

Relations industrielles Industrial Relations



Gillian S. MORRIS : *Strikes in Essential Services*. London and New York, Mansell Publishing Company, 1986, 221 pp., ISBN 0-7201-1791-7

Anthony Giles

Volume 43, numéro 2, 1988

URI : <https://id.erudit.org/iderudit/050420ar>

DOI : <https://doi.org/10.7202/050420ar>

[Aller au sommaire du numéro](#)

Éditeur(s)

Département des relations industrielles de l'Université Laval

ISSN

0034-379X (imprimé)

1703-8138 (numérique)

[Découvrir la revue](#)

Citer ce compte rendu

Giles, A. (1988). Compte rendu de [Gillian S. MORRIS : *Strikes in Essential Services*. London and New York, Mansell Publishing Company, 1986, 221 pp., ISBN 0-7201-1791-7]. *Relations industrielles / Industrial Relations*, 43(2), 462-466. <https://doi.org/10.7202/050420ar>

Tous droits réservés © Département des relations industrielles de l'Université Laval, 1988

Ce document est protégé par la loi sur le droit d'auteur. L'utilisation des services d'Érudit (y compris la reproduction) est assujettie à sa politique d'utilisation que vous pouvez consulter en ligne.

<https://apropos.erudit.org/fr/usagers/politique-dutilisation/>

érudit

Cet article est diffusé et préservé par Érudit.

Érudit est un consortium interuniversitaire sans but lucratif composé de l'Université de Montréal, l'Université Laval et l'Université du Québec à Montréal. Il a pour mission la promotion et la valorisation de la recherche.

<https://www.erudit.org/fr/>

Le troisième chapitre, sous le thème «un modèle socio-technique inédit», traite des avantages et inconvénients de la spécialisation flexible comme moyen pour répondre à la différenciation de la production, de même que des avantages et inconvénients de la polyvalence du travail. Ce chapitre fait également la lumière sur la littérature concernant l'importance du développement des ressources humaines à l'intérieur du débat sur la flexibilité, de même que la réorientation des relations professionnelles tant au niveau national, que celui de l'entreprise et celui du contenu des relations professionnelles.

Le quatrième et dernier chapitre portant sur l'implantation de la flexibilité soulève les discussions autour de la responsabilité des agents du changement et des positions des partenaires sociaux. L'auteur a identifié les principaux catalyseurs en matière de flexibilité dans les pays suivants: Grande-Bretagne, États-Unis, Italie, Pays-Bas, RFA, Espagne et Suisse. On donne également l'exemple des mesures que la Chine a mises de l'avant récemment dans le but d'assouplir le régime de planification centralisée par l'État (emploi par contrat, droit de licenciement et de recruter au mérite, etc.).

Finalement, la dernière section de ce chapitre conclut en élaborant des pistes pour le futur. L'auteur invite les théoriciens et praticiens à continuer dans la recherche de modèles, classifications, théories et études comparatives entre pays, tout en rejetant le manichéisme actuel et en promouvant la négociation et la consultation comme moyen pour rapprocher ceux qui veulent le changement et ceux qui en subiront les effets.

Bref, ce document est un instrument de travail essentiel pour tous les chercheurs et praticiens préoccupés par la flexibilité et qui sont à la recherche de mesures visant à diminuer les effets négatifs de la rigidité de notre société face à l'adaptation à un environnement complexe et parfois hostile.

Bien que l'on puisse contester la façon de traiter les divers types de flexibilité et l'oubli de certains paramètres (comme par exemple la flexibilité structurelle des organisations), on doit davantage se préoccuper de l'utilité d'un tel ouvrage, i.e. sa grande richesse documentaire et bibliographique tant en anglais qu'en français.

Pareil effort est à encourager, car il permet des économies d'échelle importantes pour le développement des connaissances.

Michel AUDET

Université Laval

Strikes in Essential Services, by Gillian S. Morris, London and New York, Mansell Publishing Company, 1986, 221 pp., ISBN 0-7201-1791-7

In recent years, the traditional impatience displayed by the Canadian state toward strikes by workers in «essential services» has come uncomfortably close to intolerance. The Federal government has set preposterously high levels of designated essential employees, has eagerly reached for *ad hoc* back-to-work legislation so often that most Canadians believe it to be a perfectly normal method of dealing with conflict, and has even gone so far as to condone the massive use of scabs by Canada Post. Most of the provinces have happily followed suit — as Newfoundland civil servants, Albertan nurses, British Columbian public sector employees, and many others can attest.

Like many other aspects of labour relations, this disturbing trend can be thrown into sharper focus through a comparison with how «essential service» strikes are handled in other countries. Thus, for the Canadian reader, Gillian Morris' study of essential service strikes in Britain is a timely book to ponder; for, although it deals exclusively with the British situation, the themes which it raises and the questions which it poses, help illuminate the Canadian situation.

Strikes in Essential Services aims to «analyse the role which the law has played so far in relation to industrial action in the essential services, to examine the industrial relations practices which have governed the conduct of disputes, and to assess the viability of the various proposals for reform which have been made» (vii). On the whole these aims are achieved.

The first chapter of the book offers a succinct, informative introduction to the essential features of the law in Britain, the rising militancy of essential service workers in the 1970s, the alternatives that have lately been swirling around the political arena, and the inherent slipperiness of the concept of «essential».

Chapters 2-4 examine in detail the various mechanisms used by the British state to deal with essential service disputes. In Chapter 2 the focus is on legal restrictions on industrial action by essential service workers, of which there are two broad types. «Direct» restrictions are legislative and administrative proscriptions aimed at particular groups of employees (such as outright bans in the case of the police and armed forces, restrictions on the timing of strikes in the case of merchant seamen, and so on), as well as several potential legislative provisions that have not, as yet, been brought into play. Morris concludes that these direct restrictions are in practice less important than the second type — «indirect» restrictions on the right to strike. These latter include: the prohibition of trade union membership for any employee in the security and intelligence services (most notoriously at the Government Communications Headquarters); the lack of immunity for strikes which are interpreted as being aimed primarily at government policy (rather than in furtherance of a trade dispute); the use of injunctions to snuff out strikes; various government Codes of Practice (such as those on Picketing, Professional Employees and Closed Shops); and the powers exercised by some professional associations.

These legal restrictions, however, have taken a back seat in Britain to another technique — the use of emergency powers to ameliorate the effects of strikes in the essential services, which is the subject of Chapter 3. Most notable are the sweeping powers under the **Emergency Powers Act**, originally passed during the politically and industrially turbulent years following the First World War, which allow the government to use troops to secure supplies and transportation vital to the community during a strike in the essential services. Although this is a powerful tool, it is limited in a number of ways: for example, if the work is highly skilled, troops may not have the proper training; or, if the work force is large, it may be impossible to replace them. In fact, since 1974 no government has declared an emergency when faced by a strike in the essential services, but has instead relied on other means. The Labour government of the late 1970s used a policy of cooperating with unions to ensure that vital services were maintained during strikes. The Thatcher government, by contrast, used a combination of extensive policing and a reliance on alternate supplies to defeat the coal miners' strike of 1984-85. Finally, *ad hoc* legislation has been used three times to deal with disputes in the prison and judicial system.

In Chapter 4 Morris turns to yet another technique — the provision of substitute labour by the government. The army has been used more than thirty times since 1945 to replace striking essential service workers; the police have been used a few times in recent years; but the territorial army and the armed forces reserves have not been used as substitute labour. There have been several instances in which enthusiasm for state recruitment of civilian volunteers has been

high (notably during the 1926 General Strike), but logistical and political difficulties usually make this an unattractive strategy. The chapter concludes with a discussion of the development and extent of the contingency planning apparatus within the British state, which provides the government with the capacity to respond with considerable speed to essential service strikes. Morris shows that this process is not only highly secretive, but also fundamentally «adversarial»: «Although Governments claim that they are not taking sides as between employers and workers in preparing to safeguard essential supplies, the effect is clearly to lessen the impact of industrial action aimed at their disruption, thereby reducing union power. Moreover, management representatives from essential service operators are closely involved in the preliminary stages of the planning process; union representatives are not» (123).

In Chapters 5 and 6, Morris switches her attention from the general methods that have been used in Britain to the actual conduct of strikes in five of the essential services — the gas, water and electricity industries, the fire service, and the National Health Service. These chapters serve to demonstrate the practical workings of the various methods discussed earlier, as well as to highlight the dynamics of union, employer and government strategies during the course of actual disputes.

These case studies provide several insights that deserve to be emphasized here. First, with only a few exceptions, unions usually seek to ensure that strikes by their members do not create major safety or health hazards. This is not really surprising, because to do so would be inimical to the unions' interests. Second, when unions have attempted to negotiate arrangements for maintaining a basic level of operations, they have attached the condition that management also exercise self-restraint (for example, by not attempting to provide services above the agreed minimum level). Indeed, in the 1982 strikes in the National Health Service, many local managers agreed to exaggerate the disruptions caused by a strike in line with the union's tacit promise that «if you say you're being hit, we won't hit you that hard» (177). More generally, these managers were found to favour voluntary arrangements to cope with strikes. Third, the ability of substitute labour to maintain operations during a strike is heavily dependent on the co-operation of supervisory staff.

In the concluding chapter, Morris returns to a theme introduced at the start of the book — the alternative strategies that have been suggested for dealing with essential service disputes. The first (variants of which are favoured by elements within or close to the Conservative Party) involves making essential service strikes a criminal offense. As Morris points out, this method encounters three well-known problems: the difficulties inherent in defining what is «essential»; the problem of enforcement; and the lack of an acceptable substitute. The second strategy — the removal of civil law immunities for essential service strikes — is flawed chiefly by its reliance on employers to take the initiative to prosecute unions. Thirdly, it has been proposed by some that unions and employers negotiate voluntary «no-strike» agreements, but the reluctance of most union to deprive themselves of the right to strike, the unwillingness of the Thatcher government to support adequate alternative pay determination procedures, and the unenforceability of such agreements under British law, do not bode well for this proposal. Trade unions generally favour the fourth strategy — the «self-restraint/joint regulation» approach — which has been the most frequent (though not exclusive) method used in the recent past. Although it too has disadvantages, it is the method favoured by Morris. Indeed, she suggests that the British could learn something from the Canadian method of «designations» of essential workers, citing Paul Weiler's account of the 1976 Vancouver General Hospital strike. Given recent developments in BC labour law, her suggestion that designations and other arrangements be left entirely to the parties themselves, can be viewed with some sympathy.

The strength of this book lies in the several levels of criticism — interwoven throughout the text — that Morris brings to bear on the legal provisions for, and government handling of essential service strikes. First, there are a raft of what might be termed strictly «legal» quibbles with the existing law (such as ambiguities in legislative wording). Second, there are a range of concerns with the lack of government accountability, particularly with respect to the use of emergency powers, but also with respect to the government's freedom to deploy the armed forces. Third, Morris convincingly demonstrates that in the original design and subsequent administration of essential service provisions, British governments have been as much or more concerned to further their own political and policy goals as they have been to protect the «public interest». Fourth, the author shows that virtually any form of government intervention in essential service disputes tends to affect the balance of power between the parties, almost always by reducing workers' bargaining power. These criticisms underpin her sympathy for the «self-restraint/joint regulation» model.

Perhaps the chief weakness of the book is the hazy definition of the subject. There is tension between the two subjects which animate the book — the law of essential service disputes and the government's handling of such disputes. On the one hand it is clear that Morris understands that the law cannot be looked at in isolation from either the broader political setting or the actual conduct of essential service disputes. Yet, on the other hand, too often the study excludes certain topics as falling outside the ambit of legal issues (her discussion of the use of troops in strikes, for example, begins only at the historical period during which «legal» questions began to be raised about this practice). Less seriously, Morris' remarks about the potential uses of some existing laws appear occasionally to stretch the point a little too far.

In any event, for the Canadian reader, this book serves the useful purpose of raising questions about our own methods of handling essential service disputes. In this respect, three of Morris' themes are relevant.

The fact that the British state's handling of essential service strikes is inextricably linked with the political agenda of the government of the day, should not be regarded as a uniquely British problem; rather, it is a universal aspect of industrial politics. We need to bear this in mind when considering Canadian policies with respect to essential service strikes. For example, the recent heightening of restrictions imposed on public sector workers is closely related to the pursuit at all levels of government of fiscal restraint. Moreover, it is no accident that the harshest restrictions have been imposed in provinces where right-wing governments are attempting to put into place a Canadian version of neo-conservative strategies of economic and political restructuring. It is incumbent upon us, when debating the merits of essential service restrictions, to bear in mind that governments are not, and cannot be, neutral in this regard. It is understandable that politicians and bureaucrats claim to be acting in the «public interest»; it is inexcusable for analysts to take these claims at face value.

Second, Morris' emphasis on the self-regulatory potential of unions in the essential services should be examined carefully. We are frequently too quick to assume that an absence of regulation will result in workers withdrawing their services completely, no matter the consequences. In fact, there are good reasons to suppose that workers and their unions have a powerful interest in maintaining a minimum level of truly essential service: a limited withdrawal is a more effective way of gaining public sympathy; provision of emergency coverage might increase support for action by those union members who are reluctant to forego their professional responsibilities in the pursuit of higher wages; and, limiting the scope of the strike protects, in part, the interests of other workers and their families. Perhaps it would be worth considering using a completely voluntary approach in Canada; although it would pose risks, it would avoid the current manipulation of the designation system by employers and governments anxious to reduce the impact of strikes.

Third, as Morris points out, the whole thrust of state policy in Britain is to make alternative arrangements in the case of strikes in the essential services rather than to deny the right to strike. Whatever one thinks of this emphasis — and the book makes clear that it is open to abuse — it does serve to remind us that the right to withdraw one's labour is a crucial ingredient of a truly democratic society. In this country, that is too often conveniently forgotten. Perhaps it is time that industrial relations experts begin to take issue with governments over this question, rather than while away their time describing how the present «system» works.

Anthony GILES

University of New Brunswick

The Tyranny of Work Alienation and the Labour Process, 2nd ed., by James W. Rinehart, (with the assistance of Seymour Faber), Toronto et al., Harcourt Brace Jovanovich, 1987, pp. X + 226, ISBN 0-7747-3067-6

This is a comprehensive review of alienation suffered by the wage and salary earners particularly in Canada. After the presentation of **work** as a social problem and the nature of alienated labour from the Marxist perspective, the history of the labour exploitation and struggle in Canada is reviewed. The recent experience is also acknowledged. White-collar worlds are presented with a special attention to clerks, professionals and the civil servants. Dealing next with the blue-collar work the difficulties are presented with which workers have to deal and the various forms of collective and individual struggle with the employers are discussed: strikes, restriction of output, sabotage. The last chapter deals with various solutions to alienated labour: extended leisure, automation, participative management, improved human relations, job redesign, activation of unions in the quality of working life.

The author arrives at the conclusion that only workers' control acquired in the struggle against the employers may lead to the actual change. «It would entail a transfer of power from elites to working people. Decisions about the power purposes of work could thus be aligned with the interest, values and needs of workers and their communities. Technology would be designed and deployed not to enhance profits and class power but to fulfill the needs of workers and the broader community (...) The only genuine solution to alienation involves a total restructuring of the workplace, the economy, and the state; that is, the establishing of a truly collective mode of production — a democratically planned economy and worker-managed enterprises. No less than such a radical change can overcome alienation. The most intransigent source of alienation is the market...» (pp. 209-10).

Pity that the experience of the state socialist societies has not been taken into consideration. Of particular importance is the Yugoslav case where the introduction of the workers' self-government has not prevented the deterioration of the whole economy to the stage endangering the unity and integrity of the Yugoslav state. One party rule may be at least partly blamed, but this is not the only factor. There are several other issues worth much attention in order to judge the feasibility of the whole workers' role alternative.

There is the phenomenon of a **collective egoism**. For example, in Yugoslavia some self-governed enterprises succeed on expense of other enterprises which for variety of reasons are not competitive enough. The distribution of investment funds depends on the local and regional power relations and much funds have been wasted due to the noneconomic investment allocation.