

History of trade unions essay



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1. Brief history on trade union

The history of the trade union can be seen to have begun in the Industrial Revolution, where the rise of factories and the deskilling of labour led to workers seeking security through collective bargaining agreements.

However, these early efforts at unionisation were generally deemed to be illegal, and punished by imprisonment or ‘transportation’ to the colonies, such as in the case of the Tolpuddle Martyrs (Webb and Webb, 1976, p. 23).

However, in the nineteenth century many of the laws that prevented the formation of unions were repealed. As a result, trade unions grew rapidly, supported by the passage of further laws such as the 1906 Trade Disputes Act, which protected employees from being sued for going on strike, provided their strike was carried out by a trade union and met certain rules (Beckett, 2001, p. 22). Indeed, as of the present day, trade unions are the only accepted vehicle through which industrial action can occur.

Role of trade union in the UK

In spite of their important role in industrial action, this is not actually only an aspect of the trade union’s major role, which is to engage in collective bargaining on behalf of its member. This is important in unskilled and semi skilled working environments, where individual employees might be unaware of market rates of pay, and thus not be able to bargain effectively.

Ultimately, this has led to a degree of institutional separation between day to day working practices and the negotiation of wages (Employee Relations, 1990, p. 15). However it is important to also realise that another role of the trade union is to negotiate these working practices, including the length of shifts, holidays, sick pay and other practices. Finally, the trade union also

plays a role in supporting its members if they feel they have been unfairly dismissed, or discriminated against. Here, the union employs legal experts who have knowledge of employment laws, and thus can ensure that employees are treated fairly, such as in the case of *Roberts v West Coast Trains Ltd* [2004] (BAILII, 2010).

Practical (action & relationship)

The main practical actions that trade unions can take fall into two categories. The first is large scale practical actions by all members, including strikes and other coordinated industrial action. It should be noted that these actions are only triggered by a properly conducted ballot of union members, and hence can occur when the union members disagree with any action taken by management. For example, in 2009 the trade union Unite launched industrial action to prevent Total Oil Company using mainly overseas contractor at its Lindsey Oil Refinery, in spite of the Acas tribunal ruling that this use of contractors was not illegal (Gill, 2009, p. 29). As such, it can be argued that trade unions not only act when the written contract between managers and employees has been broken, but also when the psychological contract has been broken. The other main practical actions that trade unions take are for individual employees, including the legal assistance mentioned above, but also the provision of services such as unemployment benefits, sick pay and even additional pension provision.

Rights reference of trade union

Trade unions give employees several important rights that they would not otherwise possess as individuals. First and foremost amongst these is the effective right to strike. Whilst no individual or trade union has the right to

strike in the UK, striking is also not a criminal offence, it is a civil one (Goswami, 2007, p. 8). As such, if an individual chooses to strike, they would become liable for the losses sustained by their employer due to their strike action. However, if a trade union holds a properly conducted ballot, then their members are protected from liability for these actions, effectively giving them the right to strike. The other main right trade unions have is the right to collectively bargain on behalf of their members, thus negotiating a pay settlement for all members that can then be agreed on in a vote of the members. Trade unions may also have the right to legally represent their members in any dispute with the employer, although this will often depend on the structure and laws of the union.

Example of industrial disputes

One recent dispute that is of interest is the case of British Airways and the trade union Unite. In this case, Unite called for strike action in response to the cost cutting program instituted by British Airways. This case is of interest due to its relation to the psychological contract. The psychological contract holds that employees will help the company make a profit, and in return managers will respect the employees and provide good working conditions (Gill, 2009, p. 29). However, in the case of BA, the company was making massive losses. This indicates that Unite was not interested in the company's financial problems, and was instead more focused on maintaining its relevance, and the social contract it can be seen to hold with its members. Specifically, the social contract implies that employees will support the union when it calls for strike action, in exchange for receiving the support of the union in other areas (Peyrat-Guillard, 2008, p. 479). A similar example can

be seen in the recent dispute between the Rail Maritime and Transport union (RMT) and London Underground. In this case, the union called for a strike claiming that cuts would compromise passenger safety, even though they would not result in any salary cuts or compulsory redundancies (BBC News, 2010).

Relevance and importance of trade union

The relevance and importance of trade unions depends strongly on which analytical perspective is employed. A labour process theory perspective indicates that trade unions play a vital role in defending workers' rights in the face of the relentless growth of global capitalism and neo liberalist economics (Braverman, 1974, p. 8). This argument holds that as the owners of capital and their agents, the managers, obtain more control over the working process through mechanisation, so workers will be more vulnerable to exploitation. As such, trade unions need to ensure that their efforts to defend their workers match the efforts of managers looking to undermine them. According to this viewpoint, the RMT's actions in the recent Underground strike were fully justified, as if they failed to act the managers would succeed in removing 800 employees, thus increasing management's ability to exploit the remaining workers. In contrast, a post structuralist view of the issue indicates that the strike is more likely to be a product of the union attempting to maintain its own power, partly by opposing anything that might allow power to shift towards managers in the future, and partly by maintaining its relevance in the eyes of employees (Foucault, 2003, p. 6). The post structuralist view thus holds that unions are not particularly relevant or important in a modern capitalist society, and are in fact acting

more to maintain their own power than to actually perform their role in society.

Size and components (hierarchy) of the trade union

Trade unions range in size from smaller specialist unions such as the British Orthoptic Society Trade Union, with a membership of just over a thousand (TUC, 2010), to the massive International Trade Union Confederation, which is a federation of 301 affiliated trade unions, with a total membership of 176 million workers (ITUC, 2010). There are also smaller unions each representing individual workplaces. In general, the structure of most unions will be set up to allow them to operate as an artificial legal entity. This helps them to carry out negotiations on behalf of its members, as well as ensuring that it can represent its members in the event of any individual disputes.

Unions are also mandated by local laws to have a democratic structure and elected leadership in order to ensure that any strike action they take is legal. This is an important aspect of a trade union, as workers themselves do not have an implicit right to strike, they only have protection from legal action if a strike is organised by a union in a properly conducted ballot of members (Goswami, 2007, p. 8).

Conclusion

In conclusion, trade unions still tend to play an important role in protecting workers and helping them enforce their legal rights, particularly in cases when these rights may be uncertain or under debate. Unions will also be able to support employees when they feel that the psychological contract between workers and managers is being breached, and can help workers to renegotiate this contract if necessary. Unfortunately, a post structuralist

view of the trade unions indicates that the unions tend to be more responsive to their own social contract with the workers, than to the actual needs and demands of the workplace itself. This can lead to unions behaving in overly militant ways, particularly when they feel their own power and relevance is being threatened.

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