or all of their businesses, operating them as autonomous units. This fragmentation of the workforce had an impact on industrial relations. As discussed in Chapter Six, fragmentation at Tilbury reduced collective cohesion. This, for the employer, not only avoided a return to the industrial relations system prevalent under the Scheme, but also gave them enhanced control over the workforce. Other companies, such as ‘Generalco’ and Denton’s Wharf (which ceased trading in late 2000) had closed in mid-1989, only to reopen later that year under new names. In common with other new entrants, (see, for example, Cully *et al*, 1999: 241), these ‘new’ companies did not recognise a union (ETGRE survey (see Chapter Three) and interview notes).

‘Paperco’, which moved to the Port of Chatham at the end of 1999, was an interesting example of an autonomous unit. Although operating as such, a search of company details at Company’s House, London revealed that its ultimate owner was the News Corporation, which also owned media group News International. Arguably, ‘Paperco’s specialisation in paper handling, together with Deptford’s proximity to the Wapping print rooms, made it an ideal purchase (see also Chapter Four).

### ***The International Ports Industry***

The state regulation of employment was common not only in Europe but also in the United States and Australasia. These had elements in common with the British Scheme discussed in Chapter One. For example, 'dock work' was legally defined and was restricted to 'dock workers' in Belgium, and in Australia 'dock work' was restricted to members of the Waterside Workers Federation and was jointly regulated by the employers and the union. However, many of these schemes (in France, Australia and New Zealand, for example) were abolished between 1989 and 1992 (Turnbull, 1994: 66-7). In their report on a questionnaire dispatched by the International Transport Federation (ITF) in 1992-3, Turnbull and Wass (1995a, 16) found that 42 percent of ITF affiliates throughout the world had experienced privatisation and 53 percent deregulation of employment. In many countries – Argentina, for example – deregulation had been a precursor to privatisation (1995a: 16). Turnbull and Wass (1995a: 21) further found that, rather than participants in them, many unions saw themselves as 'victims' of those reforms. On restructuring, dockers in Trinidad and Tobago, for example, or Fiji, had faced compulsory redundancy, and the terms and conditions of those remaining in the industry had deteriorated (1995a: 19-21).

The ITF survey also found that the policies and standards set by external funding bodies had been a major factor in port reform (Turnbull and Wass, 1995a: 15). In order to handle containerised cargoes (which rapidly become the predominant form) ports had to adapt their layouts and invest in new cargo handling equipment, such as quayside gantry cranes and straddle carriers (see Hayuth and Hilling, 1992: 40 and below). In the past, port development had usually been funded internally; however, the scale of investment needed forced many, especially developing, countries to apply for loans to international

funding agencies, such as the World Bank (see Turnbull, 2000a: 5). Structural Adjustment Programmes introduced by those bodies meant that “...*market forces are substituted for state control via programmes of privatisation, restructuring, liberalisation, commercialisation and deregulation*” (see 1994: 15 and Grosdidier de Matons, 1986 for an appraisal of ports projects funded by the World Bank).

Not all ports were deregulated, however. Barton and Turnbull (1999: 27) found that registration of port workers and the existence of labour ‘pools’ (where dockers were ‘shared’ by a number of employers who hired them when needed) remained extensive in the European Union, including the premier ports of Antwerp and Rotterdam. They suggested this was because such arrangements were beneficial to the employers. Registration in Europe acted as a form of ‘reward’ for technical competency and signified that the port worker was trained and qualified, thus acting as a form of control over the quantity and quality of the labour force.

Even where labour schemes had been abolished or substantially altered, Barton and Turnbull (2002: 30) found that unions in European ports especially had remained influential. Many docks unions also remained militant. Although there were fewer than 10 recorded disputes in British ports during the 1990s (Turnbull 2000b: 368), there had been stoppages in ports throughout the world, including an estimated 135 on the US West Coast between July 1996 and July 1998 alone (2000b: 367). Turnbull wrote that these ‘*end of the millennium*’ strikes had been precipitated by “*labour market deregulation, product market liberalisation and commercialism/the privatisation of state-owned ports*” (2000b: 368: see also *Financial Times*, 19<sup>th</sup> June 2002 for the factors behind the West Coast dock strike).

## **2:2 – The Impact of Technical Innovation**

### ***Containerisation and Globalisation***

As mentioned in Chapter One, competition and technical innovation in transport had been the driving forces behind globalisation. Before the introduction of new cargo handling technology, goods were packaged individually, in a method known as 'break bulk'. Handling was a slow, laborious process and, as result, ports became congested. New forms of packaging cargo – shrink wrapped on pallets, for example, or pre-packaging timber – gradually speeded up cargo handling: the major innovation, however, was containerisation.

Although removal firms had used containers to move goods since the 1940s, it was not until the mid-1950s that Malcolm McLean, an American trucker, recognised their potential for transporting cargo, and started a revolution in the way goods were packaged and carried. Goods are placed on pallets; these are then packed inside a container. Modern containers are standardised boxes measuring eight feet wide by eight feet high and between 20 and 45 feet long: the exact tonnage carried, however, varies according to the cargo. Moving cargo by this method minimises handling at the port, as only one item – the container – needs to be loaded or discharged. This cuts congestion, thereby shortening ships' turnaround times and therefore increasing shipping company profits (see Whittaker, 1975: 1-3).

Once the advantage of containerisation had been recognised, there was a rapid transformation in cargo handling, especially in the developed world. This not only had an impact on ports and port work (see Chapter One and below) but also changed the nature of the world's shipping and ports industries. Ports throughout the world were

restructured, and shipping companies and port ownership became internationalised (see, for example, Turnbull, 2000a: 5-8).

Because of the huge investment needed to convert or build new container ships, many shipping companies formed consortia. These included Overseas Containers Limited, formed in 1965, and Atlantic Container Line, formed in 1968. A dedicated container terminal, now operating as 'Containerco', was built as a joint venture between these companies and the PLA in the Port of Tilbury, opening in 1976 (see Greeves, 1980: 112 and 115, Stopford, 1988: 192).

Containerisation changed the area of competition - from shipping to transport. Stanford, in his book on maritime economics, wrote that shipping companies had considered their responsibilities for cargoes to end at the ship's rail. Containerisation, however, saw a widening of their commercial interests to encompass the whole journey from manufacturer to customer (1988: 193). In order to provide an integrated service and have complete control over it, many shipping companies became involved in logistics and port ownership. Similarly, the development of intermodal transport<sup>2</sup> from the late 1980s allowed shipping companies to diversify (see Hayuth and Hilling, 1992: 50 and below).

### ***Capitalist Concentration***

By the mid-1990s, these developments had resulted in five main multi-national companies (MNCs) dominating both world shipping and port ownership. These were the Hong Kong-based Hutchinson Port Holdings, the British P&O Group (see below), International Container Terminal Services (based in the Philippines), Stevedoring

Services of America, and the Port of Singapore Authority (see *Financial Times*, 9<sup>th</sup> November 1999: 16).

Table 2:1 below illustrates the dominance and business diversity of the British based P&O Group. Originally a British steam ship company, the P&O Group includes P&O Ports, shipping company P&O Nedlloyd and P&O Ferries. In 2002, P&O Ports had handled 8.9 million twenty foot equivalent units (or TEUs, the measurement for container traffic), or five percent of the world's total container throughput (P&O Group *Annual Report* 2002: 2). Describing itself as '*a global stevedore*', P&O Ports had operated at 90 ports in 17 countries in 2002. Operating on such a large scale gives the company "*a hedge against regional economic factors*" (*Lloyd's Port Management*, November-December 1999: 9), allowing it to move operations from port to port – or country to country – in the event of political or other upheavals. P&O Ports also used its connections with P&O-Nedlloyd – its biggest customer world-wide – as leverage to obtain preference at various ports throughout the world (*LPM*: 9).

**Table 2:1 – P&O Group: Turnover 2002: £2676 million, of which**

<u>Activity</u>	<u>T/O</u>	<u>Profit</u>
<b>Ports</b>	<b>36%</b>	<b>59%</b>
<b>Property</b>	<b>9%</b>	<b>33%</b>
<b>Logistics</b>	<b>8%</b>	<b>9%</b>
<b>Ferries</b>	<b>47%</b>	<b>- 0%</b>
<b>Bulk Shipping</b>	<b>n/a</b>	<b>- 4%</b>
<b>UK/Republic of Ireland</b>	<b>38%</b>	<b>- 8%</b>
<b>Continental Europe</b>	<b>19%</b>	<b>12%</b>
<b>USA and Canada</b>	<b>18%</b>	<b>29%</b>
<b>Australia</b>	<b>16%</b>	<b>18%</b>
<b>Far East</b>	<b>7%</b>	<b>35%</b>

\* T/O – Turnover

Source: Slater, J. (May 2003) (devised by) *Company Refs (Really Essential Financial Statistics)* (London, HS Financial Publications), p. 634

The dominant shipping companies not only handled the majority of the world's cargoes but were also able to '*wield significant economic and political influence*', and were "*at*

*the forefront of labour reforms in ports around the world*' (Turnbull, 2000a: 6). Their economic impact enabled them, on the one hand, to put pressure on governments to reduce port dues payable to the state and, on the other, to restrict or abolish dock labour schemes, reintroducing casual dock labour in many ports across the world (see 2000: 6 and above). The internationalisation of port ownership also affected how labour relations were handled within these companies. For example, all negotiations with Hong Kong-based Hutchinson, which had a majority holding in Felixstowe, Harwich and Thamesport in Britain as well as operating ports in Asia and the Americas, were coordinated at the Hong Kong office (see Turnbull, 2000a: 6).

Technical innovation also affected the relationship between firms, especially post-abolition. Although writing of the clothing sector, Blyton and Turnbull's observations on the interdependence of large and small firms (1998: 255-7) were germane to the ports industry. The labour supply agencies relied on the ports for work; they, in turn, relied on the shipping companies for business. These, however, could move ships to another port if it was in their interest to do so, without thought for either the impact this could have on the port or fear of industrial action.

### ***The Impact of Technical Innovation on Dock Work***

As discussed above, the main reason behind ports' deregulation and privatisation had been the impact of containerisation. This not only changed the nature of port organisation but also the numbers of men in the industry - employment in British ports and docks had fallen from 136,000 in 1968 to 25,000 in 1998 (see *Labour Market Trends*, July 2000: 311) – and the ways in which the men worked. Modern port work could be seen as an example of 'just-in-time' work organisation as cargoes are unloaded when they arrive, day or night. It can also be likened to a manufacturing production

line; as Turnbull (1994:75) wrote, and the following (based on researcher observation) demonstrates, *“the movement of cargo through the port is a sequential process. In other words, cargo moves through successive, but distinct stages and work locations”*.

There were, for example, three distinct stages involved in unloading a container: preparation, unloading, and moving. Preparation involved men climbing onto the containers and opening the twistlocks that hold them together during transshipment. This was a continuous process, as the men had to unlock every container in every pod (port of delivery), or stack of containers for the same port, which were distributed throughout the ship by weight and size. A quayside gantry crane then offloaded the containers.

The quayside gantry crane was the largest piece of plant on the docks. The gantry, which was between 140 and 180 feet above the dock, went over the deck of the ship and the crane operator was told, either by radio or a computer terminal in the cab, in which sequence to unload the containers. The cab was on a trolley, which had a spreader attached to it. When the cab was over the container to be moved, the spreader was lowered over it; this was then clamped onto the container and lifted it off the deck of the ship. The trolley then moved back along the gantry until it was over the quay, and, at Tilbury, the container was then lowered onto the quay. Depending on the size of the ship and the location of the pods, the whole operation took approximately three minutes, or a continuous operation of approximately 20 container movements an hour.

Although the latest generation of gantry cranes had lifts, most crane operators reached the cab by climbing a ladder attached to the outside of the crane. In order to monitor operations, the crane driver sat hunched over the controls with his feet apart, staring



between his legs. Operating a quayside gantry crane needed great skill and concentration. It was also very stressful and highly monotonous – the operators were isolated high above the ground and had no stimulation. Although 'Containerco' rotated this operation with other tasks every four hours, some cargo handlers mentioned that they could work on this task for up to six hours without a break (interview notes, various).

The containers were moved from the quay to the container park by a straddle carrier, the largest piece of moving plant on the docks: its wheels alone were approximately six feet tall. The straddle carrier was an 'H'-shaped piece of plant with the cab, which could be positioned anywhere along it, on the 'crossbar'. The driver positioned the straddle carrier over the container, lifted it up and carried it to the container park and deposited it where he had been told, again either by radio or computer terminal. Straddle carrier operators also sat hunched over the controls, staring between their feet. However, they did appear to have more stimulus than gantry crane drivers, as interaction between themselves and other port workers was observed. For loading a container, the above operation was reversed.

Not all cargoes have been containerised, however. Bulk cargoes, such as sugar or wood, were discharged using a method that has remained basically unaltered since the 1970s; the ships and the equipment used, however, had become larger. Loose cargoes, such as sugar or aggregate, were discharged by a quayside crane which was fitted with a grab, which resembled a bucket. The grab was lowered into the hold and scooped up the cargo; it was then swung out of the hold and into a hopper, a large funnel-shaped piece of equipment which also weighed it. The cargo then fell through the hopper onto a

conveyor belt that went into the factory (sugar), or the yard or into a lorry for onward transportation (aggregate).

Timber ships were discharged by two gangs of four or five men, one gang to a hold. The packages were loaded with canvas slings around them, or were 'pre-stropped'. The men working in the hold hooked the slings onto a hook fitted onto the quayside crane, and were then hoisted onto the quay. The men on the quay helped to lower the packages so that they formed stacks of three to four packages high, took off the slings, and straightened the stacks as more wood was discharged. The packages were then loaded onto a forklift a stack at a time and taken to the storage area.

There was no 'dock work' involved in handling unit loads. These were items, such as cars or containers on lorries, which arrived at roll-on, roll-off ferry terminals, such as 'Ferryco' or the Dartford Terminal. The ships carrying the containers had been unloaded at Rotterdam or Antwerp and those for Britain taken to Vissengen or Zeebrugge, where they were placed on lorries and the lorry then driven ('rolled') onto the ferries and, on reaching the London ferry terminal, the lorries are driven off the ferry. They then either continued their journey, or the containers were taken off the lorry by a reach-stacker (similar to the stacker trucks found in DIY centres), and taken to the container park to await collection. This was a very fast operation. The Dartford Terminal boasted in 2000 that the turnaround time for a full ferry was approximately three and a half hours (see Port of London Authority, *Handbook*, 2000: 24).

The above, however, were not the final stage in the evolution of cargo handling. There were cargo terminals in both Rotterdam and the Far East that were almost completely

automated, and cargo handlers at Thamesport on the Medway were little more than machine minders (see Transport NTOs Forum – Skills Foresight: 4 and Turnbull, 2001: 367).

### **2:3 The World of Work in the 1990s**

By 1989, and because of Conservative anti-union legislation, many of the provisions underpinned by the Scheme, such as union recognition and the closed shop, had been eroded to such an extent that RDWs had been left extremely vulnerable to workplace change. Taking the ports industry as an example, this section examines the world of work that dockers entered into following abolition and applies it to the Port of London. It also examines how new to the ports industry some of these working practices were in actuality.

#### ***Deregulation and Privatisation***

As the above showed, deregulation and privatisation were not unique to Britain but were part of a global phenomenon (see also Standing, 1997: 21). However, Standing (1997: 10-11) has pointed out that “*there is no such thing as labour market deregulation*” and that regulation in some form has to exist; rather than *deregulation*, therefore, it would be more correct to write of *re-regulation*, or regulation imposed by, and for, the employer. To emphasis that, Saundry and Turnbull (1996: 6) wrote that, rather than the absence of regulation, deregulation represents a change in the way product and labour markets are regulated. Barton and Turnbull (1999: 14) saw this as a shift from external, or institutional, regulation (such as the Scheme) to internal, or direct managerial, regulation.

In the British context, the aim of deregulation and privatisation has been to remove controls, and therefore worker protection, from an industry, such as port transport.

Saundry and Turnbull (1996: 11) wrote that this was encouraged by and, where necessary, legislated for, by the removal of barriers to a free market economy. This assumed that the government would withdraw from all forms of control and financial aid from the public sector. Examining the background to ports privatisation, Thomas (1994: 139) wrote that this was a means of improving management in those sectors. By removing regulation, business would be able to seek investment from the capital market. This would make them more efficient, as government financing would be replaced by shareholders. As these had a claim on the company's profits, financial markets became more important (Crouch, 2003: 112). At the same time, many firms were no longer tolerating union or other external interference. These two factors resulted in both manufacturing and the public sector, the two 'cornerstones' of trade unionism in Britain, becoming marginalised (2003: 112).

Following the 1979 Conservative government's pledge to reduce the size of the public sector, public utilities (British Gas, for example) and regulated industries – such as the ports – were gradually transferred to the private sector and/or opened up to competition. Public sector employment fell from 43 percent of employees in 1984 to 32 percent in 1998, whereas private sector employment rose from 26 percent to 46 percent between 1980 and 1998 (see Millward, Bryson and Forth, 2000: 19). Referring to subcontracting in the civil service, Crompton, Gallie and Purcell (1996: 17) found that 'a job for life' had been replaced by '*a job for as long as you are not undercut at the next tender*'. This was also true of the ports industry. Chapters Four and Five will show that, for many men working in the Port of London, the RDWs 'job for life' has been replaced by insecure, temporary employment.

## ***Changes to Work and Employment***

### ***i: Functional Flexibility and Work Intensification***

Rather than negotiating change, port employers used abolition and the subsequent redundancies as a means of severing cargo handlers' solidarity with both their job and the union (Turnbull and Wass, 1995b: 488). Abolition gave port employers the opportunity to radically alter cargo handling operations, and privatisation had restored their freedom to manage, giving them "*the will and incentive*" to do so (Turnbull, 1991: 16). The main factors behind these changes were the minimisation of labour costs and the maximisation of labour utilisation in order to attract and retain customers and to remain competitive (see, for example, Turnbull and Weston, 1993c: 181). As Turnbull (1995: 525) found (and as will be discussed in the context of the Port of London in Chapter Four), the post-abolition ports industry was characterised by longer working hours – including compulsory overtime – shorter breaks, lower manning levels and unrestricted flexibility. This, as Turnbull also wrote, represented "*a massive intensification of the labour process*" (1994a: 69).

### ***Flexibility in the Port of London***

The post-abolition contracts for men remaining in the industry had 'full flexibility of work' clauses (see Turnbull and Weston, 1993c: 181). Although seen as a post-abolition condition of employment, flexibility had been introduced as part of the 1970s modernisation agreements. However, rather than part of a collectively bargained agreement that was open to re-negotiation, this, post-abolition, became contractual.

The 1970 modernisation agreements were agreed between the unions and the Port of London employers at the time of, and in conjunction with, Devlin Phase Two. They were to facilitate the introduction of new cargo handling technology by giving RDWs

higher wages for increased productivity. A Port of London Enclosed Dock Agreement clause stated that the aim of the Agreement was to '*facilitate the introduction and operation of improved working methods of cargo handling*' (Enclosed Docks Productivity Agreement, 1970: 2). This included '*complete mobility and flexibility as required by the employer*' (Manning, Flexibility and Mobility clause in above: 8). Given the definition of 'dock work' however, this type of flexibility was numerical rather than functional, as the men could be moved between *similar* jobs, rather than between *types* of jobs. Because abolition opened up dock work to other workers (see below), functional flexibility tended to be multi-tasked rather than multi-skilled (see Evans *et al*, 1993: 28 and 34).

Similarly, the introduction of shift work by many employers following abolition was the continuation of a trend that had began in the 1970s. The Productivity Agreement mentioned above introduced two shifts a day to the London docks; from 7am to 2pm and from 2pm to 9pm, with a 45 minute (paid) break on each shift (Shift Work clause in Enclosed Docks Productivity Agreement, 1970: 2).

### ***ii: The Segmented Labour Force***

Turnbull and Wass (1994: 488) wrote that port employers were able to use high unemployment in the early 1990s and the 'stigma' of the dockers' reputation for militancy in order to alter the employment relationship (see also Chapter Five). Labour costs in relation to operating costs in the ports industry were high: Barton and Turnbull (2002: 138) found them to be around 60 to 70 percent. Employers needed to reduce costs but also needed to meet both fluctuating demands and to attract and keep customers. Labour arrangements, therefore, had to be sufficiently flexible to both match labour supply with demand and to reduce idle time and labour surplus to the minimum

(2002: 138). However, and as Saundry and Turnbull (1996: 4, 16, 18), for example, wrote, to be efficient, container operations required a skilled, experienced and permanent, or 'core', labour force, whilst general cargo operations could be left to a 'periphery' of temporary labourers. As Chapters Four and Five will show, however, this was an oversimplification and this division of tasks was not observed in the Port of London.

As many authors have pointed out, the 'flexible firm' was an academic model and not a description of a (then) reality. However, it had become incorporated into management thinking and became what Pollert (1988: 309) termed "*a 'success story' of an idea*". Pollert has pointed out that non-standard working arrangements pre-dated Atkinson's model and were a historical (and gendered) feature of work (see Pollert, 1988: 297 and 1991: xxvi) - casual labour had been the norm in the docks before 1967, for example (see Chapter One). Pollert had also pointed out that workforce flexibility was, as discussed above, often part of 1960s and 1970s productivity deals (1988: 282).

The re-emergence of casual labour, arguably, cannot be seen as a 'new' form of port working. Deregulation had allowed "*...firms to promote greater flexibility in the labour market*" (Millward, Bryson and Forth, 2000: 10). Brown (1997: 70-1) wrote that Conservative policy led to a freer, less-regulated, more competitive, and more flexible labour market. However, it also continued to provide traditional labour market needs, only in a different way. Labour market flexibility could only be achieved by reorganising traditional working practices but, in order to do so, employers needed a catalyst that was "*strong enough to overcome the strength of those traditions*" (Hudson, 2000: 81). This 'catalyst' in the 1980s and 1990s was usually redundancies, layoffs and

downsizing (2000: 81), facilitated by the progressive weakening of employment protection and by union marginalisation. Many sectors, including buses and port transport, saw immediate productivity gains following deregulation (see Bannister 1997: 35 and Chapter Four). However, as both Bannister (1997: 35) writing on bus deregulation, and Turnbull (1994a: 69), writing on port transport, discovered, this had been achieved through mass redundancies, lower wages, and an increase in temporary and other 'non-standard' working arrangements.

Deregulation played '*a significant role*' in not only facilitating changes in the labour market but also in the introduction of 'new' forms of non-standard working practices (Rubery, 1996: 29). This 'new' work was usually outside employment protection and not only included what MacDonald termed 'fiddly jobs' and undeclared work (see MacDonald, 1994 and 1996), but also casual and temporary work.

In his research on sub-contracting in the steel industry, Fevre (1986: 310) wrote that segmentation was the disintegration of the internal labour market, allowing different approaches to be pursued with different types of workers. Atkinson's (1984) 'flexible firm' model had identified these as a 'core' of permanent employees that were multi-skilled, functionally flexible and protected from demand fluctuation by a 'periphery' of non-standard (part-time or temporary workers, sub-contractors and the self-employed), low-skilled, disposable workers in "*dead-end, insecure and low paid jobs*" (Kalleberg, 2001: 482). However, this description of the 'periphery' can be inaccurate. Robinson (1999: 89) found that the 'typical' temporary worker was a well-paid professional, working in the public sector, rather than the poorly paid casual (see also Kalleberg, 2001: 483).



Pollert found that “...the ‘flexible’ firm always contains the alternative of buying in skills, or replacing them with deskilled, cheaper casual labour” (Pollert, 1988: 218). Similar to Fevre’s (1986: 18 and 25) findings in the steel industry, temporary workers in the Port of London were usually redundant permanent employees, performing the same work but on reduced terms and conditions (see Chapter Five).

The main advantage of hiring temporary workers is the transfer of risk, initially to the agency and ultimately to the men (Saundry and Turnbull, 1996: 18). Rather than paying permanent men when there is no work, the employer can reduce his workforce to the minimum and hire workers on a short-term basis, usually at a lower rate, and return them to the agency when there is no more work. Because agency workers tend to receive a standard hourly rate, whatever hours they work, the cost of hiring can be reduced; however, the agency premium can increase those costs considerably in the short term (see also *Labour Market Trends*, September 1996: 406 and footnote 4 to Chapter Four). Other, hidden, costs include the performance unpredictability of temporary workers, a lack of commitment to the hiring firm, and low effort levels (see Purcell, Hogarth and Simm, 1999: 58).

As Gallie *et al* (1998: 153) pointed out, the inference of the ‘flexible firm’ is that ‘core’ employees are trained, whereas ‘periphery’ workers are not. Employers, however, expect temporary workers to be trained and/or qualified. This, in the ports industry, has been achieved by hiring ex-RDWs who had been trained under the Scheme in line with new technology (see Chapter One) but who were made redundant in 1989 or after. Nationally, 20 percent of RDWs made redundant on abolition had returned to the industry as temporary labourers by 1994 (Turnbull and Wass, 1994: 5000). As will be

discussed in Chapter Four, the post-abolition temporary workforce in the Port of London was largely comprised of these men.

There are many similarities between the steel industry, discussed by Fevre (1986) and the ports industry following abolition. The crucial difference, however, was the way in which the workers were hired. Fevre describes the 'new' jobs in British Steel as subcontracting; in the ports industry in London, however, it was not the work that was sub-contracted, but the employers who contracted *for* workers to work under their supervision (see Chapter Four).

Blyton and Turnbull (1998: 47) wrote that the return to casualisation in the ports industry indicated that many port workers were not properly trained, thus leading to higher accident rates (see also Turnbull, 1995: 514). A reason for this was that, following abolition, training (provided by the NDLB) became the responsibility of the employer, and the training that was given concentrated on individual tasks rather than on the trade of cargo handler (Turnbull, 1991: 25). By training all its employees for any job, employers ensured that, rather than any worker being irreplaceable, they are interchangeable (1991: 25). This, however, appeared to lead to a skills shortage. BPIT, in its 2000 survey of the ports industry, found that there was a shortage of skilled plant operators (British Ports Industry Training, 2000: 20). Training in the Port of London will be discussed in more depth in Chapter Four.

As will be discussed in greater depth in Chapters Five and Six, the deterioration in health and safety in the ports industry following abolition has caused concern, not only to the men working in the industry but also to the Health and Safety Executive (HSE) and to

the government. Mankelow, for example, found that notifiable accidents in the docks rose following abolition – from an average of 4.0 per hundred cargo handlers at work between 1984 and 1989, to 6.1 per hundred cargo handlers between 1989 and 1994 (1996: 17). As Miscellaneous Appendix Two shows, HSE statistics for between 1996/7 and 1999/2000 show that the rate per 100,000 workers for ‘others supporting water transport’ (which predominantly consists of cargo handlers – HSC Safety Policy adviser, interview notes, 14/5/02) were consistently higher than industries such as agriculture, construction and mining which are often considered to be the most dangerous. These figures, however, are for *all* employees in a sector and, because they *include* clerical workers (who are less likely to have an accident) but **exclude** ‘workers’, they may conceal the true accident rate among operatives. As James and Walters (2000: 141 and 143) pointed out, the 1977 Safety Representatives and Safety Committees Regulations were restricted to workplaces with union recognition. Between 1989, when the T&G was widely derecognised following abolition, and 1996, when the Health and Safety (Consultation with Employees) Regulations were introduced, therefore, union involvement in health and safety issues in the ports was minimal.

### ***Temporary Labour in the Port of London***

The ports industry had been decasualised for 22 years (1967 to 1989) on abolition. However, the event of Scheme abolition was in many ways a return to the traditional form of port employment, and the re-emergence of labour supply practices common before 1967. It saw the re-emergence of small stevedoring companies, now termed labour-only suppliers, which supplied temporary labour to the industry and performed very much the same function as the pre-decasualisation LDLBs (see Chapter One). Other practices have included the establishment of ‘pools’ of redundant RDWs, on call as necessary, and the hiring of truly casual labour for short periods (see Chapters Four

and Five): this, again, has a resonance with the casual era. Only the final form of recasualisation, the opening up of 'dock work' to other port workers, such as office and maintenance personnel, to give greater workforce flexibility, thus saving on labour costs (Turnbull and Weston, 1993c: 183), could be said to be a new departure.

### ***iii: Labour Law***

Labour law can be discussed here at two levels: domestically generated law, and the legislation which, as a result of Britain's membership of the EU has to be translated into domestic legislation.

The Conservatives had seen the law as the key to facilitating its labour market restructuring policies and restricting industrial action. The government had reduced standards for the conditions of employment enforceable by law (Labour Study Group, 1985: 117). This made it easier for firms with employees on fixed-term contracts to oblige them to 'contract out' of their legal entitlements to redundancy pay and protection from unfair dismissal (1985: 117). It also removed the legal protection from the most vulnerable and those less likely to be in a trade union, especially temporary and other 'non-standard' workers. These workers had very few rights, and appeared to be less aware of those they had (see *IDS Study 689*, May 2000: 12 and *Labour Research*, June 2002: 5).

Dickens and Hall, writing on the framework of labour law, found that British labour law, especially in comparison with that of other EU member states, had been fairly limited. Because there was little to deregulate, Conservative intervention had still left the British labour market one of the most lightly regulated (2003: 130). Moreover, because it conflicted with it, EU legislation had been able to limit, and even undermine,

Conservative deregulation legislation (2003: 127). This latter legislation had included the 1977 Directive on acquired rights, transposed into British law as the Transfer of Undertakings (Employment Protection) Regulations (or TUPE) in 1981, together with Directives on equal pay and sex discrimination.

Following the signing of the Social Chapter of the Maastricht Treaty by the 1997 Labour government, EU Directives that limit labour market flexibility were introduced. These included the Working Time Directive (WTD), introduced as the Working Time Regulations in 1998, which limited working hours to an average of 48 hours a week. Although initially excluding transport workers, the implementation of the Horizontal Amendment Directive meant that they were covered after August 2003. Also introduced have been Part-time Workers (2000) and Fixed Term Workers (2002) Directives, both of which gave these workers 'no less favourable treatment' than employees performing the same task at the same site. These, however, have had little impact in the ports industry, as the legislation currently does not cover agency temporary or casual workers (see, for example, *Labour Research*, October 2002: 5 and January 2003: 8).

However, because of the legal difference between 'employees' and 'workers', not all the labour force is covered by all employment legislation. The term 'worker' is used in a broad sense to cover the entire workforce, irrespective of the form of contract they work under. For example, under Working Time Regulations, rights to paid holidays were introduced for workers including agency temporary workers. 'Employees' have a contract *of services* (or employment) and have access to, for example, TUPE and other employment protection, sick pay and parental leave (see, for example, Dickens and Hall, 2003: 131-2). On the other hand, until the introduction of the Part-time and the Fixed-

Term Workers Directives, 'workers' rights had been minimal. Although having the right to the national minimum wage, 'workers' had no rights to, for example, employment benefits, or to worker protection rights (redundancy, for example, or unfair dismissal – see also Chapter Four). Because of these different rights and protections, Dickens and Hall (2003: 135-6) were able to write that the new legislation had not curbed an employer's ability to discipline workers by 'hire and fire' but, rather, had legitimised it. They further pointed out that the legislation had not increased job security, and that the new unfair dismissal procedures only offered limited protection.

EU Directives that will impact on the ports industry include the Information and Consultation Directive. This must cover all companies with 50 or more employees by 2008 (see Dickens and Hall, 2003: 127-9 and *Industrial Relations Briefing*, Issue 108, 21<sup>st</sup> February 2002) so, although excluding many small employers and various agencies, all larger port companies will eventually be covered by the legislation. As will be discussed in Chapter Six, at least one company operating in the Port of London has established a company-wide forum in preparation for the Directive. However, the impact of the European Works Council Directive (in force in Britain from January 2000) on the ports industry was, at the time of writing, minimal. This was because very few European multinational port companies also operate in Britain (the Belgian 'Ferryco' was an exception).

### ***Labour Government Legislation***

Since coming to power in 1997, the New Labour government has made only minimal changes to Conservative deregulation legislation. Dickens and Hall (2003: 131) wrote that the difference between the Conservative and Labour governments was that the Conservatives promoted flexibility at the expense of security, whereas Labour wanted to

retain a flexible market, but underpinned by minimum standards. The Labour government championed labour market flexibility and appeared to accept the fundamentals of the Conservative industrial relations agenda (see Taylor, 2001: 249 and 247). With the exception of ERA (considered in Chapter Six) and the introduction of the national minimum wage, much of the Conservative deregulatory legislation remained in place.

#### *iv: Trade Union Decline*

Conservative anti-union legislation had not been the only factor in trade union decline. Other factors included a sectoral shift from manufacturing to services, technical innovation, and high unemployment. Smith and Morton (1991: 326) found that the introduction of computer technology had enhanced employer power over work organisation and pay-effort bargaining in newspaper publishing. This had previously been constrained by the NUJ, which lost power as a result. In port transport before abolition, however, the Scheme had shielded RDWs from these effects. Although containerisation had much the same effect on work organisation as new technology had in printing, it had taken the 1989 Dock Work Act (discussed in Chapter One) to constrain the T&G which, until then, had been able to negotiate enhanced terms and conditions in exchange for technical innovation.

The 'new industrial relations' that replaced collectivism at many workplaces included human resource management (HRM) and individualisation, both synonymous with flexibility and employer-imposed changes in working terms and conditions (see, for example, Blyton and Morris, 1992: 116, and Ramsey, Pollert and Rainbird, 1992: 75). This conflicted with the traditional industrial relations model as, rather than emphasising

collective bargaining, HRM emphasised individualisation (Gallie, Penn and Rose, 1996: 13) and attempted to divert loyalty from the union to the firm.

For whatever reason, aggregate union density fell from its 1979 high (see Chapter One) to a low of 26.5 percent in 2001 (before rising to 29.0 percent in 2002 – see *Labour Market Trends*, 1996 to 2003). Individual unions' membership declined; T&G membership, for example, fell from 2,086,281 in 1979 to 896,550 in 1996, or by 57 percent (Blyton and Turnbull, 1998: 119).

Within the T&G, membership of its Docks, Waterways and Fisheries Group (DWF), which represents port and other waterfront workers, fell from 22,632 in 1990 to 10,871 in 1998, the last figures available, or by 48 percent (see *T&G Record*, April 1990: 2 and March 1998: 25). Reasons for this decline in membership included abolition redundancies, especially of trade union activists – nationally, 20 percent of those made redundant had held a union post at some time (Turnbull and Wass, 1994: 496). Other factors included derecognition – by 1995, over 60 percent of the 140 employers surveyed by Saundry and Turnbull (1999: 286) no longer recognised a union – and changes in the 'check off' system, introduced under the 1993 Trade Union Reform and Employment Rights Act. This, as discussed in Chapter Six, had a major impact on union membership in the Port of London.

Discussing its 'demise', Turnbull and Weston (1993c: 186/7) wrote that, post-abolition, trade union organisation and influence in the ports industry had been "eroded to the point of eradication" Similarly, Turnbull, Woolfson and Kelly (1992: 223) wrote of the "rapid collapse" of trade union membership and influence in the docks. However, these



were based on conditions immediately following abolition and, as both the 1995-1998 Liverpool docks strike and Chapter Six show, these pronouncements need qualifying.

### **Conclusion**

In order to give as complete a context as possible to the research-based Chapters, this Chapter has looked at the ports industry, both nationally and internationally, and has considered the effects of containerisation on the wider ports industry. This, together with deregulation in many countries, led to changes in the way ports were owned and operated. The Chapter argues that there was a connection between business restructuring and technical change. This is relevant to this investigation as it changed the ports and shipping industries in Britain and elsewhere, blurring the boundaries between different types of companies on the one hand and affecting work, occupations, and industrial relations on the other. The globalisation of markets meant that the slow, laborious method of un/loading ships was unproductive and a new way of carrying cargo was needed. This came in the late 1950s when Malcolm McLean realised the significance of the container for this purpose. As a result, cargoes were carried in a more cost-effective way, and could be loaded and discharged quicker by fewer men. As the description of the modern ports labour process showed, this had an impact on dock work, changing its nature completely, reducing the work content and blurring the boundaries between different types of dock work

Containerisation also changed the nature of competition in the shipping industry. As a container could be packed or unpacked anywhere, and in order to provide an integrated service from manufacturer to customer, shippers began to offer logistics services and entered into cargo handling via port ownership. Five of these companies, including the British P&O Group, became multinational, dominating world shipping and port

ownership. Deregulation of the British ports industry through abolition and privatisation had made British ports more attractive to foreign port owners, such as the multinational Hutchinson Port Services.

Based on the literature, and taking the ports industry as an example, the Chapter looked at the world of work that RDWs entered after abolition. It looked at deregulation and labour market segmentation and temporary labour and discussed how these had impacted on the ports industry and especially in the Port of London, and discovered that many of the 'new' post-abolition working arrangements were, in fact, continuations of older working practices. Both shift work and flexibility, for example, had been introduced during the 1970s. The form of flexibility introduced then, however, had been numerical - shifting men from dock to dock whilst still performing essentially the same tasks – rather than the functional flexibility that the opening up of port work to other workers that abolition had allowed. Similarly, rather than being introduced after 1989, casual labour, albeit in a new form, had returned.

Chapters Three to Six expand on the areas outlined in this Chapter. Chapter Four examines the employers' new-found 'right to manage' and considers what changes were introduced and how these were implemented. Chapter Five will then discuss how changes in the employment relationship and work organisation affected the men working in the Port of London, and Chapter Six will concentrate on industrial relations change. First, however, the following Chapter will discuss how this investigation into work and employment in the Port of London was undertaken.

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<sup>1</sup> Many of those participating in this research believed that ports privatisation was a reason for abolition. As the 'Agencyco' Director put it: "...*you couldn't privatise the*

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*ports but leave a law in place that said the only people who could work in there were registered dock workers”* (interview notes, 18/10/01).

<sup>2</sup> Intermodal transport is the through transportation of cargo by at least two forms of transport (ship and rail, for example) with a single bill of lading and liability.

## Appendix 2 – Tonnage Handled in the Port of London 2001

**Table 2:1 - Commodities, Ownership and Tonnage Handled in the Port of London, 2001.**

<u>Commodity<sup>^</sup></u>	<u>Facilities</u>	<u>Owners</u>	<u>Tonnage – Millions</u>
<b>Aggregate</b>	<b>19</b>	<b>11</b>	<b>8.6</b>
<b>Recycling/steel</b>	<b>9</b>	<b>4</b>	<b>2.6</b>
<b>Bulk Cargoes</b>	<b>7</b>	<b>6</b>	<b>n/a*</b>
<b>Forest Products</b>	<b>10</b>	<b>6</b>	<b>2.1</b>
<b>General Cargo</b>	<b>2</b>	<b>2</b>	<b>n/a*</b>
<b>Oil and Petroleum,</b>	<b>5</b>	<b>5</b>	<b>18.6</b>
<b>Mixed/Containers</b>	<b>6</b>	<b>4</b>	<b>481 teus*</b>
<b>Roll on-Roll-off – containers and trailers</b>	<b>3</b>	<b>3</b>	<b>972 teus*</b>

<sup>^</sup>Some facilities handled more than one commodity.

\*Total unitised tonnage, expressed in twenty foot equivalent units

Source: Employment in the Thames Gateway: Riverside Employment Survey 2000/1 and Port of London Authority, *Annual Report and Accounts*, 2002: 7.

The following Table shows tonnage by riparian (riverside) borough

**Table 2: Tonnage Handled by Riparian Borough in the Port of London 2001 - million tonnes**

<u>Riparian Borough</u>	<u>Tonnage Handled</u>
<b>Tower Hamlets</b>	<b>0.1</b>
<b>Greenwich</b>	<b>1.3</b>
<b>Barking and Dagenham</b>	<b>2.8</b>
<b>Bexley</b>	<b>1.0</b>
<b>Dartford</b>	<b>3.5</b>
<b>Thurrock</b>	<b>34.7<sup>^</sup></b>
<b>Gravesham</b>	<b>2.9</b>

<sup>^</sup>Thurrock includes the Port of Tilbury, 'Containerco' and 'Ferryco'

Source: Port of London Authority *Handbook*, 2003: 15.

## **Chapter Three: Investigating Work and Employment in the Port of London**

This Chapter looks at how this investigation into work and employment change in the Port of London was carried out. It discusses the main research methodologies utilised and the problems encountered during the research. Finally, the Chapter reflects upon the research experience.

### **The Research Design and Methods**

The research methods chosen for this investigation were:

- A fact finding survey of employers in the Port of London
- Semi-structured and open-ended interviews with:
  - employers and organisation with an interest in the ports industry
  - cargo handlers, both permanent employees and temporary labourers
  - T&G officials, both working and retired, and union members
- Observation and participant research in my role as T&G 1/10 Branch minutes secretary
- Document research.

These methods were chosen because, as a woman over 50 years of age who cannot drive, I could not, for example, conduct ethnographical research as a cargo handler in what had become a heavily mechanised industry in what was still very much a man's world<sup>1</sup>. However, the above research instruments did allow me to examine the changes introduced in the Port from the point of view of the various actors involved.

### **3:1 - Conducting the Research**

The main research activity began in June 2000 and, although observations of Branch meetings and conversations with T&G 1/10 Branch members (see 3:1c below) continued into 2003, the field investigation was largely concluded by May 2002. Appendix 3:1 lists the research activity in chronological order.

The research was designed to be a logical sequence, starting with a survey of employers in the Port of London. This would give background information for employer interviews (which would expand on the responses), and the information gained would, in turn, inform the interviews with the men and the union representatives. Archival research would provide background information and data not generally available. The research structure, however, was left open enough to allow flexibility: the periods when I was unable to conduct interviews were utilised for further background reading, for example, or for archival research (see 3:1d below).

Taking the four major research methods in turn, the following discusses the research activity in more detail.

### **3:1a –The Employers’ Survey**

The field research began with the Employment in the Thames Gateway: Riverside Employment (ETGRE) survey, which was devised for this investigation. A survey was chosen because the literature suggested that it was a cost-effective means of gathering large amounts of data in a relatively simple way in a short period of time (see, for example, Burns, 2000: 581 and Robson, 1993: 128-9).

Although suggested by a number of sources, the main stimulus for the survey questions had been the literature on deregulation and the ports industry after 1989 (see Chapter Two). By using a variety of question styles (such as multiple choice, classification, and grid), the survey would provide both background information for the research and data from individual employers on areas of company practice not readily available from other sources. These included permanent and temporary employment utilisation, information

on recruitment and training, and on trade union recognition (see Appendix 3: 2 for a full survey questionnaire and a summary of the results).

In order to ensure uniformity, the questionnaire was generated using the SNAP computer programme. As the survey had been for gathering information rather than an analytical device, many of the responses (especially the open-ended questions that asked for precise figures) were not amenable to cross-tabulation. Rather than using the SNAP programmes, therefore, the survey data was processed and correlated manually. The responses were then coded, using the question number as a topic guide; these were later integrated into the interview coding system discussed below.

The questionnaire was five pages long and had 38 questions. The final two (open) questions invited respondents to make any further comments and asked if they would be prepared to talk to me again. It was hoped that this would encourage candid views on the one hand, and participation in the research on the other.

### ***Finding the Survey Respondents***

The most important source for finding potential respondents was the *PLA Handbook*. This listed terminals and 'cargo handlers' (or labour-supply agencies) in the Port. Oil, gas, and petroleum terminal employers, and Fords, Dagenham (which had not employed 'dockers' as defined by the Scheme - see Chapter One) were eliminated from the list. This left 40 direct port employers who, between them, owned or operated 44 terminals and handled a variety of cargoes. These formed the initial sampling frame.

In order to both verify and extend this list, I consulted telephone directories - both the *Yellow Pages* and *Thompson's Local* - covering the wider Port area. A separate list of

'cargo handlers' was also compiled for a separate survey. The survey results, however, showed that this list was imprecise as entries included companies, such as freight companies, that did not employ cargo handlers. As I did not include general employment agencies operating in the Port area in the investigation, the final list could not be taken as a definitive list of all the firms that employ or supply labour to the Port (see below).

The completed lists showed that, in late 2000, there were at least one hundred employers that could be included in the survey. Two labour supply agencies based in Sheerness on the Isle of Sheppey known to supply temporary cargo handlers to London terminals were also included.

Untangling which company owned which terminal or wharf (so that that the survey could be directed to the right person) became a major problem. As discussed in Chapter Two, abolition had facilitated organisational change within the Port. For example, some large companies had set up subsidiary companies, usually company-specific labour supply agencies, and there were many joint ventures, especially among the aggregate companies.

### ***Conducting the Surveys***

Because of the geographical dispersal of the potential respondents and the predicted better response rate (at between 50 and 60 percent compared with a postal survey of about 30 percent - see Saunders *et al*, 2000: 282), the survey was devised as an interviewer-administered telephone survey. Because this type of survey had become more popular with market research companies (such as MORI and ICM), many firms had become accustomed to this type of approach. Robson (1993: 129), for example, had



seen telephone surveys as “*a variation of an interview*”. Because I could use the opportunity to probe further, I anticipated that the telephone responses would be more spontaneous and candid than any written comments would be (see also Bryman, 1992: 46).

A pilot telephone survey of direct employers was conducted in December 2000 to test the questionnaire. In both this and the subsequent survey proper, I asked to speak to the labour office or personnel or HRM department; the respondents, however, were from various levels within any company, ranging from HRM officers, labour managers and even the Directors of two small companies. After giving the respondent details about myself and the research and an assurance of confidentiality, I read the questions in order, noting the responses on the questionnaire. Each successful telephone call lasted between ten and fifteen minutes, depending on the candour of the respondent.

However, the pilot survey, conducted in December 2000 and January 2001, was not as successful as anticipated – only five employers agreed to take part out of the 16 eventually contacted, possibly because these were the busiest months in the Port year. The timing of the pilot telephone calls – early morning – was also found to be inconvenient; this was later changed to better effect. Despite this initial setback, and as the survey remained the best means of collecting the necessary data, I scheduled the survey proper for a quieter period.

The survey proper was conducted between February and April 2001, initially by telephone and later by post. I made 10 phone calls a day, three days a week to all those I had been unable to contact. When I had finished phoning the companies on the list, I

started again from beginning. Because I successfully contacted one company the fourth time I phoned, I phoned each company at least six times. Although between 200 and 250 telephone calls were made between February and early March, only approximately one in ten calls were answered, and only half of the companies (11 out of 22, or approximately 20 percent of those called) agreed to take part in the survey. Although this represented a 50 percent response rate of those eventually contacted, it was only just over 27 percent of all direct Port employers; the number of telephone calls had also reduced any cost-efficiency. With reluctance, therefore, the telephone survey was abandoned and replaced by a postal survey.

A simplified version of the questionnaire<sup>2</sup> was dispatched between late March and mid April 2001. Post was addressed to a named individual, if known (or the Human Resources Manager if not) to all the companies I had been unable to contact by telephone. However, I had no means of knowing who actually completed the questionnaire. Out of the 36 questionnaires dispatched over two postings<sup>3</sup>, 11 replies – or 33 percent - were received. Although this appears a worse response rate than the telephone survey, if the number of unanswered telephone calls are taken into consideration, it was actually a better rate.

The second survey was administered in October 2001. Because of the failure of the earlier telephone survey, this was a postal survey only. It was dispatched to named individual or the Human Resources Managers at 18 companies in the Port area that had been identified as 'cargo handlers' (see above). An initial pilot survey of six companies was followed, because of time constraints, by a single posting. The response rate to this survey was, overall, marginally better than the direct employers' postal survey. Of the

27 survey questionnaires dispatched over two postings, 10 positive responses were received, representing about a 35 percent response rate<sup>4</sup>.

Although Saunders *et al* (2000: 310) suggested that three postal questionnaires should be dispatched, it was decided that, as the response rate had been so low, a third posting would be unlikely to secure any further responses. Overall, one third of the employers surveyed (21 out of 63 questionnaires dispatched) responded to the postal surveys. The majority (14 out of 21) replied to the reminder rather than to the initial survey, confirming Saunders *et al*'s finding that reminders can be more productive (2000: 308).

Altogether, the surveys had about a 32 percent response rate (32 responses from the approximate 100 employers in the Port). Although personally disappointing, the overall result did compare well with other surveys in the same area or sector. Druker, Edmonds and White's 2001 survey of employers in Kent, for example, had a useful response rate of 18 percent, and the BPIT 2000 survey of port employers had a 37 percent response rate (see Druker, Edmonds and White, 2002: 5 and British Port Industries Training: 2000: 4).

The low response rate may simply have been a reflection of closures and other inaccuracies in the source material. However, it also suggested that employers in the Port of London preferred to keep confidential information private. The survey was successful in terms of the data collected. Many respondents (to both the telephone and the postal surveys) gave candid opinions and no other research instrument would have been able to cover the number of topics as quickly and reliably. However, because the

data had been unavailable from any other source, it was impossible to test its accuracy. These, therefore, were very much a reflection of the research instrument utilised.

The survey data only reflected conditions in the companies that responded to it, and only at the time it was administered. It was, therefore, not representative of the Port of London as a whole. However, responses were received from many of the largest direct employers within the Port: interview data later suggested that, between them, these companies employed the majority of directly employed cargo operatives. Although any data would be minimum figures, this suggested that the survey results were a good representation of conditions throughout the Port. However, because of the source material, and the non-inclusion of general employment agencies, it was impossible to judge the percentage of agency and other employers covered by the survey or, indeed, to ascertain the total number of temporary labourers working in the Port. It was later discovered (through employer interview data and later editions of the *PLA Handbook*) that there were some 30 agencies operating in the Port area. The survey coverage, therefore, had been low, making it difficult to gauge how typical this group of employers' responses were.

The survey had provided figures but had not explained the background to them. The survey was, therefore, utilised in order to broaden the data to reflect real life experiences, and to inform the interviews and conversations with the employers in the Port, the men working for them, and with their union.

### **3:1b Interviews and Conversations**

The most widely utilised research methods during this investigation were semi-structured and open-ended interviews. These allowed the freedom to vary the order of

the questions, to omit some, and to add others in order to pursue any topics of interest to the investigation raised by the participant. In the case of the five of the employers (see Table 3:1 below), I was also able to explore their survey responses in more depth.

### ***i: Employers' Interviews***

Problems were again encountered in locating interviewees. Although six employers initially answered 'yes' to the survey question: '*would you be prepared to talk to me again?*', two - a labour-supplier (pressure of business) and an aggregate wharf (management restructuring) - later declined to take part (one other later declined, saying he felt he had nothing further to contribute). Many other employers who were approached declined, or ignored, requests to participate in the research. The most common reason cited for non-participation was pressure of business. However, speculative letters requesting interviews suggested by, for example, the PLA librarian (see Appendix 3:1) were more successful.

The following Table shows that 11 people (seven employers and four 'others' - see below) were interviewed for this phase of the investigation.

#### **Table 3:1 – Employer and Port Organisation Representatives Interviewed**

**Employers – Direct Employers – 4\***

**Labour-suppliers – 3\***

**Others – 4**

\* of which, three were as a direct result of the survey and four as a result of direct approaches: two of these companies also completed survey questionnaires.

The four direct employers interviewed were the Human Resources Manager of 'Containerco' and the Marketing Director of 'Portco', two of the largest employers in the Port of London, and the Managing Director of 'Paperco', at that time located in Deptford, and the labour manager of the Port of Felixstowe. The Directors of 'Agencyco', a large labour-only supplier based at Sheerness, and 'Labourco', a medium-

sized labour-supply agency based at Northfleet, were also interviewed. A telephone interview was also held with the manager of the small 'Riggingco', based in the Port of Tilbury.

The 'others' interviewed were the Chief Executive of British Ports Industries Training (BPIT), a Health and Safety Advisor of the Port Safety Organisation (PSO), and a Marine and Aviation Safety Policy Advisor of the Health and Safety Commission (HSC). Andrew Mackinlay, MP for Thurrock, which includes the Port of Tilbury, was also interviewed.

### ***Conducting the Interviews***

A letter giving a brief outline of the research and the participant's role in it and giving assurances of confidentiality and anonymity, were sent to all the prospective participants. Before the actual interview began, the participants were asked if they objected to the conversation being taped<sup>5</sup>, and were informed that they could decline to answer any question, or to terminate the interview at any time. The interviews, which were mainly held in the participants' offices, lasted an average of one and a half hours.

As each participant and the areas their contributions covered were unique, separate interview guides (see Burns, 2000: 424) were drawn up for each participant (see Appendix 3:3). However, each participant was asked about their background in the ports industry - how long they had been involved in it, and their experience of it. This was followed by specific questions concerning their business or organisation. These included their experiences of the Scheme and the impact technical innovation had had on their business. Other questions explored work and employment structure and asked about how work was organised (how it was performed, shift work and overtime,

training, etc.) about the utilisation of temporary labour, and about union recognition (discussed in Chapter Four).

Following the interview, transcripts of the interview tapes, and notes of the meeting that were not taped (see footnote 4), together with any observations and impressions were made. These were then coded onto index cards, using the topic of the quote as a guide (see Riley, 1990). Letters of thanks, re-iterating confidentiality, were then sent, together with a summary of the main points of the interview which the participants were invited to comment on and make alterations to if they so wished<sup>6</sup>.

The interview data was comparable and complementary, both with the survey and with interviews with other participants. It was, however, extremely difficult to form judgements as to whether the information was the participants' own beliefs or if they were merely repeating company dogma – the HR manager of 'Containerco' admitted that her testimony was "*nothing but marketing spiel*" (interview notes, 15/6/01). Attempts were made to overcome this by methodological triangulation. Silverman (2000: 98-9), for example, had seen triangulation as a means by which, by having "*a cumulative view*" of the data from different contexts and sources and examining where they intersected, a view of the 'truth' could be formed. In order to do this, one employer's account was checked against another's, and against company records, newspaper reports, union Branch minutes (see below), and with cargo handlers working at those terminals.

### ***ii: Cargo Handlers Interviews***

Many of the active cargo handlers taking part in this research were also union activists (see below). However, in order to differentiate between what could loosely be termed

'cargo handlers' and 'the union', this section will discuss the interviews and conversations held with the full-time cargo handlers, retired dockers, and temporary labourers participating in this investigation.

### *Finding the Participants*

Gaining access to the men proved to be the most difficult and intractable aspect of this research. However, as some of the participants had moved from terminal to terminal or from a terminal to a labour-supply agency, those participating were able to give detailed accounts of work organisation at various facilities.

I had hoped to arrange employee interviews on site. However, two employers cancelled workforce participation, arranged by the Felixstowe Deputy Convenor and the T&G's representative at 'Generalco'<sup>7</sup> at the last moment because of 'pressure of business'. Similarly, the Director of 'Labourco' refused to allow me to use the on-site canteen to talk to the men (some of these men did participate, however). Therefore, and because of London's militant reputation (see Chapter One), I believed my best access to the men would be through the T&G. I approached the union for permission to talk to its members working as cargo handlers' in the Port of London. The main gatekeeper was the T&G's local full time officer (FTO). Unfortunately he went on extended sick leave before access could be arranged, and I had to devise other means of access.

These included asking friends with 'docker' connections for introductions, and giving leaflets outlining the research and asking for assistance to the 1/10 Branch secretary for distribution (one interview was secured as a result). I also placed the same leaflets in libraries in 'dockers' areas, such as East Ham and Poplar, and in the Age Concern at Blackheath. However, with the one exception, none of these approaches were



successful. As the following Table shows, through various contacts, 14 people, mostly retired dockers and dismissed activists, eventually took part in this aspect of the research (see also Appendix 3:1). It had been hoped that family members would participate in the investigation, giving an insight into how modern port work impacted on family life. However, the only means of access was through the cargo handlers and, although I was able to speak informally to some of the men's wives as I was conducting the interviews, only 'Angela', whose husband 'Alan' worked at 'Portco', agreed to formally participate.

**Table 3:2 – Cargo Handlers Participating in this Investigation:**

- full-time employees: 4\*
- retired dockers: 4
- temporary labourers: 9
- family member: 1

\* These include a telephone interview with a lighterman.

The above list was not exhaustive, however, as research-centred conversations with a further four working cargo handlers took place following Branch union meetings (see below).

The full-time employees and temporary labourers in the above Table, together with the Branch lay officials in Table 3:3 below, were employed by, or worked for, 'Portco', 'Labourco' or 'Agencyco', which had participated in the investigation, and 'Generalco', which had not. Not only were these interviews valuable in their own right, they also highlighted the contrasting views of the men and the employers on, for example, health and safety and training in the Port.

***Conducting the Interviews***

Letters, similar to the employers, were dispatched to the dismissed activists and retired dockers. After enquiring into their ports industry history, the questions probed the participants' experiences and perceptions of change. They were asked, for example, about the effects of technical innovation on their work, and about the continuing effects

of abolition on work and work organisation. All were also asked for details of their terms and conditions and about union membership and participation. The temporary labourers were asked to give accounts of their experience of the transition from full-time secure to temporary, insecure employment. Finally, 'Angela' was asked about the impact of her husband's work on family life. The data gained from these interviews are discussed in Chapter Five.

The interviews were mainly held at the participants' homes and, again, the average time for each interview was about one and a half hours. Those that had been taped (see below) were transcribed and coded, and letters of thanks and interview summaries were dispatched where possible (no amendments were notified).

Circumstances occasionally made it impossible to tape the interviews. For example, the meeting with the men working at 'Generalco' and with the temporary labourers I met the following week (see Appendix 3:1) took place in a public house situated near the site in Northfleet, Kent. I was, therefore, unable to follow the same protocols with these interviews. The noisy public house made it impossible for me to tape the conversations and, as details of these participants' full names and addresses were unforthcoming, neither was I able to send letters of thanks or conversation summaries. Although open-ended interviews, I had drawn up interview guides and, by asking the same basic questions of all participants, I was able to utilise one interview to verify data gathered from other participants. The notes from these conversations were later written up and coded.

*iii: Union Members and Officials**Finding the Participants*

This, again, was extremely problematical. Both the AEEU, which represents maintenance men and engineers working in the Port of London, and the three T&G branches in the Port (see Appendix 6:1) were approached and asked to participate; however, only the 1/10 Branch, based at Tilbury, agreed to do so. Various full-time officials - lay and paid, past and present - were also approached, but nearly all declined. The Region One Chairman, who had worked as a docker at Tilbury, declined for personal reasons and, although Jack Jones, T&G General Secretary at the time of decasualisation agreed to participate, Ron Todd, General Secretary at the time of abolition, declined for health reasons. The FTO was formally interviewed and, as a 1/10 Branch member, also took part in many informal post-meeting discussions (see below). However, neither the Transport Trade Group secretary, nor any other serving T&G officials with docks responsibilities<sup>8</sup>, agreed to participate in this investigation.

As the following Table shows, 11 trade union members participated in this aspect of the research.

**Table 3:3 - Union Members and Officials Participating in the Investigation**

**Union members - Branch - shop stewards: 2**

**- dismissed activists: 3**

**Paid Union Officials – active: 2<sup>^</sup>**

**- retired: 2**

<sup>^</sup>These included the Convenor for the Port of Felixstowe, jointly interviewed with the Felixstowe labour manager.

Again, this list was not exclusive as conversations were also held with other Branch members and dismissed activists following Branch meetings and, as mentioned above, participating cargo handlers were also asked questions about union participation.

With the exception of two of the 'Portco' shop stewards, and although I was able to talk to them following Branch meetings, I was unable to formally interview any working Branch members who were active in Branch life. Many reasons, including the long hours both full-time and temporary labourers worked (see Chapters Four and Five), were put forward for why this might have been. Another reason suggested was that, as these approaches took place before ERA became law and when being identified as a member of a trade union could lead to victimisation, cargo handlers were nervous about being seen to take part in the investigation (personal conversations, various). Therefore, I turned to Branch activists dismissed on abolition, all of whom had been shop stewards and many of whom had remained involved in the Branch and in wider union affairs. I was also able to interview the National Docks Officer at the time of abolition (now retired).

### *Conducting the Interviews*

These participants were mainly asked questions concerning trade union marginalisation and the impact of derecognition on trade union organisation in the Port. Jack Jones was asked about decasualisation and the Jones-Aldington Agreement (see Chapter One) and the dismissed activists and the retired officers were specifically asked about industrial relations prior to 1989. The current FTO and the shop stewards were asked questions about union organisation - disputes resolution, density, recruitment, etc - in the Port during the 1990s. They were also asked about their hopes for union recovery under ERA and about the effects of recognition on industrial relations in the Port (discussed in Chapter Six).

Although three interviews - with 'Andrew', 'Larry' and 'Benny' - lasted for over three hours, the average interview lasted one and a half hours and took place in the

participants' homes. Again, the interviews were taped, transcribed and coded. In order to distinguish between the various information gathering strategies, taped formal interviews and *verbatim* notes taken at the time of unrecorded interview were designated 'interview notes' and other notes taken during unrecorded interviews and the open-ended interviews were designated 'field notes'. In order to add further clarity, notes taken following Branch meetings (see below) were designated 'Branch field notes' and appear as such in Chapters Four to Six

### **3:1c - Participant Research and Observation**

Two types of observation were utilised for this investigation: participant observation of 1/10 Branch meetings, and work process observation.

Buchanan, Boddy and McCalman (1988: 55 and 61) wrote that a close relationship between the researcher and the participants can produce rich information and that researchers should exploit any opportunity they are offered. Such an opportunity presented itself with regards to the T&G 1/10 Branch.

Occasionally invited to meet the shop stewards following Branch meetings, I had talked with Branch members, some of whom had declined to take part in the research, and had established a good relationship with them. I found that they talked openly to me about their experiences at these informal gatherings. On one such occasion, the Branch Chairman mentioned that he was finding it difficult to both take the minutes and conduct the meetings and, tongue in cheek and not expecting to be taken seriously, I said that I would do it – and my 'offer' was accepted! I did, however, see this as an opportunity to access information otherwise unobtainable and also as a means of monitoring Branch activities. As Branch minutes secretary from February 2002, I was able to hear, in a

unique arena, discussions of the problems faced by the men represented by the Branch. This is discussed in more detail in Chapter Six.

However, my role raised a conflict of interest. I had been asked - and agreed - to become a Branch member and my union subscriptions were paid out of Branch funds (in appreciation for taking the minutes) and, as a Branch member, I took an active part in Branch meetings. The Branch had stipulated that I could not use the minutes I took at meetings for my research whilst the issues remained unresolved; I was, however, permitted to use notes from any conversations on these issues that took place outside the meetings<sup>9</sup>. So I joined Branch members after the meetings and took part in discussions about the issues raised at the meeting. This allowed me to utilise many unrecorded conversations and discussions (the notes of which were written up as additions to the minutes on the journey home) in order to inform the background to this research, both in terms of Branch activity during the 1990s and more recently. This research activity, although it increased the risk of bias - the employers could not be consulted about the events as that would mean disclosing confidential information - give me access to a unique source of data.

### ***Work Process Observation***

I was also able to observe the work process. I was able to see how a task, such as ship discharging, was performed, and how this fitted into the complete work process. I had approached a number of employers for permission to observe the work process; however, and for safety reasons, this was refused. Observations, therefore, were conducted from outside the facilities and took place on field trips to Tilbury and Chatham, following interviews at Felixstowe and Sheerness, and on walks along the Thames Footpath between Greenwich and Gravesend, where many of the smaller

facilities were located. The observations were systematic in that I watched repeated cycles of each task, timed them, and made notes of how the task was performed, and of any interaction between the men. Where possible, observations were carried out at more than one site – I watched the tasks involved in loading and unloading containers at three terminals, for example. However, as I was unable to see inside the cabs of the various plant, or to observe how they were operated, I had to rely on the men or books on port ergonomics for this information. A description of the modern ports labour process, based on these observations, was included in Chapter Two.

### **3:1d - Document Research**

Secondary reading and document researches were carried out in a number of institutions. These included Greenwich University library, the British Library of Political and Economic Science at the London School of Economics, the Museum in Docklands, T&G head office, and at my local library in Croydon.

Information on companies in the Port was obtained from Annual Reports, either printed or on the Internet, or from reference material. The PLA minute books from 1970 to 1993 were read for details of employment change before 1989, and the PLA *Handbooks* gave details of the various facilities in the Port and, as a series, showed change in the number, location, and business activities of terminals in the Port. Newspapers, especially *The Port of London*, published by the PLA, *Lloyd's List* and the *Financial Times* were also researched for the context for change and for changes in the maritime industry in general and in the Port of London in particular.

Three sources of union documentation were also utilised during this research. I was granted permission to visit the T&G deposit at the Modern Records Centre, University

of Warwick, where I read T&G General Executive Council minutes and DWF National Committee minutes and the *T&G Record* up to 1990. The T&G allowed me to visit its 'Docks' archives, held at its Research Department in Theobalds Road, London. There I was given access to the T&G Ports Survey, DWF National Committee minutes up until March 2002, and various documents on the ports industry generated by the research department. Finally, I visited the TUC archive, housed at the London Metropolitan University library, where I read, for example, the TUC *Focus* series, AEEU magazines and Annual Reports, and the *T&G Record* after 1990.

I was, however, unable to gain access to other T&G documents, such as the T&G Region One Committee and the Region One Docks and Waterways Committee minutes, which would have been useful to this investigation. Although Branch members were on the above Committees and were prepared to vouch for me, the Region One secretary was unable to grant the necessary permission. However, the Chairman and Branch secretary of the T&G 1/10 Branch very kindly loaned me two volumes of the Branch minute books, covering the period December 1991 to October 2001.

Although an excellent source for plotting change, the usefulness of the Branch minutes were limited as they were not *verbatim* reports of the meetings, but rather notes of the main events covered at them. Similarly, reports and minutes from other Committees, such as those mentioned above, were only minuted as 'tabled'. Although the main source of details of, for example, imposed terms and conditions, or the utilisation of temporary labour, some of the data was verifiable through other sources, such as *The Port of London or Tideway*, (a T&G Region One newspaper published between 1989 and 1994), and through interviews.



### **3:2 - Reflections on the Research Experience**

This section looks back on the research experience, reflects on the conduct of the investigation and discusses the problems encountered and the lessons learned during it.

#### ***The Problems Encountered***

I was aware that problems would be encountered during the research. One such was bias, both the participant's and mine (see below). My status as an academic was known to affect participants' views of researchers' motives. Participants may have believed, for instance, that I had preconceived answers that only needed confirming and so may have reported what they thought I wanted to hear rather than 'the facts'. Similarly, the employers wanted to show their organisation in the best possible light, whereas the cargo handlers wanted to emphasise their problems. Their various accounts form the basis of Chapters Five and Six.

Taking this into account, and in order to ensure that as much data as possible was verified, two peoples' accounts of the same event were compared, and accounts were triangulated. This was also to overcome the fact that recall memory can be selective (see Searle, 2000: 420), and people tend to remember only those events that have a special significance for them.

A major problem throughout this research was participation. Although many people expressed interest in the investigation, trying to persuade them to take part in it often became an exercise in frustration management. Many of those approached declined to take part (see above) and, as a glance at Appendix 3:1 will show, other problems, such as change of personnel or illness, also delayed meetings and interviews with some participants in the research. This limited participation has in turn limited both the

validity and generalisability of the research outcomes. Had more, or different, people taken part, the findings discussed in Chapters Four to Six may have been different.

The employers' survey was, at the same time, a disappointment and a success. Although the telephone survey had produced some interesting and high quality data, it had been very time-consuming. However, the data eventually collected from the surveys were extremely valuable, for three reasons. The telephone survey especially revealed some very candid opinions, it led to three interviews which might otherwise have been unforthcoming and, finally, the data collected included aspects of the employment relationship which would have been otherwise unavailable.

The timing of the survey in the research design, however, and the questions included, could have been amended. The research emphasis changed over time and, had the survey been administered later in the lifetime of the investigation, it could have included questions on trade union recognition depth, for example, or health and safety procedures and risk assessments, or supervision. The historical questions, which were only asked regarding temporary labourers, could also have been usefully asked of full-time employees.

My role as Branch minutes secretary taught me the value of participant observation and research. This was one of the most rewarding of the research design decisions, as I was able to meet and talk to cargo handlers I would not otherwise been able to. This association has also brought personal rewards and has continued beyond the lifetime of this investigation.

In order to be successful, research should be unbiased, valid, able to be generalised, and reliable. Observer bias occurs when only an account of a situation that would strengthen the researcher's case is given (Robson, 1993: 68). In order to present the 'truth', the accounts of all the parties to this investigation were included in the following chapters. Similarly, research is only valid if an account of *all* the information received is included, with any that are contradictory to the general findings included (see Silverman, 2000: 176-7). This was addressed by pointing out where the research findings deviated from both the literature on the topic and from the known situation in other ports. Contradictory participant reports were also included (see especially Chapter Six).

Arguably, because of its nature, case study research may not be generalizable. However, Saunders *et al* (2000: 259) feel that case studies can have a broader significance if the research is related to existing theory (see Chapter Two), or if its findings are tested in another setting (2000: 259).

Reliability can be achieved by the consistent use of, for example, the transcription coding discussed above, (see Silverman, 2000: 188). Another means of ensuring reliability would be if two observers placed the same event in the same category, or if, under the same conditions, two researchers using the same research methods came to the same conclusions. However, a major difficulty with qualitative research is that people and situations change over time, thus making exact replication impossible (see, for example, Burns, 2000: 417-8). It is, therefore, important that a precise account of how the research was carried out is given (see 2000: 418). A product of the time it was carried out, then, it is highly unlikely that this investigation could be replicated exactly. It is, for example, uncertain if access to the 1/10 Branch and/or its members could be

arranged. Also, the situation in the Port changed during the three years taken for this investigation. Wharves closed and others opened and 'Paperco' relocated to Chatham. Personnel also changed. The 'Containerco' human resource manager was replaced during 2002, for example, and both BPIT and PSO closed towards the end of 2002. Other events, such as P&O's proposed development of Shell Haven as a container port, the continuing growth in the utilisation of 'casual labour', and the effects of ERA on industrial relations mean that, even if the same research methods were utilised, any future investigation into working relationships in the Port of London would almost certainly come to different conclusions.

### **Conclusion**

This Chapter has given an account of the research methods - an employers' survey, interviews and conversation, participant research and work process observation - that were utilised in order to carry out this investigation.

The Chapter looked in detail at my experience of conducting the survey and outlined the difficulties encountered in administering the telephone survey, and the reasons why this had to be abandoned for a postal survey. It then recounted the interview techniques utilised, and discussed how that data was treated. It discussed the difficulties encountered in finding investigation participants, and also gave an account of opportunities, such as how I became T&G Branch minutes secretary, which I was able to take advantage of, and the participant research conducted as a result. Finally, the Chapter reflected on my research experiences.

Chapters Four to Six discuss the research findings and relate, using the participants' own words as far as possible, their changing experiences of work and employment in the Port of London.

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<sup>1</sup> Two women were known to work occasionally as cargo handlers in the Port of London. Both were approached but declined to take part in this investigation.

<sup>2</sup> The postal version of the questionnaire was reduced to 29 questions. The survey preamble (which became part of the covering letter) and variables, which had been included on the telephone survey to ease computer entry, were also omitted.

<sup>3</sup> Only six replies were received from the 21 questionnaires dispatched in the first posting on 26<sup>th</sup> March 2001. The second posting of 15 questionnaires, dispatched on 14<sup>th</sup> April 2001, again only received six replies.

<sup>4</sup> Of the seven questionnaires dispatched for the pilot posting on 1<sup>st</sup> October 2001, five were returned: these, however, included one negative response and two returned as no longer at that address. Eleven questionnaires were dispatched on 22<sup>nd</sup> October 2001, of which eight were completed and returned. The data was separated for calculation, and non-cargo handler's responses were added to those of direct employers'.

<sup>5</sup> Two interviews, with the HSC Safety Policy Advisor and Andrew Mackinlay, were not taped. The former interview took place in a very noisy open-plan office and the latter in a House of Commons restaurant.

<sup>6</sup> Two participants – the Port of Felixstowe labour manager and the HSC Safety Advisor – made amendments and the transcripts were altered accordingly.

<sup>7</sup> The T&G had shop stewards at workplaces it was recognised and as 'Generalco' had derecognised on abolition, an employee acted as a representative of the Branch members there.

<sup>8</sup> Although declining to participate, as the Region One Chairman regularly attended Branch meetings, I was able to have many conversations with him. The T&G has no full-time officers with specific responsibility for the DWF.

<sup>9</sup> These have included, for example, the protracted 2002 pay negotiations, discussed in Chapter Seven, and health and safety issues that have become the subject of an Inquest.

**Appendix 3:1 – Timetable of Research Activities and Method of Introduction**

<b><u>Date</u></b>	<b><u>Participant/Event</u></b>	<b><u>How Became Involved in the Research</u></b>
<b>13<sup>th</sup> January 2000</b>	<b>1<sup>st</sup> visit to PLA archive, museum in Docklands. A total of 14 visits between 13<sup>th</sup> Jan and 3<sup>rd</sup> May 2000</b>	
<b>8<sup>th</sup> June 2000</b>	<b>Interview with the retired T&amp;G National Docks Secretary</b>	<b>Speculative letter requesting an interview (SLRI) sent 5<sup>th</sup> June 2000</b>
<b>15<sup>th</sup> June 2000</b>	<b>Initial contact with the T&amp;G's local full-time official (FTO), the main gatekeeper</b>	<b>Speculative telephone call. Because he had to go into hospital, I was unable to interview him until December 2000 – see below.</b>
<b>16<sup>th</sup> June 2000</b>	<b>Interview with Jack Jones, former General Secretary of the T&amp;G</b>	<b>SLRI sent 15<sup>th</sup> May 2000.</b>
<b>24<sup>th</sup> to 27<sup>th</sup> July 2000</b>	<b>Visit to T&amp;G archive, Modern Records Centre, University of Warwick</b>	
<b>9<sup>th</sup> August 2000</b>	<b>Interview with 'Ted', a retired docker</b>	<b>An old acquaintance; arranged during a chance meeting 7<sup>th</sup> August 2000</b>
<b>16<sup>th</sup> August 2000</b>	<b>Managing Director 'Paperco' interviewed</b>	<b>Suggested by the PLA* librarian. SLRI sent 21<sup>st</sup> July 2000</b>
<b>12<sup>th</sup> October 2000</b>	<b>Marketing Director of Port of Tilbury interviewed</b>	<b>Suggested by the PLA librarian. SLRI sent 18<sup>th</sup> September 2000</b>
<b>9<sup>th</sup> November 2000</b>	<b>Interview with 'Benny', an ex-T&amp;G Chairman</b>	<b>Suggested by the PLA librarian. SLRI sent 18<sup>th</sup> September 2000</b>
<b>5<sup>th</sup> December 2000</b>	<b>Interview with the FTO. Further conversations following Branch meetings during 2002</b>	
<b>December 2000</b>	<b>Employers' telephone survey pilot began</b>	
<b>23<sup>rd</sup> January 2001</b>	<b>Interview with 'Andrew', a dismissed activist</b>	<b>Suggested by an academic supervisor. Telephone call requesting an interview mid 2000. He was, however, unable to see me before this date.</b>

<b>February 2001</b>	<b>Employers' telephone survey proper began</b>	
<b>10<sup>th</sup> February 2001</b>	<b>Interview with 'Colin', a dismissed activist</b>	<b>Suggested by an academic supervisor. SLRI sent 20<sup>th</sup> November 2000</b>
<b>18<sup>th</sup> February 2001</b>	<b>Initial meeting with the 1/10 Branch secretary</b>	<b>Arranged by RIO, Further conversations following Branch meetings during 2002</b>
<b>22<sup>nd</sup> February 2001</b>	<b>Interview with 'Paul', a 'Portco' employee and union activist. Further conversations following Branch meetings during 2002</b>	
<b>29<sup>th</sup> February 2001</b>	<b>Interview with 'Alan', a 'Portco' employee and union activist. Further conversations following Branch meetings during 2002</b>	
<b>March-April</b>	<b>Employers' postal survey began</b>	
<b>19<sup>th</sup> March 2001</b>	<b>Industrial Relations manager/Port Convenor, Port of Felixstowe, interviewed</b>	<b>The FTO had sent a letter of introduction on my behalf. The Deputy Convenor phoned me on 6<sup>th</sup> February 2001 to arrange a visit</b>
<b>2<sup>nd</sup> April 2001</b>	<b>Chief Executive BPIT interviewed</b>	<b>Suggested by a training officer I met on a training course. SLRI sent 22<sup>nd</sup> February 2001</b>
<b>16<sup>th</sup> May 2001</b>	<b>Read T&amp;G Docks, Waterways and Fisheries Group documents at T&amp;G Head Office. Further visit 23<sup>rd</sup> October 2001.</b>	<b>The FTO had suggested I contact the T&amp;G Research Department. Due to changes in personnel at the Research Department, I was unable to arrange a visit until 9<sup>th</sup> May 2001</b>
<b>20<sup>th</sup> May 2001</b>	<b>Attendance at 1/10 Branch meeting, followed by informal discussion with some Branch members</b>	
<b>23<sup>rd</sup> May 2001</b>	<b>Director of 'Labourco', a labour-supply agency, interviewed</b>	<b>As the result of the survey.</b>

<b>13<sup>th</sup> June 2001</b>	<b>Interview with 'Larry', a retired docker and union activist</b>	<b>Suggested by an academic supervisor. SLRI sent 20<sup>th</sup> May 2001</b>
<b>14<sup>th</sup> June 2001</b>	<b>Health and Safety Advisor, PSO interviewed</b>	<b>SLRI sent 22<sup>nd</sup> February 2001</b>
<b>15<sup>th</sup> June 2001</b>	<b>'Containerco' Human Resource Manager, interviewed</b>	<b>As a result of the survey.</b>
<b>23<sup>rd</sup> July 2001</b>	<b>Interview with 'Angela', 'Alan's' wife</b>	<b>Arranged by 'Alan'</b>
<b>25<sup>th</sup> July 2001</b>	<b>Interview with 'George', a dismissed activist and ex-Branch secretary</b>	<b>Suggested by 'Paul'. SLRI sent 12<sup>th</sup> June 2001</b>
<b>25<sup>th</sup> August 2001</b>	<b>Interview with 'Jack', a retired docker</b>	<b>Suggested by a colleague. Telephone call requesting an interview 27<sup>th</sup> July 2001</b>
<b>October 2001</b>	<b>Pilot and survey to 'other' employers began</b>	
<b>18<sup>th</sup> October 2001</b>	<b>Director of 'Agencyco', a labour-only supplier, interviewed</b>	<b>As a result of the survey</b>
<b>15<sup>th</sup> November 2001</b>	<b>Telephone interview with 'Riggingco', a small labour-supply agency</b>	<b>As a result of the survey</b>
<b>November 2001</b>	<b>Telephone conversation with 'Paul', a lighterman</b>	<b>Speculative letter sent after hearing him speak at the T&amp;G Biennial Delegate Conference in July 2001</b>
<b>23<sup>rd</sup> November 2001</b>	<b>Conversations with 'Generalco' full-time employees and temporary labourers</b>	<b>Arranged by their union representative</b>
<b>26<sup>th</sup> November 2001</b>	<b>Conversations with other temporary labourers</b>	<b>Arranged by the temporary labourers I had met on 26<sup>th</sup> November</b>
<b>13<sup>th</sup> December 2001</b>	<b>Andrew Mackinlay, MP for Thurrock, interviewed</b>	<b>Suggested by an acquaintance. SLRI sent 19<sup>th</sup> October 2001</b>
<b>February 2002</b>	<b>Became Branch 1/10 minutes secretary. Ongoing</b>	<b>See text</b>
<b>14<sup>th</sup> May 2002</b>	<b>Safety Policy Officer, Health and Safety Commission interviewed</b>	<b>Suggested by the Branch secretary. SLRI sent 5<sup>th</sup> April 2002</b>



<b>12<sup>th</sup> December 2002</b>	<b>Visit to TUC archive, London Metropolitan University, Further visit 24<sup>th</sup> February 2003</b>	
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\*PLA – Port of London Authority

**Appendix 3:2: Employment in the Thames Gateway: Riverside Employment:  
Survey Responses**

**Table One: Employer Statistics:**

**Employers: 48**

**Terminals and wharves: 52**

**Not asked to participate: 8 (oil or gas terminals, Fords.)**

**Survey population: 40 employers (48 terminals)**

**Trade and survey response**

<b><u>Trade</u></b>	<b><u>Number of wharves</u></b>	<b><u>No responding to survey</u></b>	<b><u>Percentage</u></b>
Aggregate/ cement	19	11	57.8%
Liquid bulk	7	3	42.8%
Recycling/steel	8	1	12.5%
Mixed*	8	4	50.0%
Forest Products*	6	4	66.6%
Plant/machinery	2	0	nil
* Some terminals handle more than one cargo			
Agencies	30	7	23.3%

**Location of wharves:**

Barking: 8

Greenwich/Charlton: 6

Northfleet: 4

Gravesend: 4

Dagenham: 4

Grays/Thurrock: 4 (including Tilbury)

East London: 4

Erith/Belvedere: 3

Dartford: 1

Purfleet: 1

**Table Two: Survey Responses Question by Question****Employment in the Thames Gateway – Riverside Employment****Number of questions: 38 (35 to be completed by respondent)****Questionnaire responses: 31****Key: Direct employers (agencies)****Q1-3: Name and address of firm, source of information (completed by researcher)****Q4: Main Business activity:**

- : Port terminal – **9 (nil)**
- : Cargo Handler – **5 (nil)**
- : Marine Services – **1 (3)**
- : Labour-only supplier – **1 (6)**
- : Other: Aggregate importer and distributor: **4**
  - : Timber importer – **1**
  - : Cold Store management - **1**
  - : Lighterage **(2)**
  - : Shipping Services **(1)**
  - : Cargo Supervisor **(1)**
  - : Cargo Lashing **(1)**
  - : Barge Operator **(1)**

Some employers gave more than one answer

**Q5-7: Is your current location the main base of your business/a subsidiary?**

- : Main base: **14 (8)**
- : Subsidiary: **8 (1)**

**Q8: How many employees, approximately, are there at your work location?**

Direct employer: **2055**  
 Agencies: **510**

**Q9: Of those, approximately how many are cargo operatives?**

Direct employers: **672**  
 Agencies: **465**

**Q10: How many cargo operatives are:**

	<b>direct</b>	<b>agencies</b>
Full-time	<b>684</b>	<b>161</b>
Part-time	<b>nil</b>	<b>12</b>
Casual:	<b>n/a*</b>	<b>276</b>

\* unspecified numbers

**Q11: How many hours, on average, do part-time cargo handlers work:****Direct employers:** no part-time workers (see above),**Agencies:** four answered: `8-56 hours`,  
`30-50 hours`,  
`nothing to 7 days`  
`presently under 30 hours)**Q12: Looking at ALL groups of workers, do you ever make use of the following**  
(direct employer responses only)Agency workers: 9  
Labour-only supplier: 5  
Contractors staff: 14  
Casual workers: 2**Q13: How many hours per week/weeks per year do casual labourers work?**Only 2 answered: 47 weeks per year  
`as needed`**Q14: Looking at CARGO OPERATIVE labour only, do you ever use any of the following** (employer responses) – terminals onlyAgency workers: 7  
Labour-only suppliers: 1  
Contractors: 9  
Casual workers: 2  
Short-term contracts: 2  
Do not employ: 6

Some respondents gave more than one answer

**Q15: Under which of the following circumstances would you hire/asked to supply cargo operative labour**

<b>Reason</b>	<b>Category</b>			
	<b>Agency</b>	<b>Cont<sup>^</sup></b>	<b>L-O<sup>^</sup></b>	<b>Cas<sup>^</sup></b>
To cover for busy periods:	7 (1)	10 (2)	3 (5)	3 (2)
To cover for sickness/absence:	5 (1)	6 (1)	1 (3)	1 (0)
During periods of staff adjustment:	2 (0)	4 (0)	2 (1)	0 (1)
Seasonal adjustment:	0 (1)	1 (1)	0 (4)	0 (1)

<sup>^</sup> Contractors/labour-only suppliers/casuals

Some respondents gave more than one answer

**Q16: How many of the above groups are working for you/are on hire at the moment?** (Direct employers only)Agency Workers: 62  
Labour-only Suppliers: 24  
Contractors: 140  
Casuals: 19\*  
Don't Employ: 4

\* two employers also reported having casuals on site at the time of survey: no details

**Q 16: How many of the above are on hire at the moment?**

Agency:	0
Labour-only Suppliers:	318
Contractors:	0
Casuals:	1

**Q17: What was that figure\***

2 years ago (1998): 226 (375-425)

5 years ago (1995): 230 (512)

10 years ago (1990): 64 ( 34)

\* Of those answering, most gave figures for 1998 and 1995; very few kept records for 1990

**Q18: Why has the total changed?**

Permanent employment:	5 (1)
Increase in business:	2 (1)
Less work:	2 (3)
Took over another business:	1 (1)
Contracting out of non-core activities:	1 (0)
Competition from other agencies:	0 (1)
New to Britain after 1995	1 (0)

**Q19: In which areas do the groups in Q 16 work:**

Office: 2 (1)

Site: 17( 5)

Other: 2 specified: `jetty and weigh house`  
` warehouse`

**Q20: Is this the same as permanent employees?**

Yes: 15 (5)

No: 2 (0)

**Q21: Has the range of responsibility for the following cargo operatives changed (positive answers only)\***

Permanent workers:	5 (4)
Contractors/agency workers:	4 (2)
Casuals/temps:	0 (3)
About the same:	3 (0)
Don't Know	2 (0)

**Q 22- 3: Are you currently recruiting staff/cargo operative (positive answers only)**

Yes: 1 (2)

Cargo operative: 3 (3)

Most respondents were not recruiting

**Q24: Which are the main way/s in which you recruit cargo operative labour?**

Adverts in the local press: 11 (1)  
 Word of mouth: 10 (7)  
 JobCentre: 8 (3)  
 Agencies: 5 (0)  
 Through a contractor only: 2 (0)

Some respondents gave more than one answer

**Q25: Would you consider offering a permanent position to any of the following?**

**Positive answers only** (Direct employers only)

Agency: 10  
 Labour-only supplier: 7  
 Contractor: 7  
 Casuals: 5

^One employer said yes to two categories of workers; all others either answered yes or no.

\* Of those taking part in the telephone survey who enlarged on this, 2 employers mentioned that they **had** given permanent employment to agency/contractor labourers, and 5 said they would do so 'if they were good enough'.

**Q26 Do cargo operatives in your business currently undergo formal training for that business?**

Yes: 17 (8)  
 No: 4 (1)

**Q27: If yes, are they trained by:**

You – a training officer: 10 (4)  
 You – a consultant: 2 (0)  
 Outsider – original employer: 5 (1)  
 By working: 0 (1)

**Q28: What kinds of training do they receive? (Of those specifying)**

Induction training: 8 (5)  
 Skills update training: 5 (4)  
 New procedure training: 4 (4)  
 New legislation training: 5 (2)

**Q29-30: Does your company participate in the NVQ programme**

For cargo operatives: 3 (0)  
 Office workers: 6 (1)  
 Electricians: 1 (0)  
 Do not participate: 10 (6)

**Q31: Have any of the following steps been taken over the last 2 years?**

Introduction of group/collective pay incentives: 5 (1)  
 Introduction of individual performance assessment: 4 (0)  
 Replacement of some full-time employees by part-timers: 1 (1)  
 Replacement of full-time employees by agency/contract staff: 3 (1)  
 Replacement of some full-time staff by casual/temp workers: 1 (2)  
 An increase in shift work: 4 (1)

**Q32: Does your company recognise a trade union:**

Yes: 10 (1)

No: 11 (6)

**Q33: If yes, which trade union does it recognise? (of those specifying):**

T&amp;G: 5 (1)

AEEU: 5 (0)

GPMU: 1 (0)

MSF: 1 (0)

Two companies recognised more than one union

**Q34: If no to the above, did your company ever recognise a trade union?**

Yes: 5 (2)

No: 4 (3)

**Q35: Under what circumstances was the union derecognised? (of those specifying)**

Abolition of the National Dock Labour Scheme: 4 (0)

Number of trade unionists at workplace fell: 2 (0)

**Q36: Do you think trade union recognition at your workplace is likely to become an issue in the future?****Of those recognising a union:**

Number of employees	YES	NO	D/K*
Under 10 employees	Nil	Nil	Nil
10-20 employees	nil	2 (0)	nil
21-50 employees	nil	5 (0)	nil
51-120 employees	nil	nil	nil
121-200 employees	nil	2 (1)	nil
Over 200 employees	1 (0)	1 (0)	nil

**Of those not recognising a union:**

Number of employees	Yes	No	D/K*
Under 10 employers:	1 (0)	nil	1 (2)
11-20 employees:	nil	3 (1)	nil
21-50 employees	1 (1)	2 (0)	1 (0)
51-120 employees	nil	nil	nil
121-200 employees	nil	nil	nil
Over 200 employees	1	nil	nil

\*Don't know

Of those answering 'yes' that specified:

'hourly employers expected to seek recognition'

'expecting T&amp;G to seek recognition'

'T&amp;G pressing for recognition in areas not yet recognised'

**Q37: Would you be prepared to talk to me again?****Q38: Please use the following space to add any other comments**

**Appendix 3:3: Examples of interview guides** (names altered to protect confidentiality)

**Interview Schedule: 'Paul', 'Portco' employee and union activist, Thursday 22<sup>nd</sup> February 2001**

- ❖ When did you start working on the docks?
- ❖ How has the job changed since then?
- ❖ Were you an active member of the union under the Scheme?
- ❖ What happened in 1989?
- ❖ What was the outcome: for you, the union, the industry?
- ❖ **Work now**
  - ❖ 'Mechanics' of work routine: how many in a gang, how is the work split up, how is work performed?
  - ❖ Shift work: 'rolling' by week/month, contracted for a specific shift/at employer's whim?
  - ❖ What affect does shift work have on family life (i.e., coping with unsociable hours, etc.)
  - ❖ Wages?
  - ❖ WTD: affects on you/port work?
  - ❖ Tell me about health and safety/risk assessments, etc.
  - ❖ Tell me about training: who is trained, who does it, induction only or other?
  - ❖ Coping with the stress of an isolating job
  - ❖ Coping strategies, i.e., making the day go faster, and theft (careful how phrase that!)
- ❖ **Union now**
  - ❖ ERA: impact for Branch, for wider trade union movement
  - ❖ Tell me about the recognition agreement
  - ❖ Tell me about the Branch: area it covers, permanent employees or contingent as well, union density.
  - ❖ Tell me about union organisation: shop stewards in and outside Tilbury, (if so, contact details), committees, etc.
  - ❖ How are new members recruited? Do they approach you, or do you seek new members? Is there a problem recruiting new entrants?
- ❖ **Casuals**
  - ❖ Casuals: do you know how they are hired/ why? Is it different to agency workers?
  - ❖ Tell me about the 'pool'
  - ❖ Agency workers: hired per job? Regular workers?
  - ❖ Tell me about working with casual/agency men?
  - ❖ How effective has the 'passport' been?
  - ❖ Is the Branch/T&G actively trying to recruit these workers? If so, is it successful? Why/not? If not, why not?
- ❖ Why is the situation as it is? What's the answer?



### **Interview Schedule: Human Resources Manager, 'Containerco', 15<sup>th</sup> June 2001**

- ❖ CG is one of the few women in the industry at all, never mind a senior position
- ❖ How long have you worked in the port transport industry?
- ❖ Always at 'Containerco'? If not, differences there and 'Containerco'
- ❖ Any problems encountered working in a male-dominated industry?
- ❖ Do you ever work on the berth? If so, tell me about your experiences
- ❖ How has the job here changed since you started – is it still changing?
- ❖ **Tell me about 'Containerco'**
  - ❖ Ownership, autonomous management or centralised (if 'a bit of both' which bits are which?)
  - ❖ How is work organised (i.e., shifts and overtime)
  - ❖ Work routine: How are containers handled? How many men to un/load a ship? How long does it take? What other tasks are involved?
- ❖ **Survey**
  - ❖ Employed about 140 men: how many now?
  - ❖ Gradually replacing perms with contingent labourers as they leave – strategic decision, or short-term solution?
  - ❖ How (and why) do you hire contingent labourers?
  - ❖ How effective has the 'passport' been in improving quality of contingent labourers?
  - ❖ How do you recruit cargo operatives?
  - ❖ Tell me about training
  - ❖ 'Containerco' recognises the AEEU: why not the T&G? Do you expect it to seek recognition under ERA? What will your reaction be?
  - ❖ What is the level of recognition with the AEEU?
- ❖ Tell me about the expansion: will you need more men?
- ❖ How will the development of Shell Haven affect 'Containerco'?

### **Appendix 3:4 – The Case Study Companies**

The following is a brief account of the case study companies. Their choice was based on two considerations. These were: the full and candid responses given by these companies to the Employment in the Thames Gateway: Riverside Employment survey, devised and administered for this investigation, and the quality of interview and other data on these companies.

#### ***i) 'Agencyco'***

'Agencyco' was a labour supply agency based in Sheerness on the Isle of Sheppey. In contrast to any other labour supply agency sending men to work in the Port of London, 'Agencyco' was owned by the men who worked for it. Made redundant from the Port of Sheerness in 1993, the men recognised that they had skills that port employers needed, so pooled their redundancy money and established the agency, becoming equal shareholders in it. There were approximately 140 shareholders in 2001, hired to work at any port terminal between Dover and Tilbury. The shareholders elected the company directors, who were responsible to them. 'Agencyco' also hired extra workers for (predictable) busy periods. Unlike the shareholders, who were guaranteed work, these men were dismissed when no longer needed. 'Agencyco' profits were ploughed back into the company with any surplus going into a benefits fund, open to both shareholders and temporary employees ('Agencyco' Director, interview notes, 18/10/01).

#### ***ii) 'Containerco'***

Based at Northfleet Hope (see frontispiece map), 'Containerco' was a tenant of the Port of Tilbury. Originally a joint venture between the PLA and a consortium of shipping companies (see Chapter Two), it started operating in 1976. It was purchased by P&O Ports after privatisation in 1991 and became a joint venture with ABP, with each company having 50 percent of the shares. The company paid rent to the PLA/Forth Port

but, when this agreement expired in 1999, rather than renewing it, Forth Ports became the third owner, with a 33 percent share (P&O retained a 34 percent share and ABP a 33 percent share). 'Containerco' is both ISO 9002 accredited, and was the first container terminal in the world to be granted this accreditation (PLA *Handbook*: 2000: 74). The terminal was expanded during 2000-1 and a second berth was in the process of construction. 'Containerco' had about 100 permanent employees in 2000; it also utilised temporary dock labour, hired from a variety of labour-only suppliers (see Chapter Five).

**iii) 'Ferryco'**

'Ferryco' was a roll-on, roll-off (ro-ro) ferry terminal, based at Purfleet (see map). A general cargo wharf during the Scheme years, it closed in 1991 and was purchased by Cobelfret, an ex-customer, re-opening in 1992. Cobelfret, a Belgian ferry company, converted the wharf into a ro-ro terminal and, with a workforce of 55 people, starting two sailings a day to Zeebrugge. By 2003, 'Ferryco' was operating 24 hours a day, seven days a week, and was handling 1500 containers on lorries per annum from its five daily sailings to Zeebrugge or Rotterdam (*Port of London*, January-February 2003: 4-5). Its workforce had risen to approximately 260 by 2003. These worked under a variety of employment contracts. It also utilised temporary workers, especially drivers, hired from general employment agencies (see Chapter Five).

**iv) 'Generalco'**

'Generalco' was a general cargo wharf handling mainly newsprint, steel and assorted metals. The wharf had been a separate limited company during the 1990s but the Roth family, its original owners, bought back the shares in 2001. They set up a parent company that owned both 'Generalco' and a fleet of five ships that were on a regular run between 'Generalco' and Dunkirk and Ghent (*Port of London*, March-April 2003: 4-5). It employed approximately 10 men full-time, thus manning to the troughs of business.

The company also relied heavily on temporary labour, hired from labour-only suppliers, for meeting peak demands (see Chapter Five).

**v) 'Labourco'**

Originally a barge operator based at Rotherhithe, London and now based in Northfleet (see map), 'Labourco' took on labour supply work during the 1990s. The barge company's main customer, Kimberley Clark, made its workforce redundant but wanted to re-employ them on a casual basis through an agency, and the barge company offered itself for that role. Continuing to operate as a barge company, 'Labourco' trained its workforce so that they could also work as temporary cargo handlers when no barge work was available. Gradually, the company took on others dockers made redundant during the 1990s and expanded its business to supply temporary labourers to other facilities. It had 40 men on its books in 2001 and, although supplying labour throughout the Port of London, its main customers appeared to be the Port of Tilbury, 'Generalco', and Tate and Lyle ('Labourco' Director, interview notes, 23/5/01).

**vi) 'Portco'**

'Portco' was the largest of the six divisions created out of the decentralisation of the Port of Tilbury following abolition (see also Chapter Two). It employed about 300 of the 750 permanent employees working for Forth Ports, the owners of Tilbury, in 2001. 'Portco' also hired both temporary labourers through various labour-only supply agencies and casual labourers (see Chapter Four). Although handling every type of cargo, 'Portco' mainly handled forest products (wood, newsprint and pulp), containers and cars. 'Portco' was also ISO 9002 accredited.

### **Chapter Four: Employer Implementation of Change**

Based on ETGRE survey responses and interview data, this Chapter examines the changes implemented by employers in the Port of London. By looking at change in two areas – the employment relationship and work organisation – the Chapter discusses the rationale for change: why and how it was introduced.

Employers needed to introduce changes in both these areas for three main reasons. These were: competitive considerations, the need to control a much reduced work force, and a need to transfer the men's allegiance from the Scheme/the union to the firm (discussed in Chapter Six). The following section looks at the imperatives for change, and discusses how they were implemented.

For employers, abolition marked “*a new beginning*” where “*anything was possible*” (interview notes, ‘Paperco’ Managing Director, 18/10/00 and ‘Portco’ Marketing Manager, 12/10/00). Abolition gave employers back the ‘right to manage’: the right to decide what was to be done, when and by whom (see Storey, 1983: 99). Rather than abiding by common nationally agreed terms and conditions, employers were able to impose those terms and conditions they believed would enhance *their* firm's productivity<sup>1</sup> and, because of union derecognition (see Chapters One and Six), they were able to do so without reference to, or interference from, the unions.

#### **4:1 – Changes in the Employment Relationship**

Brown *et al* (1998: 69) wrote that many industries, including port transport, had had “... *competitive circumstances under which firms did not need to make particularly high*

*efficiency demands on their employees*". As a result, management had allowed working practices, payment systems, and employee control over work to develop (1998: 69). This may have been true before technical innovation in the ports industry but, as discussed in Chapters One and Two, containerisation needed a different type of work organisation which, because of the Scheme, port employers had been unable to implement fully. Deregulation, however, had made this possible. Although run down because they had been unable to attract investment (see Chapter One), ex-Scheme ports were in prime locations, with better access to infrastructure links than many of their non-Scheme rivals. 'Ferryco' and Tilbury in the Port of London were near to or had easy access to the motorway network, whereas non-Scheme Felixstowe, for example, did not. It was hoped that these factors, together with new working arrangements, especially any that reduced labour costs and increased productivity, would attract traffic back to ex-Scheme ports.

### ***Cost Reduction***

The reduction of port costs was the most important consideration behind the introduction of new work organisation. This was achieved by, for example, reducing the workforce and/or increasing productivity by introducing new working practices (see 4:2 below), and the introduction of new technology. Many employers also (re)introduced 'casual' labour; that is, hired workers from a growing number of labour-only supply and other agencies (see below).

Reductions in the workforce were common: as well as the abolition redundancies mentioned in Chapter One, there were at least a further 1000 redundancies, of both ex-RDWS and replacement employees, throughout the Port during the 1990s (1/10 Branch Minute Books).

Firms such as 'Generalco' and Imperial Wharf, for example, had closed just before abolition, only to re-open later in 1989 with substantially reduced workforces (see *Port of London*, August 1989: 5 and September 1989: 5 and Chapter Six). 'Paperco' was another example. It reduced its workforce from 90 to 45 workers; unlike the above-mentioned companies, however, these men were not employed by 'Paperco' but by Deptford Cargo Handling Ltd, a company especially created by 'Paperco' to recruit and train workers. This allowed 'Paperco' to withdraw from cargo handling ('Paperco' Managing Director, interview notes, 18/10/00). 'Containerco' also withdrew from cargo handling in 1993, setting up a subsidiary company (P&S Hiltons) to employ its labour; however, these labourers were trained by 'Containerco'.

Cost reduction was also achieved by opening up 'dock work' to other employees and training them to perform the tasks; at Tilbury, for example, both engineers and clerical staff were trained in cargo handling (*Port of London*, June 1992: 4). This not only reduced the need for labour but also ended demarcation. No port job, with the possible exception of quayside gantry crane driver, remained the prerogative of one class of employee and, because all port workers, whether employees or temporary labourers, could perform these tasks (see below), no worker was irreplaceable. This also eroded the boundary between various categories of work - cargo handlers at Tilbury, for example, were also expected to perform clerical functions and simple maintenance (see below). However, as their main function remained cargo handling, employees participating in this investigation are referred to as 'cargo handlers' in this and following Chapters.

Costs were also saved by the introduction of new technology. Technical change had reduced both loading and discharging costs, and the costs of monitoring workers (see Brown *et al*, 1998: 14). It was extremely difficult to determine whether abolition had facilitated the spread of technological innovation in the Port of London or whether it was the result of continuing technological advances. However, post-abolition investment appeared to have allowed the spread and intensification of new cargo handling techniques. The Port Automated Cargo Environment (PACE) computer management system, introduced in 1994, was the successor of earlier, less sophisticated stock control systems. PACE was also a work control mechanism in that, via a computer terminal in the cab, it informed both quayside gantry crane and straddle carrier drivers the order in which to discharge or load containers, and where to place or find them in the container park.

### *Wages*

A final means of saving costs was to reduce wages and benefits. As discussed in Chapter One, union control over recruitment and discipline had enhanced dockers' bargaining power. Before decasualisation, RDWs had earned piecework rates on top of their daily wages. Codified in the 'Green Book', there had been a plethora of rates, depending on the cargo and the tonnage. Although piecework rates nearly doubled between 1945 and 1966, time rates had risen faster and, as a result, piecework had become less lucrative after 1962 (see Mellish, 1972: 11-12 – the figures are for South West India dock only).

After 1967, the PLA paid RDWs a differential, according to grade. In 1978, a ship's ganger or a crane driver (Grade One), for example, received a differential of £9.80 a week on top of the basic weekly wage of £70.20. A ship hand (Grade 3), on the other hand, received only



£3.10 a week, whereas RDWs on light auxiliary work (Grade 6) did not receive differential payments (PLA Minute Book, 6<sup>th</sup> March 1978). This, together with bonuses and extra payments, such as 'dirty money' for handling unusual cargoes, had resulted in RDWs being among the highest paid occupational groups (see also Chapter Two). By 1988, the gross national average dockers' wage, negotiated by the NJC, had been just over £18,000 per annum (see Mankelow, 1994: 41). By abolition, however, dockers at Tilbury were earning less than this (see 1994: 204: Mankelow gave no details of the disparity). Following abolition, however, rather than collectively bargained, wages and earnings became a matter for individual employers. Southwood found that, nationally, wage cuts of one third to one half were 'widespread' (Southwood, 1992: 72). Many firms in London had reduced wage rates on abolition and continued to do so throughout the 1990s<sup>2</sup>. 'Extra' payments such as the above ceased and, at Tilbury, meal breaks were not longer paid ('Paul', interview notes, 22/2/01). Cargo handlers were paid a standard rate, no matter what conditions they worked under (see, for example, 'Paperco' Managing Director, interview notes, 18/10/00).

By 1999 (the last figures available) the gross national average wage for 'stevedores and dockers' had risen by just over £3000, to £21,184.80 (*New Earnings Survey*, 1999: see also Miscellaneous Appendix Three). Although gross wages at Felixstowe in 2001 ranged from £17,000 to £21,000, or about the national average, (Felixstowe Industrial Relations Manager interview notes, 19/3/01), wages in London were below that level (see below). Generally, however, cargo handlers' wages remained high in comparison with other workers in the services sector. Although the overall rate of increase was lower, wages for Standard Industrial Classification code 632: 'other supporting transport activities', which included

cargo handlers, rose from £16,572.40 in 1990 to £20,378.80 in 2000, the last figures available. In comparison, the average service sector wage rose from £11,273.60 in 1990 to £16,749.20 in 2000 (*New Earnings Survey*, 1991 to 2001). However, as Miscellaneous Appendix 3 shows, this may be accounted for by the amount of overtime worked by 'other supporting transport activities' workers.

Direct employers in London were reluctant to talk about wages, except in general terms. The 'Containerco' HR Manager stated that its wages were "*good--- for this area, the money is good...*" (interview notes, 15/6/01). However, she went on to say that, in order to supplement their earnings, many 'Containerco' employees were known to do other jobs (car mechanics, for example) on their long weekends off. The BPIT Managing Director, a former port manager, also opined that "*wages are good – usually better than a comparable job in the locality*" (interview notes, 2/4/01). However, a 'Portco' shop steward who had been involved in the 2002 pay negotiations (see Chapter Six), stated that

*"...the argument by the employer is, it's the going rate for the area, so if someone is earning £13,000 a year at Tesco's, he'll get paid £13,000 a year at Tilbury. They might get paid a bit more than, say, the factory down the road, but not a lot..."* (interview notes, 22/2/01).

Because there was no independent data for pre-abolition wages in London, it was difficult to judge the amount wages in London did fall. What wages data for the 1990s was available came from agreements and impositions recorded in the 1/10 Branch minute books and from interviews and conversations with cargo handlers. These indicated that ex-RDWs still working in the Port had experienced a fall in earnings. 'Richie' a permanent employee at 'Generalco', for example, estimated that wages there had fallen by £4000 per annum during

the 1990s (interview notes, 23/11/01). Similarly, an ex-RDWs pension trustees report to the 1/10 Branch indicated that wages for ex-RDWs working at Tilbury had been higher in 1990 than they were in 2002 (1/10 Minute book, 21<sup>st</sup> September 2003). Wages had fallen to their lowest level in 1995, and had risen thereafter. As a result, those recruited into Tilbury after about 1995 had only experienced positive wages increases ('Paul', interview notes, 22/2/01).

There were a plethora of wages rates at 'Ferryco', which paid according to activity (1/10 Branch minute book, 21st July 2002). Wages at Tilbury, on the other hand, were differentiated by department and by the men's experience and skills levels. As part of a settlement imposed in 1999, employees at the low-skilled Tilbury Freight Station were paid £11,000 to £13,000 gross a year in 2000/1. In contrast, the gross wages for men working at 'Portco' (where the work was more diverse and the men more skilled) varied between £13,000 and £17,000 per annum; individualisation had also enhanced the wages of some men (no details available).

'Portco' employees were divided into three Grades to reflect their skills and experiences. Grade Three was for new entrants, who earned £13,000 per annum. They remained on this Grade for three months, during which time they received basic training, and were then transferred to Grade Two, an intermediate Grade. Wages on this Grade varied according to skills formation and rose from £13,000 to £17,000 a year, depending on the skills acquired. Grade One was for highly skilled, experienced men who could prove they could handle every piece of plant. These men's wages in 2001 were, on average, £17,860 per year (paid

at £8.59 per hour), before overtime and other allowances (Branch Secretary, interview notes, 20/5/01).

If cost reduction had been aimed at attracting customers, it appeared to have been successful as the amount of traffic handled in the Port did increase in 1990 (see Miscellaneous Appendix One). As mentioned above, the employers had reduced direct employment to a minimum. This allowed them to staff to troughs of business. To staff to the peaks, men were hired from the growing number of labour-only supply agencies. This saved the employer both fixed employment costs (such as National Insurance) and variable costs (such as recruitment, training, pensions, and statutory sick and holiday pay), which were met by the contractor. These were ultimately passed on to the workers through lower pay and more intense work (see Chapter Two).

### *The 'New' Workforce*

The Department of Employment wrote that abolition would not only restore ex-Scheme ports' competitiveness but would also establish a direct relationship between individuals and the employers (see Saundry and Turnbull, 1996: 13). This, however, was to be with different workers than under the Scheme, including non-dockers performing port work, post-abolition permanent recruits (Turnbull and Weston, 1993: 116), and temporary workers.

### *Workforce Segmentation*

Firms operating in a competitive market, such as port transport, need to be able to adapt to both demand uncertainty and demand variability. In order to do so, firms need a workforce that, rather than constant, is variable (see Beatson, 1995: 6 and 8). As discussed in Chapter

Two, a means of achieving this is to segment the workforce into a 'core' of full-time, permanent employees and a 'periphery' of 'non-standard' workers, such as fixed-term and agency temporary workers, and casual workers.

The number of temporary workers in Britain doubled – from four percent in 1980 to eight percent in 1997 (Heery and Salmon, 2000: 14). Although the majority of temporary workers are women (see, for example, Casey, 1988: 19), male participation in the temporary labour market has increased. Whereas female participation rose from 7.2 percent to 7.5 percent between 1984 and 1994, male participation rose from 3.8 percent to 5.5 percent during the same period (Beatson, 1995: 10). One reason for this increase was that males found it more difficult to find full-time employment (see 1995: 17 and Chapter Five): Cousins (1999: 101), for example, found that temporary work accounted for half of all new male jobs in 1995.

Casey (1988: 3) identified 11 categories of temporary workers. Of those, labour-only sub-contractors, who supply semi-skilled and skilled workers, casual workers, and agency workers were identified as working in the Port of London (see below). Many authors found that temporary jobs initially grew in sectors where they were already well established (see, for example, Pollert, 1988: 287). As discussed in Chapters One and Two, casual labour had been well-established in the ports industry before 1967, and its re-emergence after 1989 could be said to fit this trend - it could, in fact, be argued that permanent employment (1967 to 1989) had been the abnormal period in the industry.

Many authors have identified temporary workers as having low or general skills. Casey (1988: 14), for example, wrote that, because they needed little training, temporary participation was higher where job levels were lower. Similarly, Nolan, Saundry and Sawyer (1997: 170) also found that, in the ports industry, skilled jobs such as crane driving were not often contracted out. As will be returned to below and in Chapter Five, this was not the case in the Port of London.

If temporary workers were needed on a regular basis, many employers found that it was more cost effective to have a list of 'regular casuals' (Burchell, Deakin and Honey, 1999: 7), who are given preference of hiring (see also Casey, Metcalf and Millward, 1997: 102). A survey conducted by the Institute of Employment Studies, Sussex University in mid-1995 found that, of the 979 respondents, 17 percent - or 57 – had a 'bank' of temporary workers they could contact at short notice (see *Labour Market Trends*, 1996: 407). Such 'pools', which were a feature of port work pre-1967 (in that RDWs formed a 'pool' which all employers in a port could access), re-emerged in the ports industry following abolition. The new labour-supply agencies, which 'allocated' men to the various facility employers, could be said to act as an employers' labour 'pool' on which, as mentioned throughout this thesis, they had come to rely on for labour (see 'Agencyco', interview notes, 18/10/01, and Davies 2000: 612).

There were no official statistics for the numbers working in the ports industry, either as permanent employees or as temporary workers (Select Committee 18<sup>th</sup> June 2003: Qs 388 and 591). However, data extrapolated by BPIT from its survey returns showed that the

number of permanent cargo handlers nationally had fallen: from 5135 in 1998 to 2645 in 2000 (BPIT, 1998: 8 and 2000: 11). There was also evidence to indicate that temporary labour had increased.

*Labour Force Survey* data showed that the number of temporary workers in the Transport and Communications sector had increased - from three per cent in 1992 to five percent in 1996, when temporary workers accounted for eight percent of all employment in the sector (*Labour Market Trends*, September 1997: 352). Many participants' testimony appeared to confirm this. For example, the Marketing Director of 'Portco' mentioned that there was '*a flourishing business*' in labour-supply agencies (interview notes, 12/10/00), and a HSC Marine and Aviation Safety Policy Advisor believed that, in future, the industry would be '*heavily reliant*' on temporary labour (interview notes, 18/5/02). The 'Agencyco' Director opined that: "*The ports themselves don't hold the labour force anymore – it's the contractors that hold the labour force*" (interview notes, 18/10/01). This was because, as the BPIT Chief Executive explained: "*the most efficient ports now have a small core of highly trained people and they will buy in whatever [else] they need*" (interview notes, 2/4/01).

The evidence for London is ambiguous, however. Although interview data suggested that agency labour had increased, this was not supported by ETGRE evidence. This showed that there were 672 directly employed cargo handlers, but only 465 working for agencies (Q9). However, as only 7 of the estimated 30 agencies in the Port area took part in the survey (see

Chapter Three), this was a minimum figure. Although there were more agency labourers in 1998 (375-425) than in 2000, this was fewer than the 512 reported for 1995 (Q17).

However, most employers reported that agency work had become a highly competitive market in the Port. As well as the 30 labour-supply agencies, there were also a large number of general employment agencies, such as Star or Drake (both based in Grays, Essex) which were known to supply, especially drivers, to various facilities in the Port. The following section looks at how temporary labour was utilised in the Port of London.

### ***The Segmented Labour Force in London***

In an attempt to distance the post-abolition ports industry from its past 'casual' reputation, employers referred to temporary labourers as 'non-permanent employees': "*the term 'casual' is contentious and it harks back to 1947 and beyond*" (BPIT Chief Executive, interview notes, 2/4/01). The ports industry, however, cannot be equated with the 'flexible firm' (see Chapter Two). A better description of full-time employees in the ports industry would be 'primary workers'. This is because, for many facilities in the Port of London, the temporary workforce – often the same people constantly re-hired – had become an unofficial part of the establishment. Similarly, the US term 'contingent labourer' best described the temporary and other non-standard workers in the ports industry. There are two reasons for this. Not only were their livelihoods dependent on work being available, but their employment was also contingent on labour law.

As discussed in Chapter Two, labour law differentiates between 'employees' and 'workers'. Whereas 'employees' have statutory rights and are entitled to employment protection (such



as the right not to be unfairly dismissed); other 'workers' have few rights in law and are also denied employment protection. As a result, although the agency's changes may be high, the hiring employer escapes both financial obligations (see above) and their responsibilities under employment legislation (see Chapter Two and Druker and Stanworth, 2001: 75 and 77).

Casey (1988: 5) wrote that a way of identifying temporary workers was by the amount of job security. This, among other considerations, is dependent on the length of service. Any benefits are only for *continuous* service and very few temporary workers work at one firm long enough to qualify. Even if, as with the 'Labourco' men placed at 'Generalco' (see Chapter Five), they are constantly re-hired, rather than having continuous service, each placement counts as a separate contract.

Although Fevre (1986: 26) wrote that "*the difference between casual and temporary workers can only be one of degree*", casual labours are taken on by the day, whereas temporary workers are hired for longer periods (see also Casey, 1988: 96). They are excluded from 'mutuality of obligation', or the onus placed on an employer to find his employee work and on the employee to accept it (see, for example, Burchell, Deakin, and Honey, 1999: 6). These workers have the right to choose whether to work or not. Employers reported that temporary workers in London frequently exercised that right. The implications of this are discussed below.

The employment status of contingent labourers depended on whether they were hired through an employment business (which supplies workers under contracts of service) or through an employment agency, which supplies workers who are not its employees, and whose employment status is, therefore, *'blurred'* (Druker and Stanworth, 2001: 75). Approximately 90 percent of the contingent labourers working within the Port of London were placed by industry-specific employment agencies, such as 'Agencyco' or 'Labourco', or by general agencies, both of which contracted to place the men with a third party (interview notes, various). However, as most employers referred to all types of agencies as 'contractors' (ETGRE survey Qs 12-16), it was unknown what proportion of contingent labourers were hired from each category of agency. The industry-specific agency workforce, together with 'pool' casuals, predominantly comprised of ex-RDWs made redundant in 1989 or during the 1990s. The hirer, then, knew he was contracting for highly trained men, able to perform much the same tasks as permanent employees, from these agencies. Only 'Portco', and only for some jobs, utilised contingent labour for low-skilled tasks: all other employers assigned contingent labourers to the same tasks as permanent employees (interview notes, various).

However, it would be incorrect to view contingent cargo handlers as homogeneous. Because of the various forms of temporary employment in the Port, these labourers were extremely difficult to categorise precisely, and all had different contractual relationships with the employers. Based on ETGRE survey responses and interview notes, the following Table attempts to differentiate the various forms of contingent labourers hired by the various case study workplaces.

**Table 5: 1 – Employment in the Port of London – by workplace**

<b><u>Firm</u></b>	<b><u>Employee</u></b>	<b><u>Temporary Labour-supply(a)</u></b>	<b><u>Workers Agency (b)</u></b>	<b><u>Other</u></b>
<b>`Containerco`</b>	<b>Full-time (1)</b>	<b>Yes</b>	<b>No</b>	<b>No</b>
<b>`Ferryco`</b>	<b>Full-time/ Part-time</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>
<b>`Generalco`</b>	<b>Full-time/ `Pool` workers</b>	<b>Yes (2)</b>	<b>No</b>	<b>No</b>
<b>`Portco`</b>	<b>Full-time/ `Pool` workers (3)</b>	<b>Yes</b>	<b>Yes (4)</b>	<b>Yes (5)</b>

Source: ETGRE survey notes and interview and field notes.

- a) Industry-specific employment agencies, such as `Agencyco` and `Labourco`
- b) General employment agencies, which supply temporary workers to a variety of industries

- 1) Although the total (140) remained the same, the number of full-time employees at `Containerco` fell, with the men being replaced by agency workers as they left.
- 2) The labour-supply contingent workers outnumbered permanent employees<sup>3</sup> at `Generalco`
- 3) The `Portco` `pool` (of about 20 labourers) became defunct in 2002
- 4) This category had included workers, such as farm labourers, bakers and postal workers, who were on an agency's books and has worked at `Portco` to supplement their income (no figures available).
- 5) This category had included drivers from a local truck stop who were given a few hours driving work in an emergency (no figures available).

As the above Table shows, there were five employment categories in the Port. These were permanent employees with contracts of employment, labour-supply agency workers, workers hired from general employment agencies, and casual workers. The fifth category were `pool` workers, or directly employed temporary workers. Two employers – `Portco` and `Generalco` - had `pools` when this investigation began. The Port of Tilbury Grain Terminal also had a `pool` of what were termed `sessional` labourers after 1995 (see Lavalette and Kennedy, 1996: 29-30 and footnote 3 to Chapter Five). In 1999, workers in

the 'Generalco' 'pool' won an important industrial tribunal case relating to their employment status and, although possibly coincidental, 'pools' in London appeared to become defunct after that date

Rather than take redundancy when 'Generalco' reduced its workforce in 1995, some men had opted to work in a 'pool'. The company had denied mutuality of obligation and had classified the men as independent contractors, which they accepted. However, as they worked exclusively for 'Generalco', and too frequently to be termed 'casuals', the men, with the aid of the T&G, took their employer to an industrial tribunal. This found that a relationship existed and that the men were, in fact employees. As a result, the men were given contracts of employment (see *Port of London*, March 1999: 2).

The following section looks at the employer's utilisation of contingent labour from both the demand and supply sides.

### ***Demand Side***

There are many reasons for the utilisation of temporary workers. Cappelli (1995: 569), for example, has pointed out that it is easier for employers to rely on an agency to supply the skills they need, especially if only for the short term, than to incur the recruitment and training expenses for permanent employees. Further more, as noted above, the agencies expect the men on their books to be trained and to be responsible for their own skills formation (see also below).

The major incentive, however, was to save on labour costs. As one employer explained:

*“It’s the labour supplier that enables you to get down to that 1200 [employees] because that enables you to meet seventy or eighty percent of the normal demand and when you have a peak [...] you’re able to use labour suppliers to fill in that demand (‘Portco’ Marketing Manager, interview notes, 12/10/99).*

The following Table shows the main reasons direct employers gave for contracting for contingent labour, and the reasons agencies were asked to supply men.

**Table 5: 2 – Reasons for Hiring/Supplying Contingent Labour in the Port of London**

<u>Reason</u>	<u>Direct Employers</u>	<u>Agency</u>
<b>To cover for busy periods</b>	<b>20</b>	<b>7</b>
<b>To cover for sickness/absence</b>	<b>12</b>	<b>6</b>
<b>To cover for seasonal adjustments</b>	<b>1</b>	<b>6</b>
<b>To cover for staff adjustments</b>	<b>8</b>	<b>1</b>

Source: ETGRE survey, Question 15. Some employers gave more than one response.

As can be seen, employers predominantly hired/supplied contingent labour to provide cover for busy periods. Although some vessels were on a regular run, others were delayed. Work, therefore, was unpredictable and some employers, such as ‘Containerco’, hired contingent labour because: *“sometimes we’re busy, sometimes we’re quiet and we [...] wouldn’t be profitable if we had a static workforce...”* (‘Containerco’ Human Resources Manager, interview notes, 15/6/01). That the incidence of hiring contingent labour to cover for staff adjustments was so low (9) indicated that some employers covered the gap between leaving and starting through overtime or through work intensification of the remaining workforce. Interview data indicated that other reasons for hiring contingent labourers included the lack of restrictions on the type of work they could perform and, because transport was not covered by the WTD (see Chapter Two), on the hours they worked.

A minority of direct employers contracted for men on a semi-permanent basis. Tate and Lyle contracted for men on a semi-permanent basis from 'Labourco', for example, and 'Portco' had arranged with an agency to supply labour to handle weekly car ferries:

*“we will go to one of those [labour suppliers] and say, ‘we’ve got a particular contract’ [...] ‘we want you to supply labour for a vessel for a year...’”* ('Portco' Marketing Manager, interview notes, 12/10/00)<sup>4</sup>

### ***Supply Side***

The labour-supply agencies were specialists in port work. Many had been set up by people with a profound knowledge of the industry, and many - 'Agencyco' or Southampton Cargo Handling, for instance - had been set up by men made redundant on abolition or during the 1990s.

As mentioned above, the men working for these agencies were predominantly ex-RDWs who had the necessary port skills. As the Managing Director of 'Labourco' remarked: *“we have a nucleus of fully trained, experienced men and that’s what we are expected to supply”* (interview notes, 23/5/01). Many agencies had long-standing relationships with the primary employers. This enabled them to have a good idea of where and when work was likely to be available.

*“We know where the jobs are and they’re... The jobs are fairly regular so therefore we give the men advanced warning...so [the secretary] or I ring up and say, ‘there’s a ship coming in at [terminal]. We need so many men for the day shift and so many men for the night shift...’* ('Labourco' Managing Director, interview notes, 23/5/01).

Contingent labourers' earnings varied considerably. The 'Labourco' Director estimated that his top earners in 2000 had earned above the national average, at £23-25,000 before stoppages (the lowest earnings were £13-14,000: interview notes, 23/5/01). The

'Agencyco', shareholders (who worked for and owned the company – see Appendix 3:4), on the other hand, were reported to have averaged £18-19,000 before deductions in 2000: no figures were available for 'Agencyco' temporary workers. Men working for 'Agencyco' were paid by one of two rates: tonnage rates, whereby the men were paid for the job, no matter how long it took, or hourly. Calling this the men's '*incentive to work*', the 'Agencyco' Director explained that the men were paid for 40 hours work, for example, '*but its up to you how long you take*' (interview notes, 18/10/01).

Although only two contingent labourers were prepared to discuss their total earnings, their data contradicted the employers' estimates. All the men, regardless of the agency, reported that they had earned £7.00 an hour before deductions in 2001. 'Roy', working for 'Labourco', estimated that, by working steadily throughout the year, his earnings in 2000 had been £17,500.00 (or £350.00 a week for a 50 hour week). On the other hand, 'Cliff', an 'Agencyco' shareholder, had worked long hours for the seven months of the fruit season and had been '*scratching around, looking for work*' the other five months of the year, and had earned £10,500.00 (interview notes, 26/11/01).

Contingent labourers' earnings were dependent on long hours of work. This was something that the agencies recognised. The 'Labourco' Managing Director, for example, said that: "*there's a lot of work attached to [their earnings]. They tend to work twelve hour shift patterns [...] eight hour shifts, really, for the majority of men, doesn't earn them enough money*" (interview notes, 23/5/01). Hours varied across the year and, again, the employers recognised that for some men, earning a living could be "*a balancing act...though you may*

*go down on one side, you always find enough, just about, to bring it up again*” (‘Agencyco’ Director, interview notes, 18/10/01). Only one agency – Castlekeep, based at Tilbury - was known to pay a retainer. However, the ‘Riggingco’ manager mentioned that this was “*just a bit more than they’d get on the dole*” (telephone interview notes, 15/11/01). A contingent labourer who had worked for Castlekeep later confirmed this (see Chapter Five).

Both the primary and the agency employers asserted that the men working in the contingent labour force preferred that type of working to full-time, permanent employment. Both the ‘Agencyco’ Director and the ‘Labourco’ Managing Director stated that the men put their home lives before work. If there was something else the men wanted to do, they would either refuse work or would phone to say that they were unavailable the following day (interview notes, 23/5/01 and 18/10/01). Chapter Five discusses this from the men’s point of view.

This, however, may have been a way of shifting the blame for under-employment from the agencies to the men. The number of men placed daily fluctuated considerably - ‘Agencyco’ placements for non-shareholders could vary between 20 and 100 men a day (interview notes, 18/10/01). When only a minimal number of men were needed, where those not placed included among those who only worked ‘when they wanted to’? Many redundant ex-RDWs had found it difficult to find work outside the industry (see Chapter Five). The agencies, therefore, knew they had access to men who were unlikely to seek work elsewhere but who, because of the lack of ‘mutuality of obligation’, they had no responsibility towards during periods when work was not available.



Deregulation had provided employers with an excuse to introduce new working practices (see especially Brown *et al*, 1998). The following section examines this in the Port of London.

#### **4:2 – Changes in Work Organisation**

There was '*a sea change*' in manning, employment structures and in working practices in the ports industry following abolition (Evans *et al*, 1993: 2). The winding up of the NAPE on abolition (see Chapter One) had seen the abandonment of national minimum terms and conditions. As early as 1991, 22 of the 24 employers Evans *et al* surveyed reported that the duties of cargo handlers had '*changed significantly*'. In order to improve efficiency and productivity, '*nearly all*' port employers had removed those working practices that had restricted their operational flexibility (1993: 2). The overwhelming reason for this was because job demarcation had been abolished and cargo handlers also performed additional, unskilled tasks, and non-cargo employees were also utilised to supplement cargo handlers (1993: 28). The following looks at work organisational changes in the Port of London.

Work organisation changes were introduced in order to save costs and to increase productivity. This was achieved by the introduction of, and/or the intensification of, shift work, overtime and contractual functional flexibility (see Chapter Two). These were facilitated by, and had an impact on, training, recruitment, and health and safety in the Port (see the Appendix to this Chapter for the changes introduced by individual case study firms).

### ***Shift Work and Overtime***

In order to remain competitive, ports and port facilities have to be available when their customers need them, 24 hours a day, seven days a week. Workers, therefore, have to be available at all times. In order to eliminate the need for overtime, and therefore, overtime payments, many firms within the Port introduced shift work for their full-time employees. 'Containerco', for example, introduced five rostered shifts over any seven days (T&G Ports Survey 1989 - Tilbury) and, in common with other firms, hired contingent labourers to cover weekend and bank holiday working (see also Chapter Five), and multiple shift patterns were introduced at 'Ferryco'. These included a six hours on - six hours off rotating shift (interview notes, various). This allowed the company to have men available when ships arrived and, because they only worked six hours at a time, the men were not entitled to breaks (see *Labour Research*, October 1998: 15). Changes in shift work continued throughout the 1990s. The ETGRE survey (Q31) found that five firms (four direct employers and one agency) had introduced shift work between 1995 and 2000.

However, overtime was usually the employer's first choice for covering extra working for most terminals. As Casey, Metcalf and Millward (1997: 87) had found, this was because it is easily adjusted and, as no extra staff are needed, it can be cheaper than employing extra labourers. How it was worked – and who could work it – varied across the Port. Immediately following abolition, 'Generalco' appeared to have abolished overtime as such, replacing it with longer hours (see Appendix 5: ii): Matt, a 'Generalco' permanent employee, remembered that: "*we were earning less and working longer. We didn't get paid overtime and they acted as if we should be grateful*" (interview notes, 23/11/01). By the late

1990s, however, overtime at 'Generalco', was open to both permanent employees and contingent labourers; however, because of the long hours employees worked, contingent labourers were more likely to work any weekend overtime.

Overtime at 'Portco' appeared to be ubiquitous, and was usually worked at the end of an afternoon shift (Branch field notes, various). Although nominally voluntary, overtime was, in reality, compulsory for cargo handlers: if extra men were needed, other 'Portco' employees, such as maintenance and clerical personnel, would be invited to volunteer. Overtime was paid at various rates and was often worked at short notice. Unless they had a good reason not to do so, cargo handlers were expected to work: those who did not faced disciplinary action (1/10 Branch minute books). This meant that men could work up to 12 hours at a time (see also Chapter Five).

Weekend overtime at 'Portco', however, was completely voluntary. The men worked a maximum of 12 hours on either a Saturday *or* a Sunday. The men had to apply for this but were not told until the Friday afternoon if they were required and when they would be working. Because they were paid a special premium (see Chapter Five), the employer found that the men were '*hungry*' for this overtime and would '*volunteer for anything*' ('Portco' Marketing Director, interview notes, 12/10/00).

The following sections look at functional flexibility and skills, training and recruitment and health and safety within the Port of London. Although discussed separately, it must, however, be emphasised that there was a considerable overlap between these areas.

### *Functional Flexibility and Skills*

Many employers specified flexibility in their post-abolition contracts of employment (see, for example, T&G Ports Survey, 1989). The introduction of contractual flexibility enabled the employer to alter where cargo handlers worked and what tasks they would perform.

Because labour demand fluctuated not only day to day but shift to shift, and within shifts, there had been a practice during the Scheme years known as 'job and finish', in other words, the men would go home when they had completed the job they had been assigned. This, however, ended with abolition. The 'Portco' Marketing Manager, for example, remarked that the men had come to accept that "*...if they finish a job, something can be found for them until the end of the shift*" (interview notes, 12/10/00).

Casey, Keep and Mayhew (1999:77) wrote that although employers embraced the phraseology, and some of the tools, of HRM, they did not embrace its underlying philosophy. The working arrangement known as 'team working', introduced in port transport following abolition (see Turnbull and Weston, 1993: 22), was little more than a cosmetic change of name for a traditional collective working practice; this did, however, signal a break from pre-abolition working structures. The docks work gang had been a 'team' of men who regularly worked together. Each had their own defined tasks which, combined, ensured the safe and efficient loading and discharging of cargoes. However, under the new flexible working arrangements, employers could change both the size and the composition of the work 'team' in order to suit work requirements. The main motivation for this appeared to be to impede worker resistance, as it ensured that the same men rarely

worked together for more than a few days at a time. However, by splitting up the gangs so that men were unfamiliar with how each other worked, it also broke down the men's cohesiveness, thus having an adverse effect on the effectiveness of the 'team'.

### ***Recruitment and Training***

The employers had had minimal involvement in these areas pre-abolition (see Chapter One). Abolition, however, had transferred both these functions solely to employers, enabling them to choose a workforce to suit their needs and to train it to their standards and requirements.

#### ***i: Recruitment***

As the following Table shows, the ETGRE survey found that direct employers in the Port utilised a variety of recruitment methods.

**Table 5:3 – Main Methods of Recruitment: Direct Employers**

<b>Advertisements in the Local Press</b>	<b>11</b>
<b>By Word of Mouth</b>	<b>10</b>
<b>Through the Job Centre</b>	<b>8</b>
<b>Through a Contractor/Agency</b>	<b>7</b>

Source: ETGRE Survey, Question 24: some firms gave more than one response.

The individual recruitment methods were evenly divided. This reflected the situation in industries such as road haulage (see Carroll and Marchington, 1999: 16). However, local press advertisements or the Job Centre (21) were more likely to attract candidates from outside the ports industry. This could be seen as a long-term strategy by the company, as these men needed to be trained (see below), thus represented an investment in the future. Few employers took their post-abolition workforce from redundant ex-RDWs ('Ferryco' was an exception) but preferred to look outside the industry at related trades, especially construction and driving, for replacement labourers: this also enabled them to supplement the skills their workforces lacked with others, thus widening their labour pools. A motive

for this may have been to enhance employer control by diminishing the significance of the ex-RDWs. As Brown *et al* (1998: 56) wrote, any new recruits would carry “*none of the baggage of memories of old expectations and old working practices...*” therefore, their “*expectations were tailored to the new circumstances*”.

However, at times when manpower needed to be optimised quickly (the acquisition of a new client, for example) short-term recruitment strategies, such as recruitment through word of mouth (10) or through a contractor (7) were also utilised. In common with both the construction and haulage industries, many employers in the Port relied heavily on recruitment through word of mouth. This not only made recruitment cheaper and quicker, but, because this type of recruitment was based on some kind of previous knowledge of the worker, also reduced the uncertainty in hiring (see Carroll and Marchington, 1999: 8 and 18). ‘Forestco’, a Tilbury tenant, for example, had relied heavily on personal recommendations. It had ‘*needed to know that the man can do the job*’ and believed word of mouth was the best method for ensuring that (ETGRE Survey notes). If recruitment from outside had enhanced employer control, recruitment by these methods only served to undermine it as many of the men taken on by these methods were related to retired or dismissed RDWs: as the ‘Portco’ Marketing Manager put it: “*its not so much a case of ‘son of’ but more like ‘my uncle’ or ‘my grandfather’*” (interview notes, 12/10/00 and see Chapter One). In confirmation of this, ‘Richie’, working at ‘Generalco’, freely admitted that the fact he worked there and had been able to ‘put a good word in’ for his son, ‘Matt’, had helped him get his job there (interview notes, 23/11/01). Similarly, when asked why he had decided to work in the industry, a new entrant to ‘Generalco’ in 2002 replied that: “*my*

*father was a docker, so was my grandfather and my great-grandfather – it was in the blood*” (‘John’, field notes, 27/9/02).

These recruitment methods did, however, have advantages for the employers. The men recruited were more likely to have experience of the ports industry, or be known to the employer, thus saving them both training and problem-solving costs. The men were more likely to have friends or family inside the industry, who could apply discipline in the form of social pressure or, because of their own experience, act as problem-solvers, thus enabling them to utilise the knowledge and experience of men no longer working for them

As it is as expensive for agencies to recruit and train as it is for direct employers, agencies also have informal recruiting practices (see Fevre, 1989: 27-8). This is especially true if extra workers are only needed for a short period, and is a reason why agencies also rely on word of mouth recruitment. Because of their experience, both ‘Labourco’ and ‘Riggingco’ tended to take on ex-RDWs or those made redundant in the 1990s who had been recommended by men already on their books (interview notes). ‘Agencyco’ took on what it termed ‘supplementary workers’ for the fruit season, some of whom returned every year, others were taken on by word of mouth. ‘Agencyco’ found no need to advertise vacancies because it found that its shareholders recommended their relations:

*“With word of mouth, it’s someone that’s come along with a bit of knowledge of something, if you like, a bit of background...”* (‘Agencyco’ Director, interview notes, 18/10/01).

### **Training**

Employers wanted reliable, competent, men who had “*a good head on their shoulders*” and who had some experience of the ports industry (BPIT Chief Executive, interview notes,

2/4/01). However, and similar to road haulage employers, port employers did not want the expense of training them. This led to a deterioration in training standards in both industries (see Carroll and Marchington, 1999: 15 and 22 and Chapter Five). What training there was within the Port appeared to be facility-specific, tying the employee to that facility. Driving qualifications gained at Tilbury, for example, were not recognised outside the confines of the Port (1/10 Branch minute books, 19/7/93).

The ports industry did not have a national training standard; neither was there a national NVQ in cargo operations after 1998. Formal qualifications to work in the modern ports industry were minimal: BPIT listed literacy, numeracy and the ability to work as part of a team as the main qualifications (BPIT, 2000: 4). This, however, gave no indication of the skills or experience needed to undertake port work: 'Portco', for example, required new recruits to have an HGV licence, be able to drive a forklift truck, be medically fit and to be versatile ('Portco' Marketing Manager, interview notes, 12/10/00). Although the employers preferred to recruit men with experience, as mentioned above, they also took on and trained men from outside the industry, thus enabling them to train the men in their methods and to their standards; this, again, tended to tie the employee to the firm.

Training varied across the Port, from 'on-the-job' training by working to dedicated training departments. The majority of respondents to the ETGRE survey (25 out of 31) reported that the cargo handlers working for them received formal training. Of those specifying, 13 gave induction training; however, it was unknown if this was training for the tasks or merely basic information about the firm. Other training included skills update training (9



respondents), indicating that some employers trained for multi-skilling, and new procedures and legislation training (8 and 7 respondents respectively). Although 14 companies had training officers, a further five direct employers relied on the original employer, usually a labour-supply agency, to train the men (ETGRE survey notes), thus saving training costs.

As mentioned above, the primary employers expected to hire trained contingent labourers. However, prior to the introduction of the 'passport' system (see below), there had been no guarantee that this was so and many employers mentioned that, in the past, they had been sent untrained, unskilled, or unfit men (interview notes, various). However, as most contingent labourers working for labour-supply agencies, including those participating in this research, were ex-RDWs, they required little training. In addition, some agencies had positively encouraged skills formation. When barge work in the Port began to decline after 1992, 'Labourco' retrained its men so that:

*“ with a little bit of formal training, they were happy to become multi-skilled so that if we have barge work for them two days a week, we might have ship discharging or ship loading work for them the other two days”* ('Labourco' Managing Director, interview notes, 23/5/02).

'Agencyco' relied on its shareholders to train the 120 to 140 extra men it engaged for the fruit season. They were given induction training and were then allocated to experienced dockers, who gave them one-on-one training ('Agencyco' Director, interview notes, 14/5/02).

### ***Health and Safety***

The HSC Marine Policy Advisor opined that the reason for the high accident rate in the docks (see Chapter Two) was that all the high risk activities – dangerous plant, dangerous

working conditions, and inexperienced contingent labourers – were present on the same site (interview notes, 14/5/02).

The 1995-8 Liverpool dock strike highlighted the dangers of working in the ports industry as a contingent labourer. 'Eddie' was employed on a day-to-day basis, was given no training, nor had he been issued with safety clothing (see Pilger, 1998: 339 and <http://www.labournet.net/docks>). It was these sorts of practices that led to the death of Simon Jones in 1998. This became a symbol of the worst aspects of the 'new' casual system, not only in the docks but elsewhere.

Simon had taken a job as a casual labourer at Shoreham docks, was given no training and was nearly decapitated within two hours of starting work (see *SCHnews*, 30<sup>th</sup> November 2001 on <http://www.labournet.net/docks> and <http://www.simonjones.org.uk>). Following this, the ports industry came under pressure to address health and safety issues. As a result, the Port Safety Organisation (PSO) - an international body which advised the ports industry on health and safety matters (PSO Health and safety advisor, interview notes 14/6/01) - issued the Code of Practice for the Engagement of Non-permanent Employees on Cargo Handling operations.

Introduced in 2000, the 'passport', as the Code was commonly referred to, was a small card that was issued to contingent labourers supplied by labour-only supply agencies only – no other types of temporary workers were covered by the Code or issued with the 'passport'. In order to qualify for the 'passport', these contingent labourers had to complete an

induction training course, pass a medical and have a licence to drive various plant<sup>5</sup>. It was difficult to judge the scheme's effectiveness. Some of the contingent labourers participating in this investigation had no knowledge of the scheme and, even when it had been explained to them, looked blank when asked for their opinions of it (interview notes, 23/11/01). However, as the HSC Advisor pointed out, this was not long after the 'passport' had been introduced and, as discussed in Chapter Five, some men did know of it, and used it to their advantage.

The HSC found that induction training was often minimal and appeared to be no more than 'this is dangerous, don't do it' (HSC Marine Policy Advisor, interview notes, 14/5/02). Other industry insiders also reported that induction training was inadequate and did not prepare a contingent labourer for work in the docks. Health and safety will be explored in more detail in Chapters Five and Six.

### **Conclusion**

This Chapter has looked at the implementation of change in the Port of London during the 1990s. Arguably, the employers were able to restructure the employment relationship and alter working conditions because they could. Conservative anti-union legislation and union derecognition had meant that, in most places, rather than abiding by collectively bargained agreements, or re-negotiating working conditions practically on a daily basis, they could impose conditions that suited *their* business and enhanced *their* productivity. However, this was undermined by the recruitment methods as recruitment through word of mouth especially was predominantly aimed at men with knowledge of the industry.

The main reason for change had been to save costs. Wages were cut, shift work was introduced, and 'extra' payments were abolished. In addition, the employers imposed work intensification and horizontal job enlargement on their workforce, so that any man could perform many tasks. However, instead of multi-skilling *before* downsizing, the ports industry in London first shed what it perceived as an inappropriate workforce, and *then* trained the remaining workforce.

The reduced multi-skilled workforce formed the 'core' of the port labour force. This was supplemented by a 'periphery' of contingent labourers. As this Chapter has shown, however, and within the context of the ports industry, a better term for the 'core' workforce would be 'primary worker'. This was because the contingent labourers hired to work in the Port were as skilled as the permanent employees and, at some firms, formed part of the 'core' labour force.

The use of agency and other temporary labourers allowed employers in the Port to transfer market risks to the agencies and, eventually, the workers themselves. Employers were also able to shift some of the (cost) burden of responsibility, especially for training and benefits onto the agency, and even the men.

The changes made by the employers affected the men who earned their livelihoods in the Port. They, however, resisted those changes. The following Chapter looks at the post-abolition employment relationship in the Port of London through the eyes of the men working there, and examines the nature of their resistance.

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<sup>1</sup> The 'Portco' Marketing Director remembered that: "...we were basically told, 'here's a blank sheet of paper; what do you want, it's a new agreement'" (interview notes, 12/10/00).

<sup>2</sup> For example, at Christmas 1993 John McNab, the Tilbury Chief Executive, announced that as well as a reduction in the number of full-time employees at Tilbury, wages there would also be reduced by between 10 and 20 percent (*T&G Record*, February 1994:2).

<sup>3</sup> Generalco' had six permanent employees at the time of the interview. There were approximately 12 contingent labourers on site that day and I was told that, unless it was very busy/quiet, this was the usual arrangement (interview and field notes, 23/11/01. See also Chapter Six).

<sup>4</sup> 'Portco' also hired five contingent labourers on a permanent basis. Although the work was continuous, 'Portco' did not want to offer them employment as this could not be guaranteed in the long term. It was estimated that agency fees cost 'Portco' £500 a year more than paying the men wages would have done (1/10 Branch minute books, 21<sup>st</sup> March 2003).

<sup>5</sup> The 'passport' itself was the size of a credit card and had the contingent labourer's details – name, address, agency – on one side and a list of the tasks he was qualified to perform on the other (courtesy of 'Agencyco').

**Appendix Four: Case Study Employers' Implementation of Change**

Taken from a variety of data sources, the following outlines how three direct employers in the Port of London - 'Containerco', 'Generalco' and 'Portco' - implemented changes following abolition.

***i: 'Containerco'***

Before 1989, 'Containerco' had met its labour requirements by 'borrowing' labour from Tilbury. Co-incidentally with abolition, the contract between P&O Ports, one of the original consortium (see Chapter Two) and the Port of Tilbury ended and, as a result, 'Containerco' was able to employ directly. It offered the men working there at the time the choice of becoming 'Containerco' employees or returning to Tilbury. This was effectively blackmail because, as there were no jobs available at Tilbury (there had been mass redundancies on abolition), any man not accepting the 'offer' would have been made redundant. This new workforce was to be supplemented by a 'pool' of contract labour, made up of the ex-RDWs. Twenty six men signed the new contracts, becoming 'terminal operators'; after having trained their replacements (see below), the remainder were dismissed and rehired for the pool.

The new contracts the men signed included 'complete flexibility' clauses, thus removing demarcation between tasks. 'Containerco' wanted a multi-skilled workforce and was willing to train men as straddle carrier drivers, the most difficult of the plant to master. The rationale for this was that, although skilled at driving any plant, the men could also be utilised to perform low-skilled, manual tasks, such as unlocking the containers. This represented up-skilling (specialist plant driving) and multi-skilling as the men could

perform more than one task. In order to broaden its skills pool, and in order to recruit workers from outside the industry, 'Containerco' also advertised in the local Job Centre for heavy goods vehicle drivers. These men were trained by the men they were to replace, thereby enabling the company to not only utilise the skills and experience of the men they were about to dismiss, but also saving them considerably on training costs.

In order to enforce employer authority, and to attract new customers to the terminal and to remain competitive, work at 'Containerco' was extended. In place of the two-shift system under the Scheme, 'Containerco' introduced a new, rotating three-shift working pattern (6am to 2pm, 2pm to 10pm and 10pm to 6am) in 1990, thus enabling the terminal to remain open 24 hours a day, 364 days a year (only closing on Christmas Day). Someone was on hand "*all the time, to answer the phone or off-load the containers*" ('Containerco' Human Resources (HR) Manger, interview notes, 15/6/01). By introducing 24-hour coverage, 'Containerco' was able to eliminate overtime and, therefore, overtime premiums.

The three main job areas that the men performed were deck hand, crane driver and straddle carrier driver. These were rotated, depending on the workload. By the end of 1991, 'Containerco' was able to report that, because of the handling efficiencies achieved as a result of this new regime, the terminal had handled 137,000 TEUs in 1990, a 5000 TEU increase over 1989 (*Port of London*, September 1991: 2).

This increased output, however, was partly because there were fewer men to handle the same quantity of cargo. Total tonnage in the Port of London did rise immediately after

abolition; from 54.0 million tonnes in 1989 to 58.1 million tonnes in 1990. Thereafter, however, tonnage handled in the Port fell, to a low of 48.9 million tonnes before rising again. In response, by the end of 1992, 'Containerco' had introduced other work extension measures, including an increase in hours - from 35 to 37.5 hours a week. The fall in traffic prompted 'Containerco' to cut wages: average permanent cargo handlers' wages fell from about £25,000.00 a year to £19,000.00 between 1989 and 1995. In addition, bonus and other payments that had been paid under the Scheme were eliminated. Work was also intensified. In 1996, for example, 'Containerco' introduced compulsory overtime and was calling for volunteers for redundancy. This was ongoing, and there were at least 80 redundancies at 'Containerco' during the 1990s.

'Containerco' had a very low staff turnover. What men the company did recruit were taken on through a contractor, which the firm appeared to use as a 'pool'. Men from the contractor had worked exclusively at 'Containerco', and had been trained by it to its standards. 'Containerco' had possibly the best training arrangements of any of the case study firms. As well as giving induction and skills update training, it also ran a diploma in terminal management, open to all its employees.

*ii: 'Generalco'*

When it reopened in late 1989, and in order to reinforce employer authority, 'Generalco' imposed new contracts of employment, including complete flexibility and work intensification clauses, on its reduced workforce. The new working hours were 55 hours and 63 hours over any seven days, depending on the level of business. There was an implied understanding that, if the men did not work the minimum contracted hours, the time



'owed' would be worked, in any combination, to suit the employer's convenience. This contract was in force until 1992, when it was replaced by two annual contracts. These included clauses that the men should be available for work any 12 hours in 24 hours. The men were, however, guaranteed a 12-hour break between working. The employer's attitude was 'take it or leave it'. As at 'Containerco', and in the context of the early 1990s recession, this amounted to blackmail.

In response to declining total tonnage in the Port (see above), 'Generalco' reduced employees' wages by a total of approximately £4000.00 a year. Work was both extended - by the introduction of longer hours - and intensified. In common with many other facility employers in the Port of London, 'Generalco' expected complete flexibility from its workforce, and rotated the men round a number of tasks. These included forklift driving, crane driving, downholding (or preparing the cargo for discharge), and tallying. In order to cut costs and reduce risks, 'Generalco' started, and continued, to rely heavily on casual labour, both from its own 'pool' of casuals, and agency labour.

In 1996, and after a change in management, the company introduced enhanced working conditions after permanent employees threatened an overtime ban over the further deterioration in their working conditions. There was to be a small permanent workforce – 10 in 1996 – who were to work 12-hour shifts, either 6am to 6pm or 7am to 7pm, over six days. Overtime remained compulsory but 'Generalco' paid overtime rates (no details) to men working more than 55 hours a week; it also gave the men a guaranteed rest day a week, and either a Saturday or a Sunday off every month

'Generalco' did not recruit after 1990: as mentioned above, it came to rely heavily on contingent labour, many of whom worked practically exclusively at 'Generalco' (see Chapter Six). It also relied on the ex-RDWs among its workforce, both permanent and contingent, to train and otherwise over-see any contingent labourers who had not previously worked at the terminal.

*iii: 'Portco'*

'Portco', the largest asset of the Port of Tilbury, followed a different path in order to enforce employer control. The name of the traditional working arrangement was changed from a 'gang' to 'team work': this usage, however, appeared to last only between abolition and the sale of Tilbury to Forth Ports in 1996, when the term 'gang' reappeared. The PLA also introduced individual contracts of employment. These increased the working day by one hour and ended the traditional 'job and finish'. In order to ensure maximum productivity, from 1989, when one job finished, the men went straight onto the next. Individual contracts, which precluded collective arrangements, were also introduced, and could be seen as a means by which the PLA countered any residual union resistance (see Chapters Two and Seven). Overtime and weekend working were introduced as obligatory, and any cargo handler refusing to work these was disciplined. Discipline at 'Portco' was in three stages: a verbal warning, followed by a written warning and, finally, dismissal. This, however, was flexible and, if the offence warranted it, the employer could go straight to Stages Two or Three.

In order to end demarcation and immobility, the new contracts of employment were non-job-specific and included flexibility clauses, including both cargo handling and general

duties (T&G Ports Survey – Tilbury). These both allowed the employer to maximise efficiency and to ensure continuous working, thus reducing any down time (see Chapter Two). Office workers and engineering staff were also trained in basic cargo handling techniques. Possibly more than any other change introduced at ‘Portco’ following abolition, this complete interchangeability demonstrated the employer’s complete control over the workforce and over the labour process.

‘Portco’ continued to introduce work intensification measures. For instance, double shift working and a night shift were introduced during the early 1990s. However, because noise travels across water, people living in Gravesend (opposite Tilbury) complained about the continuous night-time noise and the night shift as such was abandoned. However, a small number of ships continued to be worked over night, but, rather than as shift work, were done so either as compulsory overtime or, to finish a job, as special night work (‘Portco’ Marketing Director, interview notes, 12/10/00).

As at other case study firms, ‘Portco’ also reduced wages and abolished overtime and shift work premiums that had been paid under the Scheme; timekeeping was also rigidly enforced. ‘Portco’ also continued to reduce its workforce, making approximately 500 redundancies between 1990 and 1996. What recruitment there was to replace these men - both ex-RDWs and younger men employed since abolition – was from outside the industry and was mainly through work of mouth or advertising in the local Job Centre. Tilbury had a training officer who gave induction training to all new recruits to the Port, relying on men with long service to teach recruits the job; other training was task-specific.

## **Chapter Five: Workers' Experience of Change**

Based on interviews and conversations with permanent employees and contingent labourers working at various terminals within the Port, this Chapter looks at their experience of, and attitudes to, the changes discussed in Chapter Four. It also examines whether the changes discussed by Turnbull (see Chapter Two) in the period immediately following abolition had been constant, or if cargo handlers had been able to regain some control over the labour process. If that was so, it examines how that was achieved.

This Chapter is in two sections. Starting with the immediate impact of abolition on their work and employment, Section One looks at the experience of permanent employees, and Section Two considers those of contingent labourers.

### **6:1 – The Experience of Permanent Employees**

#### ***Abolition and Contractual Changes***

The changes the employers imposed were, for the men, immediate and profound. These included changes in contractual obligations and working conditions, and the introduction of a segmented labour force (see Chapter Four and 5:2 below). Although the men's designation was also changed (see Chapter One), all the cargo handlers taking part in this research, no matter when they started working in the industry, referred to themselves, and each other, as 'dockers'. This could have been out of habit (or tradition); equally, at a time when cargo handlers were 'yesterday's news' (see Chapter Six), this could also be seen as a way of hanging on to an identity associated with their former status.

Men used to negotiating any changes – or taking industrial action if an employer had tried to impose them – found themselves having to accept whatever changes their

employers introduced. Because the union had been derecognised, there was little that the men could do about this. As Nichols and Beynon (1977: 28) in their research at 'Chemco' in the early 1970s had found, workers '*have to*' or were '*stuck with*' the way things were. Management made the rules and did not recognise an employee's 'right' to take part in decision making. As Edwards (1988: 194) observed, although individual employees might have '*considerable influence*' over the way the work is actually performed, they do so in a space and at a price determined by the employer. The T&G National Docks Officer at the time of abolition remembered that his members had reported that if they refused to change shifts at short notice, for example, they were told: "*there's the terms: if we want you to work a certain shift, you do – or we fire you*" (interview notes, 18/6/00). Similarly, 'Generalco' employees recalled that when they experienced problems sleeping because of the new working arrangements introduced there (see Chapter Four), they had been told: "*...if you can't sleep, do some gardening or some DIY*" (Matt, interview notes, 23/11/01. (See the Appendix to this Chapter for a list of the pseudonyms of participants cited in the thesis, together with details of their age and docks experience).

The powerlessness engendered by this attitude, and because Conservative anti-union legislation had made it more difficult (but not impossible) to take industrial action, conflict became individualised. Employees found new forms of resistance; these included, for example, absenteeism or quitting (see Blyton and Turnbull, 1998: 266). This was also true of cargo handlers in London. Some left, others complained, and some even indulged in petty acts of rebellion (Roy, a 'Containerco' employee until just after abolition, talked about placing containers in the wrong place, for example – interview notes, 26/11/01). By and large, however, and in the context of both union derecognition

and the high unemployment of the early 1990s, most men got on with the job (field and interview notes, various).

Contractual functional flexibility (see Chapter Four) became ubiquitous at many of the case study firms. Full-time employees at both 'Containerco' and 'Portco' related that, although their contracts identified them as forklift drivers, for example, or crane drivers, they were expected to perform any task, driving or manual work, that their employer assigned them. Paul, a 'Portco' employee, mentioned that tasks, such as tallying, tidying up, or cleaning, had become: "...*legitimate parts of our employment*" (interview notes, 22/2/01). Similarly, employees at 'Generalco' could find themselves forklift driving, checking, downholding or, during a very quiet period, weeding the grounds (Matt, field notes, 23/11/01: see also Elger, 1991: 51-2).

Some men found the variety of tasks they were asked to perform made their jobs more interesting; many others, however, saw this as work intensification (interview and field notes, various). Taking various aspects of work and employment organisation in turn, the following section looks at this in more detail.

### ***Hours, Shift Work and Overtime***

#### ***i: Hours and Shift Work***

Hours of work increased following abolition. The national average weekly hours for RDWs had been 45.5 hours in 1988 (National Dock Labour Board, *Annual Report*, 1988). In order to keep customers, facilities had to be available to suit them, even if it meant the men working long or unsociable hours (see Chapter Four). As a result, by 2000/1, working hours for the men participating in this research had risen, to a basic 48-hour week before overtime, and to a maximum of 63 hours a week for 'Generalco'

employees. As Miscellaneous Appendix 3 shows, in general, cargo handlers' weekly hours, including overtime had, between 1990 and 2000 and with the exceptions of 1992 and 1994, been longer than other service sector workers.

Employees at both 'Containerco' and 'Portco' worked a basic 48 basic hour week in 2000/1 (Branch field notes, various). However, because of the vagaries of trade, working hours at other terminals could not be predetermined and employers had introduced a variety of contracts to suit their business. 'Ferryco', for example, had introduced a plethora of contracts (see Chapter Four). Employees at 'Generalco' were contracted to work from a minimum of 55 hours, to a maximum of 63 hours a week (paid at an unspecified overtime rate) over seven days, including Saturdays and Sundays, with a weekend off every six weeks. Richie, a 'Generalco' employees, reported that, although the usual week was 60 hours, (12-hour days from 7am to 7pm over any five days), "*the condition was there*" for the men to be told to work until midnight if necessary (interview notes, 23/11/01). As many permanent employees in the Port also worked overtime (see below), the total hours worked could exceed 70 hours a week ('Portco' and 'Generalco' permanent employees, interview notes, various).

At most terminals, the men worked these hours as shift work (see Chapter Four). Although introduced by some employers in the 1970s (see Chapter Two), many cargo handlers' first experience of working shifts was post-abolition. This could have an adverse effect on the men's family life. For example, the men working the multiple shifts at 'Ferryco' (see Chapter Four) were always on call, day or night, so could not plan ahead. Similarly, Angela, married to Alan, a 'Portco' employee, related that:

“...we're rarely together as a family” because of Alan's shift work (interview notes, 23/7/01).

**ii: Overtime**

Wages had fallen, especially for ex-RDWs, during the 1990s and some men were known to have two jobs in order to earn extra money, (see Chapter Four). Ralph, a 'Generalco' permanent employee, for example, worked as a contingent labourer during his weekends off (field notes, 27/9/02). However, overtime was the most prevalent form of extra earnings among Port employees.

The men were reluctant to talk about overtime premiums. Of those that would, 'Generalco' employees reported earning overtime rates for working more than 55 hours a week, and 'Portco' employees reported overtime payments at variable rates, depending on when they worked.

The rare overtime worked on the end of the morning shift was paid at approximately time and a third (or about £11.44 an hour), whereas the almost daily overtime on the afternoon shift attracted rates of time and five-eighths (or about £14.00 an hour). Weekend overtime was paid at a special rate of about £200.00 before deductions for a 12-hour shift (Alan, interview notes, 29/2/01). This, therefore, made weekend working attractive, and the younger men with mortgages and other debts applied for as much weekend overtime as possible (Paul, interview notes, 22/2/01).

Alan was a good example of this. He was on Grade One (see Chapter Four) and, therefore, was among the highest paid 'Portco' employees. However, as he had a young family and was unable to manage on his basic wages, he applied for weekend overtime



nearly every week. Because the combination of shift work and the amount of overtime he worked impacted adversely on family life, Alan saw working overtime as: “*a constant juggle between time and money*”, saying that:

*“I’m getting the money in now so that, in a few years down the line, I can enjoy the time – but it’s like wishing your life away”* (Alan, interview notes, 29/2/01).

Angela (Alan’s wife) mentioned that the amount of compulsory overtime Alan had to work left him extremely tired; this, in turn, affected the quality of the time he was able to spend with his family (interview notes, 23/7/01).

The above are examples of how work was extended, rather than intensified. The introduction of functional flexibility and multi-skilling, which enhanced productivity through more continuous working, however, were experienced as work intensification.

### ***Work Intensification***

Work intensification took many forms, such as performing what had been a separate task (see Chapter Two), and continuous working. Nothing stopped work at ‘Portco’. With the exception of handling paper (which has to remain dry), work continued in all but the severest of weathers. Paul commented:

*“I mean, we don’t stop when it rains. I’ve worked ninety feet up above the deck of a ship with nothing to stop you falling off, in blizzards and you can’t feel your feet. You can’t feel your fingers or your hands and I’ve got to climb up... a Samson post to get to the place where we drive the winches...”* (Paul, interview notes, 22/2/01).

Technical innovation had resulted in a greater division of labour and had broken the cohesiveness of the autonomous dockers’ ‘gang’. There had been a great deal of camaraderie associated with traditional port work and, although this remained<sup>1</sup>, the new methods of working reduced the degree of interaction between the men. At both ‘Portco’ and ‘Containerco’ a ‘team’ of different men perform individual, and what appears to the outsider to be isolating, tasks, work on the same job until it is finished,

and then might not work 'together' again for months (see Chapter Two). As Larry, a retired RDW, remembered:

*"We used to be able to talk to each other, 'ave a joke. Now the blokes on the [quayside gantry cranes]...those poor sods are stuck a hundred and eighty – two hundred feet in the air – where's the joy in that?"* (interview notes, 13/6/01).

### ***Control, Consent and Resistance***

If the wage-effort bargain is the 'frontier of control', then accommodation and adaptation to that bargain are the centre of workers' daily lives. They are part of workers' "*active effort to make sense of, and to a degree achieve control over, their work destinies and experiences*" (Salaman, 1986: 21, quoted Edwards, 1988: 187). Goffman (1961: 172, cited 1988: 189) coined 'secondary adjustment' to describe how employees use unauthorised means to assert their individuality and subvert management's assumptions of who they are.

As the exercise of skills and worker co-operation with management are central to the labour process (Sturdy, Knights and Willmott, 1992:1), any definition of power must include resistance (Sakalsky, 1992: 238). Management needs the co-operation of the workforce if the work is to be carried out efficiently; worker knowledge of the job and how it is performed, however, gives them a certain amount of power. Strauss *et al* (1971: cited Hyman, 1980: 315) wrote about the 'negotiation of order', or the continuous trade off between management, under pressure to get the work done, and workers conscious of their ability to hold it up. In what this thesis has termed 'spontaneous collectivism', or informal organisation outside union organisation, men at various terminals have been able to use their knowledge of the job, and management's need to get the job done, in order to improve their terms and conditions.

The effects of the changes in work organisation discussed above and in Chapter Four were, and continued to be, profound. However, worker reaction to both their working environment and to management's unilateral control had, from the mid-1990s, allowed men working at some terminals to regain some control of the labour process. This had implications for management's 'right to manage'.

Although Ralph, who worked as a contingent labourer (see above), reported that the employer was still firmly in control at some facilities, '*things have gone back to the old ways*' at others (field notes, 27/9/02). However, and because of the limited number of cargo handlers participating in this investigation (see Chapter Three), it was impossible to determine how widespread this had become. This area would benefit from further investigation, not only in the Port of London but elsewhere. It was, however, known that some employees at 'Portco' were able to decide how the work would be performed and, because ships needed to be worked to tight schedules (see Chapter Two), it appeared that their supervisors had become complicit in this.

Alan recounted how some work gangs at 'Portco' decided among themselves whether the job would be 'fast' or 'slow'; that is, whether the men would work hard and get it finished, or hang it out and finish it as overtime for extra payments. Many of the supervisors in Alan's department had been cargo handlers and had participated in the system; however, now part of management, they were under pressure to get the work done as quickly and efficiently as possible. Rather like 'Agencyco's '*incentive to work*' (see Chapter Four), if it appeared the men's actions might delay a ship, the supervisors would tell the gang at the start of the job that they would be paid two hours overtime, regardless of when the job finished. It is possible that senior management were unaware

of these arrangements. However, Alan mentioned that supervisors employed from outside Tilbury who did not operate the system soon found themselves '*promoted out of the way*' (interview notes, 18/8/02), so this seems unlikely, especially as overtime payments had to be authorised. If the payments were questioned, however, and as Alan remarked of other informal practices (see below), "*we'll be good boys for a while, then we'll go back to the way we were*" (interview notes, 18/2/01).

Although Alan and other members of the 'team' were active Branch members, it must be emphasised that this practice was outside union organisation. The control exercised by Alan and the work 'team' was isolated and, as with Lupton's workers, concentrated on the immediate wage-effort bargain. Although the practice had the potential to spread – the men could have asked for similar payments for jobs in other areas – it did not. The men were not concerned with seeing the practice extended throughout 'Portco' or in influencing the wider effort bargain (see Edwards, 1988: 196). This, then, could be seen as the revival of a localised custom and practice (see Brown, 1972: 44) but outside union control.

As this and the further examples cited below indicated, in order to remain competitive and, therefore, profitable, getting the job done had become more important than who was in control at dockside level: rather than running the risk of losing a customer, management acceded to what was, in effect, blackmail.

One experienced 'Portco' labour manager, however, practised what Gouldner (1954) had termed 'indulgency patterns' in order to get the work completed quickly and efficiently. As long as there was no outstanding work, he would 'turn a blind eye' to minor

infringements of the rules (see below). Men working on his department reported that he treated them fairly and, if they had genuine problems would allow them to go early in an emergency, for example. Because of this, the men responded by working harder and making up any time (by working on at the end of a shift for no extra pay, for example) when the department was busy (Branch field notes, various).

Collectivism outside union organisation had also been utilised in order to wrest concessions from their employer. Some actions, such as the 'blue flu' discussed by Blyton and Turnbull (1998: 311) or the following example from 'Portco' and 'Generalco', were what Hyman (1975: 187) termed 'mass absenteeism' and were "*very effective substitute[s] for strike action*" (see Blyton and Turnbull, 1998: 311). As their aim was to alter the wage-effort bargain, this type of absenteeism could be seen as a means of asserting worker control.

Because of communications between the Tilbury T&G Branch and its Scottish counterparts, men working at 'Portco' were aware that their overtime rates were inferior to those paid by Forth Ports in Scotland. As the T&G was not at that stage recognised (see Chapter Six), the men were unable to take official action over this. In what could also be seen as 'spontaneous collectivism', they all made spurious excuses not to work the compulsory overtime for one evening. Because ships were held up, Forth Ports not only gave all Tilbury employees overtime parity with the Scottish ports, but also offered backdated overtime pay at the new rates (Alan, interview notes, 29/2/01). Richie had led opposition to the imposition of contractual changes at 'Generalco'. Although the men had offered to go to arbitration, their employer refused, so the men organised an overtime ban. Again, ships were delayed and this '*did the trick*' and the men won

improved conditions, including the overtime rate mentioned above (Richie, interview notes, 23/11/01).

Because they were limited and had very little impact on over-all control, management usually turned a blind eye to, usually individual, acts of defiance (see also Marchington, 1992: 156) and minor infringement of the rules that made the working day more tolerable. As a form of competition between the employee and management, they gave the employee an interest in his job, thus reducing the potential for absenteeism and quits, and were “*a relatively cheap way of getting workers to keep working*” (see Edwards, 1988: 192). These, however, could also be utilised in order to undermine management control. ‘Portco’ employees, for example, exploited their managers’ lack of knowledge of how the work was performed by going slow. Paul said:

*“What usually happens is, you work slow for two hours! For some reason or other, because they see a thing working, people seem to think, ‘well, it’s working so it must be going good’”* (Paul, interview notes, 22/2/01).

They also started late and finished early. ‘Portco’ employees estimated that, on average, they ‘lost’ an hour on every seven hour shift. They started work five or ten minutes late, added five or ten minutes on to their breaks, and left up to twenty minutes early and, depending on the job, there were also “*numerous stops for cups of tea.*” (Alan, interview notes, 29/2/01 and Branch field notes, various). Accepting perks, such as gifts in kind for acts which are not strictly part of the cargo handler’s job, could also be seen as ‘getting by’ strategies. All these informal customs and practices had been developed outside union organisation. If these were unchallenged, they could become a precedent that the men could use against management (Marchington, 1992: 153).

The firm provided transport between jobs at 'Portco'. However, it had become practice that the men drove their own cars to the next job – saving the firm money and the men time at the end of a shift. On one occasion, in order to show their displeasure of a new supervisor from outside the industry who was causing the men problems, they refused to do so. Because he had not laid on transport for them, the men walked to the next job, a distance of about three miles, or 45 minutes. The ship was held up, the supervisor was blamed and, according to the men, he became more conciliatory after this incident! (Branch field notes, various).

The above was an example of a practice which had become both legitimised (through constant exercise) and universalised throughout Tilbury. Although the rules stated one thing, as it saved the company money and because of the disruption caused, management appeared to side with the men, rather than the supervisor (see Brown, 1971: 52).

### ***Fiddling***

Mars (1982: 2) called fiddling (or pilferage) a “*covert reward system*” or “*the hidden benefits*” of work. Because it was “*contrary to management’s control and direction of the labour process*”, fiddling “*allows workers to control their jobs rather than being controlled by them*” (see Blyton and Turnbull, 1998: 315 and Mars, 1982: 206).

Fiddling can be a form of 'job satisfaction' in that employees break management's rules and, especially where working terms and conditions are low, it can become both a way for the employee to supplement income **and** a way to relieve frustration (1982: 35 and 140).

Mars identified four types of workers and their fiddles: hawks, donkeys, wolves, and vultures (1982: 2). There was, however, a considerable overlap between them. Cargo

handlers, for example, could fall into three of those categories. RDWs were a prime example of 'wolves' in that they worked and fiddled in 'packs', or gangs (1982: 100-7). Arguably, however, modern cargo handlers have more in common with both 'donkeys' – in that their jobs consist of tasks which are “*arduous, monotonous, repetitive and isolating*” (Blyton and Turnbull, 1998: 316: see also above and Chapter Two) – and 'vultures'. 'Vultures', such as delivery drivers, work on their own, but need the support of the group to fiddle (Mars, 1982: 2). As mentioned above, cargo handlers worked as individuals; as with other 'vultures', however, they appeared to fiddle on their own but needed the rest of the work 'team' for information (see footnote 2).

Fiddles can be taking money (or the equivalent) or time. As both the employers and the men testified, although containerisation had reduced the opportunity for pilferage, it had not eradicated it (interview and field notes, various). The retired participants in this investigation mentioned that, when RDWs had the right to 'stuff and strip' the containers, they were able to take goods, such as spirits, from a pallet that had to be broken down (interview notes, various). Although reluctant to discuss it, working cargo handlers admitted that theft might still occur. Allegedly they stole 'what isn't there'. Some exporters, whilst claiming to dispatch a (cheaper) empty lorry, fill it with small items, such as cameras, which the men allegedly took (interview and field notes, various). This would appear to be what Mars (1982: 106) termed 'acceptable' pilferage as the goods were being exported illegally; there were no recriminations for the same reasons.

The employers mentioned that, instead of “*a couple of steaks from the cold store, or the odd bottle of Scotch*” ('Portco' Marketing Director, interview notes, 12/10/00), they now



tended to lose whole containers of, for example, televisions, or trucks full of timber. Modern theft had become organised and, although the PACE stock control system might indicate that the container or lorry was still in the yard, they were not<sup>2</sup>.

### *Employee Concerns*

When asked about their main concerns at work, wages and hours came low on the men's lists. Invariably, their primary concerns were training, health and safety, and 'casual labour', which many saw as inextricably linked (cargo handler interview and field notes and Branch field notes).

#### *i: 'Casual Labour'*

The men's concerns could be summed up as follows: dock work was dangerous; more and more casuals were being hired to do the work; they were not trained; this made a dangerous situation even more dangerous. To be clear, it was not the ex-RDWs (many their ex-colleagues) who were the majority of contingent labourers (see Chapter Four), but the minority of temporary workers – the out-and-out casuals, and those that were hired via general employment agencies - that caused concern (interview and field notes).

The main reason for this was that these men might not work in the Port very often so were not trained in dock work and, for the same reasons, had little chance of gaining experience of the tasks involved in the work. Experienced men working at various terminals told how casuals assigned to work with them had not known how to do the task assigned. As the men pointed out, this meant that they not only had to concentrate on their own work, but also make sure that the casual worker was not putting himself (and them) in danger (Branch field notes). Paul, for example, mentioned that he had often seen 'casuals' using the wrong equipment or not wearing safety clothing; this, again, could be dangerous to all concerned (interview notes, 22/2/01).

Permanent employees also saw all categories of contingent labourers as a visible threat to their job security. Branch minutes throughout the 1990s record which terminals (and berths within Tilbury) contingent labourers were working on, and which jobs had been permanently assigned to them<sup>3</sup>. This represented a real threat as work performed by permanent cargo handlers made redundant throughout the 1990s was likely to be given to contingent labourers (because they were cheaper) than to replacement permanent employees. In June 1992, a Branch minute had recorded that: CASUAL LABOUR IS ON THE INCREASE (original emphasis). As later Branch minutes recorded, this was still a concern in 2002 (see, for example, 1/10 Branch minute books 21<sup>st</sup> June 1992 and 18<sup>th</sup> August 2002).

### ***ii: Training and Health and Safety***

Despite employer assurances to the contrary, cargo handlers perceived that both training and health and safety had deteriorated following abolition, and poor training left cargo handlers unable to adequately respond in what had become the most dangerous land-based industry in Britain (see Chapter Two).

Alan's experience of training demonstrates this. His initial training at 'Portco' in 1989 had been classroom based, followed by practical experience under supervision for six months. Although allowed to make his own decisions, Alan was not left completely unsupervised for about seven years and, 12 years later, he said that these men still checked up on him (interview notes, 29/2/01). However, as a health and safety representative, Alan was in a position to observe that this kind of thorough hands-on training was no longer given and that training had become classroom-based. Induction training lasted approximately one week, and on-site basic training lasted approximately three months (see Chapter Four). If, however, 'Portco' was under pressure, a new

entrant might be put straight to work and receive no formal training of any kind (interview notes, 29/2/01). Similarly, Richie remarked that *'there's no training'* at 'Generalco' and opined that the only reason the terminal had a comparatively low accident rate was because, as at 'Portco', the experienced men *'kept an eye'* on the new recruits (23/11/01).

Because they had become less important, the 'knacks' that cargo handlers needed for conventional cargoes no longer formed part of any training programme. At many facilities, the employer expected, and relied on, longer-serving men, especially ex-RDWs, to train new recruits in these traditional skills. To highlight this, Richie asked Keith, a post-1990 'Generalco' recruit, if he knew what certain tasks were. Replying in the negative, Keith explained that the ex-RDWs were the only repository of this knowledge and that:

*"...if there's a problem and I don't know what to do, I ask one of them and they show me. The firm doesn't show us and when these guys are gone, we won't have anyone to show us what to do"* (Keith, interview notes, 23/11/01).

Accidents have been associated with increased overtime and general workload (see Blyton and Turnbull, 1998: 311 and Powell, 1971: 18). This leads to stress, which the HSE has identified as the primary cause of accidents (HSE, 1994). Another key factor in stress is fatigue, both mental and physical, and the need to concentrate for long periods (HSE, 1994). Quayside gantry crane drivers, such as Alan and Paul, were especially vulnerable to this type of stress. Although this type of driving requires high levels of concentration, in common with the lathe operators observed by Powell (1971: 11), crane drivers go through basically the same set of motions for every operation; this rendered the task both monotonous **and** stressful.

There were health and safety guidelines - the Docks Regulations, last issued in 1988, had been incorporated into the 1974 Health and Safety at Work Act. However, these were mainly concerned with manual handling and were extremely out of date (HSC Safety Policy Officer, interview notes, 14/5/02). The 1999 Management of Health and Safety at Work Regulations required employers to make risk assessments; they also had a duty to give health and safety information to agencies when hiring workers. Self-employed workers, however, were responsible for their own risk assessments. As mentioned in Chapter Four, the precise category that contingent labourers fell under was unclear. If the labour-supply agencies considered them to be self-employed, they were absolved of any responsibility for their health and safety.

Nichols (1988: 290) found that accidents were less likely to occur where trade union organisation was strong. He also noted, however, that even well-organised workforces could be 'persuaded' to work unsafely by, for example, the offer of extra payment. Before abolition, unsafe working was compensated for by 'danger money' on top of wages (see Chapter Four). Following abolition, however, this ceased and men who refused to handle such cargoes could face disciplinary action (Branch field notes, various). The pressure to get the work done resulted in unsafe working practices, such as unsecured loads on forklifts, being introduced by management and becoming an established part of the organisation of production (see Edwards, 1988: 193 and Powell, 1971: 5).

Technical innovation and the nature of port work have also contributed towards making it intrinsically dangerous. The main health problem among modern port workers is spondylitis, a disease of the fourth vertebra, caused by the posture in which crane and

straddle carrier drivers sit (see Chapter Two). Alan, who had been working in the ports industry for 12 years at the time the interview, mentioned that he sometimes found it difficult to straighten his back in the morning, adding:

*“...I’m starting to get pains in my neck and the top of my back. I keep thinking, ‘this is s’pos to happen when I’m sixty five, not thirty five’”* (Alan, interview notes, 29/2/01).

Angela also mentioned this, and that he was getting hard of hearing, which she blamed on the noise in the crane cabs (interview notes, 23/7/01).

Technical innovation, deregulation and a lack of training adversely affected accident levels within the Port of London. As Andrew, a dismissed union activist, commented:

*“...it’s easy to get hurt in the docks. The crane pulling out - if something goes, if a hook swings across the ship... You’ve got to know where to be otherwise... If you stand there and you carry on working, if you don’t know...every now and again it’ll swing across, and if a big heavy metal hook swings across, you see stars at least. You could get killed, easily... I mean, lots of people get killed as well* (interview notes, 23/1/01).

The men alleged that individual employers kept just within health and safety legislation - a member told a Branch meeting that *‘no-one cares about your health and safety – you just go in there and do the job’* (Branch 1/10 minutes, August 2002). Accidents were a common occurrence at Tilbury – Angela mentioned that Alan told her about a serious accident there nearly every week (interview notes, 23/7/01) - and crushed hands and feet appeared to be regarded by the men as an occupational hazard (interview and field notes). The men also reported that longer hours and work intensification had left them more tired, and that they remained tired for longer: this also contributing to accidents.

As discussed in Chapter Two, because of their status as ‘employees’, permanent cargo handlers working in the Port had a form of security. This, however, was not true for the

contingent labourers working in the Port. The following section looks at how the change from secure to insecure employment affected these men.

### **6:2 – The Contingent Port Labour Force**

Contingent labourers in the Port of London saw their employment relationship transformed<sup>4</sup>. As discussed in Chapter Four, agency workers had a legal status that was difficult to define. Although the legal concept of 'worker' is wider than that of 'employee' (see Chapter Two) legislation that covers employees only is not applicable to other, non-standard, workers. They had, for example, no guaranteed hours of work and, therefore, no guaranteed income; they also had no access to employment protection or to company pensions or sickness or holiday pay, except after 13 weeks continuous employment, at the time of the fieldwork. They, did, however, have certain legal rights. These included health and safety and the right to equal treatment regarding race or gender, for example, holiday pay as outlined above, and the right to be paid the national minimum wage (see Druker and Stanworth, 2001: 76).

Despite employer promises that there would be no return to casual labour following abolition, a T&G official commented that it had become '*as pernicious an evil today as it was at the beginning of the twentieth century*' (T&G FTO, telephone conversation notes, 15/6/01). As Fevre (1986: 22-3) found with redundant steelworkers, working for a contractor had become "*less secure, less remunerative, and more dangerous*". Given this, and their lack of legal rights, one is forced to ask: why did men do this work?

Talking to men who regularly worked as contingent labourers in the Port of London revealed that, overwhelmingly, they had had no choice. Factors such as the dockers' reputation for militancy and age discrimination had worked against them. Martin, made

redundant from 'Containerco' shortly after abolition, recalled that when he looked for work the attitude was "'*Docker? – You're trouble*'" and continued that: "*We had to go back in, it was the only work we could get*"<sup>5</sup> (field notes, 26/11/01). Harry, who had also worked at 'Containerco', was injured shortly before abolition and was made redundant in 1990. Although he received the full redundancy payment, he needed work after his injuries healed. He recalled:

*"...£35,000 doesn't go far, even in them days...but there was nothing for me at the Labour, being a docker was all I knew and, anyway, I was over forty. Even though we're suppose to have no discrimination any more, nobody want's to know if you're over forty, so when I heard about this job, I grabbed it"* (Harry, interview notes, 23/11/01).

Both Martin and Harry worked for 'Labourco'.

Only one contingent labourer participating in the research positively chose the work. After being made redundant from Sheerness in 1993, Cliff had initially found work in a factory. However, he found the shift work difficult to cope with, so '*jumped at the chance*' of becoming an 'Agencyco' shareholder, where he predominantly worked days (field notes, 23/11/01).

### ***Hiring***

The men were, generally contacted by the agency (by telephone) when work was available, and would be told where the job was, what time to report, and how long the job would last. The general consensus among the men was that, if it were not for the telephone, they would again be attending 'call on' (see Chapter One). Some of the men mentioned that they had their mobile telephones permanently with them so that, if one job finished, they were available for the next (field notes, 23/9/01 and 26/9/01). However, there appeared to be a special arrangement between 'Labourco' and 'Generalco', one of its main clients.

Although the work differed for different types of cargo, within that, port work was basically the same operation; each terminal, however, has its own way of doing things (interview and field notes, various). Although they did work elsewhere, many 'Labourco' contingent labourers were hired almost exclusively by 'Generalco' and had become familiar with the 'system' there. Because of this, the men viewed themselves more as 'Generalco' employees and, as discussed below, 'Generalco' appeared to treat them as such.

Rather than being repeatedly placed by 'Labourco', the men took further orders for work from 'Generalco' directly. 'Generalco' would then inform the agency which of its men were working on a daily basis, and the hours they had worked. It appeared that the relationship was such that, as long as the work was done, 'Generalco' did not mind which of the men did it. If not all the men were needed, they decided among themselves (based on work record and individual needs) who would do it, and those not working at 'Generalco' reported to 'Labourco'. 'Labourco' appeared to accept this and would find them alternative jobs until they were again needed at 'Generalco' (field notes, 26/11/01).

### ***Hours and Earnings***

The employers' argument was that contingent labourers only worked when it suited them. However none of the men were personally aware of any contingent labourers who did this. Terry, who worked for 'Labourco', was an exception. He had seven children so knew that, should he need time off for any reason, there was an income (in child benefit) going into the household (field notes, 26/11/01).



As the hourly rates were low, the contingent labourers participating in this investigation reported that they rarely refused work, except in exceptional circumstances, as saying 'no' could have affected their future employment prospects. Len admitted that:

*"... if I feel ill or something, that's different, but I do all the work I'm assigned. You can say 'no' but if you do, the firm says, 'don't send him again'"*.

Roy agreed and added:

*"We do refuse work but remember, we've probably just done ten hours a day for five or six days and we're tired and we want a rest"* (interview notes, 23/11/01).

This was a factor in health and safety. Brian mentioned that he had only had a five hour break between his last job and the job he was on, and added: *"I'm tired – and tiredness causes accidents"* (field notes, 23/11/01).

The reason these men were able to work long hours was that, although the WTD covered temporary workers, it did not cover transport (see Chapter Two). The men reported that they often worked seven days a week, with as little as nine hours rest between finishing one job and starting the next (interview and field notes, various).

As mentioned in Chapter Four, few men would talk about their earnings, or how they were made up (basic rate plus overtime and/or special payments, for example). 'Labourco' men working Saturdays at 'Generalco' were paid overtime (at time and a half, or approximately £10.50 an hour) for a stated number of hours, regardless of how long the job actually took (Roy, field notes, 27/9/02). This, however, appeared to be an exception as men working for 'Agencyco' (and 'Labourco' men working elsewhere) reported that they were paid only for the hours they had worked (interview and field notes, various). However, this appeared to earn them sufficient to tide them over any short periods of unemployment. As mentioned in Chapter Four, Castlekeep was the only agency known to pay a retainer. Terry, who had worked for Castlekeep, mentioned that,

in order to qualify, the men had to stay by their telephones until noon, after which they knew there would be no work for them that day (field notes, 26/11/01). Arguably, for the others, the freedom not to work was the freedom to claim unemployment benefit. However, benefit was withdrawn if the claimant earned more than £50.00 in any seven days, and there was a 10-day waiting period. In an industry where *'we can work two days one week and then get a job that lasts for two or three weeks'* (Brian, 'Agencyco' shareholder, interview notes, 23/11/01), the men had discovered that it was not worth their while to do so. However, the fact that they are unemployed in the only industry they knew may be a reason why they do not sign on. The Jobseekers Allowance was only paid to those that sought any suitable work. Because of their age, they might be considered too old for work outside the industry: however, they knew they could get work in the Port. Whatever their motives, their actions ensured that a 'pool' of contingent labourers was constantly available (see Chapter Four).

### ***Control and Resistance***

As with the permanent employees, contingent labourers appeared to have regained some control over the labour process. Arguably, this was because of their years of experience in dock work, and of each other. Because they have worked with the same men (for up to 30 years in some cases), they knew their strengths and weaknesses better than the supervisors did. As mentioned above, because of their experience, and because they worked there so often, 'Generalco' regarded these men as employees. Roy stated: *'they think they run the place, but we do really'* (interview notes, 26/9/01). As 'Generalco' left it to these men to organise some of the work, there appears to be some justification in that. Contingent labourers working there reported that it was they who worked out how a job they were on was to be performed, and Roy also mentioned that he, rather than a supervisor, would be organising that weekend's overtime (26/9/02).

Contingent labourers in the Port also used 'spontaneous collectivism' (see above) in order to wrest concessions from their employers. Roy was familiar with the 'passport' (see Chapter Four) and had used it in order to gain concessions from 'Labourco'. He tried to persuade the men not to pay for the medical certificates and plant driving licences needed to comply with 'passport' regulations. He reminded them that, without this certification, the agency was unlikely to be hired. As it was in their employer's interest to ensure that they had the necessary documentation, he should, therefore, pay a proportion of the costs. As the result of the threat of some kind of industrial action ('*we threatened a, you know...*'), the employer agreed to not only pay for the initial certification but also offered to pay for any re-certification (interview notes, 23/11/01 and 27/9/02).

### **Conclusion**

This Chapter has looked at the changing experiences of work for both permanent employees and contingent labourers working in the Port of London. Conditions of employment within the Port had deteriorated since abolition and the introduction of various types of flexibility had led not only to the re-introduction of 'casual' labour but also accelerated worker mobility, shift work and overtime.

Ex-RDWs working as contingent labourers in the Port had seen their working conditions deteriorate, from secure to insecure. As contingent labourers, their security lasted as long as the job and, employed intermittently, their wages depended on how long they worked; this, in turn, was dependent on work being available.

Both training and health and safety in the industry were perceived to have deteriorated since abolition. The men worked in all conditions, and with dangerous machinery.

Despite their employers' assurances, the men reported that training, if given, was rudimentary or on-the-job, often given by other employees.

The Chapter looked at some of the coping strategies, such as starting late and finishing early, driving their cars between jobs and fiddling, that the men had devised in order to make their work more interesting. It also considered what it termed 'spontaneous collectivism', or men acting together to use management's need to get the work done in order to gain enhanced terms and conditions. This informal resistance to employer control was utilised by both full-time employees and contingent labourers in the Port but was outside union organisation. The following Chapter looks at union organisation in the Port of London and examines how, despite derecognition, the organising spirit was kept alive.

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<sup>1</sup> The men talked of 'dockology', or a community of dockers that looked after each other, helping their older and not so nimble/talented work mates (Branch field notes, 17/8/03).

<sup>2</sup> This would appear to be a typical 'vulture' theft in that it was carried out by lorry drivers who, however innocently, must have got the information about where the container or lorry was from a port worker. It must be emphasised, however, that at no time did the employers cast aspersions on the honesty of their employees.

<sup>3</sup> For example, Branch minute books record how, step by step, permanent employees working at the Grain terminal were made redundant and replaced by contingent labourers. Work there was eventually performed by contingent labour only (T&G 1/10 Branch minute books, 19<sup>th</sup> September 1993 to 21<sup>st</sup> January 1995).

<sup>4</sup> Lavallette and Kennedy (1996: 16) make the point that the cargo handlers who are about to retire were the last men to experience 'casual labour'. Of the men interviewed who had joined the dock labour force before 1967 and were still in the industry, one man – Donald – had seen his employment go from 'casual' to permanent and back to 'casual' again.

<sup>5</sup> This, however, was not true of the dismissed activists. In common with Davies' (2000: 612) findings that employers were less likely to hire from agencies that had militant ex-RDWs on their books, those dismissed in London found it impossible to return to the industry. Asked if he had approached, or been approached by, an agency, George, a dismissed activist, replied: "*they wouldn't approach me – they would have lost*

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*their position of being able to supply casual labour. We tried [---] we couldn't get in at all (interview notes, 25/7/01).*

**Appendix 5: Cargo Handlers Participating in this Research**, with details of age and length of service at time of interview, if known.

<b>Name and Age if known</b>	<b>Place of Work</b>	<b>Employment Status</b>	<b>Length of Service – in years</b>	<b>Active Union Member: Yes/No</b>
Alan, 36 years	'Portco'	Permanent	12 years (1989)	Yes
Angela, Alan's wife	N/A	N/A	N/A	N/A
Andrew, early 60s	Tilbury	Dismissed	29 (1960)^	Yes
Brian, early 40s	'Agencyco'	Contingent	1970s*	No
Charles +	N/A	Tugman	1960s*	Yes
Cliff, late 40s	'Agencyco'	Contingent	1970s*	No
Colin, mid 50s	Tilbury	Dismissed	24 (1965)^	Yes
Derek	'Labourco'	Contingent	15 (1986)	No
Donald, 65 years	'Generalco'	'Pool' casual	40 (1960)	No
George, early 60s	Tilbury	Dismissed	26 (1963)^	No
Harry, 64 years	'Labourco'	Contingent	40 (1960)	No
Jack	Various Docks and wharves	Took Severance	30 (1946-76)	No
John, early 20s	'Generalco'	'Permanent'	Started 2002	Unknown
Keith	'Generalco'	Permanent	1990s*	No
Larry, 78 years	Tilbury	Retired	45 (1937)#	Yes
Len	'Labourco'	Contingent	1970s*	No
Martin	'Labourco'	Contingent	31 (1970)	
Matt, early 40s	'Generalco'	Permanent	1990s*	No
Paul, over 60	'Portco'	Permanent	37 (1964)	Yes
Ralph	'Generalco'	Permanent	Unknown	No
Richie, over 50	'Generalco'	Permanent	35 (1966)	No
Roy, 63 years	'Labourco'	Contingent	35 (1966)	No
Ted	Wharves	Took Severance	21 (1954-75)	No
Terry	'Labourco'	Contingent	Unknown	No
<b>Total: 24</b>				

Source: Interview and field notes data.

+: Charles had been a lighterman and had been trained as a docker during the 1970s.

#: Larry started work in 1937: was in the navy during World war Two.

\*: Exact date of starting work unknown.

^: Length of service on dismissal/retirement.

### **Chapter Six: Trade Unions, Industrial Relations and the T&G Tilbury Branch 1989-2002**

Chapters Four and Five discussed the impact of abolition on work and employment in the Port of London. This Chapter examines a further aspect of abolition: its impact on industrial relations at Branch level in what had once been a bastion of trade unionism.

Many writers have contributed to the debate on union marginalisation since 1979. Blyton and Turnbull (1998) and Brown, *et al*, (1998), for example, discussed marginalisation in the context of social changes at work, and Edwards *et al*, (1992) have looked at it from a political perspective. Although known as socio-legal authors, Smith and Morton also wrote extensively on the impact of technology on print union marginalisation. Their argument that technical innovation had reduced the need for labour and had enhanced employer power over work organisation, leading to union marginalisation was discussed in terms of port transport in Chapter Two (see Smith and Morton, 1991: 325-331). Of significance to this Chapter is their argument that Conservative legislation had weakened unions and made them incapable of compelling employers to negotiate change (see, for example, Smith and Morton, 1990: 119 and below).

Employees in a trade union setting have traditionally been able to employ sanctions, such as a reluctance to work overtime or restricting output, in order to wrest concessions from their employer. This was “*part of the normal background against which day to day negotiations took place*” (see McCarthy, 1967: 19-22 and 25). However, as Chapter Five demonstrated, employees outside union organisation can also employ sanctions. The growth of ‘spontaneous collectivism’, or a form of custom and practice *outside* union control, was initiated by employees at Tilbury and elsewhere during the period of

derecognition, and was not co-ordinated by (non-existent) shop stewards, the traditional 'keepers' of custom and practice.

Taking the T&G port workers branch in the Port of London as a case study, this Chapter tries to add to the above debate by examining how effective the union was in the Port of London from 1989 and during the 1990s. It looks at what happened inside a derecognised trade union at Branch level, discusses the continuing effects derecognition had on Branch organisation and looks at how the Branch coped in the hostile environment of the 1990s. Finally, the Chapter discusses the impact of ERA at Branch level and looks at how cargo handlers in London reacted to re-recognition, and at its early consequences. An account of the T&G 1/10 Branch and its members as they were observed between 2000 and 2002 is given in Appendix 6:1.

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This Chapter is concerned exclusively with the 1/10 Branch, based at Tilbury, and the interviews and conversations discussed below were with its members and with the local FTO. Branch membership was very fragmented, both by location and employment relationship (see Appendix 6:1). However, the majority of Branch members worked at terminals located between Purfleet and Tilbury/Gravesend (see frontispiece map). Although their views reflected union activity in that area, they cannot be taken to represent the Port as a whole.

### **6:1 –Trade Unionism in the Port, 1989-1997**

#### ***Cargo Handlers and the T&G***

Abolition and derecognition adversely affected the T&G's attitudes to cargo handlers during the early 1990s. Because national collective bargaining had ceased, the T&G at the highest levels no longer had a reason to be involved with dockers or with the Branch:



as Wilman (1989, quoted in Turnbull and Blyton, 1998: 273) found, unions have no incentive to try to organise employees where there is little prospect of (re)gaining bargaining rights. The Docks Group was rarely mentioned in the *T&G Record* after about 1991 and, referring to the Group, a senior T&G official commented that the union could not '*live on its history*' and that it had '*moved on*' (private conversation, 23/6/00). Despite the ballot discussed below, the T&G did not mount recognition campaigns in the Port during the early 1990s and, although 'Link Up' emphasised the recruitment of temporary workers (see below) there was no such campaign among contingent cargo handlers (Jack Jones, interview notes, 16/6/00).

This attitude appeared to be a direct result of the T&G's defeat during the 1989 strike. Turnbull, Woolfson and Kelly (1992: 221-3) wrote that, although the Executive supported a strike, T&G leadership strategy was to stay within the law, even if that meant delay and not asking for solidarity action from other port workers (this strategy remained unchanged and was a major reason for the defeat of the 1995-8 Liverpool dock strike - see, for example, Davies: 1996 and Taplin, 1998 for details of the strike). Other factors in the 1989 defeat were internal T&G politics and the declining power resources of the dockers. By 1989 dockers had dwindled in importance, both to the T&G – they were '*a minute fraction*' of T&G membership – and, because of changes in work, as an economic power. They further suggested that, having witnessed the defeat of both the miners (1984) and the print unions (1986), the T&G was not prepared to risk a similar fate over a minority of its members.

Branch members saw this as a failing on the part of the T&G. Donald, an ex-RDW working as a contingent labourer, believed that: '*the union was too scared to help us in*

*case they* [the government] *sequestered the funds*' (field notes, 26/11/01). It appeared that only pressure from Branch members persuaded the T&G to act. Richie, at 'Generalco', talking about the events which led to their successful industrial tribunal decision (see Chapter Four), mentioned that the men had approached the T&G but *'the union wasn't interested'* and *'it was a long time'* before they received union backing (interview notes, 23/11/01).

Dockers' concerns, then, appeared to have ceased to play a role in T&G deliberations: certainly, following T&G re-organisation in 1999, there was no longer a dedicated T&G Docks Group officer. Senior T&G officers were variously described as not interested in the Branch and its problems (1/10 Branch Minute Books (hereafter 1/10), 2002-3, various). Only Roy, working at non-union 'Labourco' appeared to be satisfied with the help he received during this period; that, however, was qualified. He remembered that he would try to solve the problem by 'spontaneous collectivism':

*"Every time there was a problem, I'd talk to the men I was working with, or go up to them at breaks and say, 'look, this isn't right, we've got to do something about it'"*

Only if that was unsuccessful would he turn to the then Regional Officer: *"... not that he could do much [---] but he'd give me advice"* (Roy, interview notes, 11/01).

The current FTO, however, pointed out that legislative constraints and employer hostility in London had limited the help the T&G could offer members during the early 1990s:

*"There comes a point where you're restricted as to what you can do – not because you don't want to do it or that you don't know what to do but that you can't pursue the matter further"* (FTO, interview notes, 5/12/00).

This feeling of isolation was further exacerbated by the employers' actions.

### ***Employers and the Trade Union***

Mass redundancies on abolition had divided the workforce. In a bid to weaken collective resolve at Tilbury, all union activists were also dismissed and management dispatched new contracts of employment to the remaining dockers during the third week of the abolition strike. If not signed by a deadline, the men would have been deemed to have dismissed themselves: 493 men signed the contracts and, as a result, the strike in London crumbled (see Turnbull, Woolfson and Kelly, 1992: 164).

A recognition ballot was held outside Tilbury gates in July 1989. Of the 530 voting (750 were eligible to vote), 99 percent had voted in favour (see 1992: 193). Tilbury management, however, refused to re-recognise the union, which remained derecognised until 2000 (see 6:3 below). However, an *'at arm's length'* relationship did continue between individuals in the 'Portco' personnel department and the T&G at district level ('Portco' Marketing Director, interview notes, 12/10/00 and see below).

Most Port employers' attitudes to trade unionism could be summed up by 'Forestco', a Tilbury tenant that had derecognised the T&G on abolition: "*the need for trade unions is outdated. If you manage correctly, they just aren't required*" (ETGRE survey notes). Although some 'traditional' docks firms continued to recognise a union (including 'Ferryco' until it was sold in June 1990), at least six others were known to have derecognised the unions on abolition (ETGRE survey: Q 35 and cargo handlers interview data).

In 2000/1, of the 31 firms responding to the ETGRE survey, only 11 (including re-recognition at Tilbury under ERA – see 6:3 below) had recognised a union. Of these,

six had recognised the T&G, and five the AEEU<sup>1</sup>. Only three had been 'traditional' docks employers; the others had been non-Scheme employers (see Chapter One). Eight terminals, mostly aggregate wharves owned by large companies such as Blue Circle, had continued to recognise a union during the 1990s (ETGRE survey: Q 32). This confirmed Blyton and Turnbull's (1998: 254) observation that larger companies were more likely to recognise a union and to have formal discipline and dismissal procedures. Of those stipulating, two ETGRE respondents mentioned that recognition was for discipline and grievance procedures only; and Granite Wharf (owned by Tarmac) had continued to follow union guidelines on pay (ETGRE survey, Q31). Liverpool (which was said to have maintained a good relationship with the T&G until the 1995-8 strike – see Pilger, 1998: 342) and non-Scheme Felixstowe had also continued to recognise the T&G. Collective bargaining at Felixstowe was maintained and management positively encouraged new entrants to join the union. Union membership at Felixstowe in 2002 was estimated at between 95 and 97 percent (Port of Felixstowe Labour Manager/Port Convenor, joint interview notes, 19/3/02).

Three employers had disingenuously stated at interview that they would not stop their employees joining a union (interview notes, various). However, all three firms (the barge division of 'Labourco', 'Paperco' and 'Portco') had derecognised the unions on abolition, thus denying the men representation. Although some port employers positively encouraged trade union membership following abolition, others did not (see Southwood, 1992: 36 and 43-46). Southwood (1992: ix) estimated that, nationally, at least 1032 dockers were denied the right to collective bargaining. Tilbury management, for example, had seen derecognition as '*a strong marketing tool*' (PLA Minute Book, 28<sup>th</sup> September 1989), and had notified the T&G by letter that it would be derecognised

from January 1990, and individual contracts of employment, which precluded collective bargaining, were introduced. However, the T&G was permitted to continue to represent its members at disciplinary and grievance hearings until 1993; the MEBO, however, completely derecognised the union (ex-National Docks Officer, interview notes, 18/6/00).

The relationship between 'Containerco' and the AEEU was unclear. The firm had concluded a single-table deal with limited recognition of the AEEU in 1993 (1/10, 21/2/1993 and 21/3/1993). However, although the survey respondent reported that 'Containerco' recognised the AEEU, the HR Manager, at interview, stated: "*we, as a company, never officially recognised [the AEEU]*". Referring to it as a 'partnership', she later said of the relationship: "*every time we have meetings – we have a joint works council – we consult with them but it's not formal recognition*" and later, that it had been "*...officially documented that we do not recognise but we do consult with them*" (interview notes, 15/6/01). What partnership there may have been appeared to have been with 'Containerco' employees via the works council rather than with the union. The 'Containerco' HR Manager was unsympathetic to the T&G and the firm delayed recognition under ERA.

### ***HRM and Individualisation***

The 1989 Dock Act had ended port employers' commitment to both dockers and the union and enabled them to dismantle the union culture and replace it with one that would increase efficiency and cut costs (see, for example, Brown, *et al*, 1998: i). Conservative legislation and abolition had facilitated a change from multi-employer collective bargaining to company-specific industrial relations systems. Blyton and Turnbull (1998: 267-8) wrote that, during the 1990s, employers' tactics included union

suppression (or anti-union) and substitution (non-union). Substitution included the introduction of US popular management concepts, especially HRM strategies such as consultative committees, team working and group and/or incentive pay rises. However, HRM appeared to be little more than the re-packaging of old practices that had been in use since the 1950s and beyond. Although many employers in the Port of London had introduced HRM strategies, including personal contracts<sup>2</sup> or those parts of HRM they believed would achieve high performance outcomes (Roche, 2002: 266), it was the phraseology, rather than the reality that was introduced by many others.

Employers needed to transfer their employees' loyalty from the Scheme/union to the firm. They wanted them to identify any benefits as emanating from the employer and not as part of collectively bargained settlements (see Turnbull and Weston, 1993: 116 and Evans and Hudson, 1994: 307). One way Port employers chose was to offer what they believed was a better deal than any achievable through collective bargaining (interview notes, various). Another was to individualise the employment relationship. The principle advantage was that this allowed flexibility in pay structures rather than the rigidity of collectively bargained awards (see Brown *et al*, 1998: 40 and 44). For the employee, however, individualisation did not necessarily result in individual bargaining, as contracts tended to become increasingly standardised within firms (see 1998: i); at 'Portco', for example, although individual contracts had resulted in variations in terms, conditions within a department were standardised (Branch field notes, 15/2/03).

Unions, then, were no longer the only channel for promoting employee interests. Others included works councils, consultative committees and newsletters: Forth Ports, for example, kept its employees informed by meetings, newsletters and notices (Forth Ports,

1998: 4). In many firms these committees were increasingly established by, and dominated by, employers who saw them as giving legitimacy to unilateral changes (see Hyman 1997: 314). However, it could be difficult to get volunteers for such committees if they were not backed by an active trade union, and trade union members tended to be predominant on them (see Brown *et al*, 1998: ii and 75). The ‘Portco’ consultative committee demonstrated both these facets. Initially established by management for all the workforce members, only Branch members volunteered for the committee. They found that “*the employers were looking for a rubber stamp so they could say, ‘look, your reps agreed with this’*”. However, during a time when union organisation was fragile, Branch members did not want to be associated with those changes, so refused to attend. As no other volunteers came forward, the committee folded shortly afterwards (Branch Secretary, interview notes, 18/8/02). It was unclear whether this was because of a rare example of action co-ordinated by the Branch, or a pragmatic management decision.

HRM, personal contracts and employee representation on non-union consultative committees were hurdles that the Branch had to overcome during the 1990s. The following section looks at the Tilbury Branch during that period and discusses its response to derecognition and marginalisation.

### **6: 2 – The Tilbury Branch 1989 to 1997**

Although Tilbury Branch members worked at locations throughout the Port, the majority were employed by Forth Ports at the Port of Tilbury (see Appendix 6:1). The following, therefore, concentrates on the effects of Branch level derecognition as experienced by Branch members working at Tilbury. As it was impossible to find substantiating evidence, the following is based on Branch minute books, and the recorded memory of those who had remained Branch members.

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Abolition and derecognition had a demoralising effect on both the men and the Branch and had reduced the Branch members' collective strength. The mass redundancies had resulted in membership loss. As Andrew, a dismissed activist, recalled: "[a] *lot of people in it dropped out of the union*" (interview notes, 23/1/01). Estimating union density during the 1990s, however, was made difficult by a lack of hard data. There were no minuted membership figures between 1989-1998 as the Branch did not record joiners and leavers before 1999 (see 6:3 below). However, interview data indicated that the level of Branch membership outside Tilbury remained high; although not actively participating, many ex-RDWs working outside Tilbury and as contingent labourers did retain Branch membership. Even if, as Heery and Abbott (2000: 155) have observed, their employment insecurity fostered a need for trade union protection, part-time and temporary workers are, historically, less likely to be trade union members. However, unlike many other 'casual' industries, port transport has historically had good trade union organisation, dating back to 1889 and, for stevedores, beyond. Whether out of conviction, inertia or because of the services it provided, contingent labourers in London had remained Branch members. It was also difficult to ascertain the effects of the employers' 'fire and hire' policy on membership at Tilbury and elsewhere during the 1990s. Direct employment at Tilbury did fall from the PLA's 730 cargo handlers in August 1989 to Forth Ports' 450 port workers in 2000<sup>3</sup>, possibly resulting in a concomitant loss of membership (see below).

To add to the confusion, a Branch activist (a 'Portco' shop steward after 2000) asserted that union density at Tilbury throughout the 1990s remained at approximately 70 percent (shop steward, interview notes, 22/2/01). If accurate (see below), this agrees with the



finding of Brown *et al* (1998: 75) that, in general, '*a substantial proportion*' of union members in derecognised and non-union workplaces retain union membership. However, as the shop steward's estimate was for Tilbury only, it gave no indication of union density at other workplaces in the Port.

There were, however, occasional references to events, such as alterations to 'check-off', that adversely affected Branch membership, which allowed estimations to be made. After the Donovan Committee (see Chapter Two) had urged that it be established, 'check-off', or subscription deductions at source, had been widely adopted in the 1960s. The Conservative's anti-union stance had given many employers the impetus to withdraw from 'check-off' by the late 1980s, and the 1993 Trade Union Reform and Employment Rights Act had exacerbated that trend. Whilst not abolishing it, the 1993 Act had made 'check-off' harder to administrate. It became the employer's responsibility to seek written permission from every employee every three years to continue automatic deductions; it was, however, the union that had to ensure that, where 'check off' was withdrawn, other forms of subscription payment were introduced (see *Labour Research*, November 1993). Since, by 1993, the T&G had been barred from Tilbury, it was unable to effectively do this. As a result of a decline in 'check off' authorisations after 1992 about 588 members were lost to the Branch: Approximately 300 PLA-employed members were lost as a result of individual failure to reconfirm 'check off' and other payroll deductions (see 1/10, 21<sup>st</sup> June 1992 and 19<sup>th</sup> October 1992). A further loss occurred as a direct result of the 1993 Act.

An April 1994 minute recorded that, at 'Portco': "...*about 148 members haven't replied: 40% down cos of 'check off'*" (1/10, 17<sup>th</sup> April 1994). This suggests that there may have

been as many as 222 working Branch members at 'Portco' alone at that time: extreme caution must be taken, however, as these figures may be unrelated. The Branch also lost 140 members working at 'Containerco' because of the cessation of automatic 'check off' (1/10, 15<sup>th</sup> May 1994). Together, these figures suggest that there were at least 362 working Branch members at Tilbury alone after that time, thus supporting the 70 percent density figure reported above.

Because of continued job loss and 'check off' abolition, it appears that only the most committed unionists among working cargo handlers and the dismissed men remained Branch members. The important thing for these men was keeping the organising spirit alive – "*organise, 'cos if you don't organise, you'll be trodden on*" as Larry, a retired docker (interview notes, 13/6/01), put it. This, as discussed below, was the prime reason why many of these men continued to attend Branch meetings.

### ***Keeping the Organising Spirit Alive***

In his doctoral research on modernisation and change in the Port of London, Mankelaw (1994: 212) wrote that, following abolition and derecognition, "*union defeat, at Tilbury at least, was total. The message was that the union was finished and that management was in total control*". This was supported by the industrial tribunal into the dismissal of the activists, which found that it had been planned "*...to ensure that in the future there would be no organised resistance to the new regime*" (quoted in *Tideway*, September 1991: 2). The ex-National Docks Secretary (NDS) remembered that Port employers were extremely anti-union and that he had been threatened with prosecution if he entered Tilbury. This further isolation had left men at Tilbury especially afraid to be seen to be associated with the union in case it put their livelihood in jeopardy (ex-NDS, interview notes, 18/6/00). The Branch secretary also mentioned that, before 1997, Branch

membership within Tilbury had been *'silent but high'* and added that *'people didn't want to be identified as union members'* in case it affected their livelihood (Branch field notes, 15/6/03). Given the above factors in Branch membership decline, it was possible that the Tilbury Branch would not survive.

However, against these odds, the Branch did survive. Danford *et al* (2002: 310) wrote of British Aerospace that, *"...it was the survivors [---] who faced the critical challenge of rebuilding their workplace unions"* by, among other means, *"tapping into latent trade union consciousness"*. Ex-RDWs still working in the Port propagandised for the Branch to the new entrants they worked alongside, thus helping to keep the organising spirit alive at Tilbury (Branch, field notes, 20/5/01). As a result of the events surrounding abolition, men who had been Branch members because of the closed shop but had taken no part in its affairs started to attend Branch meetings and take part in them (George, interview notes, 25/7/01). It was, however, primarily because of the dismissed activists that the Branch kept going. George, a dismissed shop steward who remained Branch secretary until 1999, remembered that:

*"...when we all got the sack, we made a pact that we were [going to] keep the Branch going, because there were people who were... frightened – apprehensive about everything, and it took a while before the Branch life built up again... so what we done, we kept it going until we got people who would come forward..."* (George, interview notes, 25/7/01).

By keeping the Branch going, the dismissed activists provided a focal point for T&G members still employed in the Port and for dissatisfied new entrants. These men, who have knowledge of the industry and contacts within the wider trade union movement, allowed the T&G to not only retain a presence in the working Port but enabled the Branch to become a focus for future organisation within it.

In spite of his assertion regarding union defeat, Mankelow found that many of the older men remained in the union *'but kept quiet about it'* (1994: 212). He also found that some new entrants joined the Branch in the early 1990s and that, as a result of dismissals at Tilbury (which continued throughout the 1990s - see Chapter Four), many new entrants wanted to be represented by the union (1994: 212-3). The figure of 362 Branch members at Tilbury supports this (see above).

Exactly how the Branch was able to recruit and keep new members during the 1990s however, remained a complex process for analysis. Interview data suggested that men might have joined the Branch because, as discussed in Chapter Four, they were related to ex-RDWs. As the FTO explained:

*"They grow up with their fathers working in the docks or the wharves or on the river, they witnessed the atrocities Thatcher inflicted on [their fathers] and they are bitter..."* (interview notes, 12/00).

The Branch also appeared to have utilised a combination of *'servicing'* and *'organising'*.

### ***'Servicing' and 'Organising'***

Mason and Bain (1993: 334-5) outlined two possible reasons why people might join a union – structural (or economic) and interventionist (union leadership and policies). However, as Mars (1982: 198) pointed out, trade union leadership had become distanced from, and less representative of, the rank-and-file membership by the late 1970s, and had become as much an *'outsider'* as management, whilst shop stewards had grown in importance. The motives for the individual decision to join a union, however, appeared to have remained constant. The structural reasons of being attracted to a union because they have a problem that needs solving gives way to interventionist reasons, especially if the local union is well-organised and can solve the problem *and* can use it to recruit more members (see 1993: 341 and Charlwood, 2002: 469-470). This traditional

approach was very similar to what Kelly (see, for example, 1998) was later to term 'mobilisation theory' (see also McCarthy, 1967: 17).

Charlwood (2002: 487) found that four out of ten non-union employee respondents to the 1998 British Social Attitudes Survey would have been willing to join a union had one been available at their workplace. Trade unions, therefore, needed to tap into this latent membership. This was no easy task in areas, such as the Port of London, where the union had been derecognised.

'Servicing' and 'organising' are not mutually exclusive approaches and, depending on how it is used, any issue can be both (Carter, 2000: 131). Partly to counter HRM, the 'servicing' approach could be described as passive as it champions individual workplace rights and is one-on-one, self-interest representation of trade union members by an outside union official (see Waddington and Whitston, 1997: 516 and Bacon and Storey, 1996: 70). The 'serviced' union members' attitude becomes 'what can the union do for me?' (see Carter, 2000: 26 and Blyton and Turnbull, 1998: 137). Examples of 'servicing' at the Branch included settlements for work-related illnesses and representation at industrial tribunals (see, for example, 1/10, 15<sup>th</sup> March 1993, and 15<sup>th</sup> May 1994).

Fox (1985:6) wrote of what he termed instrumental collectivism, or cohesion for as long as an individual's interests are served by being part of the collective. This type of individual self-interest possibly attracted some members to the Branch. For example, it is known that men were persuaded to join the union so they could be accompanied by a union 'friend' at the few grievance and disciplinary hearings there were at Tilbury in the

early 1990s (Branch secretary, interview notes, 18/2/01). Similarly, conversations with current Branch members showed that redundancy or the threat of redundancy, dismissals and accidents were the catalysts for their decision to join the Branch (field and interview notes, various: see also Waddington and Whitson, 1997: 521-2).

Access to union benefits and services was another recruitment and retention tool. Most unions provide free services, such as legal aid and discounted insurance, to their members and, although some were committed union activists, this appeared to have been a reason why other ex-RDW Branch members, especially the contingent labourers, had retained Branch membership. As Branch members, should they have an accident at work, for example, the union would provide free legal advice (group meeting, field notes, 26/11/01).

Many unions (such as the MSF: see Carter 2000: 120) had initially adopted a 'servicing' model. However, they appeared to change tactics in response to evidence that traditional, collective interest reasons dominated peoples' decision to join a union (see Waddington and Whitson, 1997: 518). For example, although the T&G had listed '*improving services and benefits*' as a recruitment tactic until 1998, this had become '*using organising methods*' after 1999 (see TUC, *Focus on Union Services*, 98/3 and 99/4).

Although the dividing line is small, 'organising' represented a shift from the passive, 'servicing' model to a more active, participatory model. 'Organising' emphasises recruiting and mobilising members in a collective response to workplace problems and, rather than relying on an outside official, the Branch becomes the centre of campaigning

(Blyton and Turnbull, 1998: 137, Carter, 2000: 121, and Fairbrother, 2002: 75). 'Organising' also emphasises the recruitment of the previously unorganised - the low-paid, part-time and temporary workers, for example, and the T&G's 'Link Up' recruitment campaign, inaugurated in 1987, was aimed at those groups. This was replaced by 'Organising for Strength' after 1995.

Heery *et al* (2000, cited by Charlwood, 2002, 487) suggested that many unions endorsed 'organising' but did not necessarily practice it. The T&G, however, did and its Region One (which included Tilbury) had the '*most developed*' 'organising' strategy in the union (Blyton and Turnbull, 1998: 108). A Branch based, rank-and-file strategy, 'organising' starts from the Branch level identification of an issue to campaign around (see *T&G Workplace Record*, June 2000: 7). This, however, could be seen as the traditional recruitment method. Colin, a dismissed shop steward who remained active in the Branch, remembered that the Branch had taken this approach to recruitment in the early 1990s. He remembered discussions at Branch:

“... we were saying to 'em, 'you've got to organise them; they're in there and you've got to have them in with you', and they started doing that” (Colin, interview notes, 10/2/01).

Although, in line with T&G policy, the Branch appears to have utilised 'servicing' and benefit provision in order to attract members (see above), it also continued to utilise traditional recruitment methods. During a period when the T&G official was excluded (see above), Branch members mobilised fellow workers in order to solve problems, with the Branch as the centre of campaigning, especially for members working at Tilbury.

Branch activists working at Tilbury, many of whom were elected shop stewards or other union representatives after recognition in 2000 (see below) believed that 'organising'

created membership and saw the utilisation of common workplace issues to organise around as '*common sense*'. In their experience, membership recruited by that type of campaign tended to remain (Branch field notes, 15/6/03). The Branch tried to encourage the 'silent' members to become involved in it and had organised committees and petitions on such issues as imposed wages and conditions and the reintroduction of casual labour (see, for example, 1/10, 21<sup>st</sup> June 1992, 21<sup>st</sup> October 1996, and 21<sup>st</sup> June 1998). Although unsuccessful in that they did not lead to changes, these had raised the Branch's profile and encouraged membership (shop steward, field notes, 18/8/02).

### ***Industrial Relations under Forth Ports 1995-7***

The MEBO sold Tilbury to Forth Ports in 1995. This had represented a positive step in industrial relations at Tilbury, and the NDS was again allowed into the Port to represent members at disciplinary and grievance hearings (ex-NDS, interview notes, 18/6/00). Union health and safety representatives had been dismissed at Tilbury in 1989 and the MEBO had refused to allow the union to elect others (*Tideway*, January 1990: 1). Coincidental with the sale to Forth Ports, the 1996 Health and Safety (Consultation with Employees) Regulations were enacted. These allowed for the appointment of representatives of employee safety in non-union settings and, although they obliged employers to consult with the workforce on health and safety issues, they were not as comprehensive as the 1977 Safety Representatives and Safety Committee Regulations had been. Workplace representatives were not allowed to carry out inspections, for example, or to request the establishment of a safety committee (see James and Walters, 2002: 141-156). Forth Ports may have had a stricter health and safety policy and it is unclear whether it was this, or the 1996 Regulations, which resulted in a more robust health and safety regime being introduced at Tilbury. There were, for example, minute



book references to the then Regional Officer representing men for not wearing a safety helmets, (1/10, 20<sup>th</sup> June 1996 and 15<sup>th</sup> December 1996).

The sale to Forth Ports stipulated that all working terms and conditions remained the same and the company appeared to believe this included union recognition. Although Forth Ports recognised the T&G in Scotland and there was collective bargaining there<sup>4</sup>, it refused to recognise the union at Tilbury. Although the then NDS remembered sending numerous letters to Forth Ports regarding re-recognition, every approach was rebuffed: *“the answer was always, ‘we’ll think about it’”* (ex-NDS, interview notes, 6/00). There was no campaign for recognition at Tilbury and Forth Ports statement that its failure to grant recognition was because it had no indication that there was support for collective bargaining at Tilbury could be justified on those grounds (1/10, 20<sup>th</sup> June 1996). Given the density figures discussed above, however, the company was possibly delaying a decision. Certainly the ‘Portco’ Marketing Director mentioned that Forth Ports had *‘held off’* from granting recognition, *“although we knew that ultimately we’d have to, because of European legislation...”* (interview notes, 12/10/00: also see below).

The persistence of serious issues, such as health and safety, for the Branch to campaign around and the continued presence of individual activists throughout the Port helped the Branch to retain a high profile. Possibly because of this, or because of the earlier recognition requests, Forth Ports must have been conscious that the T&G would make a request for recognition as soon as ERA became law. Possibly in order to have control over any agreement (see below), both Forth Ports and ‘Ferryco’ made (separate) approaches to the T&G for voluntary recognition agreements. The following section

looks at the implications of ERA for the Branch and discusses its early consequences in the Port of London.

### **6:3 – Industrial Relations after 1997**

#### ***Trade Union Recognition***

As many authors have observed, recognition is the main stimulus to union growth. Writing of the 1970s, a period when trade unions were encouraged by government, Mason and Bain (1993: 343) pointed out that maintaining membership without recognition was '*extremely difficult*'. During the anti-union 1990s, both Blyton and Turnbull (1998: 273) and Finlay and McKinlay (2003: 52) were still able to write that union effectiveness was difficult without recognition. Management have historically seen recognition and the operation of formal procedures as a concession (see McCarthy, 1967: 24). Bain (1970: 123 and 127) writing on the growth of white-collar unionism in the 1960s, pointed out that employers tended to recognise a union because it was useful (and representative), and not for ideological reasons. Bain (1970: 98 and 123) had pointed out that recognition depended on the employer's attitude and, as an unrecognised union was not involved in work organisation, it was unable to prove its worth to potential members.

Two other factors hampered union growth. Unions in derecognised workplaces were only allowed individual representation (and, as mentioned above, even that was impossible at Tilbury between 1993 and 1995) and, if terms and conditions were satisfactory, an employee had no incentive to join a union (see Blyton and Turnbull, 1998: 273 and 252).

Although Finlay and McKinlay (2003: 53) saw organisation as '*the first step*' to recognition, union growth and recognition appear to be a vicious circle: membership growth prompts recognition, this, because it indicates management's tacit approval of the union, prompts others to join. This is especially true of white-collar workers and others that tend to identify with management (see Bain, 1970: 122). However, as Bain pointed out in 1970, union strength alone was insufficient to persuade employers to concede recognition: that needed government help. However, as Oxenbridge *et al* (2003: 316) pointed out, union dependence on the government had become '*a general feature*' of trade unionism at the end of the 20<sup>th</sup> century.

Although the changes in union and employment legislation introduced by the Labour government after 1997 were piecemeal, there was considerable legislative change. Reforms included, for example, the minimum wage (introduced in 1998), 'family friendly' policies, a reduction in the qualification period for unfair dismissal, and trade union recognition rights (see Department of Trade and Industry 1997). Encapsulated in *Fairness at Work*, many of these changes were introduced under the 1999 Employment Relations Act.

Oxenbury *et al* (2003: 331) wrote that ERA was the culmination of a process of 'managing' union recognition (and derecognition) that had begun in the 1990s. Although it tended to restrict the unions' influence, ERA did represent a shift in the employers' attitudes towards greater union approval. However, as Gospel and Wood (2003:13) pointed out, post-ERA recognition agreements were signed '*in the shadow of the law*' and were initiated by the unions and not the employers. That both Forth Ports and 'Ferryco' initiated voluntary recognition (see below) was, therefore, distinct.

Smith and Morton (2001: 3) argued that ERA increased *individual* workers rights; *collective* rights, however, remained minimal. By retaining legislation on the closed shop, picketing, secondary action and balloting, ERA provided the employers with a formal code that favoured the existing 'balance of bargaining' (2001: 1 and 2).

### ***Recognition Under ERA***

Trade union recognition, under Schedule 1, was the central provision of ERA. Recognition, at the time of writing, was only applicable to workplaces with 20 or more workers (2001: 5). ERA, therefore, excluded employees of small companies and agency workers. This, in the Port of London, meant that nearly half of the employers responding to the ETGRE survey fell outside ERA provisions (ETGRE survey, Q6).

ERA provided two ways to gain recognition: statutory and voluntary. Weaker unions may have needed the backing of statutory recognition, which could be awarded despite employer opposition (see 2001: 5). However, as Druker, Edmunds and White (2002: 3) wrote: "[the] *statutory mechanism was always intended as a reinforcement for voluntary recognition and the prospect of a statutory route encourages employers to re-think their approach...*" prior to ERA. This appeared to have been Forth Ports', and possibly, 'Ferryco's motivation.

Many participants in this research spoke of 'the baggage of the past', that is, industrial relations during the Scheme years. ETGRE survey data showed that, of those responding, only 4 non-union firms of all sizes in the Port of London envisaged recognition requests (a further 8 firms - 4 employing more than 20 workers - did not - ETGRE survey, Q 35). When asked to elaborate on these responses, some employers stated that they were concerned that recognition under ERA would see a return to

Scheme conditions. They, therefore, needed to contain the union and reacted very much to recognition under ERA as both Bain (1970: 131-2) and Mars (1980: 317) had found for earlier periods. Some employers introducing enhanced conditions. 'Labourco', for example, had mostly ex-RDW contingent labourers who had retained Branch membership on its books. The Managing Director stated that "*...as far as negotiations here are concerned – forget it*" and that "*given the right circumstances, I can see... I've got to make sure that [---] we do not offer the right circumstances*" for a recognition request (interview notes, 23/5/01). Arguably, other employers contained the union by offering a voluntary agreement.

Seeking voluntary recognition allowed the employer to set the bargaining agenda and to have some control over the contents of the final agreements. These were likely to be more favourable than any later imposed by the Central Arbitration Committee, which awarded collective bargaining over pay, hours and holidays only (see *Incomes Data Services Report 836*, 2001: 12 and *Study 685*, 2000: 1-2). This may have been a consideration when both Forth Ports and 'Ferryco' volunteered recognition.

There had only been two post-ERA recognition agreements signed in the Port of London by the end of 2002. These covered 440 employees in four departments within the Port of Tilbury (discussed in detail below) and 190 workers at 'Ferryco' (TUC, 1/01: 8 and 1/02: 14 and see footnote 10). Based on the reported 450 employees at Tilbury in 2000, recognition at Tilbury covered approximately 90 percent of Forth Ports' employees there; the level at 'Ferryco', however, was unknown (ETGRE survey and TUC, 1/02: 14). The FTO negotiated other voluntary agreements<sup>5</sup>, and also expressed a willingness to apply for statutory recognition if necessary (Branch field notes, 21/7/02).

ERA (Schedule 10) gave workers a statutory right to be accompanied by a union representative of their choice at discipline and grievance hearings at workplaces where the union had not been recognised. Although not the right to representation, this right could not be waived (Smith and Morton, 2001: 9). This allowed the FTO access to workplaces, such as 'Containerco' (where approximately one third of the workforce – 40 - were Branch members - 1/10, 18<sup>th</sup> July 1999), or any of the other unrecognised terminals in the Port where Branch members were employed in order to represent them.

### ***Recognition in the Port of London***

#### ***The Port of Tilbury<sup>6</sup>***

The publication of *Fairness at Work* in 1998 had a positive impact on the Branch. Recognition itself was one of the main catalysts for Branch growth (see below). The Branch officials stated that the fact that ERA would legitimise union membership prompted many that had not been members to join the union (Branch field notes, 15/6/03). These included many post-1989 entrants. Although they had supported the idea of recognition and welcomed the improved conditions it would bring, they did not want to join the union. They were, however, persuaded to join the Branch after it was pointed out that recognition was a prerequisite to the negotiations that could lead to change (Branch secretary, interview notes, 29/2/01).

Unlike the 1975 Employment Protection Act, which had also laid down recognition procedures, ERA did not promote recognition but, rather, supported it if a union could prove it had workplace support (see Wood, Moore and Ewing, 2003: 120 and 122). Unions expected to recruit first and then apply for recognition from a position of strength (2003: 137). Subsequently, many unions, including the T&G, initiated

recruitment campaigns especially in areas, such as the port transport industry, where they had retained high membership levels.

ERA offered automatic recognition if a union could prove by ballot that it had over a fifty percent membership in any workplace. T&G Head Office had not been able to supply the Branch with membership figures until December 1998 (see 1/10, 20<sup>th</sup> December 1998). Moreover, these were aggregate figures for the Branch as a whole, and were not broken down by terminal or occupation, nor did they indicate the percentages of working/retired/dismissed members (see Appendix 7:1). The Branch, then, needed to ascertain whether it had the required membership at Tilbury (Branch field notes, various).

Forth Ports employees at Tilbury, therefore, started *'taking action for [recognition] but realise they will have to mount a campaign to get the 50%'* (see *T&G Record*, August-September 1997 and 1/10, 19<sup>th</sup> October 1997). The campaign started in areas, such as 'Portco', where union membership was already high. The T&G targeted specific areas for recognition, including the docks, and helped to distribute leaflets and had a recruitment bus outside the gates at both Tilbury and 'Ferryco' (see 1/10, 19<sup>th</sup> July 1998 and 18th January 1998). As part of its 'organising' strategy, the T&G held 'organising' courses, which Tilbury Branch activists (including those later elected as Branch Secretary and 'Portco' shop stewards) attended. These had a positive effect on Branch membership and resulted in at least 120 new members and, possibly because of their success, the July 1998 minutes were able to record that *'management at Tilbury accept that recognition is coming in'* (1/10, 17<sup>th</sup> July 1998).

Forth Ports, however, appeared to believe it had been 'forced' to accept recognition; certainly the 'Portco' Marketing Director had stated that Forth Ports had recognised the T&G "*in advance of being forced to*" (interview notes, 12<sup>th</sup> October 2000). Having started the negotiations voluntarily, therefore, it dragged them out for as long as possible. It appeared that Forth Ports only granted (voluntary) recognition because ERA was imminent - voluntary agreements had to be entered into by 6<sup>th</sup> June 2000: (see Oxenbridge, *et al*: (2003: 316) - and before the Branch sought statutory recognition under ERA. There was, however, no imperative for an employer to concede recognition before that date. It was, therefore, a further eighteen months before Tilbury management accepted recognition in principle (July 1999), and the agreement was signed in March 2000, becoming effective from the end of April 2000 (see 1/10, 18<sup>th</sup> July 1999 and 19<sup>th</sup> March 2000).

The recognition agreement was conditional on there being no negotiations on pay and conditions until 2001, when a three-year imposed settlement was due to expire. The recognition agreement also included procedures that the Branch had to follow. Arguably, this, too, can be seen as containment. Further, conversation with Branch members involved in the negotiations suggested that the agreement was the best that the T&G could achieve at the time. However, the Branch intended to address anomalies during subsequent negotiations.

Unlike past recognition agreements, recognition under ERA did not cover all that union's members at a workplace but was based on bargaining units (BU) as defined by the employer. Under Schedule 19:3 of ERA, a bargaining unit must have '*a degree of common interest or functional coherence*' so can be based on a department (*Industrial*



*Relations Briefing*, July 2000: 11-12). In what could also be seen as a bid to limit union influence, Forth Ports, insisted on four BUs, based on each recognised department<sup>7</sup>, insisting that, rather than port-wide negotiations at Tilbury, each bargaining unit would negotiate separately (1/10, 17<sup>th</sup> March 2002).

### ***The Recognition Settlement***

The recognition agreements were between the Port of Tilbury, whose management conducted day-to-day industrial relations, and the T&G at BU level; pay and conditions negotiations, however, were conducted at company level by Forth Ports. Slightly different in order to reflect the subtle difference in working conditions in each department, each agreement covered collective bargaining for wages bargaining, contracts of employment, hours of work, staff rules, and discipline and grievance procedures. There was also a separate health and safety statement (Branch secretary, interview notes, 18/2/02). Shop stewards were also elected for each BU/department<sup>8</sup>, and became responsible for industrial relations within them.

A Port of Tilbury shop stewards committee was constituted and met to discuss port-wide issues. The committee, in 2002, had met only once - to discuss the 2001 wage negotiation. However, continuous informal contact between the stewards, and between stewards and management, had been established and maintained and there were bimonthly committee/Tilbury management meetings, which discussed work related and union issues (16/2/03). These, together with other shop steward activities, were reported to Branch meetings (Branch field notes, various).

Smith and Morton (2001: 13) wrote that recognition could see union membership increase, but that "*workers' capacity to mobilise collective power will not*". As the

following shows, although Branch membership nearly doubled between the end of 1998 and May 2001, it remained fragmented. After all, not all Branch members had been covered by recognition agreements. Branch members working at Tilbury, both in the recognised BUs and in other departments, and those working at 'Containerco', 'Generalco', and for labour-supply agencies remained unrecognised.

If recognition by BU had been aimed at fragmenting union cohesiveness across Tilbury, it was not completely successful. Common problems, such as health and safety and terms and conditions (see below), were addressed collectively and collective consultative industrial action ballots, especially over health and safety issues, were held (1/10 Branch minute books, various).

However, conversations with Branch lay officials suggested that the collective response was limited as individual problems continued to be solved individually. Just as in the past (see McCarthy, 1967: 30), Branch members encountering a workplace problem would approach their shop steward, who reported it to the manager they believed would be able to solve it. The stewards were aware of management internal politics – how the various managers interacted and their individual spheres of influence – and were also aware which manager was 'on side' for any given problem (Branch secretary, field notes, 16/2/03). If any problem proved insoluble at local level, the matter was referred to Forth Ports head office, and the FTO was also informed. The FTO's role, except during wages negotiations, was more advisory as, although he offered assistance, the stewards found that, in most circumstances, they were able to solve the problem without calling him in (Branch secretary, field notes, 16/2/03).

Procedures on, for example, discipline and grievances had also been agreed between the Branch and Tilbury management. These had established channels for getting things done and if they were not done, or not done properly, the stewards were able to apply pressure, such as non-co-operation with management. As a result, the Branch Secretary was able to report that Tilbury management acted more responsibly towards its workforce; this in turn led to growing employee confidence at Tilbury (field notes, 18/8/02). The Branch secretary, who has been a Branch member since the mid-1990s, worked at various locations within Tilbury. He was, therefore, well placed to observe changes in attitudes among Branch members there. He reported that men no longer asked him if they could refuse to work in certain conditions, but *told* him they would not do so until the problem had been solved (Branch secretary, field notes, 16/2/03).

Co-incidentally with recognition under ERA, the Branch campaigned for union recognition for health and safety representatives and a Forth Ports health and safety committee was finally established at Tilbury in 1999 (1/10, 21<sup>st</sup> September 1997 and 19<sup>th</sup> April 1999). As a result of continuing pressure from the Branch, a new sick leave package was introduced at Tilbury towards the end of 2001 (1/10, 18<sup>th</sup> November 2001). In July 2001 the loss of a workplace nurse prompted the Branch to threaten to take industrial action. The health and safety representatives resigned *en masse* and, as a compromise, it was agreed that the remaining nurse would take on extra duties if necessary (1/10, 15<sup>th</sup> July 2001 and 21<sup>st</sup> October 2001). The Branch has also sent resolutions to the National Docks Group committee, requesting that it take the necessary steps in order to have spondylitis recognised as an industrial disease.

However, health and safety remained a live issue for Branch members. The Branch was told, for example, that, although the men had been trained for safety, they were under pressure to 'cut corners', and that supervisors were praised for encouraging the continuation of unsafe working practices that got the work done more quickly (1/10, various dates).

### ***Trade Unionism Elsewhere in the Port***

'Ferryco' had been the only other employer in the Port to sign a recognition agreement by mid 2002, signing a single union deal with the T&G in 2000 (1/10, 15<sup>th</sup> October 2000). In common with the experience of recognition at Tilbury described below, however, Branch members at 'Ferryco' found the employer obdurate, frustrating negotiation attempts (Branch field notes, 7/02).

Although these recognition agreements covered the largest Port employers, a sizeable minority remained outside any agreements. Workers in other facilities experienced hostility with regard to recognition. Employers in the Port utilised many of the strategies discussed by Gall and McKay (2001) in order to resist union recognition requests. 'Containerco', for example, insisted on a membership audit and a Branch member working at 'Generalco' reported that the company had split its workforce into units below the ERA recognition threshold, and included employees unlikely to join a union in them (2001: 99 and Roy, interview notes, 12/02).

Although it seemed clear that, for the foreseeable future at least, many employers within the Port would continue to retain alternative forms of employee relations, there had been a growth in militancy among men working in other areas of the Port. Clegg (1979, quoted in Edwards, 1988: 205) had written that, for dockers, striking had become

*'something of a habit'*. In London, however, that *'habit'* appeared to have faded after 1970 (there were only 16 recorded strikes there between 1970 and 1988, compared with Liverpool's 37 strikes between 1972 and 1988: see Turnbull and Sapsford, 1991: 246). However, the *'habit'* appeared to resurface in London after 1997. Men were prepared to take industrial action in support of their various disputes, as witnessed by the rise in the incidence of industrial action ballot requests<sup>9</sup>. Most of these, such as the ballot by 55 *'Containerco'* members over the imposition of a reduction in wages, were successful<sup>10</sup>. However, the results of other ballots were more ambiguous. The ballot sought by seven *'Generalco'* Branch members in 1998 over management's derecognition of the union and the imposition of less favourable terms was only minuted as *'resolved'*, for example (see DWR National Committee Minutes, October 1998: 2 and January 1999: 2).

Although any action by any contingent labourers in the Branch in support of fellow Branch members would have constituted secondary action, some were known to have taken *'holidays'* if asked to work at a firm in dispute. Some labour-supply agencies, who were sympathetic to the union, were known to refuse to act as strike breakers and, if informed of a dispute, would find that their men were *'busy'* elsewhere (Branch field notes, February 18/2/02).

### ***2001-2 Pay Negotiations at Tilbury***

The Branch Secretary had been able to report that recognition had had a positive outcome on industrial relations and that, because of the procedures mentioned above, day-to-day problems within Tilbury had improved. However, the same cannot be said for company-level terms and conditions negotiations. Based on Branch minutes and Branch meeting observation during 2002, the following gives an account of the 2001-2 pay negotiations. These suggested that the recognition agreement had not at that time

translated into effective bargaining at company level (see Wood and Goddard, 1999: 203).

The negotiation illustrated the observation that, within certain constraints, “*what recognition means in practice is very much what the employer chooses to make it mean*” (Brown, *et al*, 1998: iii). The 2001/2 pay negotiations are also a good illustration of Forth Ports attempts to marginalise the Branch by ignoring it and its lay officials, and then insisting that it abided by agreed procedures.

An imposed three year pay and conditions award had expired at the end of 2001. There had been no collective negotiations at Tilbury since derecognition in 1989 and, although the Branch knew they could not all be solved immediately, there were many problems, especially regarding health and safety, to be discussed. Instead of entering into negotiations with the shop stewards, in December 2001 Forth Ports sent a letter to every Tilbury employee detailing an imposed pay and conditions award of 3.5 percent over three years, due to be implemented from 1<sup>st</sup> January 2002.

The company did not ‘bargain in good faith’ (Gall and McKay, 2001: 106) or, to be more accurate, bargain at all. A ballot held in January 2002 overwhelmingly rejected the ‘offer’ – of those balloted, only one member voted to accept. This was followed by a ‘work to rule’ and a weekend overtime ‘ban’ (in that nobody volunteered for it). Although these were effective, Forth Ports refused to negotiate in accordance with the recognition agreement. Forth Ports management appeared to believe it could settle the dispute by talking to senior T&G officers and, consequently, would only enter ‘informal discussions’ with them; they, however, refused to meet with them without the FTO and

the shop stewards being present. A meeting between the FTO and Forth Ports, which only one Branch lay official was allowed to attend, was finally arranged for May 2002. As management had made it clear it was either this or no meeting, the Branch reluctantly accepted.

There was growing workplace frustration at Forth Ports' intransigence and at the slow progress of the 'negotiations'. There were also repeated calls for industrial action ballots, which were supported by Region (but could not take place because, according to the agreement, industrial action was the final stage in a procedure that had not then started). The FTO told the March 2002 Branch meeting that he saw the 'offer' as a proposal only, that he was dissatisfied with Forth Ports attitude and the way it was conducting the 'negotiations'. He added that management would be '*dragged, kicking and screaming*' to the negotiation table, by industrial action if necessary.

The FTO's attitude was difficult to decipher. He wanted to get the best deal he could for his members and, given that recognition at Tilbury had been so recent, he saw this as an opportunity for the Branch to 'prove' itself by standing up to management on behalf of its members and winning. On the other hand, in the face of the mounting frustration expressed by Branch members, he urged Forth Ports' members not to stage unofficial action, on the grounds that this could be construed as a breach of contract, but to follow the legal procedures. The FTO was conscious that, because of the BUs and because wages for post-1995 entrants at Tilbury had risen (see Chapter Five), that the Branch was fragmented within Tilbury, and he appeared to have been persuaded that the members in dispute would not, at that stage, have unequivocal support. He continually advised against industrial action ballots, pointing out that, although it had not been

awarded an improved pay offer, the Branch was making progress, especially in matters of principle.

Forth Ports asserted that, as negotiations had not yet begun, they could not be said to have irretrievably broken down. Possibly in order to destabilise the Branch and coerce its members into accepting the offer, attempts were made to intimidate union activists – one shop steward was warned that his future employment prospects were in doubt, for example, and another was charged with spurious disciplinary offences. Forth Ports were told at the May 2002 meeting that its attitude was not in accordance with the recognition agreement and that, as negotiations had now begun, the officials had been mandated to hold an industrial action ballot, and would do so. Possibly as a result of this, Forth Ports agreed to enter into meaningful negotiations for a single-table deal on a departmental basis.

Departmental claims were to be submitted by the end of May 2002. Although varying in detail, certain elements of the claims, such as the wages demand, had been agreed collectively. However, because of scheduling difficulties on the part of both the FTO (who had other Trade Groups to oversee) and Forth Ports' management negotiations did not take place until August 2002.

Despite its insistence that there would be no port-wide negotiations, as the departmental claims were basically the same, the company did, in fact, negotiate them together, and it will be interesting to observe if the Branch is able to use this as a precedent in future negotiations. The company's final offer was balloted and, because changes in start and finish times peculiar to that department were agreed, it was accepted by Intermodal (see



footnote 9). Because of its forthcoming sale, the Tilbury Freight Station was not balloted; the FTO had negotiated a separate pay increase for the members working there: this was to form the basis of TUPE arrangements on final take over. However, the two departments with the largest Branch membership - 'Portco' and the Finnish Terminal - rejected the offer.

The FTO was still reluctant to implement an industrial action ballot, especially as some Branch members had voted to accept, thus weakening support for those still in dispute. However, he was also aware that action in support of the claim had to be taken, otherwise the Branch – and the T&G – would be seen to have failed; recognition would be in name only and the employer could ignore the union. A ballot for industrial action at 'Portco' and the Finnish Terminal was finally held just before Christmas 2002. This had overwhelming support and industrial action by those members was due to commence on 3rd January 2003. However, Forth Ports asked for a meeting with the shop stewards and the FTO just after Christmas and, after very hard bargaining, offered 8.5 percent over three years. This was over double the original imposed amount and was accepted at mass meetings. The industrial action was called off on 31<sup>st</sup> December 2002.

The Branch, then, by its persistence (and the threat of industrial action at the busiest time in the Port year) was able to establish the principle that it could enter claims and negotiate them on behalf of its members. One positive outcome of the protracted negotiations was the high profile given to the Branch and the number of Branch membership applications rose as a result. Approximately 30 new members joined the Branch during 2002 (1/10 minutes: Correspondence, 2002). Although it was difficult to determine individual reasons for joining the Branch, the negotiations did appear to be the

main catalyst. Not wanting to accept a low pay award, employees had asked to be allowed to vote to reject it. As with post-1989 entrants (see above), these men were also told that, if they were not Branch members, they were not entitled to vote and would have to accept the 'offer'.

Another positive outcome was the formation of a Forth Ports-wide consultation forum. However, although announced as a concession, this was in line with forthcoming Works Council legislation (see Chapter Two).

### **Conclusion**

This Chapter has tried to add to the debate on union marginalisation by examining what happened inside the Tilbury Branch during the 1990s. It looked at how, although called by new names, employers used old tactics in order to marginalise the Branch and at Branch renewal which was achieved by utilising traditional methods to rebuild both Branch confidence and membership. This may have been a factor behind two employers offering voluntary recognition under ERA.

Branch members felt abandoned by the T&G after abolition and, because national collective bargaining had ceased, negotiated terms had been replaced by imposed terms and conditions at individual workplaces, further exacerbating members' feelings of isolation. Port employers introduced new management techniques, such as individualisation, which challenged the unions' legitimacy as the only 'voice' of communications between management and employees; this further exacerbated union marginalisation.

In London, derecognition of the T&G on abolition, redundancies and job loss at Tilbury and elsewhere throughout the 1990s, together with management hostility, saw further T&G marginalisation within the Port. However, the committed unionists among the dismissed men and many of those continuing to work in the Port did retain Branch membership. It was these men, especially the dismissed activists, who, because of their strong trade union consciousness, were prepared to keep the idea of unionism alive in the Port, and so keep the Tilbury Branch going. They ran it throughout the 1990s, thus allowing the Branch to provide a focal point for T&G members in the Port, and a 'safe' place for new entrants to talk about their problems.

Branch organisation was fragile before 1995 and, as discussed in Chapter Five, any sanctions that the men applied were as individuals and were not co-ordinated by the Branch: the exception may have been the failure of the Tilbury Consultative Committee. Although it was known that Branch membership remained high among dismissed activists and retired members, it was unknown what proportion were working members during the 1990s, and how many were dismissed or retired. A further problem, especially germane for further Branch organisation, was the redistribution of the workforce, as men continued to join, leave, and re-join the ports industry in London. This was a reason why it was impossible to be certain what attracted membership to the Branch before 1998. However, Branch membership, especially as Tilbury, did grow and interview data suggested that the Branch, especially within Tilbury, utilised a form of 'servicing'/'organising' hybrid. On the one hand, the Branch represented individuals at disciplinary and grievance proceedings and, on the other, followed the traditional approach of mobilising around issues of importance to port workers. Although health and safety issues, which remained an intractable problem for the Branch, continued to

attract members after 1998, the main catalyst for Branch growth after 1997 was the prospect of recognition, which attracted at least 200 new Branch members.

On the publication of ERA, and possibly conscious that the Branch would seek recognition under it, and as a means of containing the union and controlling the bargaining agenda, both Forth Ports and 'Ferryco' entered into voluntary recognition agreements with the T&G. Recognition, however, was limited in scope. There were employer-imposed BUs, which the T&G accepted, and not every department within Tilbury was recognised. Although union density at Tilbury was about seventy percent, the support of non-union members during industrial action could not be guaranteed. Although relationships between local managers and the shop stewards at Tilbury became friendlier following recognition, this is not the case with Forth Ports. Bargaining at both Tilbury and 'Ferryco' were initially 'empty' and the reality of recognition was a disappointment to the Branch. The 'negotiations' over the 2001 pay award took nearly a year to settle but the intransigence exhibited by both Forth Ports and 'Ferryco' in negotiating new agreements only acted as a stimulant to interest in the Branch and new members continued to join it.

Recognition outside Tilbury and 'Ferryco', however, was patchy; neither was it clear to what extent the Branch membership was 'paper', or how many members could be relied on to back any policy that the Branch decided on. Both individualisation and the steps taken by some Port employers in order to delay or limit recognition under ERA were problems that the T&G still had to overcome. However, despite these and other employer efforts since 1989, the union in the Port of London had not been defeated and has shown that it is prepared to take action to defend its members' rights.

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<sup>1</sup> Other unions recognised were the GMPU, recognised by the Northfleet Terminal, which handled paper and pulp, and the GMB, recognised by a cement terminal. Some terminals, such as Tilbury, recognised more than one union.

<sup>2</sup> Other HRM practices introduced in the Port included group/collective pay incentives (by seven employers) and individual performance assessments (by two employers only; however, other employers reported that they were considering this (ETGRE survey, Q 26).

<sup>3</sup> Employment at Tilbury during the 1990s was uncertain. For example, there were

- 730 ex-RDWs working at Tilbury, either for the PLA or tenants, after abolition.
- Approximately 300 PLA/Forth Ports jobs were lost between 1990 and 2000 because of redundancies, and
- The ETGRE survey data showed that Forth Ports employed 450 men at Tilbury in 2000.

This suggests that the union density figure of 70% cited for Tilbury was correct.

<sup>4</sup> Although there was no data to indicate the reason for this, it was possible that, because it was a small workforce that was widely dispersed, Forth Ports' employees in Scotland had little collective strength. But equally, as Forth Ports head office was in Edinburgh, it was possibly easier for the men, who were primarily organised by the T&G, the RMT and the AEEU, to apply pressure there, thus indicating a position of strength. Branch meeting discussions during 2002 indicated that Forth Ports do enter into negotiations in Scotland

<sup>5</sup> The FTO was in the process of negotiating voluntary agreements covering further departments within Tilbury and anticipated that these would be signed by Spring – Summer 2003.

<sup>6</sup> Recognition at Tilbury covered Forth Ports, owners of the Port of Tilbury only. It did not cover Forth Ports tenants, such as 'Containerco', the majority of which did not recognise the T&G. Any discussion of recognition at Tilbury, therefore, is only applicable to Forth Ports.

<sup>7</sup> The departments recognised by Forth Ports in 2000 were: 'Portco', Intermodal, the Finnish Terminal, and Tilbury Freight Station (TFS), which was sold at the end of 2002. Based on the number of industrial action ballot papers distributed in December 2002, membership was 139, 29, and 45 respectively (TFS membership in January 2002 had been 9: however, because of the sale, it did not take part in the ballot). Both cargo handlers and clerical workers are included in the bargaining units, which were based on the departments.

This more than anything demonstrates the problems encountered when trying to ascertain Branch membership both before and after 1997. The above figures are a lot lower than the 440 reported by the TUC (see p. 181 above), which probably included all Branch members working within Tilbury, and not just those covered by the agreements. There was some employment loss, and therefore Branch attrition, not only at Tilbury but at other terminals in the Port after 2000, and, therefore, there can be no direct comparisons with the Branch membership figures at different terminals reported since 1997. The known Branch membership figure of:

- 
- 440 at Tilbury
  - 190 at 'Ferryco'
  - 40 at 'Containerco'
  - at least 7 at 'Generalco'
  - and an unknown number among the contingent labourers
- are more than the 600 working cargo handlers reported by the Branch secretary in 2000 (see Appendix 6:1).

<sup>8</sup> There were six shop stewards at Tilbury in 2002: two per shift at 'Portco' and one shop steward each at Intermodal and the Finnish Terminal. There were also six shop stewards at 'Ferryco'. Shop stewards and Health and Safety representatives have attended T&G training courses for that position.

<sup>9</sup> Ballot requests were not recorded in DWR National Committee minutes before 1997. It was, therefore, unclear if the increase in ballot requests was an indication of increased militancy on behalf of Branch members or simply a reflection of the changes in National Committee minute keeping. One might surmise, however, and given the publication of *Fairness at Work*, that this did represent a reaction to the increased levels of frustration felt by Branch members throughout the Port.

<sup>10</sup> The 'Containerco' ballot appeared to have prompted the company to offer a 3.7 percent pay rise (see 1/10, 21<sup>st</sup> April 1997 and 1<sup>st</sup> January 1998 and DWR National Committee Minutes, October 1997).

### **Appendix 6: 1 - The Branch and its Members**

There were four T&G Branches within the Port of London area – for pilotage, lighterage, the Port of London Authority, and the port workers Branch based at Tilbury. This, the T&G 1/10 'Ben Tillett' Branch, was itself an amalgamation of four pre-abolition Tilbury Branches. Because of job and membership loss following abolition, however, these had become unsustainable and were amalgamated to form the current Branch in 1990 (Branch Chairman, telephone conversation, 11/01).

Possibly because of the small Docks Group membership (see Chapter Two), and because of the continued closure of T&G local offices, the composition of Branch membership was confusing. A Geographical Branch, it included all T&G members in docks-related occupations (including clerical staff) working anywhere in the Port of London, regardless of where they lived. However, Branch membership *also* included *any* T&G member living or working in the area covered by the Port, regardless of their occupation, if they had applied for membership from within it (Branch Secretary, interview notes, 29/2/01). Despite this, the majority of the Branch's membership worked in the ports industry and, overwhelmingly, for Forth Ports at the Port of Tilbury, the largest employer in the Port (Branch field notes, 18/11/01).

Branch membership in 2001 had been estimated to be 1400. About half were working members – about 100 of whom were described as clerical workers and 600 as dockers. These included both post-abolition recruits and ex-RDWs still working in the Port for both direct employers and for labour-supply agencies in the area. The Branch also has a large number of retired members (about 700), some of whom still took an interest in the Branch, and dismissed activist members (Branch Secretary, field notes, 20/5/01). As

many of these men were under 65 years old, they were too young to transfer to the T&G's Retired Members Association.

Branch meetings were held at a Tilbury Dockers Club on the third Sunday of every month and, although fluctuating, the average attendance was 15 members. The majority of attendees, including the Branch Chairman, were dismissed or retired dockers; the remainder were working members employed at various departments within the Port of Tilbury. Every three to four months, a representative from 'Generalco' and/or a shop steward from 'Ferryco' attended meetings, reporting any matters causing concern at their workplaces to the Branch. Union subscriptions were taken before the meetings began. Although Forth Ports, on re-recognition, had offered to re-introduce 'check off', the shop stewards committee had declined. Although the T&G had introduced Direct Debit for subscriptions, most members preferred to pay in cash, either at the Branch meeting or leaving the money in a safe place or with a person they trusted for the shop stewards to collect.

The main items of business at Branch meetings concerned events within Tilbury or issues, such as labour and pension legislation or the re-development of Shell Haven as a container port, which concerned the Branch.

The Branch was part of T&G Region One – Southeast and East Anglia – and was part of the DWF. Once the backbone of the T&G, the DWF had become one of the smallest Groups in the union (see Chapter Two). It became part of the T&G's Transport sector following T&G reorganisation in 1999. The sector also included Passenger Transport, Civil Aviation and Road Transport Commercial, one of the largest T&G sectors.



The T&G office at Tilbury was closed in 1994 and there is no longer a dedicated docks officer below National Organiser level. However, other T&G officers, such as the Trade Group National Secretary and the local FTO included the DWF in their remit. Both the FTO (a Tilbury Branch member) and the Regional Chairman (a dismissed Tilbury docker and a Branch member) also had ports backgrounds.

There was a Branch committee, which was comprised of two working members – a Tilbury shop steward and the ‘Generalco’ representative – and two dismissed activists; the Branch Chairman and Secretary were also co-opted committee members. The Branch also had members on committees at various levels. These included Regional and Regional DWF Committees, and National DWF and National Transport Sector Committees, all of which the Branch secretary sat on. This, however, was not significant as all Branches within a Region were represented on Regional committees (and all major ports were represented on the DWF National Committee). Interaction between these levels appeared to be minimal and these committees appeared to be advisory only. For example, the Branch would solve a disciplinary problem itself, only apprising the Regional Committee of its occurrence; any problem that might have national repercussions, such as the Shell Haven redevelopment, were reported to both the Regional and National Committees. However, and possibly because of the restrictions on secondary action, no instructions were passed down from these committees. Having said this, the Branch appeared to be on good relations with the various committees, and the Branch had sent a delegate to the T&G Biannual Delegate Conference, which decided T&G policy, in July 2003.

***Employment and the Branch***

Because of the pre-entry closed shop, union membership figures and employment figures in London prior to abolition had been the same. However, ports industry employment statistics, collected by the National Dock Labour Board before 1989 (see Chapter Two), became the private property of individual employers after abolition. Although the ETGRE survey had given a snapshot of employment statistics in the Port in 2000/1, it was, extremely difficult to ascertain employment figures, and therefore union density, between 1989 and that date. This was compounded by changes in ownership in the Port – the Port of Tilbury changed ownership three times between 1989 and 1996, for example (see Chapter Two). There was also the emergence of labour-only suppliers and other agencies supplying contingent labourers to various terminals within the Port.

There was also a plethora of places where Branch members could have worked, some of which recognised a union, others that did not. There were at least 31 firms - 24 direct employers and 7 labour-supply agencies - in the lower Port alone in 2000, all of which might (or might not) have employed or hired Branch members (see ETGRE survey results).

**Appendix 6:2 – Tilbury Branch Membership Growth 1989 to 2001, showing joiners, leavers estimated totals, and contextual events**

<b>Date</b>	<b>Joiners</b>	<b>Leavers*</b>	<b>Estimated Totals</b>	<b>Contextual Events</b>
<b>August 1989</b>	***	***	<b>999<sup>^</sup></b>	
<b>October 1992</b>	***	***	<b>699<sup>^^</sup></b>	
<b>April 1994</b>	***	***	<b>362<sup>^^^</sup></b>	
<b>January 1998</b>	***	***	<b>482</b>	<b>Recognition recruitment Campaign</b>
<b>December 1998</b>	***	***	<b>790<sup>^^^^</sup></b>	
<b>1999</b>				
<b>January</b>	<b>3</b>	<b>4</b>	<b>789</b>	
<b>February</b>	<b>2</b>	<b>2</b>	<b>789</b>	
<b>March</b>		<b>Not Minuted</b>		
<b>April</b>	<b>1</b>	<b>3</b>	<b>787</b>	
<b>May</b>	<b>11</b>	<b>2</b>	<b>796</b>	<b>Tilbury Health and safety Committee formed</b>
<b>June</b>		<b>Not Minuted</b>		
<b>July</b>	<b>26</b>	<b>3</b>	<b>819</b>	<b>Recognition accepted in principle</b>
<b>August</b>		<b>Not Minuted</b>		
<b>September</b>	<b>4</b>	<b>2</b>	<b>821</b>	
<b>October</b>	<b>16</b>	<b>2</b>	<b>835</b>	
<b>November</b>	<b>17</b>	<b>2</b>	<b>850</b>	<b>New Tilbury grading system introduced</b>
<b>December</b>	<b>16</b>	<b>2</b>	<b>864</b>	<b>Further recognition discussions at Tilbury</b>
<b>2000</b>				
<b>January</b>		<b>Not Minuted</b>		
<b>February</b>	<b>3</b>	<b>3</b>	<b>864</b>	
<b>March</b>	<b>4</b>	<b>2</b>		
<b>April</b>	<b>35</b>	<b>1</b>	<b>900</b>	<b>Recognition agreement signed at Tilbury</b>
<b>May</b>		<b>Not Minuted</b>		
<b>June</b>	<b>21</b>	<b>2</b>	<b>919</b>	<b>Problems with Risk assessments at Tilbury</b>
<b>July</b>		<b>Not Minuted</b>		
<b>August</b>		<b>Not Minuted</b>		
<b>September</b>		<b>Not Minuted</b>		
<b>October</b>	<b>8</b>	<b>3</b>	<b>924</b>	
<b>November</b>	<b>5</b>	<b>2</b>	<b>927</b>	
<b>December</b>	<b>5</b>	<b>6</b>	<b>926</b>	
<b>2001</b>				
<b>January</b>	<b>8</b>	<b>2</b>	<b>932</b>	
<b>February</b>	<b>6</b>	<b>2</b>	<b>936</b>	
<b>March</b>	<b>2</b>	<b>Nil</b>	<b>938</b>	

<b>Date</b>	<b>Joiners</b>	<b>Leavers</b>	<b>Estimated Totals</b>	<b>Contextual Events</b>
<b>April</b>	<b>2</b>	<b>nil</b>	<b>940</b>	
<b>May</b>	<b>10</b>	<b>2</b>	<b>(1400)</b>	<b>Tilbury redundancies announced</b>
<b>June</b>	<b>13</b>	<b>5</b>	<b>1413</b>	<b>Loss of Workplace Nurse at Tilbury</b>
<b>July</b>	<b>6</b>	<b>Nil</b>	<b>1419</b>	
<b>August</b>		<b>Not Minuted</b>		
<b>September</b>	<b>1</b>	<b>Nil</b>		
<b>October</b>	<b>Minute</b>	<b>Book</b>	<b>Closed</b>	
<b>November</b>	<b>Minute</b>	<b>Book</b>	<b>Closed</b>	
<b>December</b>	<b>Minute</b>	<b>Book</b>	<b>Closed</b>	

\* Reasons for leaving the Branch include retirement and changes in occupation

^ RDWs still working after abolition.

^^ Possible Branch membership after failures to confirm 'check off.'

^^ ^Estimated Tilbury only.

^^^ ^Branch membership total from T&G.

(1400) Branch Secretary's membership records.

Source: Branch 1/10 Minute Books 1994 to 2001 and interview notes.

## **Chapter Seven: Conclusion: From 'Docker' to 'Terminal Operator': Working in the Port of London 1989 to 2002**

The term 'from docker to terminal operator' has two meanings. The first describes the impact technical innovation had on the ports industry, changing the manual 'docker' to a 'terminal operator', who drives sophisticated plant. The second meaning denotes the changes in work organisation and employment structure implemented by employers following the abolition of the Scheme in 1989.

This investigation set out to answer questions raised by both meanings of the above term. Taking the Port of London as a case study, it looked at how technical innovation impacted on dock work, and at how employers were able to use abolition (itself partly a consequence of technical innovation) to effect change in the relationship with their workforce. Combining the two meanings, the investigation examined whether abolition had exacerbated the transfer of control over the labour process, started by technical innovation, and what form any resistance might have taken. Finally, taking the T&G 1/10 Branch as a case study, the investigation looked at industrial relations at Branch level in a derecognised setting, and at the early impact recognition under ERA had on industrial relations in the Port.

Taking the main sections of investigation in turn, this Chapter tries to draw together the research findings and, based on those findings, to offer some conclusions on the employment relationship in the Port of London.

### **7:1 - Workforce Segmentation**

Abolition and subsequent trade union derecognition in London were assumed to have had a profound effect on work organisation and employment. This raised questions about the changes in the employment relationship and about what changes had been

introduced to terms and conditions, and concerning the job content and skills levels, especially between the various types of labour.

Port employers needed to adapt to demand fluctuation and uncertainty. Backed by Conservative legislation, and in the context of high unemployment in the late 1980s-early 1990s, they introduced measures that improved both efficiency and productivity. However, this investigation discovered that working conditions in the Port of London had deteriorated as a result. Wages fell following abolition and, for ex-RDWs working for Forth Ports at Tilbury especially, had not returned to their 1989 levels by 2002. Work had also become both extended (through the introduction of longer hours and shift work at some sites, and/or compulsory overtime at others), and intensified (by contractual functional flexibility and the reduction in down time). Although permanent employees in the Port had better job security and higher average earnings, they were exploited in the form of shift work and overtime. Shift work was introduced in many terminals following abolition, and overtime appears to have become ubiquitous, especially at 'Portco', where overtime was a daily occurrence and was compulsory. Because of the low basic wages, overtime has become a necessity for many workers in the Port.

The literature on the segmented workforce (see, for example, Pollert, 1988), reinforced by Saundry and Turnbull (1996) and Barton and Turnbull's (2002) description of port work, had raised expectations that a 'core'/'peripheral' working relationship would be found in the Port. The expectation was that containers would be handled by a 'core' of permanent employees, leaving the more labour-intensive conventional cargoes to be handled by a 'periphery' of low-skilled, contingent labourers. However, research into

contractual obligations within the Port of London found that, although a segmented workforce had emerged following abolition, it did not conform to this model.

Although hired for the same reasons as 'peripheral' workers – to reduce costs and limit legal and other obligations - far from supplementing the workforce, contingent labourers in the Port of London were essential to the smooth running of some terminals. Contingent labourers had gradually replaced full-time employees at 'Containerco', for example, and contingent labourers outnumber full-time employees at 'Generalco'.

Although 'Portco' utilised temporary workers for low skilled tasks for some jobs; there was no difference in skills or job content in the generality. Abolition had released a large number of highly trained, highly skilled ex-RDWs onto the temporary labour market who, because they had been trained under the Scheme in line with the introduction of new technology, were as skilled as the full-time employees they worked alongside. However, as these men are approaching retirement age, this will not continue far into the future. Training is urgently required for temporary cargo handlers and a national minimum training standard should be introduced for all cargo handlers. The 'passport' as it stands is inadequate and should be extended beyond induction training and should cover not only labour-supply agency workers but also other temporary labourers who work regularly in the industry.

The transfer of employment risk was one of the major consequences of abolition. As Fevre (1986: 18 and 25) had found with subcontracting in the steel industry, work was performed by the same people working under different terms and conditions. This is a perfect description of the labour-supply temporary labourers participating in this

research, all of whom had seen their terms and conditions change from full-time, secure employment under the Scheme to insecure, temporary work following abolition. Although the employers insisted that 'casual labour' had not returned to the ports, that men were hired and paid by the hour appeared to contradict this. In many ways, the ports industry had returned to pre-1967 conditions, with temporary labour again the 'norm' for the industry. As in the past, this has economic and social consequences not only for the men and their families but for the wider community. As in the Interwar period, although the men formed a 'pool' which the employer could hire from at need, it was the government, and not the employer, that met the cost of under-employment.

Contingent labourers worked long hours (12 hour shifts for six days at a time were not uncommon). However, because of the nature of 'dock work', work was not guaranteed. The men could work a few hours one week then get a job that could last for two or three weeks. This had meant that many had found it not worthwhile to claim unemployment benefit: it did appear, however, that most earned sufficient to last them for short periods of unemployment. As their age meant that they were unlikely to be offered work elsewhere and although the iniquities of 'call-on' have not returned, these men were again waiting to be hired in the only industry open to them. Ensuring employability had also been transferred to the men. The onus for acquiring new skills and for recertification was on them; however, as the men working for 'Labourco' demonstrated, if a benefit to the business can be demonstrated, this risk can be transferred back to the employer.

It was difficult to quantify how many contingent labourers were available to work in the Port. ETGRE survey results showed that there were 465 men working for labour-supply



agencies in 2000/1: this, however, was based on a very low response rate. A major finding of this research is the discovery that there was a difference between different types of contingent labourers, depending on the source. Four categories were identified.

These were:

- **Labour-supply agency workers:** predominantly ex-RDWs made redundant in 1989 or during the 1990s, who were highly trained and had a profound knowledge of 'dock work'.
- **'Pool' casuals:** As above. These men, however, worked for one employer only and were constantly on call at short notice.
- **General employment agency workers:** These men were usually hired to drive lorries at roll-on, roll-off terminals. They were not trained for port work and had no specific port skills.
- **Casual labourers:** Men who were hired occasionally and worked in the Port infrequently in order to supplement their income. These, too, were not trained and had no specific port skills.

This demonstrated that temporary workers cannot be seen as a single mass, and that skills levels have to be taken into consideration. It further demonstrated that, rather than assuming that the segmented workforce in any industry conforms to a single model, the background of the industry must be taken into account.

## 7:2 – Technical innovation and Skills

Questions on technical innovation asked what impact it had had on work and employment organisation, on the port labour process, and on control and resistance.

The impact of containerisation had been felt during the 1970s and 1980s and was not a consequence of abolition. However, containerisation had changed the nature of 'dock work', reducing the job content and the need for dock workers; the number of RDWs in London, for example, had fallen by just over 93 percent (from 25,309 to 1759) between 1965 and 1988.

Technical innovation had already changed the way dockers worked; abolition, however, allowed further changes to take place. Changes in work organisation following abolition had broken down the cohesiveness of the work system. The men had worked as a self-contained work gang that made its own decisions as to how the work would be performed. 'Team working' was introduced following abolition and, as a result, the same men might not work together for some considerable time. This may have enhanced employer control by reducing the opportunity to form any type of collectivism, but it adversely affected productivity.

Rather than deskilling, containerisation had led to different skills levels. These were essentially *reskilling* in line with the introduction of new technology *and* task broadening. Although still needed for some cargoes, the gangs of men performing labour-intensive manual work have been replaced by individuals exercising new skills, such as driving quayside gantry cranes or straddle carriers. Following abolition, clerks and maintenance men were trained to perform port work, and cargo handlers were expected to perform other tasks, such as housekeeping, when port work was unavailable.

Contrary to Turnbull's (2001: 373) assertion that technical innovation and abolition had passed labour process control to the employer, this research has demonstrated that labour process control is not immutable. The men have gradually regained some control and/or have found ways and means of circumventing it. Contingent labourers working at various locations in the Port had found that '*things had gone back to the old ways*' (interview notes, 27/9/02) and permanent employees at both 'Portco' and 'Generalco' had regained some control over the labour process. 'Paul', who worked at 'Portco', mentioned that '*we work slow for a couple of hours*', or started late, finished early or

added an extra five minutes onto their breaks (interview notes, 22/2/01). Even though working as individuals, cargo handlers at 'Portco' had managed to form a sort of collectivism outside union organisation. They decided whether the job would be 'fast' or 'slow' and, to ensure that the work was completed in time, the supervisors sanctioned extra payment before the job started; a similar system was also in operation at 'Generalco'. This appeared to demonstrate that the employer's 'right to manage' took second place to getting the job done on time and thus remaining competitive.

This also raises questions about the nature of custom and practice. If shop stewards are the 'guardians' of custom and practice, is its growth outside union organisation also custom and practice or if not, what is it? This thesis coined the phrase 'spontaneous collectivism' to describe what were in essence very localised practices which did not spread beyond the immediate workgroup. As mentioned in Chapter Five, this area would benefit from further research.

Similarly, contingent labourers with long experience in the industry were also able to regain some control of the labour process. This was especially true of those working for 'Labourco' at 'Generalco', who were left to organise their own work.

These demonstrations of what were termed 'spontaneous collectivism', however, were not part of an organised resistance but were staged by the workforce, some of whom may have been Branch members.

### **7:3 - Industrial Relations**

The final area of analysis concerned industrial relations following derecognition, itself a consequence of abolition. The investigation wanted to discover how union organisation

had been sustained during the 1990s, how the T&G 1/10 Branch attracted members, and how individual members had solved their problems. Finally, as this investigation coincided with ERA, it wanted to discover what impact this would have on industrial relations within the Port.

It was not so much technical innovation that led to the marginalisation of docks unionism, but an Act of Parliament. The 1989 Dock Work Act had abolished the Scheme, permitting the abandonment of joint control and thus allowed union derecognition. This has led to a fall not only in working conditions but also in the standard of training and health and safety - the ports industry had one of the worst accident rates in Britain. In order to improve this and to break the 'vicious circle' of casuals, training and health and safety which were the main concerns of permanent employees, registration for all port workers, both full-time employees and contingent and 'casual' labourers, should be re-introduced. The Labour government, in Opposition, promised to ratify International Labour Organisation Convention 137 which, among other provisions, calls for the establishment and maintenance of dockers' registers. This, however, was still unsigned at the end of 2003. Because of its identification with the 'baggage of the past', most employers see registration as a return to the Scheme and are opposed to it. However, registration is not regulation, and such a register would identify the firms that employ and supply labour to the ports and this information could be utilised in order to improve training, and therefore health and safety, in the industry.

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The cargo handlers Branch for the Port of London, the T&G 1/10 Branch, covered the entire Port from Teddington to the Nore Lighthouse. However, the largest percentage of Branch members were, or had been, cargo handlers, who worked in an area between

Purfleet and Tilbury/Gravesend. Although collectivism in the Port has remained alive, it was weak and was mainly confined to the above area: this, in turn, has limited its effectiveness. This was exacerbated by the composition of Branch membership. Although there had been about 1400 Branch members in 2001, only approximately 600 were described as working cargo handlers, and where both permanent employees and contingent labourers; at least 700 Branch members were either dismissed activists or retired members. This meant that approximately half of the Branch membership would only be able to offer moral support during any industrial action.

However, and despite predictions that docks unionism had been completely undermined, this investigation discovered a revival in organisation, especially at Tilbury. Although continued job losses and the cancellation of the 'check off' arrangements in 1993 had had an adverse impact on Branch membership, union density at Tilbury, according to the shop stewards, never fell below 70 percent. Although membership figures, which this research had unique access to, appeared to confirm this, it was impossible to verify as neither the Branch nor T&G Head Office appeared to have kept records before 1997.

During the 1990s, when the union was derecognised and the Branch felt abandoned by the T&G, Branch members had had to solve their own problems. Individual members, such as 'Roy', a contingent labourer who mainly worked at 'Generalco', would try to solve problems by 'spontaneous collectivism', only turning to the T&G as a last resort. Rather than part of the collective, it was *workers* at the various sites that threatened or took actual action in order to win improvements in conditions.

The lack of case studies at Branch level following derecognition made it difficult to ascertain whether the Branch's experiences were typical or not. As the Branch minutes show, as people tended to join the Branch for traditional reasons, especially problem-solving, the Branch took a traditional approach to membership growth but also found issues, especially health and safety, to 'organise' around. The Branch Secretary had seen 'organising' as a 'common sense' approach to recruiting, and keeping, new members; this in turn led to membership growth. Mason and Bain (1993: 343) wrote that maintaining membership without recognition was difficult, even in the more union-friendly 1970s. The unions needed government backing for recognition, and ERA, which supported, rather than promoted, recognition, provided this. The publication of *Fairness at Work*, which became incorporated into ERA, became the biggest impetus to new membership. ERA legitimised union membership and Branch membership increased. As a result, two employers - 'Ferryco' and Forth Ports - sought voluntary recognition with the T&G before ERA became law.

There had, at the time of writing (late 2003), been no investigation of the impact of ERA at micro level. Only further research, therefore, will be able to ascertain whether the experience of Branch members working for Forth Ports at Tilbury was an exception, or if Forth Ports' actions were common among employers who felt themselves 'forced' to grant union recognition under ERA. This research, therefore, can only provide a basis against which other experiences can be measured.

Although writing of a different circumstance, the observation of Brown *et al* (1998: iii) that recognition means what the employer wanted it to mean proved to be apposite for the experiences of the Tilbury Branch under ERA. This, in late 2002, had not been as

effective as Branch members had hoped. Branch membership dispersal coupled with organisational complexity, the way work was structured, and the 12 years of union marginalisation, had made union revival difficult. Only some Branch members working in some departments at Tilbury and at 'Ferryco' were covered by recognition agreements. Further, the Tilbury recognition agreement had only been granted on the employer's terms, which had tried to contain organisation by splitting Branch membership into separate bargaining units.

Because it had instituted procedures that had to be followed, recognition at local level had been successful. However, possibly because Forth Ports felt 'forced' into recognition, interviews with both Branch members and union officials, together with participant observations as Branch minutes secretary during 2002/3 have shown that recognition at company level had been 'empty'. The first wages negotiations were protracted, lasting one year, and the Branch had to accept the employer's delaying tactics. However, the dispute was resolved after a ballot for industrial action, which showed the beginnings of cohesiveness among Branch members working at Tilbury.

Other experiences in the Port of London mirror Gall and McKay's (2001: 99-102) observations of the obstacles that employers might put in the way of recognition under ERA. These obstacles, however, were not new but were identical to those discussed by Bain (1970) and Mars (1982) in earlier periods. Terminal employers have, for example, divided the workforce into units below the recognition threshold, or have improved conditions in an attempt to forestall recognition requests. The strength of feeling among the workers in the Port, however, is such that, sooner or later the employers, especially if legislation is introduced which lowers the recognition threshold, will find themselves

having to enter recognition agreements at many of the terminals and labour-supply agencies throughout the Port.

### **Conclusion**

The experience of researching modern port work in the Port of London has been both stimulating and rewarding. The case study itself, the first investigation into the Port of London since approximately 1993, is itself a contribution to knowledge. It has discovered that the employers' tactics – and the workers responses – very much mirror those of an earlier period, as do the working conditions of, especially contingent, dock labourers. Other major contributions were that, based on the skills levels of contingent workers in the Port of London, temporary workers cannot be treated as a homogenous unskilled, mass but that the background to the industry in which they work must be taken into consideration. Similarly, this research has contributed its discovery that the transfer of control of the labour process is not immutable, but that, under certain condition, workers within an industry can regain some control. This possibility must be taken into account in any discussion of the labour process.

Based on her own observations of Branch meetings, this researcher has seen a resurgence of militancy among workers in the Port. This appeared to prompt re-recognition under ERA at two terminals. Possibly this research's most important contribution was its investigation of industrial relations following recognition under ERA. This has given a basis for comparison for the experiences of other unions and organised workplaces gaining recognition under ERA.

The above findings have shown a resurgence of worker strength in the Port of London. However, it must be recognised that these findings can only be suggestive of a growing



strength among cargo handlers in the Port. Union cohesion has remained weak and there have been no further recognition agreements. Prompted by deteriorating terms and conditions, cargo handlers have begun to fight back. At the moment, however, this worker strength is often based on workers combining outside an organised setting in order to win an improvement in working conditions, rather than on collective solutions.

**Miscellaneous Appendix One: Port of London Total Traffic 1989 to 2002**

<b>Date</b>	<b>Fuel Traffic*</b>	<b>Non-fuel Traffic*</b>	<b>Total</b>	<b>Unitised<sup>^</sup></b>
<b>1989</b>	<b>21.8</b>	<b>32.5</b>	<b>54.0</b>	<b>579</b>
<b>1990</b>	<b>25.3</b>	<b>32.8</b>	<b>58.1</b>	<b>793</b>
<b>1991</b>	<b>27.1</b>	<b>22.6</b>	<b>53.7</b>	<b>767</b>
<b>1992</b>	<b>23.5</b>	<b>21.0</b>	<b>48.7</b>	<b>826</b>
<b>1993</b>	<b>26.8</b>	<b>19.2</b>	<b>50.5</b>	<b>940</b>
<b>1994</b>	<b>25.4</b>	<b>22.0</b>	<b>51.6</b>	<b>940</b>
<b>1995</b>	<b>24.3</b>	<b>22.7</b>	<b>51.3</b>	<b>888</b>
<b>1996</b>	<b>25.1</b>	<b>23.4</b>	<b>52.7</b>	<b>1006</b>
<b>1997</b>	<b>25.4</b>	<b>26.0</b>	<b>55.7</b>	<b>1193</b>
<b>1998</b>	<b>25.7</b>	<b>28.3</b>	<b>54.0</b>	<b>1334</b>
<b>1999</b>	<b>22.9</b>	<b>29.5</b>	<b>52.4</b>	<b>1462</b>
<b>2000</b>	<b>19.2</b>	<b>28.7</b>	<b>47.9</b>	<b>1463</b>
<b>2001</b>	<b>20.4</b>	<b>30.3</b>	<b>50.7</b>	<b>1453</b>
<b>2002+</b>	<b>20.0</b>	<b>31.0</b>	<b>51.2</b>	<b>1615</b>

\* - '000 tonnes

<sup>^</sup> - '000 TEUs: 'TEUs are included in the tonnage figures after conversion from TEUs' (Port of London Authority, *Annual Report and Accounts 2000*: 7).

Source: Port of London Authority, *Annual Report and Accounts 2000-1*, p. 7

+ Source: Port of London Authority, *Annual Review, 2002*, p.7.

**Miscellaneous Appendix Two: Health and Safety Statistics: 1996/7 to 1999/2000****1996/7 – final figures**

<u>Code</u>	<u>Title</u>	<u>Fatal</u>	<u>Accidents</u>		<u>per 100,000 Employees</u>
			<u>Major</u>	<u>3day</u>	
6110	Sea and Coastal Water Transport	...	16	36	257.3
6311	Cargo Handling	...	26	83	2001.8
6312	Storage and Warehousing	2	165	73	966.6
6322	Other Supporting	6	126	47	2627.1
0141	Agricultural Services	2	51	137	N/A
1010	Hard Coal Mining	2	36	69	694.11
4521	General Construction of Buildings	43	2519	6792	2295.8

**1997/8 – final figures**

6110	Sea and Coastal Water Transport	1	26	55	446.5
6311	Cargo Handling	...	41	133	2840.8
6312	Storage and Warehousing	2	193	910	1295.3
6322	Other Supporting	1	119	566	2976.8
0141	Agricultural Services	2	85	172	N/A
1010	Hard Coal Mining	3	49	93	921.7
4521	General Construction	34	2854	7280	2203.7

**1998/9**

6110	Sea and Coastal Water Transport	0	18	49	413.6
6311	Cargo Handling	2	21	99	1936.5
6312	Storage and Warehousing	1	123	632	933.3
6322	Other Supporting	4	133	558	2932.5
0141	Agricultural Services	2	84	192	1616.3
1010	Hard Coal Mining	0	23	81	662.4
4521	General Construction	29	3095	6613	1989.4

**1999/2000**

6110	Sea and Coastal Water Transport	0	20	65	590.3
6311	Cargo Handling	...	31	131	2571.4
6312	Storage and Warehousing	...	220	1156	1443.9
6322	Other Supporting	3	118	616	3443.9
0141	Agricultural Services	1	101	257	2409.4
1010	Hard Coal Mining	1	31	58	737.7
4521	General Construction	40	3074	7016	1963.6

... - column left blank

0 – written in column

Source: Health and Safety Executive, Injuries to Employees as Reported to HSE  
1996/7 to 1999/2000.

**Miscellaneous Appendix Three: Port Industry Wages 1990 to 2000** in comparison with average male manual wages in the Services sector

<b>Year/ SIC Code*</b>	<b>Average gross weekly pay, Including Overtime*</b>	<b>Hours - Average Basic</b>	<b>Weekly Overtime</b>	<b>Hours - Total</b>
<b>1990 763</b>	<b>318.70 (16,572.40)</b>	<b>39.3</b>	<b>7.9</b>	<b>47.3</b>
Serv	216.80 (11,273.60)	39.3	5.9	45.2
<b>1991 763</b>	<b>331.70 (17,248.40)</b>	<b>39.7</b>	<b>8.0</b>	<b>47.7</b>
Serv	236.40 (12,292.80)	39.3	5.6	44.9
<b>1992 763</b>	<b>394.90 (20,534.80)</b>	<b>37.5</b>	<b>4.2</b>	<b>41.7</b>
Serv	248.20 (12,906.40)	39.7	5.6	44.9
<b>1993 763</b>	<b>354.70 (18,444.40)</b>	<b>39.7</b>	<b>8.4</b>	<b>48.1</b>
Serv	254.20 (13,218.40)	39.4	5.3	44.7
<b>1994 76</b>	<b>309.30 (16,083.60)</b>	<b>37.0</b>	<b>0.9</b>	<b>37.9</b>
Serv	260.00 (13,520.00)	39.5	5.7	45.2
<b>1995 763</b>	<b>344.20 (17,898.40)</b>	<b>41.0</b>	<b>5.7</b>	<b>46.7</b>
Serv	270.00 (14,040.00)	40.1	5.3	45.4
<b>1996 632</b>	<b>351.70 (18,288.40)</b>	<b>40.3</b>	<b>5.7</b>	<b>46.0</b>
Serv	277.30 (14,419.60)	40.1	5.0	45.1
<b>1997 632</b>	<b>444.60 (23,119.20)</b>	<b>39.9</b>	<b>4.8</b>	<b>44.7</b>
Serv	419.40 (21,808.80)	38.6	2.4	41.0
<b>1998 632</b>	<b>468.50 (24,362.00)</b>	<b>39.5</b>	<b>5.1</b>	<b>44.6</b>
Serv	436.00 (22,672.00)	38.6	2.3	40.9
<b>1999 632</b>	<b>489.90 (25,474.80)</b>	<b>39.0</b>	<b>3.9</b>	<b>42.9</b>
<b>930^</b>	<b>407.40 (21,184.80)</b>	<b>39.7</b>	<b>6.5</b>	<b>46.2</b>
Serv	452.20 (23,514.40)	38.4	2.2	40.6
<b>2000 632</b>	<b>391.90 (20,378.80)</b>	<b>40.0</b>	<b>6.7</b>	<b>46.7</b>
Serv	322.10 (16,749.20)	40.0	4.4	44.4

\*1980 Standard Industrial Classification code 763: Supporting Services to Sea Transport.

SIC code 76: Supporting Services to Transport (1994 only)

1990 Standard Industrial Classification code 632: Other Supporting Transport Activities.

^1990 Standard Occupational Classification 930: Stevedores and Dockers. These were the only figures available for this Classification.

Serv – Service Industries average

\* (...): weekly figures multiplied by 52

Source: from Office of National Statistics, *New Earnings Survey: Part A Analysis by Industry*, Table A4: Average Gross Weekly Earnings not effected by absences, Hourly Earnings, and Weekly Hours: Full-time Manual Males on Adult Rates 1990 to 1995,

Table A6: Average Gross Weekly Earnings not effected by absences, Hourly Earnings, and Weekly Hours: Full-time Male Employees 1996-2000, and *Part C Analysis by Occupation*, Table C1: Average Gross Weekly Earnings and Weekly Hours: Full-time Manual Males on Adult Rates 1999.

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