

State intervention and the abolition of the National Dock Labour Scheme: The Bristol experience

Mike Richardson, CESR

Now and again certain key industrial disputes serve as a reminder that the state not only plays a central role in struggles between capital and labour, but that its interventions tend to be heavily biased towards employers. One such dispute concerned the abolition of the National Dock Labour Scheme (NDLS) in 1989, and the return of casual employment. In this case, state intervention was not only decisive in curtailing the ability of trade unions to take strike action but also delivered to the port employers the power to dismiss registered dock workers, and hire casual workers as replacements. This short article examines the response of Bristol registered dock workers to this attack on their employment conditions; the workings of the state in this affair; the reaction of the local authority (Bristol docks were municipally owned and Labour controlled); and the part played by the national union representing dock workers.

The NDLS was introduced in 1947. It was shaped, ironically perhaps, from the experience of decasualisation and the bringing together of port employers and trade unions to regulate the labour supply in the dock's industry during the Second World War, in order to improve efficiency. This arrangement emerged out of the Dock Labour (Compulsory Registration) Order (June 1940) and the Essential Work Order (March 1941). Ernest Bevin, who started his working life in Bristol (where he first became active in the Dockers' union), was the Minister of Labour responsible for initiating the regulation of the docks industry, which was so vital to Britain's war effort. Fittingly, in December 1941 Bevin selected Bristol as the first port to pilot his scheme. From the dockers' perspective, one important benefit was that the establishment of registered dockers provided job security and removed the ability to favour the hire of one individual over another. The main objection to the scheme was that dockers had to be available for transfer to ports up and down the country as required (Phillips 1996: 35-7). The expiry of the Emergency Powers Act in 1947 removed this objection. A few weeks later, after the government had secured union support for a new scheme, the NDLS was introduced. However, casual work was not abolished under this scheme. It was not until 1967 when amendments to the NDLS were introduced that permanency for registered dockers was finally attained (Wilson, 1972: 183-186). Twenty two years later, however:

"To roars of approval from the Conservative backbenchers, the government announced its intention to abolish the National Dock Labour Scheme (NDLS)." (Blyton and Turnbull 1994: 131)

The response was immediate. On 7 April 1989, registered dock workers across the country took unofficial strike action in protest against the government's intention, announced on the previous day, to abolish the NDLS. In Bristol, this involved nearly 500 registered dock workers who, after a mass meeting, walked off the job (*Western Daily Press* 8 April 1989). This action was called off on Monday 10 April following pressure from the national shop stewards committee, a body that was closely allied to the Transport and General Workers Union (TGWU) official leadership.

However, in Bristol the TGWU's Docks committee voted to ballot members on an all-out strike (*Western Daily Press*, 12 April 1989). This move, as well as the unofficial strikes that had taken place in many of Britain's major ports, was opposed by the General Secretary of TGWU, Ron Todd, who feared the government would deem the strike 'political' and therefore unlawful. His concern was that a strike would expose the union to the risk of having its assets sequestered (Blyton and Turnbull 1994: 131).

Bristol was unusual in that since 1848 the City's docks were municipally owned. This was important, as in 1989 the City Council was Labour controlled. On 10 April, Labour councillors pledged to support the action of Bristol's registered dock workers regardless of warnings that the strike could jeopardize the long-term viability of the port (*Western Daily Press* 11 April 1989). Despite opposition from Todd, at a mass meeting on 12 April Bristol dock workers, on the recommendation of their local union leaders, voted overwhelmingly to hold a strike ballot. Comments by one long serving dock worker expressed the strong feelings of loyalty members had to their local union branch:

"We know we can't win this fight but we are being pushed into it by government and there is a principle involved as well as loyalty to our union."
(*Bristol Evening Post* 13 April 1989)

A meeting of the TGWU's national executive on 14 April, however, gave 'overwhelming support' to Todd's proposal to use 'all lawful means' to oppose the government plan to abolish the NDLS and sanctioned his wish to meet with the National Association of Port Employers to negotiate an agreement 'to establish national conditions that are no less favourable than the current provisions' (*Western Daily Press* 15 April 1989). The logic behind this strategy was that if the union was unsuccessful then any subsequent strike should be deemed industrial, and not political, and therefore lawful. Talks with employers over an agreement to replace the NDLS collapsed and the holding of a national ballot was sanctioned by the dock's committee delegates on 20 April (*Bristol Evening Post* 21 April 1989). The employers threatened legal action. But the ballot went ahead which resulted in a three to one vote for strike action. Employers took their case to court arguing that the strike was political and therefore illegal. As a consequence, the union's decision to take strike action was placed on hold while the courts deliberated over its legitimacy. The High Court decision was that the strike would be legal but the port employers took their case to the Court of Appeal which granted the employers an injunction to prevent strike action.

In protest, the next day, 8 June, at a mass meeting Bristol registered dock workers voted to strike for 24 hours, as did dock workers at several ports elsewhere. On 12 June, they voted to continue their unofficial strike, despite a request from Todd not to do so pending an appeal to the House of Lords (*Bristol Evening Post* 8 and 12 June 1989). Following continued pressure from the union's national leadership, on 19 June, Bristol dock workers, together with dock workers at other major ports, voted to return to work pending the outcome of this appeal.

Calling off industrial action, together with the drawn-out appeal process, played a key part in the union's eventual defeat. The appeal was successful but as 28 days had elapsed the TGWU was obliged to hold a fresh ballot. In the meantime, on 3 July, the NDLS was formally abolished. The Port of Bristol Authority (PBA) immediately distributed new employment contracts and informed the TGWU that long-established operational practices would cease forthwith. On 7 July, the TGWU announced that in a second national ballot registered dock workers had voted once again three-to-one in favour of strike action (*Western Mail* 8 July 1989). The strike started on 10 July. The same day, just hours before the strike began, a Bristol dockers' support group, with over 100 dockers in attendance, held its first public meeting to discuss and establish the type of support dock workers in Bristol required. It was formed in June at the request of TGWU convenors for dock workers in Avonmouth, Bristol. A steering committee was elected from that meeting on the basis that all solidarity work must come under democratic control, and any decisions must be agreed by striking dock workers.

Trade unions, Constituency and District Labour Parties, and other working class organisations were invited to affiliate to the Support Group, at the cost of £10. One of the most important organisations approached for support was the Bristol Trades Council. On Thursday 21 July 1989, a large contingent of dock workers lobbied the Trades Council meeting to gain its recognition of and affiliation to the Dockers' Support Group. Dockers outnumbered Trades Council delegates. In a highly charged atmosphere, Bristol Trades Council, in a hotly disputed count, rejected the dock workers' request and opted to support the South West TUC Dockers' Support Group, which had only been formed a few days before. It had no involvement with the striking dock workers in Bristol. This result reflected the division between the full-time leaderships' position, to have charge over the running of the dispute, and the rank-and-file desire for democratic control over its own destiny (Dockers' Support Group 21 July 1989). That same day leaders of Labour-led Bristol City Council met shop stewards to explain to them the serious financial implications of a prolonged dock strike in Bristol. Three days later, on 24 July, despite the continued support for the strike from the Labour Group, several Labour councillors defied the whip and voted with the Conservatives in recommending a return to work. On 31 July, after advice from the Council's chief financial officer that Labour Councillors could be surcharged for the losses incurred by strike action, the Labour Group rescinded its previous policy and agreed to urge Bristol Dockers to return to work by 17 votes to 11, with 3 abstentions (*Bristol Evening Post* 1 August 1989). Clearly, the fear of a personal surcharge on councillors was all persuasive. The next day the Executive Council of the TGWU called off the strike. On 7 August, Bristol Dockers returned to work sparing Labour Councillors from having to make a decision on the City treasurer's recommendation due to be presented at a full Council meeting.

The dockers were eventually defeated by a combination of factors. First and foremost was the interventionist role of the state in passing legislation. As one commentator put it: "Through a single Act, the government had transformed employee relations in the industry literally overnight" (Blyton and Turnbull 1994: 132). Second was the state's recourse to delaying tactics: the use of a drawn-out appeal process compelled the TGWU, in order to keep within the law, to re-ballot its membership.

These processes act to de-mobilise industrial action and in this case enabled port employers to start dismissing registered dock workers before the union could lawfully commence strike action. Third, in respect to Bristol, was the conservative response of some Labour councillors, and the Bristol Trades Council, who characteristically balked when faced with unofficial action and the possibility that action might be deemed political and unlawful. Irrespective of the causes, the consequence of this dispute is that, once again, the use of casual labour is a key feature of the docks industry.

References

- Barton H. and Turnbull P. (2002) 'Labour Regulation and Competitive Performance in the Port Transport Industry: The Changing Fortunes of Three Major European Seaports', *European Journal of Industrial Relations*, Vo.8:2, 133-156.
- Blyton P. and Turnbull P. (1994) *The Dynamics of Employee Relations*, Macmillan.
- Dockers' Support Group correspondence to B. Vowles, Branch Secretary, SOGAT, Bristol and the South West of England Branch, 21 July 1989.
- Phillips, J. (1996) *The Great Alliance: Economic Recover and the Problems of Power 1945-1951*, Pluto Press.
- Wilson, D.F. (1972) *Dockers: the impact of industrial change*, Fontana.